

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Joseph Fiss, Economic Development and Planning Manager 

DATE: May 25, 2016 (CC Meeting of 1/1/2016)

SUBJECT: Consider: 1) Resolution Approving General Plan Amendment No. 2015-01, A Request to Change the General Plan Land Use Designation from Freeway/Right of Way to Light Industrial (I-1); and 2) Introduction of Ordinance Adopting Zone Change No. 2015-02, to Change the Zoning Designation from Rural Exclusive, 1 Acre Minimum Lot Size (RE-1ac) to Industrial Park (M-1); to Create Land Use Designation and Zoning Consistency for Specific Parcels Located on a 36-acre Site on the West Side of Princeton Avenue, South of State Highway 118, on the Application of Sunbelt Enterprises, LLC, and Making a Finding of Exemption from Environmental Review under CEQA in Connection Therewith

BACKGROUND/DISCUSSION

On July 1, 2015, the City Council approved a General Plan Amendment Pre-Screening application to allow Sunbelt Enterprises, LLC, to file an application for a General Plan Amendment to change the land use designation of two small freeway remnant parcels from Freeway/Right of Way to Light Industrial (I-1). These two small parcels had been acquired by Sunbelt Enterprises, LLC from Caltrans and were incorporated into the existing Sunbelt Enterprises development on the west side of Princeton Avenue south of State Highway 118 as part of the parking lot and landscaping for the site.

On September 29, 2015, Sunbelt Enterprises, LLC filed applications for a General Plan Amendment and Zone Change to create consistent general plan land use and zoning designations among all four lots under the same ownership on this 36-acre site. This would allow for a future lot line adjustment so that three existing individual buildings on

the site would be located on their own lots, and one remaining large vacant lot would be created for future development (the “hilltop” lot).

The proposed General Plan Amendment would be to change the land use designation on the two small remnant freeway parcels (0.04 acres and 0.57 acres) from Freeway/Right of Way to I-1 (Light Industrial). The site also includes a contiguous lot fronting on Princeton Avenue. This lot is zoned Rural Exclusive 1-acre minimum (RE-1ac), but has a General Plan land use designation of Light Industrial (I-1), the same as the rest of the site. The applicant is requesting a Zone Change on this parcel to Industrial Park (M-1) to be consistent with the rest of the site and to be consistent with its General Plan land use designation.

On May 24, 2016, the Planning Commission adopted a resolution recommending approval to the City Council of General Plan Amendment No. 2015-01, Zone Change No. 2015-02, subject to a Deed Restriction Requiring a Specific Plan and Development Agreement for the undeveloped hilltop property and contribution of an initial deposit of \$20,000.00 toward the preparation of the Specific Plan.

ENVIRONMENTAL REVIEW

The Community Development Director has evaluated the proposed General Plan Amendment and Zone Change that comprise the applications and has determined that the changes will not create any significant impact because they will not change the existing uses on the affected properties from how they are currently used by the applicant. Accordingly, this project is exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (existing facilities) because the project involves only a change in land use designation and zoning but not a change in use in either property. In addition, the project is exempt from CEQA pursuant to State CEQA Guidelines Section 15305 as a minor change to a land use limitation in conjunction with a lot line adjustment.

FISCAL IMPACT

There is no development proposal at this time, therefore there is no fiscal impact as a result of the proposal. Future development of the site will be subject to a development agreement which will directly address fiscal impacts.

STAFF RECOMMENDATION

1. Open the public hearing, accept public testimony and close the public hearing; and
2. Adopt Resolution No. 2016-____ approving General Plan Amendment No. 2015-01, which Amendment shall become effective upon the recordation of a Deed Restriction Requiring a Specific Plan and Development Agreement for the

3. Introduce Ordinance No. _____, approving Zone Change No. 2015-02, waive full reading, and schedule second reading and adoption upon execution and recordation of a Deed Restriction Requiring a Specific Plan and Development Agreement for the undeveloped hilltop property and contribution of an initial deposit of \$20,000.00 toward the preparation of the Specific Plan and Development Agreement.

ATTACHMENTS:

1. Location Map
2. Aerial Photograph
3. General Plan Exhibit
4. Zone Change Exhibit
5. Draft Deed Restriction
6. May 24, 2016, Planning Commission Agenda Report (Without Attachments)
7. Draft Ordinance approving Zone Change No. 2015-02
8. Draft Resolution approving General Plan Amendment No. 2015-01

Location Map



CC ATTACHMENT 1

1" = 376 ft	GPA 2015-01 ZC 2015-02	05/25/2016		
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This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Moorpark staff for the most up-to-date information.

Aerial Photograph

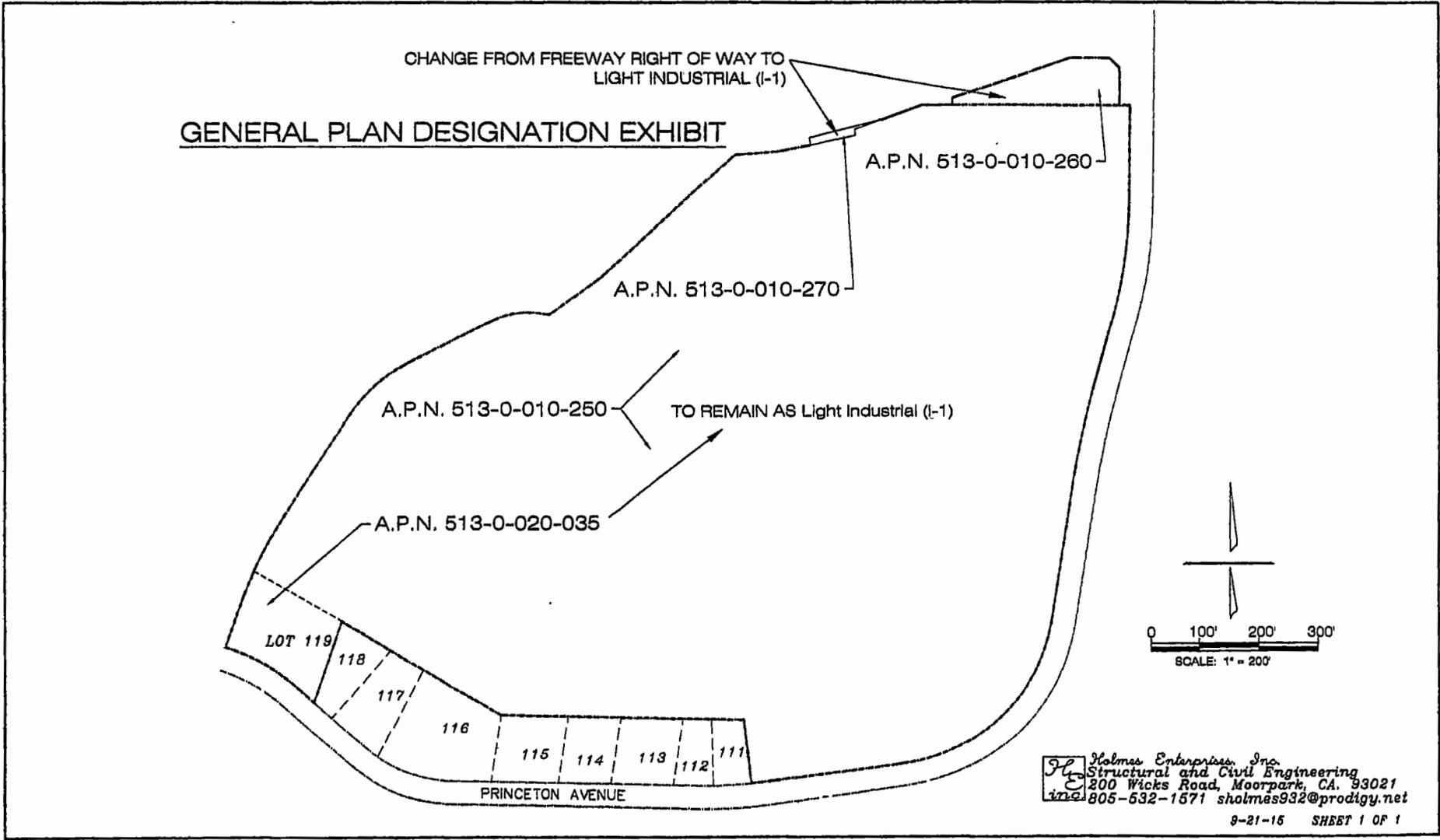
CC ATTACHMENT 2



<p>1" = 376 ft</p>	<p>GPA 2015-01 ZC 2015-02</p>	<p>05/25/2016</p>		
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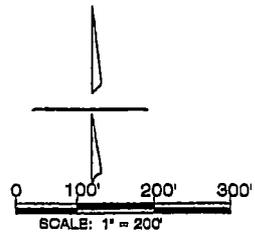
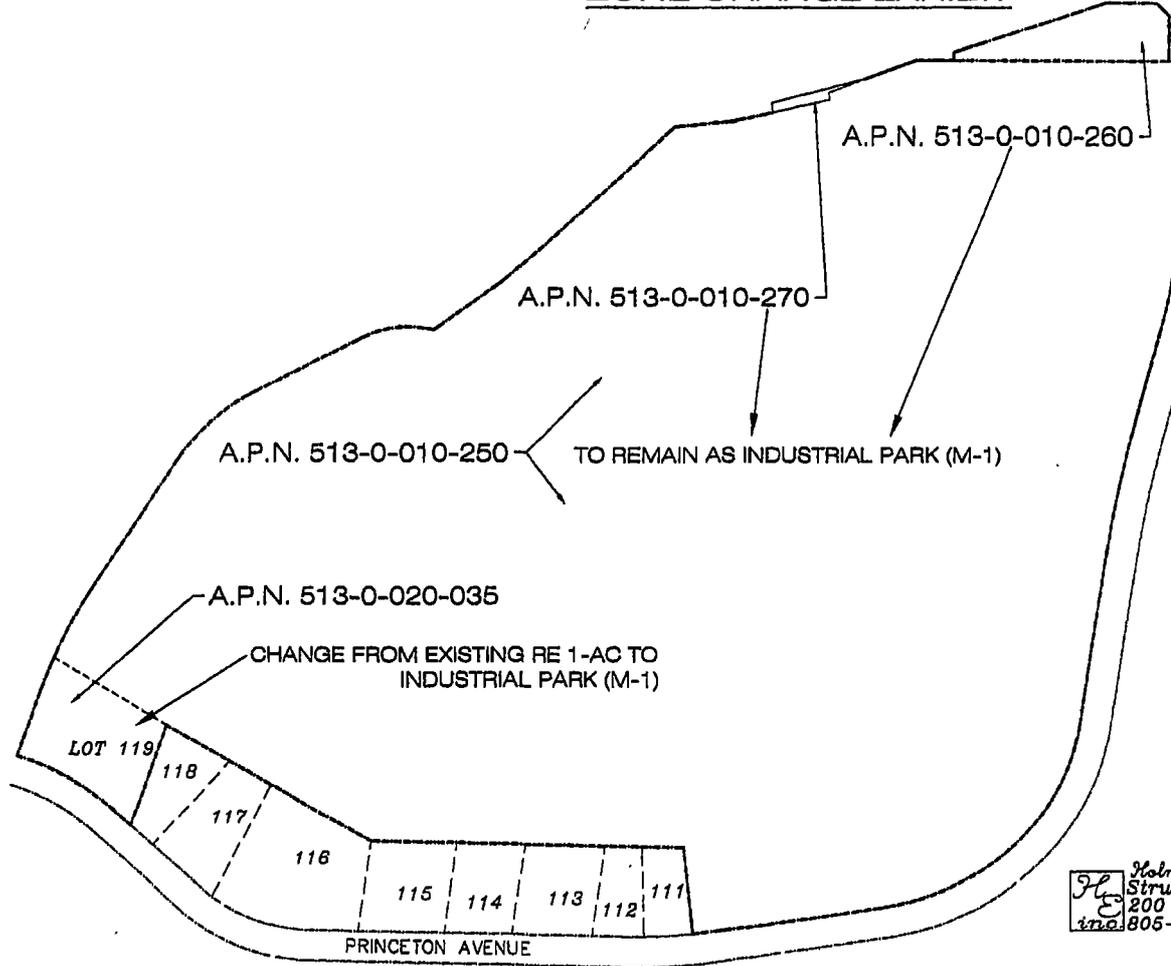
This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Moorpark staff for the most up-to-date information.

CC ATTACHMENT 3



CC ATTACHMENT 4

ZONE CHANGE EXHIBIT



Holmes Enterprises, Inc.
 Structural and Civil Engineering
 200 Wicks Road, Moorpark, CA. 93021
 inc 805-632-1671 sholmes932@prodigy.net

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Moorpark
799 Moorpark Ave
Moorpark, CA 93021

ASSESSOR'S PARCEL No. 343513-0-010-250-023-045
Recorder's Use)

(Space Above for

513-0-010-255, -265 and -275

DEED RESTRICTION

THIS DEED RESTRICTION (herein "Deed Restriction"), is executed by each of (i) SUNBELT ENTERPRISES, LLC, a California limited liability company ("Land Owner"), as to this Deed Restriction in its entirety, and (ii) ~~as Trustee of the~~ Neal H. Brockmeyer, Corey Schlossmann, and Bjorn R.K. Nilson co-trustees of the Fred Kavli Living Trust, dated ~~October 19, 2010 as amended~~ (the "Trust"), only as to the provisions of Section 3 below, and is approved and consented to by the CITY OF MOORPARK, a municipal corporation of the State of California, with reference to the following facts:

A. Land Owner is the owner of certain real property more particularly described on the attached Exhibit A (the "Property"). The Trust is ~~irrevocable~~.

B. The Property includes four (4) parcels, as approximately depicted on Exhibit B attached hereto. Two (2) of the parcels are shown on the City's General Plan Land Use Map as "Freeway Right of Way", a designation that is not consistent with the use of the Property.

C. Land Owner desires to amend the General Plan Land Use Map to change the land use designation of these two parcels to "Industrial".

D. The City, through its governing body the City Council, must agree to initiate a General Plan Amendment, and if it does agree, the Land Owner is permitted to file an application to amend the General Plan Land Use Map to change the land use designation of these two parcels from "Freeway Right of Way" to "Industrial".

E. Land Owner has filed an application seeking City approval of a lot line adjustment of the Property (the "Lot Line Adjustment") to reconfigure the lot lines in order to place three existing industrial buildings, which now are all on one single lot, on their own separate, individual lots. By doing so, the remaining fourth lot will be a vacant,

undeveloped parcel that incorporates what is known as the "hilltop" and the Princeton Avenue parcel (hereinafter the "Hilltop Parcel"), as depicted on Exhibit B.

F. The City seeks assurances that any future development of the Hilltop Parcel will include the creation of a specific plan for the Hilltop Parcel (the "Specific Plan") and a development agreement between the City and the developer/owner of the Hilltop Parcel (the "Development Agreement").

G. To help effectuate the outcomes sought by the Land Owner and the City as outlined in Recitals A - F above, the Land Owner has agreed to encumber the Hilltop Parcel in accordance with the covenants and obligations set forth below.

NOW, THEREFORE, subject to the terms contained herein, Land Owner hereby covenants, acknowledges and agrees to restrict the Hilltop Parcel as follows:

1. **Restriction**. Any development of the Hilltop Parcel shall be conditioned upon the occurrence of the following and no development on the Hilltop Parcel shall occur until the following shall have occurred: (i) the Specific Plan and the Development Agreement, all in form and content acceptable to the City, approved and adopted by the City; (ii) those documents shall have become effective; (iii) ninety (90) days shall have thereafter elapsed without any legal challenge having been filed (or if filed, shall have been dismissed or the Specific Plan and Development Agreement shall have been upheld), and (iv) all other governmental permits and approvals for the development shall have been issued.
2. **Term**. This Deed Restriction shall become effective upon its recordation in the Official Records of Ventura County, California (the "Official Records"), which shall be concurrent with the recordation of the Lot Line Adjustment in the Official Records, and this Deed Restriction (including, without limitation, Section 3 below) shall be binding upon the Land Owner, and each other person and entity having any interest in the Hilltop Parcel during their ownership thereof, and their respective grantees, heirs, executors, administrators, successors and assigns, until such time as the Specific Plan and the Development Agreement, shall have been approved and adopted by the City, shall have become effective, and ninety (90) days shall have thereafter elapsed without any legal challenge having been filed (or if filed, shall have been dismissed or the Specific Plan and Development Agreement shall have been upheld), at which point this Deed Restriction shall automatically terminate and have no further force or effect. Prior to the adoption of the Specific Plan and the Development Agreement by the City, this Deed Restriction may only be terminated pursuant to a written termination executed by Land Owner and the City and recorded in the Official Records.
3. **Indemnification/Release**. Each of Land Owner and the Trust (and all successors-in-interest to all or any portion of the Hilltop Parcel) agrees to jointly and severally indemnify, defend and hold the City harmless from all

third party claims arising from this Deed Restriction, and each of Land Owner and the Trust (and such successors-in-interest) hereby waives and releases the City from any claim regarding the effect of this Deed Restriction on the value and future development of the Hilltop Parcel. The indemnification obligations of each of Land Owner and the Trust pursuant to this Section 3 shall terminate upon the termination of this Deed Restriction.

4. **Payment of City Costs.** As consideration for the City's approval of the Lot Line Adjustment and General Plan Amendment, Land Owner agrees to pay to the City the amount of Twenty Thousand and No/100 Dollars (\$20,000.00), upon recordation of the Lot Line Adjustment in the Official Records. Said amount shall be applied by City to City's costs of preparing and processing the Specific Plan and the Development Agreement. Costs incurred by City may include but shall not be limited to costs of City staff (including city overhead), planning, civil engineering, traffic engineering, legal and other professional services and consultants determined necessary by City in its sole discretion to prepare the Specific Plan and related actions and Development Agreement and, if necessary, to defend approval of the Specific Plan and related actions and Development Agreement. All contract costs and out of pocket costs (such as mapping and printing) incurred by City and payable by Land Owner shall be increased by fifteen percent (15%) for City administrative costs. Notwithstanding the foregoing, in the event that the costs incurred by the City in connection with its preparation and approval of the Specific Plan and the Development Agreement exceeds \$20,000, then the applicable assignee of Land Owner shall reimburse the City for such costs incurred above and beyond \$20,000, provided, however, that the total amount payable to the City pursuant to this Section 4 shall not under any circumstances exceed \$100,000. Except as expressly provided herein, neither Land Owner nor any of its successors and/or assigns shall have any further financial obligation with respect to the costs of preparing the Specific Plan and the Development Agreement, and all such costs over and above the total amount payable to the City pursuant to this Section 4 shall be borne entirely by the City. City shall keep records of the costs incurred by City.
5. **Representations and Warranties.** Land Owner hereby represents and warrants to the City that it is the sole owner of the Property and that, as of the date hereof, there are no delinquent taxes, assessments or other liens affecting the Property which, if foreclosed, would extinguish this Deed Restriction.
6. **Notices.** All notices pursuant to this Deed Restriction shall be addressed as set forth below or as either party may hereafter designate by written notice and shall be sent through the United States mail.

If to LAND OWNER
and/or the TRUST:

Sunbelt Enterprises, LLC
1801 Solar Drive, Suite 250

Oxnard, CA 93030
Attention: Bjorn R.K. Nilsen

Attention: _____

and also to

Jackson DeMarco Tidus Peckenpaugh
2815 Townsgate Road, Suite 200
Westlake Village, CA 91361
Attention: Thomas Cohen, Esq.

If to CITY:

City of Moorpark
799 Moorpark Avenue
Moorpark, CA 93021
Attention: City Attorney

7. **Rights of Lenders.** No breach or violation of this Deed Restriction shall defeat or render invalid, or impair the obligation or priority of the lien of any mortgage, deed of trust or similar instrument securing a loan, made in good faith and for value, with respect to the Property and/or the Hilltop Parcel.
8. **Severability.** If any provision of this Deed Restriction is held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining portions hereof shall not in any way be affected or impaired thereby.
9. **Counterparts.** This Deed Restriction may be simultaneously executed in multiple counterparts, all of which shall constitute one and the same instrument, and each of which shall be deemed to be an original.

[Signatures on the Following Page]

IN WITNESS WHEREOF, the undersigned has executed this Deed Restriction as of this ____ day of July, 2015.

LAND OWNER:

SUNBELT ENTERPRISES, LLC,
a California limited liability company

By: _____
Name: Bjorn R.K. Nilsen
Its: President
Name: _____
Its: _____

Fred Kavli Living Trust:

Corey Schlossmann, and

~~as Trustee of~~
~~the _____ Trust dated~~
Bjorn R.K. Nilsen, as Co-Trustees of the
Fred Kavli Living Trust dated October 19,
2010

APPROVED AND CONSENTED TO BY:

CITY OF MOORPARK,
a municipal corporation of the State of California

By: _____
Name: _____
Its: _____

Attest:

By: _____
City Clerk

**MOORPARK PLANNING COMMISSION
AGENDA REPORT**

TO: Honorable Planning Commission

FROM: Joseph Fiss, Economic Development and Planning Manager



DATE: May 16, 2016 (Meeting of 5/24/2016)

SUBJECT: Consider Resolution Recommending to the City Council Approval of General Plan Amendment No. 2015-01 and Zone Change No. 2015-02, A Request to Change the General Plan Land Use Designation from Freeway/Right of Way to Light Industrial (I-1) and the Zoning Designation from RE-1ac (Rural Exclusive, 1 acre minimum lot size) to Industrial Park (M-1) to Create Land Use Designation Consistency for Specific Parcels Located on a 36-acre Site on the West Side of Princeton Avenue, South of State Highway 118, on the Application of Sunbelt Enterprises, LLC, and Finding of Exemption from Environmental Review under CEQA in Connection Therewith

BACKGROUND

On July 1, 2015, the City Council approved a General Plan Amendment Pre-Screening application to allow Sunbelt Enterprises, LLC, to file an application for a General Plan Amendment to change the land use designation of two small freeway remnant parcels from Freeway/Right of Way to Light Industrial (I-1). These two small parcels had been acquired from Caltrans and were incorporated into the existing Sunbelt Enterprises development on the west side of Princeton Avenue south of State Highway 118 as part of the parking lot and landscaping for the site.

On September 29, 2015 Sunbelt Enterprises, LLC filed applications for a General Plan Amendment and Zone Change to create a consistent general plan land use and zoning designations among all four lots under the same ownership on this 36-acre site. This would allow for a future lot line adjustment so that three existing individual buildings on the site would be located on their own lots, and one remaining large vacant lot would be created for future development (the "hilltop" lot).

The proposed General Plan Amendment would be to change the land use designation on the two small remnant freeway parcels (0.04 acres and 0.57 acres) from Freeway/Right of Way to I-1 (Light Industrial). The site also includes a contiguous 0.30 acre lot fronting on Princeton Avenue. This lot is zoned Rural Exclusive 1-acre minimum (RE-1ac), but has a General Plan land use designation of Light Industrial (I-1), the same as the rest of the site. The applicant is requesting a Zone Change on this parcel to Industrial Park (M-1) to be consistent with the rest of the site and to be consistent with its General Plan land use designation.

DISCUSSION

Project Setting

Existing Site Conditions:

The overall project site consists of three large industrial buildings on a 36-acre site. The site has been graded as two distinct pads, with the lower pad developed with the aforementioned buildings and the upper pad remaining undeveloped. Access to the parking lots is from three driveways on Princeton Avenue. The parking lots are landscaped, whereas the slopes leading to the upper lot are largely natural vegetation.

Previous Applications:

Resolution No. 85-249 was adopted on November 4, 1985 for General Plan Amendment 85-3, Development Plan DP-318 and LDM-5 on the project site on the application of Fred Kavli (Kavlico Corporation). The permit allowed the construction of a 130,288 square foot industrial building and division of an existing 55.9 acre parcel into two lots. Much of the site was dedicated for the SR 118/23 interchange as part of the lot split map.

Resolution No. 93-914 was adopted on February 9, 1993, approving Major Modification No. 1 to Development Plan No. 318, on the application of Fred Kavli. The permit allowed a 91,549 square foot building.

Resolution No. 97-1412 was approved on December 17, 1997, approving Industrial Planned Development Permit No. 97-3 on the application of Sunbelt Properties (Fred Kavli). The permit allowed a one-story 42,146 square foot industrial building on the project site.

In 2000, Mr. Kavli (dba Kavlico) filed several applications to add parking, landscaping and lighting within the two lots for which a General Plan Amendment is now requested.

On October 31, 2013, Kavlico submitted Pre-Application 2013-04 for a development concept for five (5), two-story medical office buildings on a nine (9) acre site as a separate lot. On November 12, 2013 the Moorpark Development Review Committee, comprised of City staff and staff from other agencies involved in development review, met to discuss this Pre-Application and determined that a General Plan Amendment

would be required on the two remnant freeway properties to develop the site as findings of General Plan consistency are required whether the 9-acre development lot is created through a lot line adjustment or through a parcel map.

On October 28, 2014, Sunbelt Enterprises LLC filed a General Plan Amendment Pre-Screening application, required by code (MC 17.44.050), seeking authorization to file the current General Plan Amendment and Zone Change applications. That request was reviewed by the Community and Economic Development Committee consisting of Councilmembers Mikos and Pollock, and was approved on July 1, 2015 by the full City Council, provided that the General Plan Amendment be subject to a deed restriction that the undeveloped hilltop portion of the property could not be developed prior to the preparation and adoption of a Development Agreement and a Specific Plan that includes this property. Included in this authorization was the requirement for the developer to contribute an initial deposit of \$20,000.00 toward the cost of the Specific Plan prior to recordation of a lot line adjustment on this property.

General Plan Land Use Designation

The Light Industrial land use designation requested for the remainder parcels is a designation intended for light industrial uses including service, technical research, and business offices in a business park context.

GENERAL PLAN/ZONING			
Direction	General Plan	Zoning	Land Use
Kavlico Site	I-1 (Light Industrial)	M-1 (Industrial Park), RE-1ac (Rural Exclusive 1-Acre)	Light Industrial, Vacant
Parcels in Question (GPA)	FRWY-R/W	N/A	Parking Lot
Parcels in Question (ZC)	I-1 (Light Industrial)	RE-1ac (Rural Exclusive 1-Acre)	Vacant
North	FRWY-R/W	N/A	SR-118 Freeway Interchange
South	I-1 (Light Industrial), M (Residential Medium Density)	RE-1ac (Rural Exclusive 1-Acre) and R-1-6 (Single Family Residential)	Undeveloped Remnant Parcels for Princeton Avenue Widening Project, Single Family Residential
East	I-1 (Light Industrial)	M-1 (Industrial Park)	Retail Motorcycle Dealership, Offices
West	FRWY-R/W	N/A	SR-118 Freeway

General Plan Goals and Policies

Goals and policies from the General Plan most pertinent to this proposal include:

Land Use Element

Goal: Attain a balanced city growth pattern which includes a full mix of land uses.

- New development and redevelopment shall be coordinated so that the existing and planned capacity of public facilities and services shall not be adversely affected.

Goal: Encourage a diversity of industrial uses which are located and designed in a compatible manner with surrounding land uses.

- New industrial development should be located adjacent to existing industrial uses and along major transportation corridors.
- Industrial uses shall incorporate design features, such as screen walls, landscaping and setbacks, and include height and lighting restrictions, so as to minimize adverse impacts on adjacent uses and enhance the visual characteristics of the area.
- Industries which are considered to have limited emissions and which meet local, regional, and state air and water pollution control goals and standards should be encouraged to locate within the City.

Goal: Achieve a well-balanced and diversified economy within the City which provides a variety of economic and employment opportunities.

- A balanced job/housing ratio should be encouraged.
- New commercial and industrial uses which will generate long-term employment opportunities and diversify the community's employment base shall be encouraged.

Goal: Enhance the physical and visual image of the community.

- New development shall be compatible with the scale and visual character of the surrounding neighborhood.

Circulation Element

Goal: Provide a circulation system which supports existing, approved and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections.

- Level of service "C" shall be the system performance objective for traffic volumes on the circulation system. For roadways and interchanges already operating at less than level of service "C", the system performance objective shall be to maintain or improve the current level of service.

- New development projects shall mitigate off-site traffic impacts to the maximum extent feasible.
- Adequate off-street parking shall be provided for new construction.

Goal: Provide a citywide system of safe, efficient and attractive bicycle and pedestrian routes for commuter, school, and recreational use.

- New development and redevelopment projects shall be required to include safe, separate, and convenient paths for bicycles and pedestrians so as to encourage these alternate forms of non-polluting transportation.
- Proposed residential, commercial, and industrial developments shall be required to include bikeways in their street improvement plans, consistent with the Circulation Element Bikeway Network Plan, and to construct the bicycle paths, or lanes, or routes as a condition of project approval.

ANALYSIS

The designation of the two lots subject to the General Plan Amendment is FRWY-RW (Freeway Right-of-Way), which was intended for the development of the freeway. The two lots were created after the freeway was developed and determined to be surplus by Caltrans as they were not needed for the freeway. The proposed General Plan Amendment would change their land use designation to be the same as other private property adjacent to the freeway right-of-way in this vicinity.

Additionally, as mentioned above, the site includes a contiguous 0.30 acre lot that fronts on Princeton Avenue. This lot is zoned Rural Exclusive 1-acre minimum (RE-1ac), but has a General Plan land use designation of Light Industrial (I-1). A change to Industrial Park (M-1) zoning on this property would be consistent with the rest of the site, and would be consistent with the General Plan land use designation. It would also provide street frontage for the vacant hillside portion of the property, once a lot line adjustment separates this area from the developed portions of the site. Adjacent properties on the north side of Princeton Avenue, also with an I-1 General Plan land use designation and RE-1ac zoning, have been all acquired by the City of Moorpark for the Princeton Avenue Street Widening Project. A future use of the remaining portions of these City-owned lots after street widening has not yet been determined.

The buildings already developed, and their parking facilities, are in an appropriate location for uses permitted by M-1 Zoning, as they are bounded by freeway right-of-way on the north and west, and industrial uses on the east. In order to achieve consistency with the General Plan and provide certainty to both the City and developer on public improvements associated with this project, a development agreement and specific plan would be required as part of any future entitlement applications for future development of the hilltop site.

In order to preclude piecemeal planning of this area, and to ensure potential circulation issues from the development of the vacant hilltop property are properly addressed, the City Council has required that a Development Agreement and Specific Plan be required for any proposed development of that site. Staff would determine the boundaries of such a Specific Plan, as it would be appropriate to include surrounding properties.

In order to guarantee funding for the preparation of the Specific Plan and Development Agreement, the applicant has agreed to contribute an initial deposit of \$20,000.00 toward the cost of preparing the Specific Plan and place a deed restriction on the future hilltop lot restricting future development until such time as the Specific Plan is completed. A future owner would thus be on notice to comply with the deed restriction and apply for a Specific Plan and Development Agreement in order to develop the property.

FINDINGS

The Industrial Park (M-1) zoning as proposed under Zone Change No. 2015-02 is consistent with the General Plan.

PROCESSING TIME LIMITS

Time limits have been established for the processing of development projects under the Permit Streamlining Act (Government Code Title 7, Division 1, Chapter 4.5), the Subdivision Map Act (Government Code Title 7, Division 2), and the California Environmental Quality Act Statutes and Guidelines (Public Resources Code Division 13, and California Code of Regulations, Title 14, Chapter 3). Since this project proposal requires consideration of a General Plan Amendment and Zone Change, which are legislative matters, it is not subject to processing time limits under the Permit Streamlining Act.

ENVIRONMENTAL DETERMINATION

In accordance with the City's environmental review procedures adopted by resolution, the Community Development Director determines the level of review necessary for a project to comply with the California Environmental Quality Act (CEQA). Some projects may be exempt from review based upon a specific category listed in CEQA. Other projects may be exempt under a general rule that environmental review is not necessary where it can be determined that there would be no possibility of significant effect upon the environment. A project which does not qualify for an exemption requires the preparation of an Initial Study to assess the level of potential environmental impacts.

Based upon the results of an Initial Study, the Director may determine that a project will not have a significant effect upon the environment. In such a case, a Notice of Intent to Adopt a Negative Declaration or a Mitigated Negative Declaration is prepared. For many projects, a Negative Declaration or Mitigated Negative Declaration will prove to be sufficient environmental documentation. If the Director determines that a project has

the potential for significant adverse impacts and adequate mitigation cannot be readily identified, an Environmental Impact Report (EIR) is prepared.

The Director has reviewed this project and found it to be Categorical Exempt in accordance with Section 15301 (Class 1, Existing Facilities) of the California Code of Regulations (CEQA Guidelines). The General Plan Amendment involves small properties already in use. The Zone Change would not change the use of the property on Princeton Avenue and would provide consistency with the General Plan land use designation. No development would result from these actions. At the time that development of the hilltop lot is proposed, a separate environmental determination will be prepared. No further environmental documentation is required.

NOTICING

Public Notice for this meeting was given consistent with Chapter 17.44.070 of the Zoning Ordinance as follows:

1. Publication. The notice of the public hearing was published in the Ventura County Star on May 13, 2016.
2. Mailing. The notice of the public hearing was mailed on May 13, 2016, to owners of real property, as identified on the latest adjusted Ventura County Tax Assessor Roles, within one-thousand (1,000) feet of the exterior boundaries of the assessor's parcel(s) subject to the hearing.
3. Sign. One 32 square foot sign is to be placed on the street frontage by May 13, 2016.

STAFF RECOMMENDATION

1. Open the public hearing, accept public testimony and close the public hearing; and
2. Adopt Resolution No. PC-2016-_____ recommending to the City Council approval General Plan Amendment No. 2015-01, Zone Change No. 2015-02, subject to a Deed Restriction Requiring a Specific Plan and Development Agreement for the undeveloped hilltop property and contribution of an initial deposit of \$20,000.00 toward the preparation of the Specific Plan.

ATTACHMENTS:

1. Location Map
2. Aerial Photograph
3. General Plan Exhibit
4. Zone Change Exhibit
5. Draft Deed Restriction
6. Draft PC Resolution

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING ZONE CHANGE NO. 2015-02 FOR A CHANGE IN ZONING FROM RURAL EXCLUSIVE, 1 ACRE MINIMUM LOT SIZE (RE-1AC) TO INDUSTRIAL PARK (M-1) TO CREATE LAND USE DESIGNATION AND ZONING CONSISTENCY FOR A SPECIFIC PARCEL LOCATED ON A 36-ACRE SITE ON THE WEST SIDE OF PRINCETON AVENUE, SOUTH OF STATE HIGHWAY 118, ON THE APPLICATION OF SUNBELT ENTERPRISES, LLC, AND MAKING A FINDING OF EXEMPTION FROM ENVIRONMENTAL REVIEW UNDER CEQA IN CONNECTION THEREWITH

WHEREAS, on September 29, 2015, an application for Zone Change No. 2015-02 was filed by Sunbelt Enterprises LLC for a request to change the Zoning Designation of one parcel from Rural Exclusive, 1 acre minimum lot size (RE-1ac) to Industrial Park (M-1) to create General Plan Land Use Designation and Zoning consistency for a specific parcel located on a 36-acre site on the west side of Princeton Avenue, South of Highway 118.; and

WHEREAS, at a duly noticed public hearing on May 24, 2016, the Planning Commission adopted Resolution No. PC-2016-609 recommending approval of Zone Change No. 2015-02, subject to a Deed Restriction Requiring a Specific Plan and Development Agreement for the undeveloped hilltop property and contribution of an initial deposit of \$20,000.00 toward the preparation of the Specific Plan prior to recordation of a lot line adjustment on this property; and

WHEREAS, at a duly noticed public hearing on June 1, 2016 the City Council considered the agenda report for Zone Change No. 2015-02 and any supplements thereto and written public comments; opened the public hearing and took and considered public testimony both for and against the proposal, closed the public hearings and reached a decision on this matter; and

WHEREAS, the Community Development Director has determined that this project is Categorically Exempt from the provisions of CEQA pursuant to Section (15301) as a Class (1) exemption for Existing Facilities in that the Zone Change involves a small parcel that is part of a larger property already in use and would not change the use of the property and would provide consistency between the General Plan Land Use Designation and Zoning. In addition, the project is exempt from CEQA pursuant to State CEQA Guidelines Section 15305 as a minor change to a land use limitation in conjunction with a lot line adjustment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES ORDAIN AS FOLLOWS:

SECTION 1. ENVIRONMENTAL DETERMINATION: The City Council concurs with the Community Development Director's determination that this project is Categorically Exempt from the provisions of CEQA pursuant to Section (15301) as a Class (1) exemption for Existing Facilities in that the Zone Change involves a small parcel that is part of a larger property already in use and would not change the use of the property and would provide consistency between the General Plan Land Use Designation and Zoning. In addition, the project is exempt from CEQA pursuant to State CEQA Guidelines Section 15305 as a minor change to a land use limitation in conjunction with a lot line adjustment.

SECTION 2. GENERAL PLAN CONSISTENCY: Zone Change No. 2015-02 is consistent with the General Plan in that the proposed Industrial Park (M-1) Zoning for the affected parcel is consistent with the existing Light Industrial (I-1) General Plan Land Use Designation.

SECTION 3. ZONE CHANGE APPROVAL: The Zoning Map described and referenced in Chapter 17.12 of Title 17, Zoning, of the Municipal Code of the City of Moorpark is hereby amended as shown in Exhibit "A" attached hereto.

SECTION 4. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 5. This ordinance shall become effective thirty (30) days after its passage and adoption, but passage and adoption shall not occur unless and until recordation by City of a Deed Restriction requiring a Specific Plan and Development Agreement for the development of the undeveloped hilltop property and contribution of an initial deposit of \$20,000.00 toward the preparation of the Specific Plan and Development Agreement.

SECTION 6. The City Clerk shall certify to the passage and adoption of this ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall publish notice of adoption in the manner required by law.

Ordinance No.
Page 3

PASSED AND ADOPTED this ____ day of June, 2016.

Janice S. Parvin, Mayor

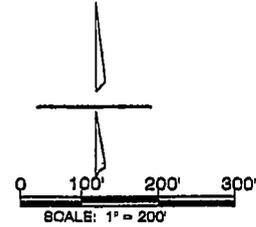
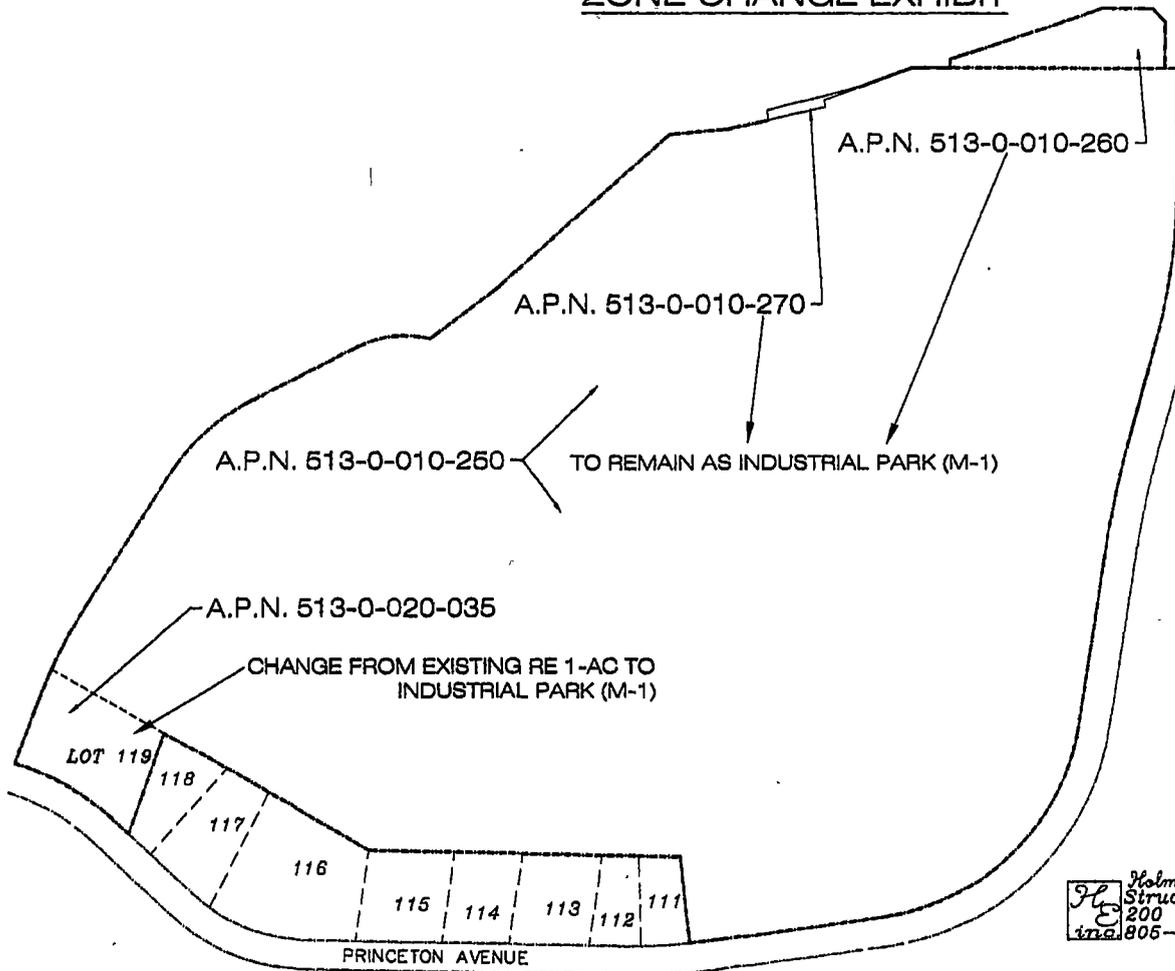
ATTEST:

Maureen Benson, City Clerk

Exhibit A – Zone Change Map

EXHIBIT A

ZONE CHANGE EXHIBIT



J.E. Holmes Enterprises, Inc.
Structural and Civil Engineering
200 Wicks Road, Moorpark, CA. 93021
inc. 805-532-1571 sholmes932@prodigy.net

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT NO. 2015-01, A REQUEST TO CHANGE THE GENERAL PLAN LAND USE DESIGNATION FROM FREEWAY/RIGHT OF WAY TO LIGHT INDUSTRIAL (I-1) TO CREATE LAND USE DESIGNATION AND ZONING CONSISTENCY FOR SPECIFIC PARCELS LOCATED ON A 36-ACRE SITE ON THE WEST SIDE OF PRINCETON AVENUE, SOUTH OF STATE HIGHWAY 118, ON THE APPLICATION OF SUNBELT ENTERPRISES, LLC, AND MAKING A FINDING OF EXEMPTION FROM ENVIRONMENTAL REVIEW UNDER CEQA IN CONNECTION THEREWITH

WHEREAS, on September 29, 2015, an application for General Plan Amendment No. 2015-01 was filed by Sunbelt Enterprises LLC for a request to change the General Plan Land Use Designation from Freeway/Right of Way to Light Industrial (I-1) to create General Plan Land Use Designation and Zoning consistency for specific parcels located on a 36-acre site on the west side of Princeton Avenue, South of Highway 118.; and

WHEREAS, at a duly noticed public hearing on May 24, 2016, the Planning Commission adopted Resolution No. PC-2016-609 recommending approval of General Plan Amendment No. 2015-01, subject to a Deed Restriction Requiring a Specific Plan and Development Agreement for the undeveloped hilltop property and contribution of an initial deposit of \$20,000.00 toward the preparation of the Specific Plan prior to recordation of a lot line adjustment on this property; and

WHEREAS, at a duly noticed public hearing on June 1, 2016 the City Council considered the agenda report for General Plan Amendment 2015-01 and any supplements thereto and written public comments; opened the public hearing and took and considered public testimony both for and against the proposal, closed the public hearings and reached a decision on this matter; and

WHEREAS, the Community Development Director has determined that this project is Categorically Exempt from the provisions of CEQA pursuant to Section (15301) as a Class (1) exemption for Existing Facilities in that the General Plan Amendment involves small properties already in use and would not change the use of the property and would provide consistency between the General Plan Land Use Designation and Zoning. In addition, the project is exempt from CEQA pursuant to State CEQA Guidelines Section 15305 as a minor change to a land use limitation in conjunction with a lot line adjustment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. ENVIRONMENTAL DETERMINATION: The City Council concurs with the Community Development Director's determination that this project is Categorically Exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15301 as a Class 1 exemption for Existing Facilities in that the General Plan Amendment involves small properties already in use and the General Plan Amendment would not change the use of the property and would provide consistency between the General Plan land use designation and Zoning. In addition, the project is exempt from CEQA pursuant to State CEQA Guidelines Section 15305 as a minor change to a land use limitation in conjunction with a lot line adjustment.

SECTION 2. GENERAL PLAN AMENDMENT APPROVAL: General Plan Amendment No. 2015-01 is hereby approved, amending the General Plan Land Use Map designations as shown in Exhibit "A" attached hereto, which Amendment shall become effective upon recordation by City of a Deed Restriction requiring a Specific Plan and Development Agreement for the development of the undeveloped hilltop property and contribution of an initial deposit of \$20,000.00 toward the preparation of the Specific Plan and Development Agreement.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 1st day of June, 2016.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Attachments:

Exhibit A – General Plan Amendment Map

EXHIBIT A

GENERAL PLAN DESIGNATION EXHIBIT

CHANGE FROM FREEWAY RIGHT OF WAY TO
LIGHT INDUSTRIAL (I-1)

A.P.N. 513-0-010-260

A.P.N. 513-0-010-270

A.P.N. 513-0-010-250 TO REMAIN AS Light Industrial (I-1)

A.P.N. 513-0-020-035

LOT 119

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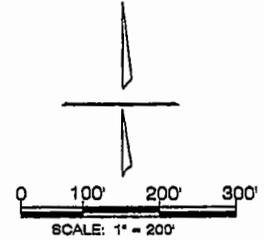
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PRINCETON AVENUE



J.E. Holmes Enterprises, Inc.
Structural and Civil Engineering
200 Wicks Road, Moorpark, CA. 93021
inc 805-532-1571 sholmes932@prodigy.net

9-21-15 SHEET 1 OF 1