

April 20, 2010

Board of Supervisors
800 South Victoria Avenue
Ventura, CA 93009

Subject: SCREENING OF GENERAL PLAN AMENDMENT GP 09-0005 FOR PROPERTIES IN SATICOY (APNS 090-0-152-11, 090-0-143-17, 090-0-143-13, 090-0-142-14, 090-0-142-11)

Recommended Actions:

1. Approve the subject General Plan Amendment (GPA) request for further processing with the following conditions:
 - a) The applicants shall file and concurrently process a Zone Change (ZC) application with the County to ensure consistency with the County General Plan.
 - b) The applicants shall concurrently process and obtain a GPA from the City of Ventura for industrial land use to ensure consistency with the Guidelines for Orderly Development and the City of Ventura's water policy.
 - c) The applicants shall pay the cost of amending the *Saticoy Area Plan* to balance the increase in jobs caused by the proposed GPA with an increase in the supply of lower- and moderate-income dwelling units in the Saticoy area.
2. Direct the Planning Division to prepare a scope-of-work and time/cost estimate for additional updates to the *Saticoy Area Plan* that may be completed at the same time as those required for the proposed GPA (recommendation 1c above), search for available grants to fund these updates, and return to the Board with any necessary budget adjustments and grant applications.

Fiscal/Mandate Impact:

These items have no immediate fiscal impact on the County General Fund, nor do they involve any Federal or State mandates or modify any local mandates.

Discussion:

On April 21, 1981 the Board of Supervisors adopted a General Plan Amendment (GPA) Screening Policy and on November 30, 1982 (amended October 1, 1985) adopted GPA Screening Guidelines (attached Exhibit 1). The purpose of the Policy and the Guidelines is



to allow your Board to determine which GPA applications are consistent or inconsistent with the Board's adopted plans and policies, and to screen-out incompatible applications and avoid needless processing time and expense for both the applicant and the County. Authorization to proceed by your Board does not confer or imply ultimate approval of any GPA request that has successfully passed GPA Screening Policy. However, it does imply the Board will seriously consider final adoption of the screened-through applications.

General Plan Amendment Request

The proposed GPA would change the land use designation of the *Saticoy Area Plan* (and zoning) on the five subject parcels from Two-Family Residential (R2) to Industrial (M1) and Commercial (CPD).

Please see the applicants' letter to your Board shown in Exhibit 2.

Owners/Applicants

Surinder S. Sunner, Charles W. Rogers, and Michael Rolls/Jakran, LLC
P.O. Box 7909
Ventura, California 93006

Project Location

The applicants have filed a GPA screening request involving five parcels (APN Nos. 090-0-152-11, 090-0-143-17, 090-0-143-13, 090-0-142-14, 090-0-142-11) totaling 7.98 acres in area. The parcels are located between Los Angeles Avenue and Campanula Avenue, southeast of Rosal Lane. Please see Exhibit 3 for a map of the site and surrounding area.

Background

Existing Land Uses

Existing uses on the subject parcels include an existing liquor store on parcel 090-0-142-11, a single-family dwelling on parcel 090-0-143-13, and growing of crops on parcels 090-0-143-13 and -17. The properties to the northwest (across Rosal Lane alley) include residential uses (single-family and two-family dwellings). The properties to the northeast include irrigated crop production. The properties to the southeast include industrial uses. The properties to the southwest (across Hwy 118 – Los Angeles Avenue) include industrial uses.

Existing Zoning and Land Use Designations

The subject parcels are zoned R2 (Two-Family Residential – 7,000 sq. ft minimum parcel size). The County of Ventura General Plan *Goals, Policies and Programs* designates the parcels Existing Community – Urban Reserve and the *Saticoy Area Plan* designates the parcels Residential – Two-family. The *Saticoy Area Plan* was last updated in 1990, with subsequent minor amendments in 1992, 1996 and 2004.

The properties to the northwest (across Rosal Lane alley) are zoned R2. The properties to the northeast are zoned AE (Agricultural Exclusive). The properties to the southeast are zoned M1 (Industrial Park). The properties to the southwest (across Hwy 118 – Los Angeles Avenue) are zoned M2 (Limited Industrial).

The subject parcels are located within the City of Ventura Sphere of Influence. The City of Ventura General Plan designates the subject parcels Neighborhood Medium, which indicates a mixture of detached and attached housing with a density of 9-20 dwelling units

per acre, as well as small scale commercial uses at key locations, primarily at intersections and adjacent to corridors.

In addition, the City of Ventura recently adopted the *Saticoy & Wells Community Plan* and Development Code that provide guidance for future development in the Saticoy Area, including development in the vicinity of the subject properties. According to the *Saticoy & Wells Community Plan*, Old Town Saticoy (the area immediately north and south of the existing railway tracks) is the historic core of the Saticoy & Wells community and should be developed as a commuter transit center in three phases. First, Los Angeles Avenue should be reconfigured into narrower thoroughfare with mixed-use commercial and live-work frontages at ground level. Second, the existing rail station should be developed as a transit center. Finally, the area surrounding the rail station should be transformed into a new "main street" hub. Uses in the vicinity of historic Old Town Saticoy, such as the subject properties, should support the City of Ventura's vision for the community. The City has also indicated it would be supportive of mixed-use development on the subject properties (please see letter from the City of Ventura in Exhibit 4).

County and City of Ventura Water Policies

The County General Plan stipulates that all development requiring potable water have a permanent potable water supply of adequate quantity and quality (*Goals, Policies and Programs* policy 4.3.2-1). In addition, the Saticoy Area Plan policy 4.2.2-3 requires that discretionary development "be served by a publically accountable water supplier." This policy goes on to state, "In areas where no such water service is currently available, a water service master plan and funding program shall be prepared by the developer and approved by the County before any discretionary development is approved." In order to ensure an adequate water supply for any proposed development on the subject parcels, the applicants may either obtain extra-territorial water service from the City of Ventura or create a mutual water company to serve the subject parcels. The applicants have indicated that they do not wish to pursue the creation of a mutual water company and preparation of a water service master plan and funding program. Therefore, in order to develop the property the applicants' only alternative is to obtain water service from the City of Ventura.

Although the subject parcels are designated by both the County and City of Ventura General Plans for residential use, restrictions in the City of Ventura's water policy (please see Exhibit 5) currently inhibit development of residential project(s) on the subject parcels. The policy prohibits the City from providing water services to residential uses outside the city limits without a recorded map. In order to obtain a recorded map, applicants must provide proof that water is available. As the City will not provide the necessary proof until the map is recorded, this creates a "catch-22" situation that makes obtaining extra-territorial water for residential uses impossible. In addition, the City cannot annex the subject parcels at this time, because they are not adjacent to the City limits.

However, the city's water policy does allow extra-territorial water provision for "low water consuming commercial or industrial use," provided the use meets the following conditions:

1. The use meets the zoning and land use requirements of the County of Ventura;
2. The use does not require a land division of five or more parcels regardless of whether the land division is accomplished by a subdivision map or parcel map;

3. The use does not conflict with the City's land use, open space, phasing, hillside, flood plain, or other related land use policies, and does not include irrigated agricultural cultivation; and
4. The use does not require extending the City's water distribution mains and does not require a water meter larger than three-fourths inch.

Although the applicants believe they can meet these conditions and obtain City water service for industrial and commercial land uses, Condition 3 could only be met if the City amends its General Plan land use designation from Neighborhood Medium to other land use designation(s) that allow industrial land uses (see Analysis below regarding *Guidelines for Orderly Development* and land use). It should be further noted that any extension of water service from the City requires the approval of the Local Agency Formation Commission (LAFCO), which would occur after the GPA is approved, but prior to development.

The City has also indicated that it would be willing to reconsider its existing policy on providing extra-territorial water for residential uses, provided such policy changes occur in the context of an update to the County's *Saticoy Area Plan* and are consistent with the City's recently adopted *Saticoy & Wells Community Plan* (see Exhibit 4).

Recent County Assessment of the Subject Properties for Higher Density Residential Use

As part of the current update to the County's Housing Element, County staff initially identified three of the subject parcels (APNs 090-0-152-11 090-0-142-11 090-0-143-13) as being suitable for rezoning to 20 dwelling units per acre to help accommodate a current shortfall in the County's land inventory for lower-income housing. Although the property owners were supportive of this rezoning at the time, staff ultimately recommended to your Board on August 4, 2009 that these parcels not be considered for rezoning because of potential difficulties obtaining potable water for residential development on the parcels. As described above, the City of Ventura's restrictive water policy inhibited them from being developed as housing. In addition, the creation of a new mutual water company using well water was not determined to be a feasible alternative based on the limited information available to staff at that time.

Analysis

The full analysis for GP09-0005 is contained in Exhibit 6.

Section I.A of the Screening Guidelines Criteria is used by your Board in denying the processing of GPA requests. The proposed GPA does not meet any of the criteria for denial included in Section I.A.

Section I.B of the Screening Guidelines Criteria is used by your Board in approving GPA requests. Criterion I.B.1 requires that the request be consistent with applicable goals and policies of the Ventura County General Plan. The proposed GPA would not conform with General Plan goal 3.1.1-5 and policy 3.1.2-11, which require consistency with the *Guidelines for Orderly Development*. The *Guidelines for Orderly Development* stipulate that land uses allowed under County land use designations and zoning for properties within the sphere of influence of a city be equal to or more restrictive than land uses allowed by a city's land use designations and zoning for the same property.

The current City of Ventura General Plan designates the subject parcels as Neighborhood Medium use, which allows moderate density residential (9-20 du/ac) and some limited

commercial uses. The City's General Plan envisions Neighborhood Medium use as "predominantly residential with small scale commercial at key locations, primarily at intersections and adjacent to corridors." The proposed GPA would change the allowable land uses on the parcel adjacent to Highway 118 to commercial uses (CPD zone). The County's CPD zone allows commercial retail and business uses, but does not allow non-proprietor housing. The range of allowed uses in this zone would be generally equal to or more restrictive than those uses allowed by the City at that location.

However, the four parcels southeast of Rosal Lane and not adjacent to Highway 118 would be changed to industrial uses (M1 zone) with the proposed GPA. The County's M1 zone allows numerous manufacturing, warehousing, commercial and other industrial uses. The proposed industrial designation and M1 zoning allow for a more extensive range of land uses than the City's designation of Neighborhood Medium and are not equal to or more restrictive than the City general plan land use designation for that location. Consequently, with the proposed GPA the County land use designation and resultant zoning would be inconsistent with *Guidelines for Orderly Development* and County of Ventura General Plan goal 3.1.1-5 and policy 3.1.2-11.

In addition, according to several County General Plan and Area Plan policies the applicants must ensure an adequate water supply for any proposed development on the subject parcels in order to develop them further. As stated previously, the City's water policy does allow extra-territorial water provision for "low water consuming commercial or industrial use," provided the uses meet several conditions, including consistency with the City's land use policies. The proposed GPA would only meet that condition if the City amends its General Plan land use designation from Neighborhood Medium to other land use designation(s) that allow industrial land uses.

To address this condition in the City of Ventura's water policy, as well as the potential inconsistency with the *Guidelines for Orderly Development*, the applicants should be required to concurrently process a GPA with the City of Ventura to modify the City's land use designation to an industrial or similar less restrictive land use designation. If the applicants cannot successfully process a GPA for the site with the City of Ventura, the GPA should not be approved.

The proposed GPA is also inconsistent with several County of Ventura General Plan goals and policies related to housing. The proposed GPA would change the allowable land use on the site from residential to industrial and commercial, thus increasing housing demand without providing additional housing supply. Additionally, the subject GPA would remove the only sites available for moderate-income, attached dwelling units in the western portion of unincorporated Ventura County.

The inconsistency of the proposed project with the County's housing goals and policies could be avoided if the County's *Saticoy Area Plan* was amended to increase the supply of lower- and moderate-income housing in other locations within the community at the same time as the proposed land use changes were made.

Other changes to the *Saticoy Area Plan* could be processed concurrently with the proposed GPA to reflect the City's recently adopted the *Saticoy & Wells Community Plan* and Development Code. Although these modifications are not necessary for the proposed GPA, to be efficient they could be processed and completed at the same time as the proposed GPA. As discussed previously, the City has also indicated that it would be willing

to reconsider its existing policy on providing extra-territorial water for residential uses, provided such policy changes occurred in the context of an update to the County's *Saticoy Area Plan*.

For the reasons indicated in the Screening Analysis (see Exhibit 6) and summarized above, staff recommends the GPA screening request be **APPROVED** for further processing with the following conditions:

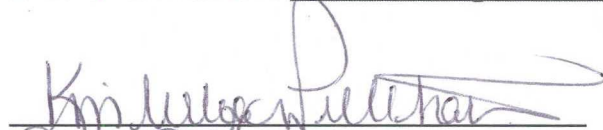
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- c) The applicants shall pay the cost of amending the *Saticoy Area Plan* to balance the increase in jobs caused by the proposed GPA with an increase in the supply of lower- and moderate-income dwelling units in the Saticoy area.

In addition, it is recommended that your Board direct the Planning Division to prepare a scope-of-work and time/cost estimate for additional updates to the Saticoy Area Plan that may be completed at the same time as those required for the proposed GPA (recommendation 1c above), search for available grants to fund these updates, and return to the Board with any necessary budget adjustments and grant applications.

Agency and Public Comments

As of March 31, 2010 no agency or public comments have been received.

The Auditor-Controller and County Counsel have reviewed this item. If you have any questions regarding this item, please contact Bruce Smith, General Plan Section, at 654-2497 or via email at Bruce.Smith@ventura.org.


Kimberly L. Prillhart, Planning Director

Attachments:

- Exhibit 1 - General Plan Amendment Screening Guidelines
- Exhibit 2 - November 12, 2009 Letter from Applicants
- Exhibit 3 - GP 09-0005 Location Map
- Exhibit 4 - December 17, 2009 Letter from Jeffrey Lambert
- Exhibit 5 - City of Ventura Water Policy
- Exhibit 6 - Screening Analysis of GP 09-0005
- Exhibit 7 - Guidelines for Orderly Development