

ORDINANCE NO. 1259

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIMI VALLEY APPROVING A CHANGE OF ZONING CLASSIFICATION (Z-S-725) AND ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MONITORING PLAN THEREFOR

WHEREAS, the applicant, Allied Realty Partners LLC, has requested approval of a Zone Change from Commercial Recreation to Light Industrial, for a 9.11-acre site located at 6700 Smith Road, known as Ventura County Assessor's Parcel No. 637-0-070-110 and by the legal description attached hereto as Exhibit A, for the purpose of amending the City's Zoning Map page 216 from Commercial Recreation to Light Industrial for development of a movie studio backlot; and

WHEREAS, on May 18, 2016, the Planning Commission of the City of Simi Valley held a public hearing and recommended approval of the Zone Change (Z-S-725), and the project Mitigated Negative Declaration and Monitoring Plan.

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

SECTION 1. The findings for the Mitigated Negative Declaration, contained in the Planning Commission staff report dated May 18, 2016, and incorporated herein by reference, are approved.

SECTION 2. The Mitigated Negative Declaration and Mitigation Monitoring Plan, attached hereto as Exhibit B, prepared for the project is hereby adopted.

SECTION 3. The findings, for approval, for Zone Change Z-S-725, contained in the Planning Commission staff report dated May 18, 2016, and incorporated herein by reference, are hereby approved.

SECTION 4. The Zone Change Z-S-725 to the City's Zoning Map page 216, as specified in Exhibit C, attached hereto, is hereby approved.

SECTION 5. The City Clerk shall cause this ordinance or a summary hereof to be published in a newspaper of general circulation, published in the County of Ventura and circulated in the City, and if applicable, to be posted, in accordance with Section 36933 of the California Government Code; shall certify to the adoption of this ordinance and shall cause a certified copy of this ordinance, together with proof of publication, to be filed in the Office of the Clerk of this City.

SECTION 6. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

PASSED and ADOPTED this 25th day of July 2016.

Attest:

/s/
Ky Spangler, Deputy Director/City Clerk

/s/
Robert O. Huber, Mayor of the City of
Simi Valley, California

Approved as to Form:

/s/
Lonnie J. Eldridge, City Attorney

Approved as to Content:

/s/
Eric J. Levitt, City Manager

/s/
Peter Lyons, Director
Department of Environmental Services

LEGAL DESCRIPTION

All that certain real property situated in the County of Ventura, State of California, described as follows:

A portion of Section 16, Township 2 North, Range 17 West, Rancho Simi, in the City of Simi Valley, County of Ventura, State of California, as per plat of the Valley of Simi being Subdivision Map No. 1 of the lands of the Simi Land and Water Company, recorded in Book 3, Page 2 of Miscellaneous Records, in the office of the County Recorder of said county, described as follows:

Beginning at the intersection of the South line of that certain strip of land 60 feet in width conveyed to the County of Ventura, by deed recorded in Book 26, Page 209 of Deeds, with a curve concentric with and distant Easterly 30 feet from that certain third course in the deed to Ventura County, recorded in Book 49, Page 26 of Official Records, recited as having a radius of 400 feet and a length of 243.18 feet; thence in a general Southerly direction along the Easterly line of said strip described in Book 49, Page 26 of Official Records, to a point in the North line of the land conveyed to Southern Pacific Railroad Company, by deed recorded in Book 64, Page 420 of Deeds; thence Easterly along the North line of land last referred to, to the Southwest corner of the land conveyed to Carl Stoffregen by deed recoded in Book 555, Page 253 of Official Records; thence along the West line of said land of Stoffregen North $1^{\circ} 18' 30''$ West to a point in the South line of said land conveyed to Ventura County, recoded in Book 26, Page 209 of Deeds; thence West along said South line to the point of beginning.

EXCEPT that portion lying Westerly of the following described line:

Beginning at a point in the South line of Smith Road as described in deed recorded in Book 26, page 209 of Official Records, 700 feet West of the Northeast corner of the herein described land; thence Southerly at right angles to Smith Road to the northerly line of the land conveyed to the South Pacific Railroad Company, by deed recorded in Book 64, Page 420 of Official Records.

Assessor's Parcel Number: 637-0-070-110

MITIGATION MONITORING PLAN
PD-S-1039/GPA-95/Z-S-725

1. The Applicant must ensure that all light fixtures will be aimed down or flagged/shielded to reduce light spillover onto neighboring properties.

Timing: All outdoor activities for the life of the project.

2. The Applicant must schedule all clearing and grubbing to avoid the January 15 to August 15 nesting season of birds protected by the Migratory Bird Treaty Act. If clearing and grubbing is scheduled during the nesting bird season, the Applicant must complete a pre-construction survey for nesting birds, to be conducted by a qualified biologist with at least two years of experience carrying out field surveys for breeding and nesting birds in Southern California. The Applicant must schedule construction activity so that no more than seven days elapse between the pre-construction survey and the commencement of any site activity that would potentially disturb trees or shrubs in the nesting zone. The pre-construction survey must determine if birds are breeding and/or nesting in the construction zone or within 100 feet (300 feet for raptors) of the construction zone. If construction is interrupted for more than 14 days past the date of the first pre-construction survey, then additional pre-construction surveys must be conducted so that no more than seven days elapse between the survey and construction activity. If active nests are found, the Applicant must erect a fence barrier around the nest site as determined by the biologist, and must prohibit construction activities within the fence barrier around the nest zone until the qualified biologist clears the nest zone. The Applicant must monitor construction activities that occur near active nest areas to ensure that no inadvertent adverse impacts affect the nest. The Applicant must provide the consultant contract for the pre-construction survey and monitoring to the Deputy Director/City Planner for review and issuance of a grading permit. The results of the survey shall be provided to the Deputy Director prior to start of site clearing.

Timing: Prior to issuance of a grading permit.

3. The Applicant must prohibit storage, operation or parking of equipment, materials, and vehicles under the canopies of the preserved mature trees onsite for the life of the project.

Timing: All outdoor activities for the life of the project.

4. The Applicant will implement the following measures to control noise leaving the site:
 - a. To the extent feasible, operating generators shall not be operated within 50 feet of the northern and western property line.
 - b. If generators will be used within 50 feet of the northern or western property lines during nighttime filming operations (10PM – 7AM), large box trucks shall be positioned between the generators and the residences to the north (or any future residential development to the west) to shield noise.

- c. As a good neighbor policy, notification should be provided to the City and residences if there is a potential for loud noise producing scenes and nighttime filming activities where a substantial increase in ambient noise could occur a minimum of 72 hours in advance.
- d. Prior to filming any loud noise producing scene (e.g. gunfights, fireworks, and other loud intermittent sounds), a noise mitigation plan will be prepared by the Applicant or a qualified acoustical consultant to ensure filming activities are below the City's noise standards. The plan must include the following, or other equivalent, measures necessary to achieve the required noise reduction: 1. Description of the noise producing scene, including proposed hours and estimated duration. 2. Calculation of the unmitigated and mitigated noise levels. 3. Notification of affected residents and City of film schedule and a description of a method for noise compliant resolution procedures.
- e. If noise complaints arise, noise measurements must be taken by an acoustical consultant to verify if noise levels exceed the City thresholds of 63 dB(A) CNEL and 10 decibels above ambient. If these levels are exceeded, barriers must be erected around generators to reduce the noise to acceptable levels.

Timing: All outdoor activities for the life of the project.

Z-S-725

Amend the Zoning Maps, Page 216 to change 6700 Smith Road from CR to LI

