

ORDINANCE NO. 1299

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIMI VALLEY FOR THE APPROVAL OF SPECIFIC PLAN AMENDMENT NO. SP-S-7, AMENDMENT NO. 27 AND A ZONE CHANGE Z-S-742; AND ADOPTING THE MITIGATED NEGATIVE DECLARATION TO AMEND THE WEST END SPECIFIC PLAN (SP-S-7, AMD #27) TO CHANGE THE LAND USE DESIGNATION FROM SUBREGIONAL RETAIL TO GENERAL INDUSTRIAL AND TO CHANGE THE ZONING DESIGNATION FROM SUBREGIONAL RETAIL – SPECIFIC PLAN [SR (SP)] TO GENERAL INDUSTRIAL – SPECIFIC PLAN [GI (SP)]; FOR THE 2.87-ACRE PARCEL, LOCATED AT THE SOUTH SIDE OF E. COCHRAN STREET, APPROXIMATELY 1,000 FEET WEST OF CAPPER LANE (600-620 E. COCHRAN STREET)

WHEREAS, pursuant to the provisions California Government Code Section 65450, 65860 et. Seq., Simi Valley Municipal Code Titles 9-56, and 9-73, the applicants, Richard D. and Kathleen Parkinson, have requested approval of an Amendment to the West End Specific Plan Map (SP-S-7, AMD #27) and a Zone Change (Z-S-742); for a 2.87-acre located at the south side of E. Cochran Street, approximately 1,000 feet west of Capper Lane (600-620 E. Cochran Street), known as Ventura County Assessor's Parcel No. 615-0-180-195, and by legal description attached hereto as Exhibit A, for the purpose of amending the West End Specific Plan to change the land use designation from Subregional Retail (SR) to General Industrial (GI); changing the Zoning designation (Z-S-742) from Subregional Retail – Specific Plan [SR (SP)] to General Industrial – Specific Plan [GI (SP)]; and adopting the project's Mitigated Negative Declaration; and

WHEREAS, June 19, 2019, the Planning Commission of the City of Simi Valley held a public hearing and recommended approval of SP-S-7, AMD #27 and Z-S-742; and the project's Mitigated Negative Declaration; and

WHEREAS, on August 26, 2019, the City Council considered evidence and public testimony on the project.

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

SECTION 1. The findings for adoption of the Mitigated Negative Declaration, contained in Exhibit 2 of the City Council staff report, dated August 26, 2019, and incorporated herein by reference, are hereby adopted.

SECTION 2. The Mitigated Negative Declaration contained in the City Council staff report Exhibit 2, dated August 26, 2019, and incorporated herein by reference, is hereby adopted.

SECTION 3. The findings for approval of Specific Plan Amendment No. SP-S-7, AMD #27, contained in the City Council staff report Exhibit 2, dated August 26, 2019, and incorporated herein by reference are hereby adopted.

SECTION 4. The amendment to the West End Specific Plan (SP-S-7, AMD #27), attached hereto as Exhibit B are hereby approved.

SECTION 5. The findings for Zone Change No. Z-S-742 contained in the City Council staff report Exhibit 2, dated August 26, 2019, and incorporated herein by reference, are hereby adopted.

SECTION 6 Zone Change No. Z-S-742, amending Zoning Map Sheet 165 of SVMC 9-20.030, contained in Exhibit C, attached hereto is hereby approved.

SECTION 7. Severability. If any provision of this ordinance is declared invalid by a court of competent jurisdiction, adjudicated to a final determination, the City Council finds that said voided part is severable, that the City Council would have adopted the remainder of this ordinance without the severed and voided part, and that the remainder of this ordinance shall remain in full force and effect.

SECTION 8. 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.

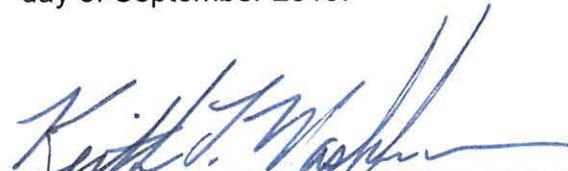
SECTION 9. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

PASSED and ADOPTED this 9th day of September 2019.

Attest:



Julia Fritz, Acting City Clerk



Keith L. Mashburn, Mayor of the City of Simi Valley, California

Approved as to Form:



Lonnie J. Eldridge, City Attorney

Approved as to Content:



Brian Paul Gabler, Interim City Manager



Ronald K. Fuchiwaki,
Interim Environmental Services Director

CERTIFICATION

I, City Clerk of the City of Simi Valley, California, do hereby certify that the foregoing is a full, true, and correct copy of Ordinance No. 1299 which was introduced on August 26, 2019 and adopted by the City Council of the City of Simi Valley, California, at a regular meeting thereof held on the 9th day of September 2019 by the following vote of the City Council:

- AYES: Council Members Litster, Judge, Mayor Pro Tem Cavanaugh and Mayor Mashburn
- NAYS: Council Member Luevanos
- ABSENT: None
- ABSTAINED: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Simi Valley, California, this 26th day of September 2019.



 Julia Fritz
 Acting City Clerk

EXHIBIT A

LEGAL DESCRIPTION

REAL PROPERTY IN THE CITY OF SIMI VALLEY, COUNTY OF VENTURA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL 7 OF PARCEL MAP NO. LD-S-567, IN THE CITY OF SIMI VALLEY, COUNTY OF VENTURA, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 57, PAGES 5 THROUGH 11 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT AN UNDIVIDED THREE-FOURTH INTEREST IN AND TO ALL MINERAL, OIL, AND OTHER OIL PRODUCTS AND ALL MINERAL PRODUCTS IN, ON OR UNDER THAT PORTION OF SAID LAND LYING WITHIN THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 5, TOGETHER WITH AN EASEMENT CONSISTING OF A RIGHT OF ENTRY AND OF WAY TO DEVELOP SAID MINERAL SUBSTANCES.

BY INSTRUMENT RECORDED DECEMBER 22, 1972, IN BOOK 4052, PAGE 619 OF OFFICIAL RECORDS, ELIZABETH C. SCOVILLE, ET AL., OWNERS OF AN UNDIVIDED 5/9THS INTEREST IN AND TO SAID 3/4THS OF ALL MINERAL, OIL AND OTHER OIL PRODUCTS, AND ALL MINERAL PRODUCTS, QUITCLAIMED ALL RIGHT, TITLE AND INTEREST IN AND TO THE UPPER 550 FEET OF SAID LAND.

ALSO EXCEPTING THEREFROM THE REMAINING INTEREST IN AND TO ALL OIL, OIL RIGHTS, MINERALS, MINERAL RIGHTS, NATURAL GAS, NATURAL GAS RIGHTS AND OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN THAT MAY BE WITHIN OR UNDER A PORTION OF SAID LAND TOGETHER WITH THE PERPETUAL RIGHT OF DRILLING, MINING, EXPLORING AND OPERATING THEREFOR AND REMOVING THE SAME FROM SAID LAND OR ANY OTHER LAND, INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LANDS OTHER THAN THOSE HEREINABOVE DESCRIBED, OIL OR GAS WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF THE LAND HEREINABOVE DESCRIBED, AND TO BOTTOM SUCH WHIPSTOCK OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS UNDER AND BENEATH OR BEYOND THE EXTERIOR LIMITS THEREOF, AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINES, WITHOUT, HOWEVER, THE RIGHT TO DRILL, MINE, EXPLORE AND OPERATE THROUGH THE SURFACE OR THE UPPER 100 FEET OF THE SUBSURFACE OF THE LAND HEREINABOVE DESCRIBED OR OTHERWISE IN SUCH MANNER AS TO ENDANGER THE SAFETY OF ANY HIGHWAY THAT MAY BE CONSTRUCTED ON SAID LANDS, AS RESERVED IN DEED RECORDED NOVEMBER 23, 1971, IN BOOK 3888, PAGE 870 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THE REMAINING INTEREST IN AND TO ALL OIL, OIL RIGHTS, MINERALS, MINERAL RIGHTS, NATURAL GAS, NATURAL GAS RIGHTS, AND OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN THAT MAY BE WITHIN OR UNDER A PORTION OF SAID LAND, TOGETHER WITH THE PERPETUAL RIGHT OF DRILLING, MINING, EXPLORING AND OPERATING

THEREFOR AND REMOVING THE SAME FROM SAID LAND OR ANY OTHER LAND, INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LANDS OTHER THAN THOSE HEREINABOVE DESCRIBED, OIL OR GAS WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF THE LAND HEREINABOVE DESCRIBED, AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS UNDER AND BENEATH OR BEYOND THE EXTERIOR LIMITS THEREOF, AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINES, WITHOUT, HOWEVER, THE RIGHT TO DRILL, MINE, EXPLORE AND OPERATE THROUGH THE SURFACE OR THE UPPER 100 FEET OF THE SUBSURFACE OF THE LAND HEREINABOVE DESCRIBED OR OTHERWISE IN SUCH A MANNER AS TO ENDANGER THE SAFETY OF ANY HIGHWAY THAT MAY BE CONSTRUCTED ON SAID LANDS, AS RESERVED IN DEED RECORDED OCTOBER 31, 1972, IN BOOK 4029, PAGE 646 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THE REMAINING INTEREST IN AND TO ALL OIL, OIL RIGHTS, MINERALS, MINERAL RIGHTS, NATURAL GAS, NATURAL GAS RIGHTS, AND OTHER HYDORCARBONS BY WHATSOEVER NAME KNOWN THAT MAY BE WITHIN OR UNDER A PORTION OF SAID LAND, TOGETHER WITH THE PERPETUAL RIGHT OF DRILLING, MINING, EXPLORING AND OPERATING THEREFOR AND REMOVING THE SAME FROM SAID LAND OR ANY OTHER LAND, INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LANDS OTHER THAN THOSE HEREINABOVE DESCRIBED, OIL OR GAS WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF THE LAND HEREINABOVE DESCRIBED, AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS UNDER AND BENEATH OR BEYOND THE EXTERIOR LIMITS THEREOF, AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINES, WITHOUT, HOWEVER, THE RIGHT TO DRILL, MINE, EXPLORE AND OPERATE THROUGH THE SURFACE OR THE UPPER 100 FEET OF THE SUBSURFACE OF THE LAND HEREINABOVE DESCRIBED OR OTHERWISE IN SUCH MANNER AS TO ENDANGER THE SAFETY OF ANY HIGHWAY THAT MAY BE CONSTRUCTED ON SAID LANDS, AS RESERVED IN DEED RECORDED OCTOBER 18, 1974, IN BOOK 4327, PAGE 51 OF OFFICIAL RECORDS

ALSO EXCEPTING THEREFROM THE REMAINING INTEREST IN AND TO ALL OIL, OIL RIGHTS, MINERALS, MINERAL RIGHTS, NATURAL GAS, NATURAL GAS RIGHTS, AND OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN THAT MAY BE WITHIN OR UNDER A PORTION OF SAID LAND, TOGETHER WITH THE PERPETUAL RIGHT OF DRILLING, MINING, EXPLORING AND OPERATING THEREFOR AND REMOVING THE SAME FROM SAID LAND OR ANY OTHER LAND, INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LANDS OTHER THAN THOSE HEREINABOVE DESCRIBED, OIL OR GAS WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF THE LAND HEREINABOVE DESCRIBED, AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS UNDER AND BENEATH OR BEYOND THE EXTERIOR LIMITS THEREOF,

AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINES, WITHOUT, HOWEVER, THE RIGHT TO DRILL, MINE, EXPLORE AND OPERATE THROUGH THE SURFACE OR THE UPPER 100 FEET OF THE SUBSURFACE OF THE LAND HEREINABOVE DESCRIBED OR OTHERWISE IN SUCH MANNER AS TO ENDANGER THE SAFETY OF ANY HIGHWAY THAT MAY BE CONSTRUCTED ON SAID LANDS, AS RESERVED IN DEED RECORDED JULY 21, 1972, IN BOOK 3984, PAGE 445 OF OFFICIAL RECORDS.

ASSESSORS PARCEL NO: 615-0-180-195

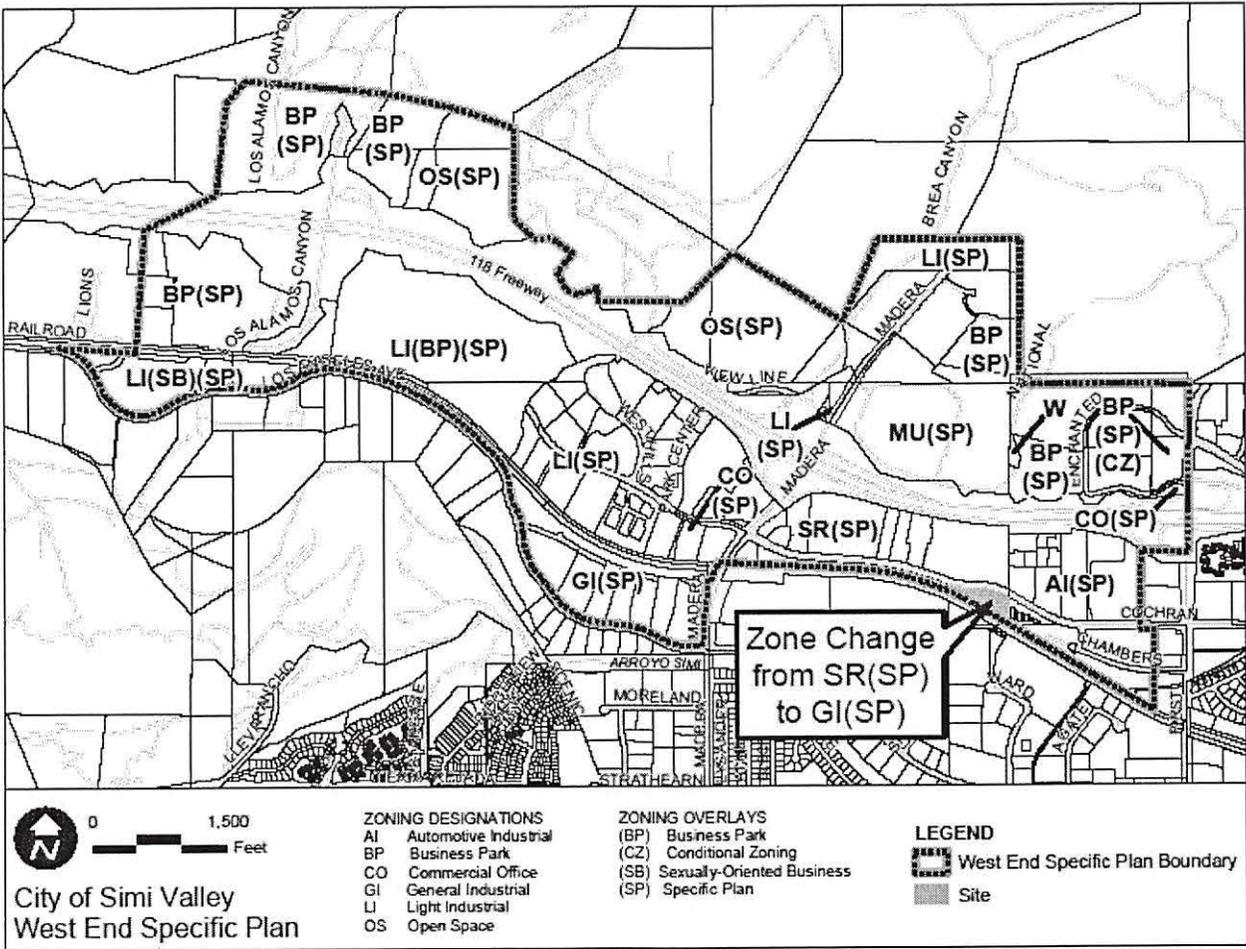
EXHIBIT B

WEST END SPECIFIC PLAN AMENDMENT NO. 27 (SP-S-7 AMD #27)

A Specific Plan Amendment to change the Land Use Map from Subregional Retail [SR(SP)] to General Industrial [GI(SP)], as described as follows:

South side of E. Cochran Street, approximately 1,000 feet west of Capper Lane (600-620 E. Cochran Street)

APN: 615-0-180-195



Specific Plan Amendment from Subregional Retail [SR(SP)] to General Industrial [GI SP]

EXHIBIT C

Zone Change No. Z-S-742

A Zone Change from Subregional Retail – Specific Plan [SR (SP)] to General Industrial – Specific Plan [GI (SP)], described as follows:

South side of E. Cochran Street, approximately 1,000 feet west of Capper Lane (600-620 E. Cochran Street)

APN: 615-0-180-195

