ITEM 10. G.

MOORPARK CITY COUNCIL
AGENDA REPORT

TO: **Honorable City Council**

FROM: **David A. Bobardt, Planning Director** DB
Prepared by Joseph R. Vacca, Principal Planner

DATE: **October 22, 2008 (CC Meeting of 11/05/2008)**

SUBJECT: **Consider Status Update on the Amended Implementation Plan for Improvements Associated with Tract Nos. 5187-1&2 and 5405, the Meridian Hills Residential Development Project, on the Application of Resmark Equity Partners, LLC, (ORA Ashford 94, LLC)**

BACKGROUND

As a requirement of the Development Agreement for Tract No. 5187, the Meridian Hills residential development project, the applicant is required to submit for approval to the City Council an Implementation Plan for the construction of on-site and off-site improvements, prior to the issuance of a grading permit. On July 7, 2004, William Lyon Homes received the City Council's approval of an Implementation Plan for the project. On May 21, 2008, the City Council approved an Amended Implementation Plan for the project in association with the transfer of ownership of the project from William Lyon Homes, to Resmark Equity Partners, LLC. Status reports have been provided at the request of the City Council on June 18, 2008, August 20, 2008 and October 1, 2008. At the October 1, 2008 meeting, an updated status report was requested for the November 5, 2008 City Council meeting. The Implementation Plan and prior status reports are attached.

DISCUSSION

A complete copy of the Amended Implementation Plan as approved by City Council on May 21, 2008, is attached. The key components of Amended Implementation Plan and the required completion deadlines are indicated in **bold** text with the current status in *italics*, as follows:

- **Final paving cap on all streets with occupied homes – by 6/30/08**
  Status: Substantial repair work to the curb and gutter was required due to concerns with drainage and construction quality. The applicant completed all concrete removal, replacement and repair work and is scheduled to start final paving on October 30, 2008, with completion anticipated by November 4, 2008.

- **Completion of the public multi-use trail – by 7/30/08**
  Status: Staff plan checked the engineering and grading plans for the multi-use trail and returned the plans to the applicant on May 21, 2008. Staff is awaiting resubmittal of the plan for final review. The applicant has not resubmitted the plans because they are working with Mr. Peters to obtain the necessary easements for the trail. The applicant is required to complete grading of a driveway on the far western portion of the Peters' property and Mr. Peters will not discuss trail easements until the grading of the driveway is completed. The applicant anticipates having the Peters internal driveway completed by October 27, 2008. The applicant anticipates obtaining easements from Mr. Peters and completing the multi-use trail by December 19, 2008.

- **Completion of private HOA recreation facility – by 8/21/08**
  *Status: **NO CHANGE SINCE LAST REPORT.** The applicant obtained a building permit September 12, 2008. The applicant anticipates having the recreation facility completed by December 15, 2008.*

- **Completion of improvements to the Peters' driveway at the intersection of Walnut Canyon Road– 7/30/08**
  Status: Staff has plan checked the engineering and grading plans for the multi-use trail crossing the Peters' driveway and connecting to the Walnut Canyon Road intersection and returned the plans to the applicant on May 19, 2008. Staff is awaiting resubmittal of the plan for final review; the applicant has not resubmitted the plans because they are working with Mr. Peters to obtain the necessary easements for the trail crossing the driveway and connecting the multi-use trail to the existing trail on the Toll project and across Walnut Canyon Road to the existing trails of the Moorpark Highlands project. As stated above, the applicant is grading an internal driveway on the far western portion of the Peters' property, which must be completed before Mr. Peters will discuss trail easements. The applicant anticipates having the multi-use trail crossing the Peters' driveway at Walnut Canyon Road, completed by December 19, 2008.

- **Install security fencing and "No Trespassing Signs"- by 6/30/08**
  *Status: **NO CHANGE SINCE LAST REPORT.** Staff approved a zoning clearance for the interim fencing plan for the Resmark property on June 23, 2008. The plan includes six-foot tall tube steel fencing along Walnut Canyon Road to secure the Tract 5405 property. The plan also calls for a combination of six-foot tall chain-link and six-foot tall tube steel fencing, with tube steel gates across streets, including installation of keyed pedestrian access gates to allow pedestrian access for existing residents through the undeveloped portions of the project. Wood fencing was not approved for use as a fencing material as part of the approved interim fencing plan. Construction of the interim fencing was completed on August 15, 2008.*

- **Landscaping enhancements to areas visible from public rights of way - Ongoing**
  Status: ***NO CHANGE SINCE LAST REPORT.*** *Staff has conducted site visits with the applicant, the applicant's landscape architect, landscaping management and maintenance crews and the applicant's contracted staff from Impact Sciences to review existing landscaped areas and deficiencies. The applicant is working on enhancing landscaping areas to achieve compliance with the approved landscaping and irrigation plans. Staff continues to monitor this closely as this item has no distinct deadline, and is an ongoing maintenance item.*

- **Dust and soil erosion control for the remaining phases - Ongoing**
  Status: Staff continues to monitor this closely as this item has no distinct deadline, and is an ongoing maintenance item. The applicant continuously monitors annual storm water control maintenance on the site including the hydro-seeding of bare areas and appropriate best management practices with the use of sand bags and soil stabilizers. The applicant completed all required storm season erosion control measures on October 15, 2008.

- **A $25,000 deposit from ORA Ashford 94, LLC. is required for condition compliance – by 6/2/08**
  Status: ***NO CHANGE SINCE LAST REPORT.*** *On June 3, 2008, Staff received $25,000.00 from ORA Ashford 94, LLC. for condition compliance.*

- **The property must be in full compliance with the adopted Fuel Modification plan on file – by 6/1/08**
  Status: ***NO CHANGE SINCE LAST REPORT.*** *Staff is working with Captain Breuklander, (Moorpark – Engine Co. 42) and Rick Mora of Ventura County Fire to ensure that the project is in compliance with the adopted fuel modification plan. All vegetation has been adequately cleared and the project is in compliance with the June 1, 2008 deadline for clearing of vegetation and in compliance with the fuel modification plan. Staff continues to monitor this closely.*

- **The existing wood fencing within the project must be removed – by 6/30/08**
  Status: ***NO CHANGE SINCE LAST REPORT.*** *Completed June 5, 2008.*

- **Existing street lighting plans for the developed areas of the project must be reviewed by the City Engineer and Planning Director. Additional street lighting or relocation of existing street lighting may be required, as determined necessary – by 6/30/08**
  Status: ***NO CHANGE SINCE LAST REPORT.*** *Public works staff has inspected the existing street lighting and has determined that it is installed per the approved plans.*

- **Provide a final acceptance letter from Ventura County Watershed Protection District to verify that the newly constructed VCWPD basin is accepted – by 6/30/08**
  Status: ***NO CHANGE SINCE LAST REPORT.*** *The applicant is working with VCWPD to finalize maintenance easements and schedules and once completed VCWPD will provide the final acceptance letter on the basin. The applicant anticipates having the basin accepted in writing by VCWPD by December 15, 2008.*

FISCAL IMPACT

None. All surety bonds originally posted for all of the improvements required as part of the subdivision remain in place. A Settlement Agreement between the City and William Lyon Homes reached on May 7, 2008 provides added assurance that these "timeline" items will be completed by December 30, 2008. Otherwise, William Lyon Homes will forfeit any claim to the Conditional Payment on the settlement agreement of $500,000.00, should they fail to satisfy all of the required conditions in full by December 30, 2008.

On June 3, 2008, ORA Ashford 94, LLC. submitted a $25,000 deposit to City of Moorpark for condition compliance to cover staff costs associated with monitoring progress related to administering the Implementation Plan. As the fund account becomes depleted, additional money will need to be deposited by ORA Ashford 94, LLC to cover staff costs, consistent with the Development Agreement and conditions of approval.

STAFF RECOMMENDATION

Receive and file report.

Attachments:
1. City Council Staff report status update, October 1, 2008
2. City Council Staff report status update, August 20, 2008
3. City Council Staff report status update, June 18, 2008
4. Amended Implementation Plan, May 21, 2008

ITEM 10.D.

CITY OF MOORPARK, CALIFORNIA
City Council Meeting
of 10-01-2008
ACTION: Directed Staff to set up ad hoc meeting Item to return 11-5-08.
BY: M. Benson

MOORPARK CITY COUNCIL AGENDA REPORT

TO: **Honorable City Council**

FROM: **David A. Bobardt, Planning Director**
Prepared by Joseph R. Vacca, Principal Planner

DATE: **September 15, 2008 (CC Meeting of 10/01/2008)**

SUBJECT: **Consider Status Update on the Amended Implementation Plan for Improvements Associated with Tract Nos. 5187-1&2 and 5405, the Meridian Hills Residential Development Project, on the Application of Resmark Equity Partners, LLC, (ORA Ashford 94, LLC)**

BACKGROUND

As a requirement of the Development Agreement for Tract No. 5187, the Meridian Hills residential development project, the applicant is required to submit for approval to the City Council an Implementation Plan for the construction of on-site and off-site improvements, prior to the issuance of a grading permit. On July 7, 2004, William Lyon Homes received the City Council's approval of an Implementation Plan for the project. On May 21, 2008, the City Council approved an Amended Implementation Plan for the project in association with the transfer of ownership of the project from William Lyon Homes, to Resmark Equity Partners, LLC. Status reports have been provided at the request of the City Council on June 18, 2008 and August 20, 2008. At the August 20, 2008 meeting, an updated status report was requested for the October 1, 2008 City Council meeting. The Implementation Plan and prior status reports are attached.

DISCUSSION

A complete copy of the Amended Implementation Plan as approved by City Council on May 21, 2008, is attached. The key components of Amended Implementation Plan and the required completion deadlines are indicated in **bold** text with the current status in *italics*, as follows:

- **Final paving cap on all streets with occupied homes – by 6/30/08**
  Status: Substantial repair work to the curb and gutter has been required due to concerns with drainage and construction quality. The applicant anticipates having all repair work completed by September 19, 2008. The final lift of paving and striping is off schedule until the repair work is completed and approved. The applicant anticipates having the final paving completed by October 13, 2008.

CC ATTACHMENT 1

- **Completion of the public multi-use trail – by 7/30/08**
  Status: Staff plan checked the engineering and grading plans for the multi-use trail and returned the plans to the applicant on May 21, 2008. Staff is awaiting resubmittal of the plan for final review; the applicant has not resubmitted the plans because they are working with Mr. Peters to obtain the necessary easements for the trail. The applicant anticipates having the multi-use trail completed by December 19, 2008.

- **Completion of private HOA recreation facility – by 8/21/08**
  Status: The applicant obtained a building permit September 12, 2008. The applicant anticipates having the recreation facility completed by December 15, 2008.

- **Completion of improvements to the Peters' driveway – 7/30/08**
  Status: Staff has plan checked the engineering and grading plans for the multi-use trail crossing the Peters' driveway and returned the plans to the applicant on May 19, 2008. Staff is awaiting resubmittal of the plan for final review; the applicant has not resubmitted the plans because they are working with Mr. Peter's to obtain the necessary easements for the trail crossing the driveway. The applicant anticipates having the multi-use trail crossing the Peter's driveway completed by December 19, 2008.

- **Install security fencing and "No Trespassing Signs"- by 6/30/08**
  Status: Staff approved a zoning clearance for the interim fencing plan for the Resmark property on June 23, 2008. The plan includes six foot tall tube steel fencing along Walnut Canyon Road to secure the Tract 5405 property. The plan also calls for a combination of six foot tall chain-link and six foot tall tube steel fencing, with tube steel gates across streets, including installation of keyed pedestrian access gates to allow pedestrian access for existing residents through the undeveloped portions of the project. Wood fencing was not approved for use as a fencing material as part of the approved interim fencing plan. Construction of the interim fencing was completed on August 15, 2008.

- **Landscaping enhancements to areas visible from public rights of way - Ongoing**
  *Status: **NO CHANGE SINCE LAST REPORT.** Staff has conducted site visits with the applicant, the applicant's landscape architect, landscaping management and maintenance crews and the applicant's contracted staff from Impact Sciences to review existing landscaped areas and deficiencies. The applicant is working on enhancing landscaping areas to achieve compliance with the approved landscaping and irrigation plans. Staff continues to monitor this closely as this item has no distinct deadline, and is an ongoing maintenance item.*

- **Dust and soil erosion control for the remaining phases - Ongoing**
  Status: Staff continues to monitor this closely as this item has no distinct deadline, and is an ongoing maintenance item. The applicant is completing annual storm water control maintenance on the site including the hydro-seeding of bare areas. The applicant anticipates having the erosion control measures completed by October 15, 2008.

- **A $25,000 deposit from ORA Ashford 94, LLC. is required for condition compliance – by 6/2/08**
  *Status: **NO CHANGE SINCE LAST REPORT.** On June 3, 2008, Staff received $25,000.00 from ORA Ashford 94, LLC. for condition compliance.*

- **The property must be in full compliance with the adopted Fuel Modification plan on file – by 6/1/08**
  *Status: **NO CHANGE SINCE LAST REPORT.** Staff is working with Captain Breuklander, (Moorpark – Engine Co. 42) and Rick Mora of Ventura County Fire to ensure that the project is in compliance with the adopted fuel modification plan. All vegetation has been adequately cleared and the project is in compliance with the June 1, 2008 deadline for clearing of vegetation and in compliance with the fuel modification plan. Staff continues to monitor this closely.*

- **The existing wood fencing within the project must be removed – by 6/30/08**
  *Status: **NO CHANGE SINCE LAST REPORT.** Completed June 5, 2008.*

- **Existing street lighting plans for the developed areas of the project must be reviewed by the City Engineer and Planning Director. Additional street lighting or relocation of existing street lighting may be required, as determined necessary – by 6/30/08**
  *Status: **NO CHANGE SINCE LAST REPORT.** Public works staff has inspected the existing street lighting and has determined that it is installed per the approved plans.*

- **Provide a final acceptance letter from Ventura County Watershed Protection District to verify that the newly constructed VCWPD basin is accepted – by 6/30/08**
  Status: The applicant is working with VCWPD to finalize maintenance easements and schedules and once completed VCWPD will provide the final acceptance letter on the basin. The applicant anticipates having the basin accepted in writing by VCWPD by December 15, 2008.

FISCAL IMPACT

None. All surety bonds originally posted for all of the improvements required as part of the subdivision remain in place. A Settlement Agreement between the City and William

Lyon Homes reached on May 7, 2008 provides added assurance that these "timeline" items will be completed by December 30, 2008. Otherwise, William Lyon Homes will forfeit any claim to the Conditional Payment on the settlement agreement of $500,000.00, should they fail to satisfy all of the required conditions in full by December 30, 2008.

On June 3, 2008, ORA Ashford 94, LLC. submitted a $25,000 deposit to City of Moorpark for condition compliance to cover staff costs associated with monitoring progress related to administering the Implementation Plan. As the fund account becomes depleted, additional money will need to be deposited by ORA Ashford 94, LLC to cover staff costs, consistent with the Development Agreement and conditions of approval.

STAFF RECOMMENDATION

Receive and file report.

Attachments:
1. City Council Staff report status update, August 20, 2008
2. City Council Staff report status update, June 18, 2008
3. Amended Implementation Plan, May 21, 2008

ITEM 10.R.

CITY OF MOORPARK, CALIFORNIA
City Council Meeting
of 8-20-2008
ACTION: Directed staff to bring item back on October 1, 2008.
BY: M. Berson

MOORPARK CITY COUNCIL AGENDA REPORT

TO: Honorable City Council

FROM: David A. Bobardt, Planning Director
Prepared by Joseph R. Vacca, Principal Planner

DATE: August 5, 2008 (CC Meeting of 08/20/2008)

SUBJECT: **Consider Status Update on the Amended Implementation Plan for Improvements Associated with Tract Nos. 5187-1&2 and 5405, the Meridian Hills Residential Development Project, on the Application of Resmark Equity Partners, LLC, (ORA Ashford 94, LLC)**

BACKGROUND

As a requirement of the Development Agreement for Tract No. 5187, the Meridian Hills residential development project, the applicant is required to submit for approval to the City Council an Implementation Plan for the construction of on-site and off-site improvements, prior to the issuance of a grading permit. On July 7, 2004, William Lyon Homes received the City Council's approval of an Implementation Plan for the project. On May 21, 2008, the City Council approved an Amended Implementation Plan for the project in association with the transfer of ownership of the project from William Lyon Homes, to Resmark Equity Partners, LLC. At this meeting, the City Council requested a report on the status of the amended implementation plan for the June 18, 2008 City Council meeting. This report is attached. At the June 18, 2008 meeting, an updated status report was requested for the August 20, 2008 City Council meeting.

DISCUSSION

A complete copy of the Amended Implementation Plan as approved by City Council on May 21, 2008, is attached. The key components of Amended Implementation Plan and the required completion deadlines are indicated in **bold** text with the current status in *italics*, as follows:

- **Final paving cap on all streets with occupied homes – by 6/30/08**
  Status: Substantial repair work to the curb and gutter is required due to concerns with drainage and construction quality. This repair is still underway and has not been completed. The final lift of paving and striping is off schedule until repair work is completed. The applicant anticipates having the final paving completed by September 19, 2008.

CC ATTACHMENT 2

- **Completion of the public multi-use trail – by 7/30/08**
  Status: Staff plan checked the engineering and grading plans for the multi-use trail and returned the plans to the applicant on May 21, 2008. Staff is awaiting resubmittal of the plan for final review; the applicant has not resubmitted the plans because they are working with Mr. Peters to obtain the necessary easements for the trail. The applicant anticipates having the multi-use trail completed by November 21, 2008.

- **Completion of private HOA recreation facility – by 8/21/08**
  Status: Planning staff approved a zoning clearance for the tennis court and basketball court recreation facility for plan check on July 2, 2008; and the applicant is in plan check with Engineering and Building and Safety. Once all departments are ready to approve the plans, planning staff will accept fees and issue an approval for a building permit. The applicant anticipates permit issuance by August 29, 2008. The applicant anticipates having the recreation facility completed by November 21, 2008.

- **Completion of improvements to the Peters' driveway – 7/30/08**
  Status: Staff has plan checked the engineering and grading plans for the multi-use trail crossing the Peters' driveway and returned the plans to the applicant on May 19, 2008. Staff is awaiting resubmittal of the plan for final review; the applicant has not resubmitted the plans because they are working with Mr. Peter's to obtain the necessary easements for the trail crossing the driveway. The applicant anticipates having the multi-use trail crossing the Peter's driveway completed by November 21, 2008.

- **Install security fencing and "No Trespassing Signs"- by 6/30/08**
  Status: Staff approved a zoning clearance for the interim fencing plan for the Resmark property on June 23, 2008. The plan includes six foot tall tube steel fencing along Walnut Canyon Road to secure the Tract 5405 property. The plan also calls for a combination of six foot tall chain-link and six foot tall tube steel fencing, with tube steel gates across streets, including installation of keyed pedestrian access gates to allow pedestrian access for existing residents through the undeveloped portions of the project. Wood fencing was not approved for use as a fencing material as part of the approved interim fencing plan. Construction of the interim fencing is underway and it appears consistent with the approved plan, as of the preparation of this report. The applicant anticipates having the interim fencing completed by August 15, 2008.

- **Landscaping enhancements to areas visible from public rights of way - Ongoing**
  Status: Staff has conducted site visits with the applicant, the applicant's landscape architect, landscaping management and maintenance crews and the

applicant's contracted staff from Impact Sciences to review existing landscaped areas and deficiencies. The applicant is working on enhancing landscaping areas to achieve compliance with the approved landscaping and irrigation plans. Staff continues to monitor this closely as this item has no distinct deadline, and is an ongoing maintenance item.

- **Dust and soil erosion control for the remaining phases - Ongoing**
  Status: Staff continues to monitor this closely as this item has no distinct deadline, and is an ongoing maintenance item.

- **A $25,000 deposit from ORA Ashford 94, LLC. is required for condition compliance – by 6/2/08**
  Status: On June 3, 2008, Staff received $25,000.00 from ORA Ashford 94, LLC. for condition compliance.

- **The property must be in full compliance with the adopted Fuel Modification plan on file – by 6/1/08**
  Status: Staff is working with Captain Breuklander, (Moorpark – Engine Co. 42) and Rick Mora of Ventura County Fire to ensure that the project is in compliance with the adopted fuel modification plan. All vegetation has been adequately cleared and the project is in compliance with the June 1, 2008 deadline for clearing of vegetation and in compliance with the fuel modification plan. Staff continues to monitor this closely.

- **The existing wood fencing within the project must be removed – by 6/30/08**
  Status: Completed June 5, 2008.

- **Existing street lighting plans for the developed areas of the project must be reviewed by the City Engineer and Planning Director. Additional street lighting or relocation of existing street lighting may be required, as determined necessary – by 6/30/08**
  Status: Public works staff has inspected the existing street lighting and has determined that it is installed per the approved plans.

- **Provide a final acceptance letter from Ventura County Watershed Protection District to verify that the newly constructed VCWPD basin is accepted – by 6/30/08**
  Status: The applicant is working with VCWPD to finalize maintenance easements and schedules and once completed VCWPD will provide the final acceptance letter on the basin. The applicant anticipates having the basin accepted in writing by VCWPD by September 26, 2008.

FISCAL IMPACT

None. All surety bonds originally posted for all of the improvements required as part of the subdivision remain in place. A Settlement Agreement between the City and William Lyon Homes reached on May 7, 2008 provides added assurance that these "timeline" items will be completed by December 30, 2008. Otherwise, William Lyon Homes will forfeit any claim to the Conditional Payment on the settlement agreement of $500,000.00, should they fail to satisfy all of the required conditions in full by December 30, 2008.

On June 3, 2008, ORA Ashford 94, LLC. submitted a $25,000 deposit to City of Moorpark for condition compliance to cover staff costs associated with monitoring progress related to administering the Implementation Plan. As the fund account becomes depleted, additional money will need to be deposited by ORA Ashford 94, LLC to cover staff costs, consistent with the Development Agreement and conditions of approval.

STAFF RECOMMENDATION

Receive and file report.

Attachments:
1. City Council Staff report status update, June 18, 2008
2. Amended Implementation Plan, May 21, 2008

ITEM 10.N.

CITY OF MOORPARK, CALIF.
City Council Meeting
of 6-18-2008
ACTION: Requested continued status reports until issues resolved.
BY: M. Brown

MOORPARK CITY COUNCIL
AGENDA REPORT

TO: Honorable City Council

FROM: David A. Bobardt, Planning Director
Prepared by Joseph R. Vacca, Principal Planner

DATE: June 5, 2008 (CC Meeting of 06/18/08)

SUBJECT: **Consider Status Update on the Amended Implementation Plan for Improvements Associated with Tract Nos. 5187-1&2 and 5405, the Meridian Hills Residential Development Project, on the Application of William Lyon Homes [Upon Transfer of Ownership of the Meridian Hills Development Project from William Lyon Homes to Resmark Equity Partners, LLC, (ORA Ashford 94, LLC)]**

BACKGROUND

As a requirement of the Development Agreement for Tract No. 5187, the Meridian Hills residential development project, the applicant is required to submit for approval to the City Council an Implementation Plan for the construction of on-site and off-site improvements, prior to the issuance of a grading permit. On July 7, 2004, William Lyon Homes received the City Council's approval of an Implementation Plan for the project. On May 21, 2008, the City Council approved an Amended Implementation Plan for the project in association with the transfer of ownership of the project from William Lyon Homes, to Resmark Equity Partners, LLC.; at which time the City Council requested that staff prepare a status update on the amended implementation plan to be reviewed at the June 18, 2008, City Council meeting.

DISCUSSION

In order to ensure that the area is safe, functional, and livable for the residents of the 65 completed homes, City Council approved an Amended Implementation Plan that included a timeline for completion of the items in **bold** and staff is providing an update in *italics*, as follows:

CC ATTACHMENT 3

- **Final paving cap on all streets with occupied homes – by 6/30/08**
  Status: All of the removal and repair work was completed by June 11, 2008, and the final lift of paving and striping is on schedule to be completed by June 30, 2008.

- **Completion of the public multi-use trail – by 7/30/08**
  Status: Staff plan checked the engineering and grading plans for the multi-use trail and returned the plans to the applicant on May 21, 2008; staff is awaiting resubmittal of the plan for final review.

- **Completion of private HOA recreation facility – by 8/21/08**
  Status: Staff has plan checked the improvement plans and returned the plans to the applicant on June 9, 2008; staff is awaiting resubmittal of the plan for final review and permit issuance.

- **Completion of improvements to the Peter's driveway – 7/30/08**
  Status: Staff has plan checked the engineering and grading plans for the multi-use trail crossing the Peter's driveway and returned the plans to the applicant on May 19, 2008; staff is awaiting resubmittal of the plan for final review.

- **Install security fencing and "No Trespassing Signs"- by 6/30/08**
  Status: Staff has plan checked the security fencing plan and returned the plans to the applicant on June 9, 2008; staff is awaiting resubmittal of the plan for final review.

- **Landscaping enhancements to areas visible from public rights of way - Ongoing**
  Status: Staff has conducted site visits with the applicant, the applicant's landscape architect and landscaping management and maintenance crews and the applicant's contracted staff from Impact Sciences to review existing landscaped areas and deficiencies. The applicant is working on enhancing landscaping areas to achieve compliance with the approved landscaping and irrigation plans. Staff continues to monitor this closely.

- **Dust and soil erosion control for the remaining phases - Ongoing**
  Status: Staff continues to monitor this closely.

- **A $25,000 deposit from ORA Ashford 94, LLC. is required for condition compliance – by 6/2/08**
  Status: On June 3, 2008, Staff received $25,000.00 from ORA Ashford 94, LLC. for condition compliance.

- **The property must be in full compliance with the adopted Fuel Modification plan on file – by 6/1/08**

Status: Staff is working with Captain Breuklander, (Moorpark – Engine Co. 42) and Rick Mora of Ventura County Fire to ensure that the project is in compliance with the adopted fuel modification plan. All vegetation has been adequately cleared and the project is in compliance with the June 1, 2008 deadline for clearing of vegetation. To be in compliance with the fuel modification plan the applicant continues to work on irrigating and planting a slope which had previously burned along Walnut Canyon Road and requires replanting; this work is scheduled to begin June 23, 2008. Staff continues to monitor this closely.

- **The existing wood fencing within the project must be removed – by 6/30/08**
  Status: Completed June 5, 2008.

- **Existing street lighting plans for the developed areas of the project must be reviewed by the City Engineer and Planning Director. Additional street lighting or relocation of existing street lighting may be required, as determined necessary – by 6/30/08**
  Status: The applicant will meet with staff to review the existing lighting plans and staff will determine the adequacy of the existing lighting or if additional lighting is warranted.

FISCAL IMPACT

None. All surety bonds originally posted for all of the improvements required as part of the subdivision remain in place. A Settlement Agreement between the City and William Lyon Homes reached on May 7, 2008 provides added assurance that these "timeline" items will be completed promptly.

On June 3, 2008, ORA Ashford 94, LLC. submitted a $25,000 deposit to City of Moorpark for condition compliance to cover staff costs associated with monitoring progress related to administering the Implementation Plan. As the fund account becomes depleted, additional money will need to be deposited by ORA Ashford 94, LLC. to cover staff costs, consistent with the Development Agreement and conditions of approval.

STAFF RECOMMENDATION

Receive and file.

ITEM 10.D.

CITY OF MOORPARK, CALIFORNIA
City Council Meeting
of 5-21-2008
ACTION: Approved staff recommendation. Directed staff to provide status report
BY: on 6/18/08
By: M. Benson

MOORPARK CITY COUNCIL
AGENDA REPORT

TO: Honorable City Council

FROM: David A. Bobardt, Planning Director
Prepared by Joseph R. Vacca, Principal Planner

DATE: May 7, 2008 (CC Meeting of 05/21/08)

SUBJECT: **Consider Approval of the Proposed Amendment to the Implementation Plan for Improvements Associated with Tract Nos. 5187-1&2 and 5405, the Meridian Hills Residential Development Project, on the Application of William Lyon Homes [Upon Transfer of Ownership of the Meridian Hills Development Project from William Lyon Homes to Resmark Equity Partners, LLC, (ORA Ashford 94, LLC)]**

BACKGROUND

As a requirement of the Development Agreement for Tract No. 5187, the Meridian Hills residential development project, the applicant is required to submit for approval to the City Council an implementation plan for the construction of on-site and off-site improvements, prior to the issuance of a grading permit. On July 7, 2004, William Lyon Homes received the City Council's approval of an Implementation Plan for the project.

On January 10, 2008, William Lyon Homes verbally informed City staff that their company's interests in the unbuilt portions of the Meridian Hills project (183 lots in Tract 5187 and 17 lots in Tract 5405) had been completely transferred to Resmark LLC, (ORA Ashford 94, LLC). This transaction took place in violation of the terms of the Development Agreement for this project, which requires City Council approval of an amendment to the Implementation Plan to address the responsibilities of a new owner prior to the transfer of ownership. On March 25, 2008, William Lyon Homes submitted a formal application to the City seeking approval of an amendment to the Implementation Plan.

A draft Implementation Plan was presented to the City Council at its April 16, 2008 meeting, at which time the item was continued to allow additional time for the residents to review the plan.

CC ATTACHMENT 4

DISCUSSION

The intent of an implementation plan is to identify responsibility for grading and improvements associated with the development of Tract 5187 and Tract 5405. In support of this, the plan establishes a method for ensuring that sureties remain in place and improvements are provided in the event that the developer sells portions of the project to other developers prior to the installation of these improvements. While Resmark, LLC., (ORA Ashford 94, LLC), has indicated that they plan to hold the property without selling off portions of the project until such time as conditions for residential construction become more favorable (at least 2 years according to Resmark), the required implementation plan will ensure a smooth transition of rights and responsibilities in the event that an unforeseen change results in the sale of any or all of the project to another entity.

In order to ensure that the area is safe, functional, and livable for the residents of the 65 completed homes, staff has included a timeline for completion of the following items within the Amended Implementation Plan.

- final paving cap on all streets with occupied homes
- completion of the public multi-use trail
- completion of private recreation facility if wanted at this time by HOA
- completion of improvements to the Peters' driveway
- security fencing around the remaining phases
- landscaping enhancements to areas visible from public rights of way
- dust and soil erosion control for the remaining phases

Surety bonds have been posted for all of the improvements required as part of the subdivision. A Settlement Agreement between the City and William Lyon Homes reached on May 7, 2008 provides added assurance that these "timeline" items will be completed promptly.

Since the April 16, 2008 City Council meeting, staff has met with the ad hoc committee and homeowners to further refine the draft Implementation Plan. In response to the issues raised at these meetings, the following items have been added to Part Two-B of the plan:

20. A $25,000 deposit from ORA Ashford 94, LLC. to City of Moorpark is required for condition compliance.
21. "No Stopping Anytime" signs must be posted on Meridian Hills Drive to the satisfaction of the City Engineer.
22. The property must be in full compliance with the adopted Fuel Modification plan on file.
23. The existing wood fencing within the project must be removed.
24. Existing street lighting plans for the developed areas of the project must be provided for review by the City Engineer and Planning Director. Additional street lighting or relocation of existing street lighting may be required, as determined necessary.

A courtesy notice of this meeting was sent to all homeowners in Tract 5187-1&2. In addition, a sign board notice was installed at the pool and recreation facility lot, located at the primary gated entrance to the developed residential lots.

FISCAL IMPACT

None. A $25,000 deposit from ORA Ashford 94, LLC. to City of Moorpark is required for condition compliance to cover staff costs associated with monitoring progress related to administering the Implementation Plan. As the fund account becomes depleted, additional money will need to be deposited by ORA Ashford 94, LLC. to cover staff costs, consistent with the Development Agreement and conditions of approval.

STAFF RECOMMENDATION

Approve the Amended Implementation Plan for improvements to Tract Nos. 5187-1&2 and 5405, subject to review of final language and determination of satisfactory financial capacity by the City Manager and City Attorney.

ATTACHMENTS:

1. Draft Amended Implementation Plan for the Meridian Hills Residential Development Project Tract Nos. 5187-1&2, and 5405
    - *Part One:*
    - *Part Two-A*
    - *Part Two-B*

AMENDED IMPLEMENTATION PLAN
MERIDIAN HILLS RESIDENTIAL DEVELOMENT PROJECT
TRACT 5187-1&2 AND 5405
PART ONE

Introduction

Subsection 6.13 of the Development Agreement for Tract 5187 states:

> Prior to approval of the first grading permit for the Property, or approval of the first final map of Tract 5187, whichever occurs first, Developer shall submit and gain approval from City Council of an Implementation Plan. The Implementation Plan shall address the requirements for phasing and construction responsibilities of Developer and any successors including sureties for performance for all grading, construction of storm drains and utilities, private and public streets, and other private and public improvements on or offsite required by Tract 5187, RPD 99-2, and this Agreement. The Implementation Plan shall also address the entities responsible and method and timing of guarantee for each component of Developer's obligations pursuant to Tract 5187, RPD 99-2, and this Agreement and Developer's obligation for a Trail Staging area as referenced in Subsection 6.9 of this Agreement. The approval of the Implementation Plan and any Amendments thereto shall be at the City Council's sole discretion. Prior to sale or transfer of ownership of any portion of Tract 5187 (except individual lots after construction of houses), Developer shall seek City approval of an amendment to the Implementation Plan to address the responsibilities of each entity.

The Amended Implementation Plan is between the City of Moorpark and ORA Ashford 94, LLC, as successor to William Lyon Homes, Inc. ORA Ashford 94, LLC is a single successor managed by Resmark Equity Partners, LLC based in Los Angeles, California.

This Amended Implementation Plan will supersede the Implementation Plan between the City of Moorpark and William Lyon Homes, Inc., originally approved by the City of Moorpark City Council on July 7, 2004. This Amended Implementation Plan for Tract Nos. 5187-1&2 and 5405 addresses the following matters as required by subsection 6.13 of Development Agreement between the City of Moorpark and West Pointe Homes, Inc. dated January 23, 2003:

- Construction Phasing and Responsibilities by ORA Ashford 94, LLC., as successor to William Lyon Homes, and West Pointe Homes, and any subsequent single successor.
- Sureties for performance for all grading, construction of storm drains, sewer, water and other utilities, private and public streets and other private and public improvements on or offsite as required by the Development Agreement and Conditions of Approval for Tract 5187-1&2 and Tract 5405.

CC ATTACHMENT 1

- Entities responsible, and method and timing of guarantee for each component of Tract Nos. 5187-1&2 and 5405 RPD Permits 1999-02 and 2003-01 (Project).

Transfer of Responsibility

ORA Ashford 94, LLC, will be responsible for the remaining obligations as required by the Development Agreement, Conditions of Approval, and Affordable Housing Purchase and Sale Agreement for Tract Nos. 5187-1&2 and 5405, notwithstanding the fact that ORA Ashford 94, LLC does not own all of the lots in the Tracts identified in the Development Agreement. If ORA Ashford 94, LLC, chooses to sell any remaining portion of the Project, the Surety Bonds securing completion of the noted improvements for Tract 5187-1&2 and 5405 are to remain the obligation of ORA Ashford 94, LLC, until an amendment to the Implementation Plan is approved by the City Council and the Surety Bonds are thereafter replaced, reduced, or exonerated to the satisfaction of the City Council. Any current owners of the property covered by the Development Agreement and any successors in interest to all or part of the Project understand that construction of and/or occupancy permits for units may be withheld, regardless of whether ORA Ashford 94, LLC owns the units at issue, if ORA Ashford 94, LLC or its successors to this Implementation Plan have not completed the improvements associated with such units.

ORA Ashford 94, LLC, will be responsible for the required improvements for Tract Nos. 5187-1&2 and 5405, including, but not limited to:

1. Holding of an election within 60 days of existing homeowners to determine if the majority prefer to have the recreation facilities and landscaping associated with HOA recreation Lot A of Tract 5187-2 developed at this time, providing an estimate of what the increase in HOA dues would be for maintenance. Obtaining of building permits and completion of this improvement to the City's satisfaction within 90 days of the election if a majority of the homeowners support completion of this improvement at this time. If the majority vote is opposed to full improvements of the recreation facilities at this time, then an interim landscaping and irrigation plan including trees, shrubs and ground cover, must be provided to the City for review and approval and landscaping installation must be complete within 90 days of the election.

2. Enhancement of all common landscaping areas that are visible from public Rights of Way, per the approved landscaping plans on file, to the satisfaction of the Planning Director, Director of Parks, Recreation, and Community Services, and Public Works Director/City Engineer.

3. Provision of sureties for performance for all requirements for grading, construction of storm drains, sewer, water, and other utilities, private and public streets and other private and public improvements on or offsite as

required by the Development Agreement, Conditions of Approval, and Affordable Housing Agreement for Tract Nos. 5187-1&2 and 5405.

4. Completion of required improvements to Walnut Canyon Road including the installation of the multi-use trail.

5. Completion of required improvements associated with the construction of Meridian Hills Drive.

6. Provision of required Open Space dedications per the Development Agreement.

7. Installation of required Common Landscaping throughout the Project.

8. Completion of grading within the Project area, to establish areas graded to an average elevation, consistent with the approved plans, in preparation for fine grading prior to construction of structures, and a spine network of streets to serve those areas including improvements within Tract 5187-1 on High Country Place and Canyon Wren Court including required grading for lots 21-34, dry utilities (gas, electric, cable, phone) for lots 1-34, and wet utilities for lots 21-34.

9. Completion of required Multi-use Trail and Public Trailhead improvements.

10. Completion of utility installation within phase 1 of Tract 5187 of sufficient capacity, and including "stub-outs," to serve phase 2 of Tract 5187 of that tract; including remaining improvements within Tract 5187-2 including the completion of the dry utilities on Ridgemark Drive and Ridgemark Court (lots 56-81 and 130-131) and Lone Trail Place (lots 82-88), a portion of Mammoth Peak (lots 53-55, and 90-94), Highgrove Place (lots 36-44), Deer Grass Court (lots 45-52), lettered lots K and L. The wet utilities within Tract 5187-2 are complete *except* for lettered lot K.

11. Completion and maintenance of EIR mitigation measures for the Project.

12. Maintenance of common areas until such time as these areas are accepted by the Homeowners Association or other applicable governing agencies.

13. Completion of construction and maintenance of the required flood control and other drainage improvements.

14. Continuation of meeting and complying with requirements for the design, installation, monitoring, and maintenance of facilities to meet NPDES requirements.

15. Completion of all required public improvements in Tract 5405 including but not limited to streets, soil nail wall, retaining walls, and sound walls; and maintain the main lines for the wet and dry utilities which have been installed to ensure they are in a good state of repair.

16. Construction of the improvements for the trail staging area per section 6.10c of the Development Agreement to be completed prior to occupancy of the 165th residential unit for Tract No. 5187.

17. Compliance with section 6.11 of the Development Agreement and its related requirements set forth in the Affordable Housing Purchase and Sale Agreement recorded on December 15, 2006.

18. Provision of a site security program which includes the 24-hour response and dissemination of security telephone number to the existing residents and City staff.

19. Any additional improvements associated with the development of the Project, as deemed necessary by the City Engineer or Planning Director to protect the public health, safety and welfare.

AMENDED IMPLEMENTATION PLAN MERIDIAN HILLS RESIDENTIAL DEVELOPMENT PROJECT TRACT 5187-1&2 AND 5405 PART TWO-A

The following community enhancements and improvements within the Meridian Hills Community are in progress and/or will be performed by ORA Ashford 94, LLC, or a single assignee within the timeframes below:

	Tract 5187*(Items originally presented to applicant in a City Engineering Memo dated March 5, 2008)	Required Completion Date**
1	Erosion found: multi-use trail north of site near Pete Peter's driveway. Must secure site for safety immediately. Once area is protected, remediate eroded area monitored by soils engineer and our office and provide reports to engineering for review.	Pending City Approval and 7/30/08
2	Erosion found: desilting basin #3 Easterly end of basin is failing. Need to reconstruct basin and riprap areas per plan and apply all BMP's in correct location. Provide all proper soils monitoring and reports (See sheet 24 of dwg 05-ML-10781).	6/30/08
3	Slope erosion found: Hillside behind residential lot 15 on Mammoth Peak Drive. Remove visqueen and remediate eroded area monitored by soils engineer and our office and provide geotechnical report.	6/30/08
4	Erosion found at upstream end of drainage basin of Lot Q. (See sheet 12 of dwg 05-ML-10781). Removal of mat and re grade and reconstruct mat and basin per plan. All work shall be monitored by soils engineer and our inspector and provide reports.	6/30/08
5	Outlet channel at end of Meridian Hills Drive as shown o sheet 24 of dwg05-ML-10781. Weep holes are required to be installed in trapezoidal channel to drain the channel dry.	6/30/08
6	The parkway is eroding along the southerly side of Meridian Hills Drive westerly of Ridgemark Drive. All soil removal and replacement remediation work shall be monitored by soils engineer and our inspector and provide reports.	6/30/08
7	Completion of V-ditches and grading as shown on sheet 19A & 20A of 05-ML-10781. All grading shall be monitored by soils engineer and our inspector and provide reports.	6/30/08
8	Downstream end of Lot Q drainage basin: Standing water in basin. Basin shall be regraded to drain per approved plans. All grading shall be monitored by soils engineer and our inspector and provide reports.	6/30/08
9	Additional fencing required to secure site to prevent access at westerly end of Meridian Hills Drive.	6/30/08
10	General Clean up of onsite and offsite trash and removal of all illegal dumping debris. Site shall be cleaned -up immediately.	ongoing
11	Clean up of debris within all V-ditches.	ongoing
12	Replace BMP's, remove all broken sand bags. Remove all silt at chevrons, clean streets with street sweeper.	ongoing
13	Gate to Ventura County Watershed Protection District basin shall be secured immediately and shall remain locked at all times.	ongoing
14	All gates for access areas shall be secured each and every day. Gate to HOA basin along Walnut Canyon Road shall be secured immediately.	ongoing

AMENDED IMPLEMENTATION PLAN MERIDIAN HILLS RESIDENTIAL DEVELOPMENT PROJECT TRACT 5187-1&2 AND 5405 PART TWO-A

	Tract 5405*(Items originally presented to applicant in a City Engineering Memo dated March 5, 2008)	Required Completion Date**
1	Hillside repair at back of lot No. One (1). Please provide soils monitoring report of correction to engineering for review	6/30/08
2	Completion of trapezoidal grass swale at south location of site. The visqueen swale is no longer acceptable and the permanent grading and drainage facility is required as shown on the approved plans.	6/30/08
3	General clean up of onsite trash.	ongoing
4	Clean up of debris within all V-ditches.	ongoing
5	Replace BMP's, remove all broken sand bags. Remove all silt at chevrons, clean street with street sweeper.	ongoing
6	Any and all other conditions, bonds, and/or timing of improvements for the property per the Development Agreement and Conditions of Approval.	ongoing

***All items are to be completed to the satisfaction of either the City Engineer, City Planning Director or both.**

****All dates are subject to inspections and collaboration with the various governing agencies.**

AMENDED IMPLEMENTATION PLAN MERIDIAN HILLS RESIDENTIAL DEVELOPMENT PROJECT TRACT 5187-1&2 AND 5405 PART TWO-B

	Tract 5187*(Items originally presented to applicant in a Letter from Planning Director and attached City Engineering Memo, both dated March 13, 2008)	*Required Completion Date***
1	Correct and complete the installation of the multi-use trail along Peter's driveway and landscaping along the R.O.W of Walnut Canyon Rd. per City requirements.	7/30/08
	a. slope failure & erosion problem along Peter's driveway requires immediate attention & drainage modification b. install safety guardrail fencing along additional portions of the driveway c. modify the existing concrete block entry monument to comply with "line of sight" d. install a neighborhood mailbox unit	
2	Need to bond for construction of multi-use trail at 150% of estimated cost of construction.	6/30/08
3	Adequate erosion control is required; all unoccupied lots must be hydro-seeded for erosion control.	ongoing
4	Install security fencing around all vacant areas of project & post with "No Trespassing" signage.	6/30/08
5	Complete water tank site grading & drainage, erosion control and landscaping improvements.	6/30/08
6	All occupied streets & Meridian Hills Dr. up to Ridgemark Dr. must receive final cap, all sidewalk and final street improvements including singing and striping.	6/30/08
7	Remove existing depressed median curb within Meridian Hills Dr. and replace with full height curb.	6/30/08
8	Provide a final acceptance letter from Ventura County Watershed Protection District to verify that the newly constructed VCWPD basin is accepted.	6/30/08
9	All tract boundary perimeter fencing must be installed per the approved fencing plan.	6/30/08
10	All drainage basin facilities shall perform in a manner that will not impound any water beyond the design storm retention period nor shall create mosquito breeding and shall be maintained properly.	6/30/08
11	All monuments must be set in accordance with the Final Maps for Tracts 5187 & 5405.	6/30/08
	a. A flag shall be posted at each boundary monument location, inspected and verified by City inspector.	
12	Centerline ties must be set for each street centerline monument in accordance with City requirements.	6/30/08
13	Trail must be completed along the drainage basin of HOA Lot Q per Tract 5187-1, including landscaping.	6/30/08
14	Temporary drainage basin at Meridian Hills Dr. (sheets 21&24 -dwg #05-ML-10781 must be per plans.	6/30/08
15	Sheets 13A, 19A & 20A of dwg #05-ML-10781 must be constructed per plans.	6/30/08
16	Repair localized failure in slope located behind Lot 16 of Mammoth Peak Drive.	6/30/08
17	Maintenance of retention basin at end of Meridian Hills Drive required to function per approved plans.	6/30/08
	a. Basin shall not impound any standing water, b. Correct drainage at trapezoidal channel outlet structure - standing water exists; c. Structure must be modified to drain dry properly	
18	All trash & debris shall be collected and removed from the site in accordance with NPDES requirements;	ongoing
	a. Includes areas along Meridian Hills Drive that are being used for local dumping.	
19	Construct permanent grading & drainage facility at the southerly portion of Tract 5405, per approved plans.	6/30/08
20	A $25,000 deposit from ORA Ashford 94, LLC. to City of Moorpark is required for condition compliance.	6/2/08
21	No Stopping Anytime signs must be posted on Meridian Hills Drive to the satisfaction of the City Engineer	6/30/08
22	The property must be in full compliance with the adopted Fuel Modification plan on file.	6/1/08
23	The existing wood fencing within the project must be removed.	6/30/08
24	Existing street lighting plans for the developed areas of the project must be provided for review by the City Engineer and Planning Director. Additional street lighting or relocation of existing street lighting may be required as determined necessary.	6/30/08

***All items are to be completed to the satisfaction of either the City Engineer, City Planning Director or both.**
****All dates are subject to inspections and collaboration with the various governing agencies.**