ITEM 8.B.

MOORPARK CITY COUNCIL
AGENDA REPORT

TO: Honorable City Council

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

DATE: November 7, 2008 (CC Meeting of 11/19/2008)

SUBJECT: **Consider Resolution Approving Modification No. 1 to Vesting Tentative Tract Map No. 5130 and Residential Planned Development Permit No. 1998-02, to Extend the Timing for Certain Improvements and the Term of the Residential Planned Development Permit for the Vistas at Moorpark Project, Located East of Walnut Canyon Road, and North of Wicks Road, on the Application of Sage Community Group on behalf of Moorpark 150 LLC**

BACKGROUND/DISCUSSION

On December 17, 2003, the City Council adopted Resolution No. 2003-2150, which approved Vesting Tentative Tract Map (VTTM) No. 5130 and Residential Planned Development (RPD) Permit No. 1998-02 for 110 homes on 72 acres east of Walnut Canyon Road and north of Wicks Road. A copy of this resolution is attached. Special Condition Number 20 for VTTM No. 5130 required that certain improvements to Walnut Canyon Road be made prior to the issuance of a Certificate of Occupancy for the first home. Permit Adjustment No. 1, approved March 29, 2006, amended this timing for the Walnut Canyon Road improvements to be completed by the earlier of occupancy of the 50th home or November 8, 2008, whichever came first. This Permit Adjustment, however, expired after one year. The applicant is now requesting an amendment to this condition to allow for the improvements to be completed by the earlier of occupancy of the 50th home or April 15, 2011. The applicant is also seeking an amendment to the Residential Planned Development Permit, extending its validity from December 17, 2008 to December 17, 2011. These extensions are requested as economic conditions are not favorable to the construction of this project at this time. Because this request is to extend the terms of the project by approximately the same length of the original terms of approval, a modification to the original permits is required, with consideration by the City Council at a public hearing.

ENVIRONMENTAL DOCUMENTATION

The extension of the improvement timing and Residential Planned Development Permit would not result in any different impacts than those considered under the Mitigated Negative Declaration adopted for this project and no additional environmental review is needed.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

1. Open the public hearing, take public testimony and close the public hearing.
2. Adopt Resolution No. 2008-____ approving Modification No. 1 to VTTM No. 5130 and RPD No. 1998-02.

ATTACHMENTS:
1. Location Map
2. Resolution No. 2003-2150
3. Draft Resolution with Conditions of Approval

RESOLUTION NO. 2003-2150

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING VESTING TENTATIVE TRACT MAP NO. 5130 AND RESIDENTIAL PLANNED DEVELOPMENT PERMIT NO. 1998-02 FOR THE SUBDIVISION OF APPROXIMATELY SEVENTY-TWO (72) ACRES OF LAND INTO 110 SINGLE FAMILY RESIDENTIAL LOTS LOCATED ALONG THE EAST SIDE OF WALNUT CANYON ROAD (SR-23), NORTH OF CASEY ROAD AND WICKS ROAD AND SOUTH OF THE VENTURA COUNTY WATERWORKS PROPERTY, ON THE APPLICATION OF SUNCAL COMPANIES, FOR MOORPARK 150, LLC (ASSESSOR PARCEL NOS. 512-0-010-010, -025, -055, -065, 512-0-020-020, -030, 512-0-030-010, -025, 512-0-040-035, -040, -070, -130, -145, -240, 512-0-050-140, -350, AND 512-0-160-155)

WHEREAS, on August 19, 2003, the Planning Commission adopted Resolution No. PC-2003-451 recommending approval to the City Council of Vesting Tentative Tract Map No. 5130 for the subdivision of approximately seventy-two (72) acres of land into one hundred ten (110) single family residential lots and fifteen (15) lots for open space, private streets, parkways, paseos and future right-of-way purposes; and Residential Planned Development Permit No. 1998-02 for 110 single family units; located along the east side of Walnut Canyon Road (SR-23), north of Casey Road and Wicks Road and south of Ventura Waterworks District No. 1 property; on the application of SunCal Companies for Moorpark 150, LLC (Assessor Parcel Nos. 512-0-010-010, -025, -055, -065, 512-0-020-020, -030, 512-0-030-010, -025, 512-0-040-035, -040, -070, -130, -145, -240, 512-0-050-140, -350, and 512-0-160-155); and

WHEREAS, at duly noticed public hearings on November 19, and December 17, 2003, the City Council considered the agenda report for Vesting Tentative Tract Map No. 5130 and Residential Planned Development No. 1998-02 and any supplements thereto and written public comments; opened the public hearing and took and considered public testimony; closed the public hearing; and on December 17, 2003, reached a decision on this matter; and

WHEREAS, the City Council has read, reviewed considered, and adopted the proposed Mitigated Negative Declaration prepared for the project referenced above.

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

SECTION 1. PLANNED DEVELOPMENT FINDINGS: Based upon the information set forth in the staff report(s), accompanying studies, and oral and written public testimony, the City Council makes the following findings in accordance with City of Moorpark, Municipal Code Section 17.44.030:

A. The proposed project is consistent with the intent and provisions of the City's General Plan and Zoning Ordinance, in that the proposed project will provide for the orderly development of land identified in the City's General Plan and Zoning Ordinance as appropriate for residential development.

B. The proposed project is compatible with the character of surrounding development, in that the surrounding development will include a variety of single-family detached homes.

C. The proposed project would not be obnoxious or harmful, or impair the utility of neighboring property or uses, in that the use proposed is similar to uses existing or proposed to the east, south, and west, and access to or utility of those adjacent uses are not hindered by this project.

D. The proposed project would not be detrimental to the public interest, health, safety, convenience, or welfare, in that adequate provision of public access, sanitary services, and emergency services have been ensured in the processing of this request.

E. The proposed project is compatible with existing and planned land uses in the general area where the development is to be located, in that the existing and planned land uses in the general area are generally single family detached residential uses. The nearby Waterworks District facility is isolated from this project by the proposed North Hills Parkway and will neither affect, nor be adversely affected by, this development, as conditioned.

F. The proposed project is compatible with the scale, visual character and design of the surrounding properties, designed so as to enhance the physical and visual quality of the community, and the structure(s) have design features which provide visual relief and separation between land uses of conflicting character, in that the proposed project complies with all development standards of the Moorpark

Municipal Code, and the development will utilize high quality architectural materials and treatments to enhance the visual appeal of the structures to be constructed.

SECTION 2. SUBDIVISION MAP ACT FINDINGS: Based on the information set forth in the staff report(s) and accompanying maps and studies the City Council has determined that the Tentative Tract Map, with imposition of the attached special and standard Conditions of Approval, meets the requirements for approval of California Government Code Sections 66473.5, 66474, 66474.6, and 66478.1 et seq., in that:

A. The proposed map would be consistent with the City of Moorpark General Plan and Zoning Ordinance if amended by General Plan Amendment No. 1998-01 and Zone Change No. 1998-01 to allow for a density up to 1.53 units per acre.

B. The design and improvements of the proposed subdivision would be consistent with the City of Moorpark General Plan if amended by General Plan Amendment No. 1998-01 and Zone Change No. 1998-01 to allow for a density up to 1.53 units per acre.

C. The site is physically suitable for the type of development proposed in that the site can be engineered to allow for all required utilities to be brought to the site, adequate ingress and egress can be obtained, and the site can be provided with public and emergency services.

D. The site is physically suitable for the proposed density of development, in that all City Development standards would be met by the proposed project.

E. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage, in that all potential impacts would be mitigated through project design or conditions.

F. The design of the subdivision and the type of improvements are not likely to cause serious public health problems, in that adequate sanitation is both feasible and required as a condition of this development.

G. The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large, for access through, or use of the property within the proposed subdivision, in that easements for the widening of Walnut Canyon Road have been identified and incorporated in the design of this project.

H. There will be no discharge of waste from the proposed subdivision into an existing community sewer system in violation of existing water quality control requirements under Water Code Section 13000 et seq.

I. The proposed subdivision does not contain or front upon any public waterway, river, stream, coastline, shoreline, lake, or reservoir as defined in California Government Code Section 66478.1 et seq.

SECTION 3. CITY COUNCIL APPROVAL: The City Council approves Vesting Tentative Tract Map No. 5130, subject to the special and standard Conditions of Approval included in Exhibit A (Special and Standard Conditions of Approval), attached hereto and incorporated herein by reference.

SECTION 4. CITY COUNCIL APPROVAL: The City Council approves Residential Planned Development Permit No. 1998-02, subject to the special and standard Conditions of Approval included in Exhibit B (Special and Standard Conditions of Approval), attached hereto and incorporated herein by reference.

SECTION 5. CERTIFICATION OF ADOPTION: The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 17th day of December, 2003.

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt

Deborah S. Traffenstedt, City Clerk

Exhibit A: Special and Standard Conditions of Approval for Vesting Tentative Tract Map No. 5130

Exhibit B: Special and Standard Conditions of Approval for Residential Planned Development Permit No. 1998-02

EXHIBIT A

SPECIAL AND STANDARD CONDITIONS OF APPROVAL FOR VESTING TENTATIVE TRACT MAP 5130

SPECIAL CONDITIONS

1. Prior to the issuance of a grading permit, the Applicant shall deposit with the City the sum of $25,000 to be held in trust for open space acquisition and maintenance as an offset to impacts related to rare plant communities. This trust fund deposit shall be used at the discretion of the City for purposes consistent with the intent of the biological resources mitigation measures in the Final Mitigated Negative Declaration.

2. Venturan Coastal Sage Scrub Community Research Contribution: Prior to the issuance of a Zoning Clearance for filing of a Final Map, the Applicant shall pay to the City a contribution of $15,000 and participate in the Venturan Coastal Sage Scrub Community Research Program.

3. Prior to the issuance of a Zoning Clearance for filing of a Final Map, the applicant shall show on the Final Map, or by separate instrument, an irrevocable offer of dedication to the City for a road easement over lots B, C, and P for primary or secondary access to the Project, and a final engineering design on the road. The road shall be designed to meet City of Moorpark street standards as determined by the City Engineer and the Community Development Director; Caltrans intersection standards; and designed in such a manner that if constructed, its construction will not require any modification of adjacent single family lots. The upper portion of the access road where it intersects with the "B" street shall be shown as a lettered lot "P" on the Final Map and used as a passive recreation lot, landscaped and maintained by the Homeowners' Association unless it is needed for roadway purposes. Prior to the close of escrow for each home in the project, the applicant shall provide the City with a written acknowledgement, the form of which shall be approved in advance by the City Attorney, signed by each buyer indicating they are aware of the potential alternative access.

4. Prior to the issuance of a zoning clearance for occupancy of the first dwelling unit the Applicant shall provide a paved onsite emergency access road from Wicks Road to "B" Street, a minimum of thirty-two feet (32') wide with no parking permitted on either side of the road. A turn-

around area shall be provided outside the emergency access gate, to the satisfaction of the Community Development Director and the Ventura County Fire Protection District. The access drive to Wicks Road shall be gated and used for emergency access only and shall meet Fire Protection District requirements. Separate pedestrian access shall be provided to Wicks Road at this gated emergency access location.

5. Prior to the issuance of a zoning clearance for occupancy of the first dwelling unit, the Applicant shall improve Wicks Road to provide a minimum of twenty-foot (20') wide pavement, with no parking on both sides of the road. A five-foot (5') wide concrete sidewalk with curb and gutter shall be constructed on the south side of Wicks Road from the emergency access road, referenced in Condition 4 above, to Walnut Canyon Road. Crosswalk facilities will be constructed at the intersection of Wicks Road and the access road for pedestrian access to the sidewalk on the south side of Wicks Road to the satisfaction of the City Engineer.

6. Prior to the issuance of a Zoning Clearance for filing of a Final Map, the applicant shall provide an irrevocable offer of dedication for a two-hundred-foot (200') wide future right-of-way along the entire northerly boundary for North Hills Parkway. The applicant shall bond for the construction of full width grading of the roadway from the top of slope at the western end of the property to Spring Road. Additionally, the applicant shall bond for the construction and improvement of the southern one-half (1/2) of North Hills Parkway, including an acceleration/ deceleration lane at the project entrance, two (2) lanes of travel, emergency parking/bicycle lane, curb, gutter, sidewalk drainage, full median and parkway landscaping and street lighting along the entire frontage of the project and east to Spring Road. Any easements necessary to complete the required construction and maintenance of the road shall be the applicant's responsibility. Construction and use of North Hills Parkway as primary access to this project is contingent upon the construction and use of Spring Road from the intersection of North Hills Parkway south to Charles Street. In the event that the developer of Specific Plan No. 2 has not bonded for the construction and improvements of Spring Road, the applicant shall bond for the construction and improvements of Spring Road to the satisfaction of the City Engineer and the Community

Development Director. The City Engineer shall accept the bonds with the understanding that a substitute bond from the developer of Specific Plan No. 2 may be accepted at a future date.

7. Prior to the issuance of a Certificate of Occupancy for the first dwelling unit, North Hills Parkway improvements described in Condition No. 6 above, including full width grading shall be completed.

8. Prior to approval of Zoning Clearance for residential unit building permit, the Applicant shall pay fees in accordance with Section 8297-4 of the City's Subdivision Ordinance (Parks and Recreation Facilities).

9. Prior to the issuance of a Zoning Clearance for filing of a Final Map, the applicant shall pay one-third (1/3) of the full equivalent cost, including design, construction, and inspection for the future traffic signalization at the intersection of the northerly entry access road with the North Hills Parkway as determined by the Public Works Director. In addition, the Applicant shall pay for fifty percent (50%) of the full equivalent cost, including design, construction and inspection of the future traffic signal at the intersection of North Hills Parkway and Spring Road. The remaining portions of both traffic signals may be funded through a Community Facilities District (CFD), if formed for the project.

10. Prior to the recordation of the Final Map, the applicant shall dedicate vehicular access rights to the City of Moorpark, for the entire project boundary along Walnut Canyon Road, North Hills Parkway, and Wicks Road.

11. Prior to final occupancy of the first residential unit, sound walls shall be constructed at locations along the portions of the tract that are adversely affected by the future traffic on the North Hills Parkway to the satisfaction of the Community Development Director.

12. Prior to the approval of the Final Map or the issuance of a Grading Permit (whichever comes first), the applicant shall prepare engineering plans to the satisfaction of the City Engineer and Community Development Director showing the grade and the vertical and horizontal alignment of a bridge to cross Walnut Canyon Road needed for the construction of the North Hills Parkway.

13. Prior to the issuance of a Zoning Clearance for filing of a Final Map, the applicant shall create a landscape

maintenance district to provide the perpetual maintenance for landscaping improvements provided by the applicant along Walnut Canyon Road, Wicks Road, and North Hills Parkway consistent with Standard Condition No. 15.

14. Prior to the issuance of a Zoning Clearance for filing of a Final Map, the applicant shall include the adjacent property to the east (APN 512-0-160-155) within the Tract boundary. The parcel shall be lettered lot "O". The portions of the parcel which are not dedicated as right-of-way for North Hills Parkway shall be maintained as an open space lot by the Homeowners' Association and deed restricted prohibiting any development on the property including, but not limited to structures, roads, trails, orchards, gardens, and any uses other than natural open space and fuel modification.

15. Prior to the approval of the Final Map, the applicant shall record deed restrictions on all common area parcels within the tract as shown on the Lot Designation table in the Staff Report dated December 11, 2003. These lots shall be restricted as follows: Lot A shall be restricted to allow only a detention basin and natural open space uses in accordance with the conditions of this tract, to include the establishment of an artificial spring and a minimal private trail system, and excluding orchards or ornamental planting; Lot B and C shall be restricted to allow only drainage facilities and landscaping, which may include ornamental, but not orchard planting, at the discretion of the Community Development Director; Lot D shall be restricted to allow no structures or improvements, except landscaping as approved by the Fire Protection District; Lot E shall be offered for dedication to the City of Moorpark for road purposes, and if dedication is not accepted, improvement shall be limited to the construction of a roadway to provide primary access to the east; Lots F, I, & J shall be limited to use as private streets and roads, to include such improvements as street lights, fire hydrants, the placement of public utilities, storm drain catch basins, sidewalks, access gates, and other uses directly related to, and customarily accompanying, street uses; Lots G & H shall be restricted to active and passive recreational uses, and any structures shall meet the setback requirements of the seismic hazard zone, and shall not be allowed unless specifically permitted through an appropriate modification to Residential Planned Development Permit No. 1998-02; Lots K, K_1, L & M shall be restricted to

ornamental landscaping and walkway purposes, and structures shall not be permitted.

16. Prior to the approval of the Final Map, the applicant shall create additional lots from the existing open space lots that shall serve as fuel modification zones subject to the satisfaction of the Community Development Director and the Fire Protection District. These lots shall have a depth that shall equal the required distance of brush clearance and fuel modification as required by the Fire Protection District. These lots shall be deed restricted to allow only fuel modification activities, and the construction of structures shall be prohibited. Prior to the issuance of a Zoning Clearance for final building permit the applicant shall provide the Community Development Department with a written acknowledgement statement signed by the purchasers of lots adjacent to the fuel modification zones indicating their awareness of the fuel modification zones. The form of the acknowledgement shall be approved by the Community Development Director and City Attorney prior to issuance of the first building permit.

17. No extraction of subsurface mineral resources, grading, excavation, drilling, pumping, mining, or similar activity shall be allowed in any portion of Lots A, B, C, D, G, H, K, K1, and N, or any additional open space lots created to serve as fuel modification zones. Lots A, B, C, D, and N, along with any additional open space lots created to serve as fuel modification zones may include grading for the purpose for establishing and maintaining landscaping as part of a fuel modification zone as determined by the Community Development Director and the Fire Protection District.

18. Street lights shall be provided within the tract to the satisfaction of the Community Development Director and the City Engineer. Street lights shall be privately maintained by the project Homeowners' Association in perpetuity.

19. Prior to the recordation of the Final Map, the applicant shall construct its proportionate share of improvements as identified by the Interim Corridor Improvement Plan developed for Walnut Canyon Road. The contribution of this project to the proposed improvements shall be consistent with the Corridor Plan as determined by the Community Development Director and City Engineer.

20. Prior to issuance of a Certificate of Occupancy for the first dwelling unit, construction of roadway improvements

to Walnut Canyon Road shall be completed to the satisfaction of the City Engineer. The improvements along Walnut Canyon Road associated with the project shall include improvements along the full extent of the frontage, as well as south of the property to Wicks Road, including any standard offsite transitions determined necessary by City Engineer and Caltrans. Improvements include, but are not limited to dedication of land to provide a sixty-four-foot (64') right-of-way, horizontal and vertical realignment of Walnut Canyon Road in accordance with City and Caltrans standards with no less than eight-foot (8') paved shoulders, no less than twelve-foot (12') travel lanes, and no less than twelve-foot (12') turning lanes. A five-foot (5') wide concrete pedestrian walkway shall be installed from the southern boundary of Tract 5405 along the west side of Walnut Canyon Road. The pedestrian facilities along the west side of Walnut Canyon Road shall be extended to the north side of the intersection of Walnut Canyon Road and Casey Road. Pedestrian facilities shall meet all City and American Disabilities Act (ADA) requirements. Crosswalk facilities will be constructed at Casey Road for pedestrian access to the east side of Walnut Canyon Road to the satisfaction of the City Engineer.

21. All access gates shall be constructed, to the satisfaction of the Community Development Director, Fire Protection District and the Moorpark Police Department, so as to allow the opening of the gates to allow for emergency ingress or egress in the event of a power failure. Separate pedestrian access shall also be provided within the gates, with the design subject to the review and approval of the Community Development Director.

22. Prior to the issuance of a zoning clearance for the first dwelling unit, the Charles Street intersection with Moorpark Avenue shall be re-striped to provide proper pedestrian crossings and to maintain clearance for northbound left-turn movements to the satisfaction of the City Engineer.

23. Prior to the issuance of a Zoning Clearance for filing of a Final Map, the applicant shall fund the pro-rata share of required improvements to the intersection of Moorpark Avenue and High Street to ensure that project plus cumulative traffic does not result in a reduction of Level of Service to Level of Service D. Anticipated improvements to this intersection include widening approaches to provide an additional through lane, re-striping, providing signal

timing and coordination between Casey Road and High Street, completing north and south bound lane approaches, and related pedestrian improvements in the vicinity of the Moorpark Avenue/High Street intersection. Moorpark Avenue to the north of the intersection shall be widened to four (4) lanes without narrowing the existing sidewalk. These improvements shall be completed under a reimbursement agreement acceptable both to the City and to the Applicant. Terms of reimbursement shall be as determined by the Community Development Director and the City Engineer.

24. Prior to the issuance of a Zoning Clearance for filing of a Final Map, the applicant shall participate in his/her pro-rata share of the costs of intersection improvements for Los Angeles Avenue/Tierra Rejada Road, Poindexter Avenue/Moorpark Avenue, Los Angeles Avenue/Moorpark Avenue, Los Angeles Avenue/Spring Road, and Spring Road/High Street. The pro-rata share of the improvement cost shall be based on the impact of the project's 110 units to each of the intersections using the traffic report dated October 30, 2000, by Associated Transportation Engineers for Tract No. 5187, as a reference for that determination.

25. The applicant shall dedicate access rights to all private streets within the proposed project to the City of Moorpark.

26. Prior to issuance of a Zoning Clearance for a grading permit, a proposed habitat restoration plan shall be developed to ensure compensation for the loss of native habitats that will occur as a result of project development. The habitat restoration plan shall emphasize the selective use of purple needle grass (Stipa pulchra) and other native grasses in the landscape plan for the property and include (subject to approval of the Fire Protection District), the use of native plants common to Venturian Coastal Sage Scrub habitat (e.g., Salvia apiana, Salvia leucophylla, Artemisia California, Rhus integrifolia, Eriogonum fasciculatum, Encelia California) in upland areas surrounding the project that are disturbed as a result of project development (geologic remediation, construction of fire access roads, etc.).

27. Prior to any grading or construction activities of any kind, the applicant shall have a field survey conducted by a qualified biologist to determine if active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present in the construction zone or within one-hundred feet (100') (two-

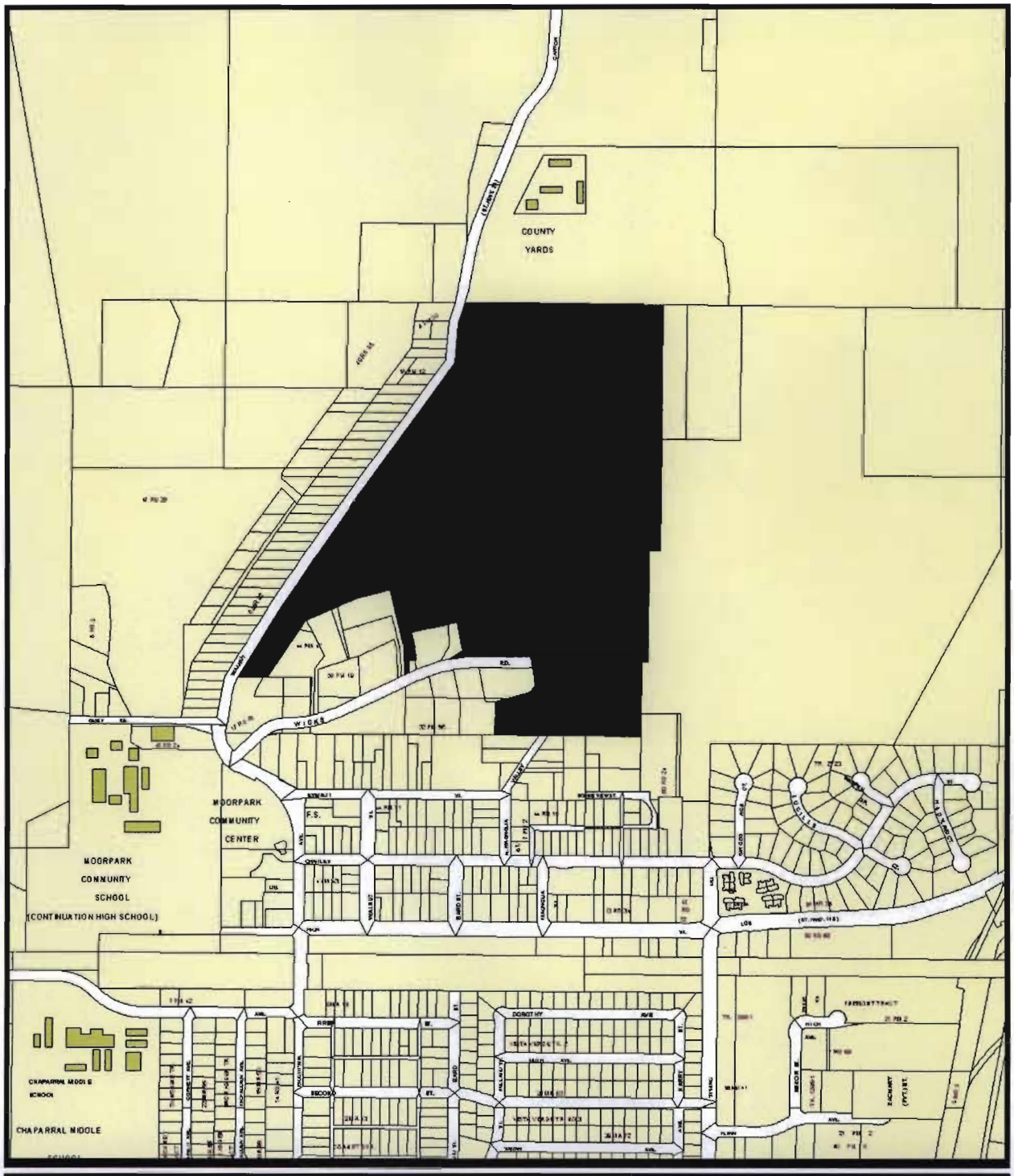
hundred feet [200′] for raptors) of the construction zone. No earlier than forty-five (45) days and no later than twenty (20) days prior to construction or grading/site preparation activities that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February through August), a report of this field survey shall be submitted to the Community Development Director. If active nests are found, a fence barrier shall be erected around the nest site at least fifty feet (50′) from the nest (this distance may be greater depending on the bird species and construction activity, as determined by the biologist). Clearing and construction within the fenced area shall be postponed or halted, at the discretion of the biological monitor, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests will occur.

28. Prior to issuance of the grading permit, the applicant shall complete and submit to the City for approval by the Community Development Director, a Habitat Enhancement Plan (HEP). The plan shall apply to all existing or created on-site oak woodlands, riparian areas, detention basins, and fuel modification zones. The purpose of this plan shall be to increase the biological carrying capacity of these areas.

29. Prior to the issuance of a Zoning Clearance for filing of a Final Map, the applicant shall show on the Final Map a gated private street entrance with a seventy-five-foot (75′) right-of-way with two (2) entry lanes into the project and a turn-around area for vehicles denied entry. The entry area and gates shall be designed to reflect a common community architectural theme which is carried through to the public entrance and the recreation building.

30. Prior to the commencement of any grading or construction, the applicant shall ensure that the disturbed (ruderal) vegetation zones within the conservation easement/ dedication area are cleared of debris and, to the degree feasible, restored to a state similar to dominant surrounding native habitats.

31. The applicant shall use native plants in the restoration of areas disturbed by the construction of the project. The City shall monitor the use of native plants through review



City of Moorpark
Planning Division

Location: East of Walnut Canyon Road and North of Wicks Road

Location Map

CC ATTACHMENT 1

and approval of all project landscape plans. Invasive plant species, as determined by the Community Development Director, shall be prohibited.

32. The permanent removal of approximately forty (40) trees shall be replaced by the applicant at a 10:1 mitigation ratio by planting four-hundred (400) California walnut trees in the private open space area. This tree may also be used as one of several screening trees around the southern perimeter of the development. Pepper trees (Schinus molle) shall not be used in the tree planting program. The trees should be planted dominantly within the upland areas above the detention basin, in private open space. Field research shall be conducted by a qualified landscape architect to determine whether soils, drainage, and compaction of the soil are suitable for survival of the species in all areas where restoration is planned. To ensure maximum survival rates, these replacement trees shall be limited to one gallon specimens. If possible, replacement plantings shall be derived from locally harvested native walnuts in the upper reaches of Walnut Canyon. Otherwise, if nursery stock is used for restoration, no grafted stock shall be permitted. A minimum of one-hundred-ten (110) additional trees, not less than fifteen (15) gallons, six feet (6′) tall when planted with a one-inch (1″) caliper, shall be planted in the natural open space area, as approved by the Community Development Director, to offset the value of the trees to be removed. The landscape plan shall also incorporate extensive tree landscaping including specimen size trees, as approved by the Community Development Director. This requirement is in addition to any trees required for graded areas through submittal and approval of a landscape plan and is not intended to substitute for trees required under provisions of the Tree Ordinance.

33. Prior to the issuance of a Zoning Clearance for filing of a Final Map or issuance of the final precise grading plan, the applicant shall establish an artificial freshwater spring within the private open space area in a location that will provide the maximum potential for long-term use by native wildlife. This spring is designed to replace regionally available water sources that have been destroyed by cumulative development. A qualified vertebrate biologist and botanist or appropriate landscape professional shall designate the location of these artificial springs. The spring shall be placed in a location which is acceptable to

the Community Development Director. The artificial spring shall be maintained to provide year round low flows in volumes similar to existing springs in the Walnut Canyon area. The spring shall be vegetated with native riparian plants, and shall include at least two (2) Alders (Alnus rhombifolia), five (5) Sycamores (Platanus racemosa), two (2) Cottonwood (Populus fremontii), three (3) Arroyo Willow (Salix lasiolepis), four (4) Elderberry (Sambucus mexicana), and five (5) Live Oak (Quercus agrifolia). Trees shall not exceed five (5) gallon container size (except for Willow) or be bare root at the time of planting. A permanent supply of water shall be provided. Adequate root guard protection shall be provided to reduce mortality from rodent activity. The project Homeowners' Association shall be responsible for the long term maintenance of the artificial spring as a component of the private open space program.

34. Prior to the issuance of any grading permit, or clear and grub activities not covered by the City's grading ordinance, the applicant shall obtain a Clean Water Act Section 401 certification, and Section 404 permit, as required by the Regional Water Quality Control Board and the Army Corps of Engineers. Additionally, a Section 1603 Streambed Alteration Agreement shall be entered into with the California Department of Fish and Game. The Applicant shall adhere to all conditions of these approvals.

35. A minimally invasive trail system within Lot A shall be devised for the open space area which, to the extent feasible, avoids or minimizes impacts to stands of native vegetation. All motorized vehicles shall be physically prohibited from entering the private open space conservation area. Prior to the approval of the Final Map, the site plan shall be revised to include the dedicated trail alignment across the open space. The trail system shall be constructed as a minor multi-use trail and access to the area shall otherwise be restricted. The trail system shall be completed prior to occupancy of the seventy-fifth (75th) dwelling unit.

36. Off-road-vehicle use on property within the project boundaries shall be prohibited (except upon approved private streets and maintenance roads). The CC&R's for this project shall specify fines for unauthorized use of off-road vehicles. Developer shall post signs at entries to project to allow police enforcement of requirements.

37. Prior to the issuance of a zoning clearance for the first dwelling unit, the applicant shall install perimeter fencing in areas where future residents could obtain access to surrounding private lands. The design and location of the fencing shall be to the satisfaction and approval of the Community Development Director.

38. Prior to the initiation of grading, the applicant shall provide proof to the Community Development Director that an archeological monitor has been employed by the Applicant during each phase of grading to monitor initial grading for items of archeological significance. The monitor shall have the authority to stop grading activity in a given area to allow sufficient time for the collection and evaluation of artifacts.

39. A paleontological mitigation plan outlining the procedures for paleontological data recovery shall be prepared and submitted to the Community Development Director for review and approval prior to the issuance of a grading permit for the project. The development and implementation of this program shall include consultations between the City's consulting geologist and the applicant's engineering geologist. The monitoring and data recovery should include periodic inspections of excavations to recover exposed fossil materials. The cost of the recovery shall be limited to the discovery of a reasonable sample of material, as determined by the Community Development Director.

40. Appropriate design of both grading and structures shall be implemented to reduce risks associated with seismic shaking to the standards established by the most recently adopted Uniform Building Code and to the satisfaction of the City Engineer and City Building Official. Additional studies shall be performed by the applicant as required to enable the determination of appropriate standards of grading and construction.

41. Prior to the issuance of a grading permit, the applicant shall show all existing landslides on the grading plans. The grading plans shall reflect the removal and re-compaction of the landslides to the satisfaction of the City Engineer.

42. Prior to the issuance of a grading permit, the applicant shall provide proof to the City Engineer that all known faults and fault traces have been mapped. An engineering geologist shall be retained on site by the Applicant to

evaluate any previously unknown fault traces for recent activity (within the past 11,000 years). Any faults or traces shall be mapped according to currently accepted industry practice. No structures shall be allowed within fifty feet (50') of an active fault or trace. Structures placed near inactive faults or traces shall be designed to meet the structural standards of the Uniform Building Code which address the demands of ground shaking and the associated secondary ground movement along the inactive fault or trace.

43. Prior to the issuance of a Zoning Clearance for the first building permit, the applicant shall provide the Community Development Department with a written acknowledgement statement signed by the purchasers of lots within the project, indicating their awareness of the fault trace and associated issues. The form of the acknowledgement shall be approved by the Community Development Director and City Attorney.

44. Prior to the issuance of a grading permit, the applicant shall show on the grading plans appropriate design of both grading and structures to reduce risks associated with landslides, expansive soils, liquefaction and subsidence to the standards established by the most recently adopted Uniform Building Code and to the satisfaction of the City Engineer and City Building Official. Additional studies shall be performed by the Applicant as required to enable the determination of appropriate standards of grading and construction.

45. Prior to the issuance of a grading permit, the applicant shall show on the grading plans all drainage facilities that are proposed to be constructed to accommodate the runoff volumes required to avoid off-site impacts, to the satisfaction of the City Engineer. These volumes shall include the anticipated additional runoff from the grading required for the extension of North Hills Parkway to the future Spring Road extension. The Applicant shall ensure that all drainage facilities, detention facilities, and NPDES facilities employ appropriate Best Management Practices (BMP's), to the satisfaction of the City Engineer.

46. The applicant shall show as part of the grading plan an on-site parking area designated for all construction employees, as well as for the staging of construction equipment. This area shall be away from existing

residential structures, the location and design shall be to the satisfaction of the Community Development Director.

47. Prior to the beginning of each grading phase, the applicant shall develop construction and grading activity schedules and submit the proposed schedule to the City Engineer and the Community Development Director for review and approval. The schedule shall include a verbatim quote of the City's regulations with regard to construction times, as set forth in the City's Noise Ordinance. All construction and grading activities shall adhere to the City's Noise Ordinance requirements. Once the schedule has been approved by the City Engineer and the Community Development Director, the applicant shall deliver one copy to each residence at least five working days prior to the start of grading or construction.

48. All existing and proposed utilities shall be under-grounded as approved by the City Engineer, including under-grounding of all utility poles along the east side of Walnut Canyon Road extending from the northerly boundary of the tract to the south side of Wicks Road. Upon the recommendation of the City Engineer and the Community Development Director, the City Manager may authorize a cash payment in lieu of the construction of improvements.

49. The applicant shall pay to the Ventura County Transportation Department a Traffic Impact Mitigation Fee in the amount of $17,099.50. A receipt evidencing such payment shall be presented to the Community Development Director prior to the occupancy of the first residential unit.

50. The effective date of approval for Vesting Tentative Tract Map No. 5130 shall be on the thirty-first (31st) day following the second reading of the ordinance approving Zone Change No 1998-01.

STANDARD CONDITIONS

A. For compliance with the following conditions contact the Planning Division of the Community Development Department:

1. The conditions of approval of this Tentative Tract Map and all provisions of the Subdivision Map Act, City of Moorpark Ordinances and adopted City policies at the time of tentative map approval supersede all conflicting notations, specifications, dimensions, typical sections and the like which may be shown on said map.

2. Recordation of this subdivision shall be deemed to be acceptance by the Applicant and his/her heirs, assigns, and successors of the conditions of this Map. A notation which references conditions of approval shall be included on the Final Map in a format acceptable to the Community Development Director.

3. This Tentative Tract Map shall expire three (3) years from the date of its approval. The Community Development Director may, at his/her discretion, grant up to two (2) additional one (1) year extensions for map recordation, if there have been no changes in the adjacent areas and if Applicant can document that he/she has diligently worked towards map recordation during the initial period of time. The request for extension of this entitlement shall be made in writing, at least thirty (30) days prior to the expiration date of this approval.

4. The Applicant shall defend, indemnify and hold harmless the City and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul any approval by the City or any of its agencies, departments, commissions, agents, officers, or employees concerning the subdivision, which claim, action or proceeding is brought within the time period provided therefore in Government Code Section 66499.37. The City will promptly notify the Applicant of any such claim, action or proceeding, and, if the City should fail to do so or should fail to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify and hold harmless the City or its agents, officers and employees pursuant to this condition.

a. The City may, within its unlimited discretion, participate in the defense of any such claim, action or proceeding if both of the following occur:

   i. The City bears its own attorney fees and costs;

   ii. The City defends the claim, action or proceeding in good faith.

b. The Applicant shall not be required to pay or perform any settlement of such claim, action or proceeding unless the settlement is approved by the Applicant. The Applicant's obligations under this condition shall apply regardless of whether a Final Map is ultimately recorded with respect to the subdivision.

5. No conditions of this entitlement shall be interpreted as permitting or requiring any violation of law or any unlawful rules or regulations or orders of an authorized governmental agency. All mitigation measures are requirements of the Tentative Tract Map and Residential Planned Development Permit, as applicable.

6. If any of the conditions or limitations of this approval are held to be invalid, that holding shall not invalidate any of the remaining conditions or limitations set forth.

7. Where conflict or duplication between the Mitigation Monitoring and Reporting Plan and the conditions of approval occurs and applicability for compliance is questioned by the Applicant, the Community Development Director shall determine the applicable condition compliance requirements for each phase of development.

8. Prior to the issuance of a Zoning Clearance for filing of a Final Map, the Applicant shall submit to the Community Development Department and the City Engineer for review a current title report which clearly states all interested parties and lenders included within the limits of the subdivision as well as any easements that affect the subdivision.

9. Prior to the issuance of a Zoning Clearance for filing of a Final Map, the Applicant shall pay to the City a fee for the image conversion of the final map and improvement plans, as determined by the Community Development Director, into an electronic imaging format acceptable to the City Clerk.

10. Applicant shall pay all outstanding case processing (Planning and Engineering), and all applicable City legal

service fees within sixty (60) days of approval of this Vesting Tentative Tract Map. The Applicant, permittee, or successors in interest shall also submit to the Department of Community Development a fee to cover costs incurred by the City for Condition Compliance review of the Tentative Map.

11. Prior to issuance of a Zoning Clearance for grading, Applicant shall submit a complete Landscape Plan, together with specifications and a separate Maintenance Plan. The Landscape Plan shall encompass all areas required to be planted consistent with these conditions of approval. The Landscape Plan shall be reviewed by the City's Landscape Architect Consultant and approved by the Community Development Director prior to Zoning Clearance for grading permit, or first Final Map approval, whichever occurs first. The Landscape Plan shall conform to the latest City of Moorpark Landscape Guidelines and Standards.

12. Prior to the issuance of a zoning clearance for grading, the Applicant shall submit to the Community Development Director for review and approval a fencing, perimeter, gate, and privacy barrier wall plan, complete with related landscaping details, identifying the materials to be used and proposed wall heights. All fences/walls along lot boundaries shall be in place prior to occupancy of each lot, unless timing for installation is otherwise stated in these conditions. Where applicable prior to approval of the final fence/wall plan, the Community Development Director shall approve the connection of property line wall with existing fences and or walls on adjacent residential properties. The Applicant is required at his/her sole expense to connect or reconstruct adjacent residential walls and or fences to the project perimeter wall utilizing the same type of material that comprises existing walls and or fences that are to be connected to the project perimeter wall.

13. The Applicant shall submit fence/wall and landscaping plans showing that provisions have been taken to provide for and maintain proper sight distances. All fences, walls and other structures shall be submitted for review and approval by the Community Development Director.

14. Prior to Final Map approval, the Applicant shall provide an irrevocable offer to dedicate to the City any easements required for the City to access and maintain any landscaped areas or drainage improvements outside of the public right-

of-way, which have been designated to be maintained by the City.

15. Prior to Final Map approval for any phase, the Applicant shall also provide to the City a signed Petition/Waiver a) requesting formation of an Assessment District to fund future costs for the maintenance of any landscaping and/or drainage facilities designated to be maintained by the City, and b) waiving all rights conferred by Proposition 218 with regard to the right to protest any such assessments. Said Petition and Waiver shall include, as an Exhibit, an Engineer's Report fully setting forth a description of the assessment district and the assessments, consistent with the requirements of the California Streets and Highways Code. Said report shall be prepared by a consultant to be retained by the City. The Applicant shall pay to the City a five-thousand dollars ($5,000) deposit to fund the cost of the Engineer's Report, city staff costs and city overhead expenses of fifteen percent (15%) on all out-of-pocket costs. If additional funds are needed to perform the costs related to said district, applicant shall promptly deposit such funds with the City, upon request. In the event it is determined that there will be no landscaping or extraordinary drainage improvements to be maintained by the City, the Community Development Director may waive this condition with the concurrence of the City Manager.

16. Prior to Final Map approval, the City Council shall determine which areas shall be maintained by a maintenance assessment district.

17. Within two (2) days after the City Council adoption of a resolution approving this project, the Applicant shall submit to the City of Moorpark a check for one-thousand-two-hundred-fifty dollars ($1,250.00) plus a check for twenty-five dollar ($25.00) filing fee, both payable to the County of Ventura, to comply with Assembly Bill 3158, for the management and protection of Statewide Fish and Wildlife Trust Resources. Pursuant to Public Resources Code Section 21089, and Fish and Game Code Section 711.4, the project is not operative, vested or final until the filing fees are paid.

18. The Applicant shall pay to the City capital improvement, development, and processing fees at the rate and amount in effect at the time the fee is required to be paid. Said fees shall include but not be limited to Library Facilities Fees, Police Facilities Fees, Fire Facilities Fees,

entitlement processing fees, and plan check and permit fees for buildings and public improvements. Further, unless specifically exempted by City Council, the Applicant is subject to all fees imposed by City as of the issuance of the first permit for construction and such future fees imposed as determined by City in its sole discretion so long as said fee is imposed on similarly situated properties.

19. During construction, the Applicant shall allow all persons holding a valid cable television franchise issued by the City of Moorpark ("Cable Franchisees") to install any equipment or infrastructure (including conduit, power supplies, and switching equipment) necessary to provide Franchisee's services to all parcels and lots in the Project. The Applicant shall provide notice of its construction schedule to all Cable Franchisees sufficiently in advance of construction to allow the Cable Franchisees to coordinate installation of their equipment and infrastructure with that schedule. City shall provide the Applicant a list of Cable Franchisees upon the Applicant's request.

B. For compliance with the following conditions please contact the City Engineer:

General Conditions:

20. Prior to the recordation of the Final Map, the Applicant shall post sufficient surety guaranteeing completion of all site improvements within the development and offsite improvements required by the conditions as described herein (i.e., grading, street improvements, storm drain improvements, landscaping, fencing, bridges, etc.) or which require removal (i.e., access ways, temporary debris basins, etc.) in a form acceptable to the City.

21. Prior to the issuance of a grading permit or prior to the approval of a Final Map, the Applicant shall indicate in writing to the City the disposition of any wells that may exist within the project. If any wells are proposed to be abandoned, or if they are abandoned and have not been properly sealed, they must be destroyed or abandoned per Ventura County Ordinance No. 2372 or Ordinance No. 3991 and per Division of Oil and Gas requirements. Permits for any well reuse (if applicable) shall conform to Reuse Permit

procedures administered by the County Water Resources Development Department.

22. If hazardous materials are found on the site, the Developer shall stop all work and notify the City immediately. The Developer shall develop a plan that meets City, State and Federal requirements for its disposal.

23. The Applicant shall comply with all pertinent County of Ventura Public Works Department water and sewer connection regulations implemented by the County of Ventura Public Works Department Waterworks District No. 1.

24. All existing and proposed utilities shall be under-grounded as approved by the City Engineer. This also includes all existing above ground power lines adjacent to the project site that are less than 67Kv.

25. Prior to improvement plan approval, the Applicant shall submit plans to the Ventura County Fire Protection District and obtain the approval of the location of fire hydrants.

26. The Applicant shall provide all easements and rights-of-way granted to the City free and clear of all liens and encumbrances.

27. Prior to any work being conducted within any State, County, or City right-of-way, the Applicant shall obtain all necessary encroachment permits from the appropriate Agencies. Copies of these approved permits shall be provided to the City Engineer.

28. Prior to the approval of Final Map the Applicant shall submit to the Community Development Department and the City Engineer for review a current title report, which clearly states all interested parties and lenders included within the limits of the subdivision as well as any easements that affect the subdivision.

29. Any mapping that requires review and approval by the County of Ventura shall be concurrently submitted to the City Engineer for review and approval. The Applicant shall be responsible for all associated fees and review costs.

30. The Final Map shall be prepared by a California Registered Engineer meeting all of the provisions of the Subdivision Map Act.

31. Any lot-to-lot drainage easements and secondary drainage easement shall be delineated on the Final Map. Assurance in the form of an agreement shall be provided to the City that these easements shall be adequately maintained by property

owners to safely convey storm water flows. Said agreement shall be submitted to the City Engineer for review and approval and shall include provisions for the owners association to maintain any private storm drain or National Pollution Discharge Elimination System, hereinafter NPDES system not maintained by a City Assessment District and shall be a durable agreement that is binding upon each future property owner of each lot.

32. On the Final Map, the Applicant shall offer to dedicate to the City of Moorpark all rights-of-way for public streets.

33. Prior to submittal of the Final Map for review and approval, the Applicant shall transmit by certified mail a copy of the conditionally approved Tentative Map together with a copy of Section 66436 of the State Subdivision Map Act to each public entity or public utility that is an easement holder of record. Written evidence of compliance shall be submitted to the City Engineer.

34. All development areas and lots shall be designed and graded so that surface drainage is directed to acceptable locations or natural or improved drainage courses as approved by the City Engineer. Altered drainage methods and patterns onto adjacent properties shall not be allowed without mitigation.

35. ROC, NOx and dust during construction grading shall meet the suppression requirement of the Ventura County Air Pollution Control District and the City of Moorpark.

36. Temporary erosion control measures shall be used during the construction process to minimize water quality effects. Specific measures to be applied shall be identified in the project Erosion and Sediment Control Plan.

37. To minimize the water quality effects of permanent erosion sources, appropriate design features shall be incorporated into the project grading plan to the satisfaction of the City Engineer. The City Engineer shall review and approve the grading plan to verify compliance with Best Management Practices features.

38. The following measures shall be implemented during all construction activities throughout build-out of the project to minimize the impacts of project-related noise in the vicinity of the proposed project site:

    a. Construction activities shall be limited to between the following hours: a) 7:00 a.m. to 6:00 p.m. Monday through Friday, and b) 9:00 a.m. to 6:00 p.m.

Saturday. Construction work on Saturdays will require payment of a premium for City inspection services and may be further restricted or prohibited should the City receive complaints from adjacent property owners. No construction work is to be done on Sundays and City observed holidays pursuant to Section 15.26.010 of the Municipal Code.

b. Truck noise from hauling operations shall be minimized through establishing hauling routes that avoid residential areas and requiring that "Jake Brakes" not be used along the haul route within the City. The hauling plan must be identified as part of the grading plan and shall be approved by the City Engineer.

c. The Developer shall ensure that construction equipment is fitted with modern sound-reduction equipment.

d. Stationary noise sources that exceed 70 dBA of continuous noise generation (at 50 feet) shall be shielded with temporary barriers if existing residences are within 350 feet of the noise source.

e. Designated parking areas for construction worker vehicles and for materials storage and assembly shall be provided. These areas shall be set back as far as possible from or otherwise shielded from existing surrounding rural residential neighborhoods.

f. Property owners and residents located within six-hundred feet (600') of the project site, shall be notified in writing on a monthly basis of construction schedules involving major grading, including when clearing and grading is to begin. The project developer shall notify adjacent residents and property owners by Certified Mail-Return Receipt Requested of the starting date for removal of vegetation and commencement of site grading. The content of this required communication shall be approved by the City Engineer in advance of its mailing and the return receipts, evidencing United States mail delivery, shall be provided to the Engineering Department.

g. A construction effects program shall be prepared and submitted to the City after completion and occupancy of the first phase of project build out. This program shall protect, to the degree feasible, new residents from the impacts of sustained construction.

39. The Applicant shall submit to the City of Moorpark for review and approval, a rough grading plan, consistent with the approved Tentative Map, prepared by a Registered Civil Engineer, shall enter into an agreement with the City of Moorpark to complete public improvements, and shall post sufficient surety guaranteeing the construction of all improvements.

40. The final grading plan shall meet all Uniform Building Code (UBC) and City of Moorpark standards including slope setback requirements at lot lines, streets, and adjacent to offsite lots.

41. Concurrent with submittal of the rough grading plan a sediment and erosion control plan shall be submitted to the City for review and approval by the City Engineer. The design shall include measures for irrigation and hydroseeding on all graded areas within thirty (30) days of completion of grading unless otherwise approved by the City Engineer. Reclaimed water shall be used for dust control during grading, if available from Ventura County Waterworks District No. 1.

42. This project is projected to import soils onsite. Import/export operations requiring an excess of one-hundred (100) total truckloads or one-thousand (1,000) cubic yards of material shall require City Council approval prior to the commencement of hauling or staged grading operations. A haul route is to be submitted for review and approval by the City Engineer and Community Development Director. Additional surety for the cleaning and/or repair of the streets shall be required as directed by the City Engineer.

43. All requests for staged grading shall be submitted in writing to the City Engineer for review and approval by the City Council.

44. Temporary irrigation, hydroseeding and erosion control measures shall be implemented on all temporary grading. Temporary grading is defined to be any grading partially completed and any disturbance of existing natural conditions due to construction activity. These measures will apply to a temporary or permanent grading activity that remains or is anticipated to remain unfinished or undisturbed in its altered condition for a period of time greater than thirty (30) days except that during the rainy season these measures will be implemented immediately.

45. The maximum gradient for any slope shall not exceed a 2:1 slope inclination except where special circumstances exist.

In the case of special circumstances where steeper slopes are warranted a certified soil engineer will review plans and their recommendations will be subject to the review and approval of the City Engineer and the Community Development Director.

46. All graded slopes shall be planted in a timely manner with groundcover, trees and shrubs that will stabilize slopes and minimize erosion. The planting will be to the satisfaction of the Community Development Director and the City Engineer.

47. So as to reduce debris from entering sidewalk and streets, the approved grading plan shall show a slough wall, approximately eighteen inches (18") high, with curb outlet drainage to be constructed behind the back of the sidewalk where slopes exceeding four feet (4') in height are adjacent to sidewalk. The Applicant shall use the City's standard slough wall detail during the design and construction. The City Engineer and Community Development Director shall approve all material for the construction of the wall.

48. Prior to any work being conducted within any State, County, or City right-of-way, the Developer shall obtain all necessary encroachment permits from the appropriate Agencies. Copies of these approved permits will be provided to the City Engineer.

49. During site preparation and construction, the Applicant shall minimize disturbance of natural groundcover on the project site until such activity is required for grading and construction purposes.

50. During smog season (May-October) the City shall order that construction cease during Stage III alerts to minimize the number of vehicles and equipment operating to lower ozone levels and protect equipment operators from excessive smog levels. The City, at its discretion, may also limit construction during Stage II alerts.

51. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Ventura County Environmental Health Department, the Fire Protection District, the Sheriff's Department, and the City Engineer shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.

52. The Applicant shall utilize all prudent and reasonable measures (including installation of a six-foot (6') high chain link fence around the construction sites or provision of a full time licensed security guard) to prevent unauthorized persons from entering the work site at any time and to protect the public from accidents and injury.

53. Backfill of any pipe or conduit shall be in four-inch (4") fully compacted layers unless otherwise specified by the City Engineer.

54. Soil testing for trench compaction shall be performed on all trenching and shall be done not less than once every two feet (2') of lift and one-hundred (100) lineal feet of trench excavated. Test locations shall be noted using street stationing with offsets from street centerlines.

55. All vehicles in the construction area shall observe a fifteen-mile per hour (15 mph) speed limit for the construction area at all times.

56. During site preparation and construction, the Applicant shall construct temporary storm water diversion structures per City of Moorpark standards.

57. The entire site shall be graded at the same time. Pads shall be graded, planted and landscaped to the satisfaction of the City Engineer.

58. Prior to submittal of grading plans the Applicant shall have a geotechnical report prepared to the satisfaction of the City Engineer.

59. Prior to issuance of a building permit, all habitable structures shall be designed to current UBC requirements or the City approved geotechnical report requirements for the project, whichever standard is most restrictive.

60. Prior to issuance of a building permit, an as-graded geotechnical report and rough grading certification shall be submitted to and approved by the City Engineer and Geotechnical Engineer.

61. In accordance with Business and Professions Code 8771, the street improvement plans shall provide for a surveyor's statement on the plans, certifying that all recorded monuments in the construction area have been located and tied out or will be protected in place during construction.

62. Monuments shall meet the City of Moorpark, County of Ventura Standards and shall be to the satisfaction of the City Engineer.

63. Prior to the issuance of a Zoning Clearance for construction for each residential unit, the Applicant shall make a contribution to the Moorpark Traffic Systems Management (TSM) Fund of one-thousand-five-hundred-eighty-eight dollars ($1,588.00) per residential unit to fund TSM programs or clean-fuel vehicles programs as determined by the City. Commencing on January 1, 2005, and annually thereafter the Air Quality Fee shall be adjusted by any increase in the Consumer Price Index (CPI) until all fees have been paid. The CPI increase shall be determined by using the information provided by the U.S. Department of Labor, Bureau of Labor Statistics, for all urban consumers within the Los Angeles/Anaheim/Riverside metropolitan area during the prior year. The calculation shall be made using the month of December over the prior month of December. In the event there is a decrease in the CPI for any annual indexing, the fee shall remain at its then current amount until such time as the next subsequent annual indexing which results in an increase.

64. As a condition of the issuance of a building permit for each residential unit, Developer shall pay City a traffic mitigation fee as described herein ("Citywide Traffic Fee"). The Citywide Traffic Fee may be expended by the City in its sole and unfettered discretion. On the effective date of approval of this map, the amount of the Citywide Traffic Fee shall be four-thousand-six-hundred-sixty-four dollars ($4,664) per dwelling unit. Commencing January 1, 2005, and annually thereafter, the Citywide Traffic Fee shall be increased to reflect the change in the State Highway Bid Price Index for the twelve (12) month period that is reported in the latest issue of the Engineering News Record that is available on December 31 of the preceding year ("annual indexing"). In the event there is a decrease in the referenced Index for any annual indexing, the Citywide Traffic Fee shall remain at its then current amount until such time as the next subsequent annual indexing which results in an increase.

65. The Applicant shall contribute to the Los Angeles Avenue Area of Contribution (AOC) Fee Program. The Los Angeles Avenue AOC Fee shall be paid in accordance with City Council adopted AOC fee requirements in effect at the time of building permit application. The AOC Fee shall be paid prior to the issuance of Zoning Clearance for each building permit.

66. Prior to or concurrently with the Final Map and prior to any construction on State Highways an encroachment permit shall be obtained from Caltrans. Any additional rights-of-way required to implement the approved design for this work in the Caltrans right-of-way, including slope easements for future grading, shall be acquired by the Applicant and dedicated to the State in a manner acceptable to Caltrans and the City Engineer. All required dedications shall be illustrated on the Final Map. Proof of encroachment or other non-City permits and bonds shall be provided to the City Engineer prior to the start of any grading or construction activities.

67. Prior to or concurrently with the Final Map and prior to any construction for all streets, except for those under the jurisdiction of Caltrans, the Applicant shall submit to the City of Moorpark for review and approval, street improvement plans prepared by a California Registered Civil Engineer, enter into an agreement with the City of Moorpark to complete public improvements, and post sufficient surety guaranteeing the construction of all improvements. Public streets shall conform to City of Moorpark requirements including all applicable ADA requirements. Street improvements shall be acceptable to the City Engineer and Community Development Director.

68. All public and private streets shall conform to the design requirements of the Ventura County Road Standards (most recent revision), unless noted otherwise in the Conditions.

69. The street improvements shall include concrete curb and gutter, street lights, and signing, striping, interim striping and traffic control, paving, and any necessary transitions, to the satisfaction of the City Engineer. The City Engineer and the Community Development Director shall approve all driveway locations. The Applicant shall dedicate any additional right-of-way necessary to make all of the required improvements.

70. Driveways shall be designed in accordance with the latest American Public Works Association (APWA) Standards.

71. Above ground obstructions (utility cabinets, mailboxes, etc.) are to be placed within the right-of-way landscaping areas. When above ground obstructions are to be placed within the sidewalk, a minimum three and one-half feet (3.5′) clear sidewalk width must be provided around the obstruction.

72. The Applicant shall submit wall and landscaping plans showing that provisions have been taken to provide for and maintain proper sight distances. All fences, walls and other structures over six feet (6') high are to be submitted to and approved by the Community Development Director and the City Engineer.

73. Any right-of-way acquisition necessary to complete the required improvements shall be acquired by the Applicant at the Applicant's expense.

74. Street lights shall be provided on the improvement plans per Ventura County Standards and as approved by the City Engineer. Prior to Final Map recordation, the Applicant shall pay all energy costs associated with public street lighting for a period of one year from the acceptance of the street improvements.

75. Prior to or concurrently with the Final Map the Applicant shall submit to the City of Moorpark for review and approval, drainage plans; hydrologic and hydraulic calculations prepared by a California Registered Civil Engineer; shall enter into an agreement with the City of Moorpark to complete improvements; and shall post sufficient surety guaranteeing the construction of all improvements.

76. The plans shall depict all on-site and off-site drainage structures required by the City.

77. The drainage plans and calculations shall relate to conditions before and after development. Quantities of water, water flow rates, major watercourses, drainage areas and patterns, diversions, collection systems, flood hazard areas, sumps, sump locations, detention and NPDES facilities, and drainage courses will be addressed.

78. Hydrology shall be per the current Ventura County Flood Control Standards except as follows:

    a. All storm drains shall carry a ten-year (10 yr) frequency storm.

    b. All catch basins shall carry a ten-year (10 yr) frequency storm.

    c. All catch basins in a sump condition shall be sized such that depth of water at intake shall equal the depth of the approach flows.

    d. All culverts shall carry a one-hundred-year (100 yr) frequency storm.

79. Surface flows shall be intercepted, detained and given sufficient time to provide storm water clarification by "passive" BMP systems prior to entering collector or storm drain systems.

80. Under a ten-year (10 yr) frequency storm, local, residential and private streets shall have one dry travel lane available on interior residential streets. Collector streets shall have a minimum of one dry travel lane in each direction.

81. "After-development" drainage to adjacent parcels shall not be increased above "Pre-development" drainage quantities nor will surface runoff be concentrated by this development. All drainage measures necessary to take care of storm water flows shall be provided to the satisfaction of the City Engineer.

82. Drainage grates shall not be used at any location accessible by pedestrian, bicycle or equestrian traffic.

83. Prior to the issuance of a Zoning Clearance for filing of a Final Map or the issuance of a Grading Permit (whichever comes first), the applicant shall prepare engineering plans to the satisfaction of the City Engineer and the Community Development Director showing the grade and the vertical and horizontal alignment of a bridge to cross Walnut Canyon Road needed for construction of the North Hills Parkway.

84. The grading plan shall also show contours indicating the fifty- and one-hundred-year (50 & 100 yr) flood levels.

85. All flows that have gone through flow attenuation and clarification by use of acceptable BMP systems and are flowing within brow ditches, ribbon gutters, storm drain channels, area drains and similar devices shall be deposited directly into the storm drain system and shall be restricted from entering streets. If necessary, the storm drain system shall be extended to accept these flows. Both storm drains and easements outside the public right-of-way are to be privately maintained unless otherwise approved by the City Council.

86. Concrete surface drainage structures exposed to the public view, shall be tan colored concrete, as approved by the Community Development Director, and to the extent possible shall incorporate natural structure and landscape to reduce their visibility.

87. In order to comply with California Regional Water Quality Control Board requirements no curb outlets will be allowed

for pad drainage onto the street. The Applicant shall inform all new and future homeowners that future improvements such as pool construction or other private improvements require observance of the same requirements. This notification agreement shall be acknowledged by each homeowner and recorded with each.

88. Drainage devices for the development shall be designed and installed with all necessary appurtenances to safely contain and convey storm flows to their final point of discharge to the satisfaction of the City Engineer.

89. A hydraulic/hydrologic study shall be prepared which analyzes the hydraulic capacity of the drainage system, with and without the storm drain system for the proposed development. The Applicant shall make any downstream improvements, required by the City, to support the proposed development.

90. Improvements shall be constructed to detain drainage on-site when the drainage amount is between the ten-year and fifty-year storm event. A rainfall intensity Zone K shall be utilized in the design unless alternate design intensity is approved by the City Engineer.

91. Prior to the issuance of a grading permit the Applicant shall demonstrate, for each building pad within the development area, that the following restrictions and protections can be put in place to the satisfaction of the City Engineer:

    a. Adequate protection from a one-hundred-year (100 yr) frequency storm.

    b. Feasible access during a fifty-year (50 yr) frequency storm.

    c. Hydrology calculations shall be per current Ventura County Flood Control Standards.

    d. All structures proposed within the one-hundred-year (100 yr) flood zone shall be elevated at least one foot above the one-hundred-year (100 yr) flood level.

92. The Applicant shall provide for all necessary on-site and off-site storm drain facilities to the satisfaction of the City Engineer to accommodate upstream and on-site flows. Facilities, as shown on existing drainage studies and approved by the City Engineer, shall be delineated on the final drainage plans. Either on-site detention basins or

storm water acceptance deeds from off-site property owners must be specified.

93. The design of the storm drain system shall provide for adequate width easements for future maintenance and reconstruction of facilities particularly those facilities that are deeper than eight feet (8'). In addition all facilities shall have all-weather vehicular access. This design shall be to the satisfaction of the City Engineer.

94. Engineering and geotechnical reports shall be provided to prove, to the satisfaction of the City Engineer, that all "passive" NPDES facilities meet their intended use and design. These facilities shall meet the minimum requirements relating to water retention and clarification.

95. The Applicant shall demonstrate and certify to the satisfaction of the City Engineer that all existing storm drain culverts within the site shall perform in an acceptable manner based on their intended design and the proposed increase/decrease of loading conditions, introduction of surface water within subsurface areas that may affect the culvert and proposed construction. This especially includes cast-in-place concrete pipe (CIPP).

96. Prior to the issuance of any construction/grading permit and/or the commencement of any clearing, grading or excavation, the Applicant shall submit a Storm Water Pollution Control Plan (SWPCP) to be developed and implemented in accordance with requirements of the Ventura Countywide Storm Water Quality Management Program, NPDES Permit No. CAS004002, to the satisfaction of the City Engineer.

97. Prior to the issuance of any construction/grading permit and/or the commencement of any clearing, grading or excavation, the Applicant shall also submit a Notice of Intent (NOI) to the California State Water Resources Control Board, Storm Water Permit Unit in accordance with the NPDES Construction General Permit (No. CASQ00002): Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activities). The Applicant shall comply with all requirements of this General Permit including preparation of a Storm Water Pollution Prevention Plan (SWPPP).

98. The Applicant shall obtain a permit from the State Water Resources Control Board for "All storm water discharges associated with a construction activity where clearing, grading, and excavation results in land disturbances of one

or more acres." The Applicant shall submit a copy of the Notice of Intent (NOI) to the City Engineer's office as proof of permit application.

99. The Applicant shall also comply with NPDES objectives as outlined in the "Storm Water Pollution Control Guidelines for Construction Sites."

100. Prior to Final Map approval, the Applicant shall provide facilities to comply with NPDES requirements. Runoff from developed areas shall be diverted to detention basins, "passive-devices" or other passive Best Management Practices (BMP's) to the satisfaction of the City Engineer. A California registered civil engineer shall propose and design these devices as part of the drainage improvement plans for the project. Provisions shall be made by the Developer to provide for maintenance in perpetuity.

101. Prior to City issuance of the initial grading permit, the Applicant shall obtain all necessary NPDES related permits. The grading permits issued for the development shall require Applicant to provide schedules and procedures for onsite maintenance of earthmoving and other heavy equipment and documentation of proper disposal of used oil and other lubricants. The onsite maintenance of all equipment that can be performed offsite will not be allowed.

102. Prior to the starting of grading or any ground disturbance the Applicant shall designate a full-time superintendent for NPDES compliance. The NPDES superintendent shall be present on the project site Monday through Friday and on all other days when the probability of rain is forty percent (40%) or higher and prior to the start of and during all grading or clearing operations until the release of grading bonds. The NPDES superintendent shall have full authority to hire personnel, bind the Applicant in contracts, rent equipment and purchase materials to the extent needed to effectuate Best Management Practices. The NPDES superintendent shall provide proof to the City Engineer of attendance and satisfactory completion of courses satisfactory to the City Engineer totaling no less than eight (8) hours directed specifically to NPDES compliance and effective use of Best Management Practices. Proof of such attendance and completion shall be provided to the City Engineer prior to employment to the NPDES superintendent. In addition, an NPDES superintendent shall be employed to assume NPDES compliance during the construction of streets, storm drainage systems, all utilities, buildings and final landscaping of the site.

103. If any of the improvements which the Applicant is required to construct or install is to be constructed or installed upon land in which the Applicant does not have title or interest sufficient for such purposes, the Applicant shall do all of the following at least sixty (60) days prior to the filing of the Final Map for approval pursuant to Governmental Code Section 66457:

    a. Notify the City of Moorpark (hereinafter City) in writing that the Applicant wishes the City to acquire an interest in the land, which is sufficient for the purposes as provided in Governmental Code Section 66462.5.

    b. Supply the City with: (i) a legal description of the interest to be acquired, (ii) a map or diagram of the interest to be acquired sufficient to satisfy the requirements of subdivision (e) of Section 1250.310 of the Code of Civil procedure, (iii) a current appraisal report prepared by an appraiser approved by the City which expresses an opinion as to the fair market value of the interest to be acquired, and (iv) a current Litigation Guarantee Report.

    c. Enter into an agreement with the City, guaranteed by such cash deposits or other security as the City may require, pursuant to which the Applicant will pay all of the City's cost (including, without limitation, attorney's fees and overhead expenses) of acquiring such an interest in the land.

104. Prior to the issuance of a building permit for the first residence a copy of the recorded Map(s) shall be forwarded to the City Engineer for filing, and a final grading certification shall be reviewed and approved by the City Engineer.

105. Prior to acceptance of public improvements and bond exoneration reproducible centerline tie sheets shall be submitted to the City Engineer's office.

106. Prior to acceptance of public improvements and bond exoneration sufficient surety in a form and in an amount acceptable to the City guaranteeing the public improvements shall be provided, and shall remain in place for one year following acceptance by the City.

107. Prior to acceptance of public improvements and bond exoneration original "as built" plans shall be certified by the Applicant's Registered Civil Engineer and submitted

with two sets of blue prints to the City Engineer's office. These "as built" plans shall incorporate all plan revisions. Although grading plans may have been submitted for checking and construction on sheets larger than 22" X 36", they shall be resubmitted as "record drawings" in a series of 22" X 36" mylar sheets (made with proper overlaps) with a title block on each sheet. Submission of "as built" plans is required before a final inspection is scheduled. Electronic files shall be submitted for all improvement plans in a format to the satisfaction of the City Engineer. In addition, Developer shall provide an electronic file update on the City's Master Base Map electronic file, incorporating all storm drainage, water and sewer mains, lines and appurtenances and any other utility facility available for this project.

C. For compliance with the following conditions please contact the Ventura County Fire Protection District:

108. Prior to combustible construction, an all weather access road/driveway suitable for use by a twenty-ton (20-ton) Ventura County Fire Protection District (Fire Protection District) vehicle shall be installed.

109. All access roads/driveways shall have a minimum vertical clearance of thirteen feet six inches (13'6").

110. Approved turnaround areas for fire apparatus shall be provided when dead-end Fire Protection District access roads/driveways exceed one-hundred-fifty feet (150'). Turnaround areas shall not exceed a two and one-half percent (2.5%) cross slope in any direction and shall be located within one-hundred-fifty feet (150') of the end of the access road/driveway.

111. Public and private roads shall be named if serving more than four (4) parcels.

112. Prior to recordation of street names, proposed names shall be submitted to the Fire Protection District's Communications Center for review.

113. Street name signs shall be installed in conjunction with the road improvements. The type of sign shall be in accordance with City of Moorpark Road Standards.

114. Address numbers, a minimum of four inches (4") high, shall be installed prior to occupancy, shall be of contrasting color to the background, and shall be readily visible at night. Where structures are set back more than one-

hundred-fifty feet (150') from the street, larger numbers will be required so that they are distinguishable from the street. In the event, the structure(s) is not visible from the street, the address number(s) shall be posed adjacent to the driveway entrance.

115. Prior to or concurrently with the submittal of plans for building permits, a plan shall be submitted to the Fire Protection District for review and approval indicating the method in which buildings are to be identified by address numbers.

116. Prior to construction, the Applicant shall submit plans to the Fire Protection District for placement of fire hydrants. On plans, show existing hydrants within five-hundred feet (500') of the development. Indicate the type of hydrant, number and size of outlets.

117. Prior to combustible construction, fire hydrants shall be installed and in service and shall conform to the minimum standards of the Ventura County Water Works Manual.

118. Prior to occupancy of any structure, blue reflective hydrant location marketers shall be placed on the access roads in accordance with Fire Protection District standards. If the final asphalt cap is not in place at time of occupancy, hydrant location markers shall still be installed and shall be replaced when the final asphalt cap is completed.

119. Prior to map recordation, the Applicant shall provide to the Fire Protection District, verification from the water purveyor that the purveyor can provide the required fire flow of one-thousand (1,000) gallons per minute at twenty (20) psi.

120. A copy of all recorded maps shall be provided to the Fire Protection District within seven (7) days of recordation of said map.

D. For compliance with the following conditions please contact the Ventura County Waterworks District No. 1:

121. Prior to issuance of a building permit, provide Ventura County Waterworks District the following:

    a. Water and sewer improvement plans in the format required.

    b. Hydraulic analysis by a registered Civil Engineer to determine the adequacy of the proposed and existing water and sewer lines.

    c. Copy of approval of fire hydrant locations by County of Ventura Fire Protection District.

    d. Copy of Release from Calleguas Municipal Water District.

    e. Cost estimates for water and sewer improvements.

    f. Fees: Plan check, construction inspection, capital improvement charge, sewer connection fee and water meter charge.

    g. Signed Contract to install all improvements and a Surety Bond.

E. For compliance with the following conditions please contact the Ventura County Flood Control District:

122. No direct storm drain connections to Ventura County Flood Control District facilities shall be allowed without appropriate Best Management Practices (BMP's) for compliance with Ventura Countywide Stormwater Program.

123. Cross Connection Control Devices: At the time water service connection is made, cross connection control devices shall be installed on the water system in a manner approved by the County Waterworks District No. 1.

EXHIBIT B

SPECIAL AND STANDARD CONDITIONS OF APPROVAL

FOR RESIDENTIAL PLANNED DEVELOPMENT NO. 1998-02

SPECIAL CONDITIONS

1. Prior to issuance of Zoning Clearance for the first residential unit, the Applicant shall contribute thirty-thousand dollars ($30,000) for funding endangered wildlife species breeding, predator trapping, or other support programs in the open space easement area as required by the U.S. Fish and Wildlife Service. This contribution shall be coordinated with the U.S. Fish and Wildlife Service and be made to an appropriate private conservation institution upon approval of the U.S. Fish and Wildlife Service. Evidence of contribution approved by the service shall be presented to the City prior to the issuance of building permits.

2. Prior to the issuance of a Zoning Clearance for construction, the Applicant shall contribute fifteen-thousand dollars ($15,000) towards the City's sensitive species research program (established as a component of the Open Space Trust Fund related to maintenance of the Open Space, Conservation and Recreation Element and related programs).

3. The SunCal architectural booklet titled Vistas at Moorpark Design Guidelines, dated July 9, 2001 (revised July 2003), Exhibit "A" (as amended in Special Conditions herein), shall form the basis of the evaluation of architectural treatment to be incorporated on each residential structure for permit issuance. At a minimum, the pen and ink drawings that have depicted the respective architectural style and sub-style shall be incorporated in the project as presented in the architectural manual.

4. The following changes to the Vistas at Moorpark Design Guidelines, dated July 9, 2001 (revised July 2003), shall be incorporated by the Applicant and new copies of the guidelines submitted to the Community Development Director, prior to building plan check for the first building permit on the project:

a. Adjoining residential units may not have the same floor plan or elevation.

b. Compatibility of Changes to Plans: No expansion, alteration or change in architectural elements that is visible from any abutting street shall be allowed, unless in the judgment of the Community Development Director it is compatible with all dwellings having frontage on the same street and located within two-hundred feet (200') of the side property line of the structure proposed for expansion or alteration.

c. All facilities and uses other than those specifically requested in the application are prohibited unless an application for a modification has been approved by the City of Moorpark. Any minor changes to this permit shall require the submittal of an application for a Permit Adjustment and any major changes to this permit shall require the submittal of a Modification.

d. A minimum of three (3) architectural styles shall be included in the tract, and a minimum of three (3) sub-styles (color & material scheme) shall be included in the architectural styles.

e. No more than forty percent (40%), but no less than twenty five percent (25%), of the dwellings shall be represented by any one of the architectural styles and no sub-style shall be represented by more than forty percent (40%) of the maximum number of dwellings allowed for the primary architectural style.

f. The roof design for all structures as viewed from any street outside of the project (including Walnut Canyon Road and North Hills Parkway) shall be varied unit by unit which may be accomplished through the use of at least one (1) of the following: alternative roof designs; alternative materials and colors; a combination roof design such as hip and gable; the use of dormer details; or by adjusting the plotting of the building to the satisfaction of the Community Development Director.

g. Not more than forty percent (40%) of the units on any block face shall have the same architectural plan and elevation. This prohibition shall not apply to areas which are required to be single story units. It is the intent of the Planning Commission that no combination of floor plan, architectural style, and sub-style be over-represented within the development.

h. The Community Development Director shall have the authority to make changes to building architecture consistent with each established architectural scheme, in order to achieve a higher level of fire resistance.

i. Accessory buildings over one-hundred-twenty square feet (120 s.f.) in area or which require a building permit may be located only in rear yard areas and must be of an architectural style and color and constructed of materials consistent with the main structure.

j. Garden walls and fencing to a maximum height of thirty-six inches (36") may be placed in front yard setback areas provided that they are architecturally consistent with the main building as approved by the Community Development Director.

k. All property line walls or fences shall be constructed of masonry, stone or concrete products and be in earth tone colors, except for interior view lots where wrought iron and masonry or stone pilasters may be used as determined and approved by the Community Development Director.

l. All walls at the side yard return (side property line to main building) or on a corner lot that are visible from any street, shall be constructed of masonry, stone or concrete products, or wrought iron and shall be architecturally consistent with the main building to the satisfaction of the Community Development Director.

m. Garages shall maintain a clear unobstructed dimension of twenty feet (20') in length and ten feet (10') in width for each parking stall provided with a minimum of two (2) garage-parking stalls required for each dwelling unit.

n. Rain gutters and downspouts shall be provided on all sides of the structure for all structures where there is a directional roof flow. Water shall be conveyed to the street or drives in non-corrosive devices as determined by the City Engineer.

o. All residential units shall be constructed employing energy saving devices.

p. A mix of residential units of single-story and two-story design shall be determined by the Community Development Director. The target shall be a percentage of single story units in the range of 30-40

percent at the discretion of the Community Development Director.

q. Accessory buildings may not have a height (measured at highest point of structure) greater than twelve (12') feet.

5. A minimum one-thousand square foot (1,000 s.f.) club house, swimming pool and separate wading pool, and the landscaping within the paseos and park lots must be constructed and capable of homeowner use prior to or concurrent with the final inspection of the thirtieth residential structure. The Homeowners' Association shall contract for separate solid waste service at this location.

6. A deed restriction shall be recorded in favor of the City to irrevocably limit residential units on lots 27-31 to one (1) story in height as defined by the Vistas at Moorpark Design Guidelines, dated July 9, 2001 (revised July 2003). Each buyer shall sign an acknowledgement statement indicating that this deed restriction has been explained to them. A copy of the acknowledgement shall be provide to the Community Development Director and shall be filed with each building permit.

7. Accessory buildings may not have a height (measured at highest point of structure) greater than twelve (12') feet.

8. Hot water solar panel stub-outs shall be provided.

9. The continued maintenance of the permit area and facilities shall be subject to periodic inspection by the City. The permittee or owner shall be required to remedy any defects in ground maintenance, as indicated by the Code Enforcement Officer within five (5) days after notification.

10. The purchasers of each property along the northern boundary of the tract (Lots 1, 2, 90-94, and 108-110) shall be provided with notification, and shall acknowledge in writing, the disclosure that North Hills Parkway is a planned major arterial highway within the City of Moorpark, and that traffic and noise levels significantly in excess of those at the time of purchase can be expected in the future. The applicant shall provide the Community Development Director with a copy of the signed acknowledgement prior to the close of escrow for each of the aforementioned lots.

11. In the event that cable television services or their equivalent are provided to the project under collective

arrangement or any collective means other than by a City Cable Franchisee (including, but not limited to, programming provided over a wireless or satellite system contained within the project), the entity responsible for the provision of such service shall pay monthly to the City an access fee of five percent (5%) of gross revenue generated by the provision of those services, or the highest franchise fee required from any City Cable Franchisee, whichever is greater. "Gross Revenue" is defined in Chapter 5.06 of the Moorpark Municipal Code and any successor amendment or supplementary provision thereto. In the event that cable television services are provided to the project by any other means than by a City Cable Franchisee, the City's government channel shall be available to all units as part of any such service on the same basis as if the project was served by a City Cable Franchisee.

12. Prior to issuance of the first Zoning Clearance for building permit, the applicant shall pay to fund a crossing guard position for a total of 5 years, including City overhead and supervision costs. The amount to be paid shall be $75,000.00, and if not paid by January 1, 2006, shall be increased by ½% per month until paid.

13. The applicant shall provide conduits and flashing to allow for the future installation of photovoltaic systems on all units within Tract 5130, and shall comply with any policy on provision of solar energy systems which may be adopted by the City of Moorpark prior to the approval of the Final Map.

14. Prior to the approval of the Final Map, the applicant shall create a landscape maintenance district to provide the perpetual maintenance for landscaping improvements provided by the applicant along Walnut Canyon Road, Wicks Road, and North Hills Parkway.

15. Residential Planned Development No. 1998-02 shall be deemed approved thirty (30) days following the second reading of the ordinance approving Zone Change No 1998-01.

STANDARD CONDITIONS

A. For compliance with the following conditions please contact the Community Development Department:

1. The Residential Planned Development permit is granted for the land and project as identified on the entitlement application form and as shown on the plot plans and elevations incorporated herein by reference as Exhibit "A". The location and design of all site improvements shall be as shown on the approved plot plans and elevations except or unless indicated otherwise herein in the following conditions.

2. All conditions of Tentative Tract Map 5130 shall apply to this residential planned development permit.

3. Unless the Residential Development Permit is inaugurated (building foundation slab in place and substantial work in progress) not later than three (3) years after this permit is granted, this permit shall automatically expire on that date. The Community Development Director may, at his/her discretion, grant up to two (2) one (1) year extensions for project inauguration if there have been no changes in the adjacent areas and if Applicant can document that he/she has diligently worked towards inauguration of the project during the initial three-year period and the Applicant has concurrently requested a time extension to the tentative tract map. The request for extension of this entitlement shall be made at least thirty (30) days prior to the expiration date of the permit.

4. CC&R's and Landscaping Easement Requirements: Covenants, Conditions and Restrictions (CC&R's) and by-laws establishing one or more Homeowners' Associations for the residential development shall be prepared. The CC&R's shall identify all Common Maintenance Areas including maintenance of all hiking trails, open space lots, parkway landscaping for all streets, any shared driveways, storm drains, any fencing or walls within common maintenance areas, recreational areas, and any slope directly affecting drainage or residential street facilities. The draft CC&R's shall be submitted to the Community Development Director and the City Attorney for review and approval prior to approval of the first phase of the Final Map by the City Council and the subdivider shall be required to pay all costs associated with such review. All applicable Tentative Map, Residential Planned Development (RPD) and Development Agreement conditions of approval shall be highlighted in

the copies of the CC&R's submitted for City review. Prior to the sale of any lots, the CC&R's shall be approved by the State Department of Real Estate and then recorded. Approval of the City shall not be construed to mean that the City has any obligation to enforce CC&R's. The Homeowners' Associations may modify the CC&R's only to the extent that they do not conflict with the terms of approval of the Tentative Tract Map, approved Residential Planned Development Permit or the approved Development Agreement. Sixty (60) days notice must be given to the City of the intent to modify CC&Rs. Further, it is the sole responsibility of the Homeowners' Association to enforce the CC&Rs.

5. The CC&R's shall contain language indicating that where feasible, the use of recycled materials shall be included in the construction of the project.

6. The CC&R's shall contain provisions that the Homeowners' Association shall be responsible for implementing and maintaining the vegetation management requirements within the fuel modification zones in perpetuity. As required by the Fire Protection District fuel modification zones are proposed to be retained in as natural a state as safety and fire regulations will permit. The zones shall be designed by and planted under the supervision of a landscape architect with expertise in native plant materials, with the approval of the Community Development Director, to appear as a transition between the built environment and natural open space. Final approval of this Program by the County Fire Protection District and Community Development Director shall be required prior to the recordation of the Final Map. Appropriate language shall be included on the Final Map indicating the boundary of all areas of fuel modification hazard zones.

7. Prior to occupancy of each dwelling unit, the Applicant shall install front yard landscaping as approved on the landscape plans.

8. No expansion, alteration or change in architectural elements that are visible from any abutting street shall be allowed, unless in the judgment of the Community Development Director such change is compatible with all dwellings having frontage on the same street and located within two-hundred feet (200') (or as otherwise determined by the Community Development Director) of the side property line of the structure proposed for expansion or alteration, subject to the review and approval of the Community

Development Director consistent with these approved conditions and Zoning Code requirements.

9. All air conditioning or air exchange equipment shall be placed at ground level, may not be placed in a sideyard setback area within fifteen feet (15′) of an opening window at ground floor level of any residential structure, and shall not reduce the required sideyards to less than five feet (5′) of level ground.

10. All facilities and uses other than those specifically requested in the application are prohibited unless an application for a modification is submitted to the Department of Community Development consistent with the requirements of the Zoning Code.

11. Garages shall maintain a clear unobstructed dimension of twenty feet (20′) in length and ten feet (10′) in width for each parking stall provided with a minimum of two garage-parking stalls required for each dwelling unit.

12. Rain gutters and downspout shall be provided on all sides of the structure for all structures where there is a directional roof flow. Water shall be conveyed to the street or drives in non-corrosive devices as determined by the City Engineer.

13. Prior to the issuance of a Zoning Clearance for construction, working drawings, grading and drainage plans, plot plans, final map (if requested by the Community Development Director), sign programs, and landscaping and irrigation plans (three full sets) shall be submitted to the Community Development Director for review and approval.

14. Unless otherwise stipulated in the Special Conditions of Approval, the applicant shall be responsible for the maintenance of any and all parkway landscaping (hereinafter "Parkway Landscaping") constructed by the project, whether said Parkway Landscaping is within the street right-of-way or outside of the street right-of-way. Any Parkway Landscaping situated outside of the street right-of-way shall be within a landscape easement (herein "Landscape Easement").

15. All required Landscape Easements shall be clearly shown on the final map (herein "Final Map").

16. Unless otherwise stipulated in the Special Conditions of Approval, any median landscaping constructed by the project shall be maintained by the City as part of an Assessment District bounded by the properties within Tract No. 5130.

An Assessment District shall be formed to fund the City maintenance costs for any such median landscaping and funded by the properties within Tract No. 5130.

17. Unless otherwise stipulated in the Special Conditions of Approval, Parkway Landscaping shall be maintained by a Home Owners' Association, a Property Owners' Association or by the property owner [herein "Private Responsible Party"]. In such case, any required Landscape Easements, shall be conveyed to the Private Responsible Party.

18. Unless otherwise stipulated in the Special Conditions of Approval, all required on-site drainage improvements and/or stormwater quality [NPDES] features or facilities [herein "Drainage Improvements"] shall be maintained by the Private Responsible Party.

19. When and if stipulated in the Special Conditions of Approval that certain identified Parkway Landscaping and/or Drainage Improvements are to be maintained by the City, an Assessment District shall be formed to fund City costs for such maintenance. In such event, any required Landscape Easements or drainage easements for these purposes shall be conveyed to the City.

20. The City reserves the right to assume the maintenance of Parkway Landscaping, median landscaping or Drainage Improvements being maintained by a Private Responsible Party, should it be determine by the City, at its sole discretion, that the maintenance being provided by the Private Responsible Party is inadequate. Accordingly, any Final Map identifying any Landscape Easement or drainage easement granted to a Private Responsible Party for such purpose, shall also be shown on said Final Map as having an irrevocable offer of dedication to the City. Typically the City would not accept this irrevocable offer unless and until the City determined that it was necessary for the City to assume the maintenance of the facilities within those easements.

21. If required by a Special Condition of Approval, an Assessment District [herein "Back-Up District"] shall be formed to fund future City costs, should they occur, for the maintenance of Parkway Landscaping, median landscaping or Drainage Improvements previously maintained by a Private Responsible Party and then assumed by the City. If a Back-Up District is formed, it shall be the intent of the City to approve the required assessment each year, but to only levy that portion of the assessment necessary to recover

any past City costs or any anticipated City costs for the following fiscal year. In the event the City is never required to assume the maintenance of any such improvements maintained by a Private Responsible Party, the amount of the annual assessment actually levied upon the affected properties would be minor amount, possibly zero. The City shall administer the annual renewal of the Back-Up District and any costs related to such administration shall be charged to the Fund established for such district revenues and expenses.

22. When it has been determined that it is necessary to form an Assessment District (including a Back-Up District), the applicant shall be required to undertake and complete the following:

    a. At least one hundred twenty (120) days prior to the planned recordation of any Final Map or the issuance of any zoning clearance for building permit, whichever comes first; and

    b. Submit the final draft plans for any irrigation, landscaping or Drainage Improvements (herein "Maintained Areas") to be maintained by the Assessment District (including a required Back-Up District), along with any required plan checking fees; submit a check in the amount of $5,000 as an advance to cover the cost of Assessment Engineering for the formation of the Assessment District (Note: Developer shall be required to pay for all final actual assessment engineering costs related to the Assessment District formation); and

    c. At least sixty (60) days prior to the planned recordation of any Final Map or the issuance of any zoning clearance for building permit, whichever comes first, submit to the City the completed, "City approved" plans for the Maintained Areas (landscaping, irrigation and NPDES Drainage Improvements); and

    d. Prior to the planned recordation of any Final Map or the issuance of any zoning clearance for building permit, whichever comes first, submit to the City a signed Petition and Waiver requesting formation of the Assessment District. Note: The Petition and Waiver shall have attached to it as Exhibit 'A' the City approved final draft Engineer's Report prepared by the Assessment Engineer retained by the City.)

B. For compliance with the following conditions please contact the Engineering Division:

23. The City Engineering conditions of approval for Tentative Tract Map No. 5130 apply to Residential Planned Development Permit No. 2003-01.

C. For compliance with the following conditions please contact the Ventura County Fire Protection District:

24. All conditions of Tentative Tract Map 5130 shall apply.

D. For compliance with the following conditions please contact the Ventura County Waterworks District No. 1:

25. All conditions of Tentative Tract Map 5130 shall apply.

E. For compliance with the following conditions please contact the Police Department:

26. Prior to issuance of building permits for either the residential or recreational components of the project, the Police Department shall review development plans for the incorporation of defensible space concepts to reduce demands on police services. To the degree feasible, public safety planning recommendations shall be incorporated into the project plans. The Applicant shall prepare a list of project features and design components that demonstrate responsiveness to defensible space design concepts. Review and approval by the Police Department of all defensible space design features incorporated into the project shall occur prior to initiation of the building plan check process.

F. For compliance with the following conditions please contact the Moorpark Unified School District:

27. Prior to issuance of building permits for the residential units, all legally mandated school impact fees applicable at the time of issuance of a building permit shall be paid to the Moorpark Unified School District.

-End-

STATE OF CALIFORNIA)
COUNTY OF VENTURA) ss.
CITY OF MOORPARK)

I, Deborah S. Traffenstedt, City Clerk of the City of Moorpark, California, do hereby certify under penalty of perjury that the foregoing Resolution No. 2003-2150 was adopted by the City Council of the City of Moorpark at a regular meeting held on the 17th day of December, 2003, and that the same was adopted by the following vote:

AYES: Councilmembers Harper, Millhouse, Parvin and Mayor Hunter

NOES: Councilmember Mikos

ABSENT: None

ABSTAIN: None

WITNESS my hand and the official seal of said City this 8th day of January, 2004.

Deborah S. Traffenstedt

Deborah S. Traffenstedt, City Clerk
(seal)

RESOLUTION NO. 2008-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING MODIFICATION NO. 1 TO VESTING TENTATIVE TRACT MAP NO. 5130 AND RESIDENTIAL PLANNED DEVELOPMENT PERMIT NO. 1998-02, TO EXTEND THE TIMING OF CERTAIN IMPROVEMENTS AND THE TERM OF THE RESIDENTIAL PLANNED DEVELOPMENT PERMIT FOR THE VISTAS AT MOORPARK PROJECT, LOCATED EAST OF WALNUT CANYON ROAD AND NORTH OF WICKS ROAD, ON THE APPLICATION OF SAGE COMMUNITY GROUP ON BEHALF OF MOORPARK 150 LLC

WHEREAS, on October 28, 2008, Sage Community Group, on behalf of Moorpark 150, LLC, requested a modification to the Conditions of Approval for Vesting Tentative Tract Map No. 5130 and Residential Planned Development Permit No. 1998-02, to extend the timing for certain improvements and the term of the Residential Planned Development Permit; and

WHEREAS, at a duly noticed public hearing held on November 19, 2008, the City Council considered the agenda report and any supplements thereto and any written public comments; opened the public hearing, took and considered public testimony both for and against the proposal, closed the public hearing, and reached a decision on this matter; and

WHEREAS, the City Council concurs with the Planning Director's determination that the Mitigated Negative Declaration adopted by the City Council for this project is applicable to the modification and no further environmental documentation is required.

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

SECTION 1. PERMIT MODIFICATION FINDINGS: Based upon the information set forth in the staff report(s), accompanying studies, and oral and written public testimony, the City Council finds in accordance with City of Moorpark, Municipal Code Section 17.44.100.A.2, that the change in the timing of improvements and term of the entitlement is not a substantial or fundamental change in the approved entitlement or use relative to the permit, would not have a substantial adverse impact on surrounding properties, and would not change any findings contained in the Mitigated Negative Declaration adopted for the project.

SECTION 2. CITY COUNCIL APPROVAL: The City Council approves Modification No 1. to Vesting Tentative Tract Map No. 5130 and Residential Planned Development Permit No. 1998-02, subject to the Conditions of Approval included in Exhibit A, attached hereto and incorporated herein by reference.

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

PASSED AND ADOPTED this 19th day of November, 2008.

_____
Patrick Hunter, Mayor

ATTEST:

_____
Maureen Benson, Assistant City Clerk

Exhibit A - Conditions of Approval for Modification No. 1 to Vesting Tentative Tract Map No. 5130 and Residential Planned Development Permit No. 1998-02

EXHIBIT A

CONDITIONS OF APPROVAL
FOR
MODIFICATION NO. 1
TO
VESTING TENTATIVE TRACT MAP NO. 5130
AND
RESIDENTIAL PLANNED DEVELOPMENT PERMIT NO. 1998-02

1. All of the original conditions of approval in City Council Resolution Number 2003-2150 for Vesting Tentative Tract Map No. 5130 and Residential Planned Development No. 1998-02, are incorporated herein by reference and shall remain in full force and effect except as specifically modified by this permit.

2. Special Condition No. 20 for Vesting Tentative Tract Map No. 5130 is amended in its entirety to read as follows:

   20. Prior to issuance of a Certificate of Occupancy for the 50th dwelling unit or April 15, 2011, whichever comes first, construction of roadway improvements to Walnut Canyon Road and overlaying of the pavement on Wicks Road must be completed to the satisfaction of the City Engineer and Public Works Director. The improvements along Walnut Canyon Road associated with the project must cover the full extent of the frontage, as well as south of the property to Wicks Road, including any standard off-site transitions determined necessary by City Engineer and Caltrans. Improvements include, but are not limited to dedication of land to provide a sixty-four-foot (64') right-of-way, horizontal and vertical realignment of Walnut Canyon Road in accordance with City and Caltrans standards with no less than eight-foot (8') paved shoulders, no less than twelve-foot (12') travel lanes, and no less than twelve-foot (12') turning lanes. A five-foot (5') wide concrete pedestrian walkway must be installed from the southern boundary of Tract 5405 along the west side of Walnut Canyon Road. The pedestrian facilities along the west side of Walnut Canyon Road must be extended to the north side of the intersection of Walnut Canyon Road and Casey Road. Pedestrian facilities must meet all City and American Disabilities Act (ADA) requirements. Crosswalk facilities will be constructed at Casey Road for pedestrian access to the east side of Walnut Canyon Road to the satisfaction of the City Engineer. The developer shall overlay the paving on Wicks Road consistent with city standards, to the satisfaction of the City Engineer and Public Works Director prior to issuance of a Certificate of Occupancy of the 50th dwelling unit or April 15, 2011, whichever comes first.

3. Standard Condition No. 3 for Residential Planned Development Permit No. 1998-02 is amended in its entirety to read as follows:

   3. Unless the Residential Development Permit is inaugurated (first building foundation slab in place and substantial work in progress) not later than December 17, 2011, this permit will automatically expire on that date. The Community Development Director may, at his/her discretion, grant up to two (2) one (1) year extensions for project inauguration if there have been no changes in the adjacent areas and if Applicant can document that he/she has diligently worked towards inauguration of the project and has concurrently requested a time extension to the tentative tract map (if necessary). The request for extension of this entitlement must be made at least thirty (30) days prior to the expiration date of the permit.

- END -