

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

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

DATE: November 12, 2008 (CC Meeting of 11/19/2008)

SUBJECT: Consider Acceptance of an Irrevocable Offer of Dedication at 686 and 690 Walnut Street (Richard Leyner)

BACKGROUND/DISCUSSION

On October 11, 2007, the Planning Director approved Administrative Permit No. 2007-07, to permit improvements to the site, façades, and parking areas of two buildings located on one lot at 686 and 690 Walnut Street, on the application of Richard Leyner. The applicant is currently seeking City Council approval of a proposed Irrevocable Offer of Dedication of an ingress/egress access, drainage and parking easement in favor of the City to satisfy Condition No. 5 of Administrative Permit No. 2007-07. The proposed easement is a 19 ½ foot wide strip on the east side of the property, extending for a length of 75 feet from the Charles Street property line on the north, to the southern property line, for a total of 1462.5 square feet. While not needed at the current time, the easement may be useful in the future if the property to the south of the project site is redeveloped. If accepted, the proposed easement would be fully assignable by the City to the property owner to the south of this property. The form of the Irrevocable Offer of Dedication and other required pertinent documents required to satisfy the condition of approval have been reviewed and approved to the satisfaction of the Planning Director, City Engineer and the City Attorney. The offer of dedication of this easement must be notarized and sent to the County for recordation upon direction by the City Council. All other project conditions have been satisfied.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Direct staff to accept and record the irrevocable offer of dedication.

ATTACHMENTS

1. Location Map
2. Proposed Irrevocable Offer of Dedication 686 and 690 Walnut Avenue
3. Administrative Permit No. 2007-07 Approval Letter



**Location Map
686 and 690 Walnut Avenue**

CC ATTACHMENT 1

RECORDING REQUESTED BY
AND WHEN RECORDED MAILED TO:

City of Moorpark
799 Moorpark Avenue
Moorpark, California 93021
Attention: City Clerk

EXEMPT FROM RECORDERS FEES
Pursuant to Government Code
Sections 6103 and 27383

SPACE ABOVE THIS LINE FOR RECORDERS USE

IRREVOCABLE OFFER OF DEDICATION
(Government Code 7050; Civil Code 1009 (c))

690 WALNUT LLC, owners of real property located in the City of Moorpark, County of Ventura, State of California, described on Exhibit A attached hereto and incorporated herein by reference hereby makes an irrevocable offer of dedication of an easement over the property identified on Exhibit A, for public access, ingress and all uses appurtenant thereto to the City of Moorpark.

The City of Moorpark shall incur no liability with respect to this offer of dedication and shall not assume any responsibility for the offered property or any improvements to the property until this offer has been accepted by appropriate action of the City Council of the City of Moorpark. If accepted by the City of Moorpark, this easement shall be fully assignable to the owner of the property described on Exhibit B, attached hereto and incorporated herein by reference, as an easement appurtenant for access, ingress and egress purposes and all uses appurtenant thereto. Provided, however, that prior to any use of the easement, the City or its assignee, shall be responsible for the costs associated with removal and replacement of any parking spaces, driveway apron, curb or other physical improvements necessitated by use of the Easement.

The provisions of this offer shall inure to the benefit of and be binding upon the heirs, successors, assigns and personal representatives of the respective parties to the offer.

IN WITNESS WHEREOF, the undersigned has executed this Offer of Dedication on this 31st day of July, 2008, to be effective upon its recordation in the Official Records of Ventura County, California.


690 WALNUT LLC
By: J Richard Leyner, Manager

EXHIBIT A
LEGAL DESCRIPTION

THE EAST 19.50 FEET OF THE NORTH ONE-HALF OF LOT 10, BLOCK "D", M.L. WICKS SUBDIVISION OF PART OF TRACT "U" AND ADDITION TO MOORPARK IN THE RANCHO SIMI, CITY OF MOORPARK, COUNTY OF VENTURA, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 5, PAGE 37, MISCELLANEOUS RECORDS (MAPS), IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

CONTAINING 1,462.5 SQUARE FEET MORE OR LESS.

APN: 512-0-092-010



MR 5-37

MAP
OF

M. L. WICKS SUBDIVISION
of part of Tract U and Addition to

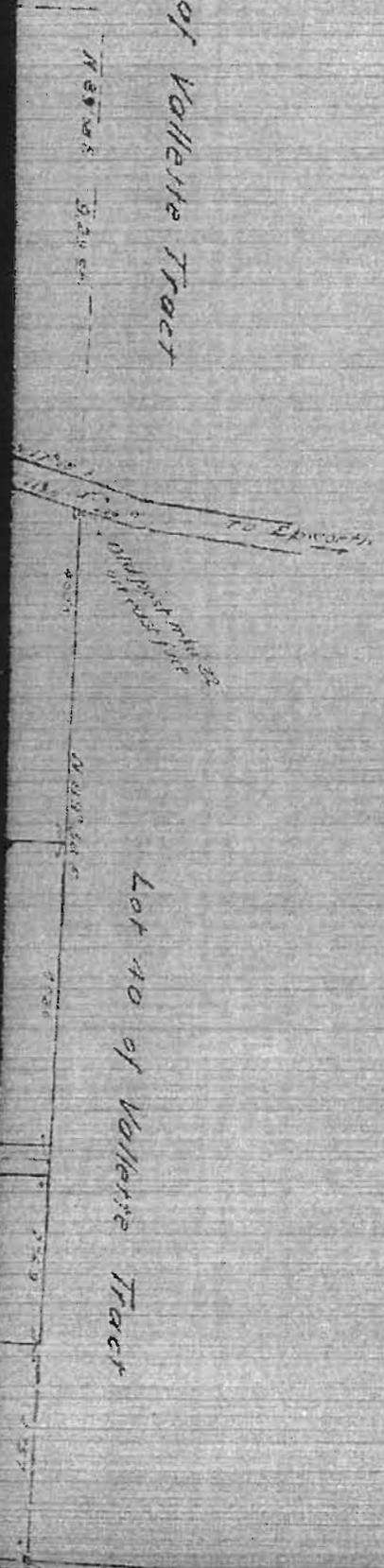
MOORPARK
in the
RANCHO SIMI
Ventura County,
California.

Scale 200 feet to 1 inch

Being a subdivision of Tract U and an addition to the
Townsite of Moorpark, or the same as designated and
defined upon a certain map recorded in the office
of the County Recorder of Ventura County, California,
in book 5 of Miscellaneous Records (Maps) at page 51.

36 of Valiente Tract

Lot 40 of Valiente Tract





Street

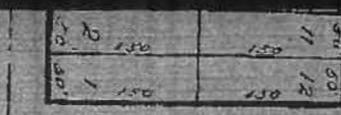
CHANGES

North Magnolia

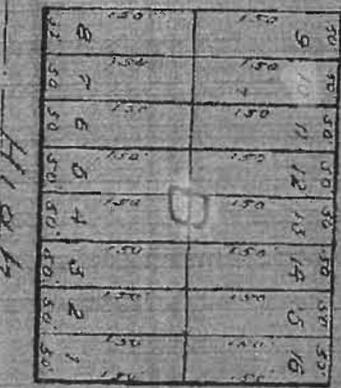
3 FEET

100'

175'



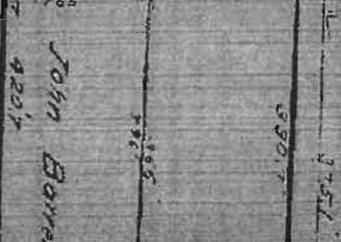
Walnut



Bord St



Magnolia St



High

Street

S P. R. R.

Road Station Grounds

000177



City of Moorpark

COMMUNITY DEVELOPMENT DEPARTMENT: PLANNING – BUILDING AND SAFETY – CODE COMPLIANCE

799 Moorpark Avenue, Moorpark, California 93021 (805) 517-6200 fax (805) 532-2540

October 11, 2007

690 Walnut LLC
c/o Richard Leyner
16001 Ventura Boulevard #200
Encino, CA 91436

Subject: ADMINISTRATIVE PERMIT NO. 2007-07 - TO PERMIT IMPROVEMENTS TO THE SITE, FAÇADES, AND PARKING AREAS OF TWO (2) BUILDINGS LOCATED ON ONE (1) LOT AT 686 AND 690 WALNUT STREET ON THE APPLICATION OF 690 WALNUT LLC (RICHARD LEYNER)

Dear Mr. Leyner:

We have completed our review of your request for Administrative Permit No. 2007-07, to permit improvements to the site, façades, and parking areas of two (2) buildings located on one (1) lot at 686 and 690 Walnut Street. No correspondence or contact in opposition to your request was received. The Community Development Director has reached a decision on this matter.

Approval of Application

The Community Development Director has determined that the proposal meets the findings required by Title 17, Chapter 17.44 of the Municipal Code. Based upon a review of the proposed project, the requirements of the Zoning Ordinance, and any input from the noticed office hearing, this request for an Administrative Permit is hereby APPROVED subject to the following conditions:

1. The development shall be in substantial conformance with the plans presented in conjunction with the application for Administrative Permit No. 2007-07, except any modifications as may be required to meet specific Code standards or other conditions stipulated herein.
2. All necessary permits shall be obtained from the Building and Safety Division and all construction shall be in compliance with the Moorpark Building Code and all other applicable regulations.
3. All design, setbacks, and height requirements must be in accordance to the Zoning Code and the Downtown Specific Plan.

CC ATTACHMENT 3

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PATRICK HUNTER
Mayor

KEITH F. MILLHOUSE
Mayor Pro Tem

ROSEANN MIKOS
Councilmember

JANICE PARVIN
Councilmember

MARK VAN DAM
Councilmember

4. The parking spaces at the rear of 686 Walnut Street do not meet Zoning requirements as they require unreasonable maneuvering. They need to be eliminated from the plan and replaced with landscaping (including hardscape) and irrigation. A landscaping and irrigation plan for this area must be submitted to the satisfaction of the Planning Director prior to the issuance of any building permits.
5. Prior to issuance of an occupancy permit, the Applicant shall provide an Irrevocable Offer of Dedication to the City of an easement for the purpose of providing ingress/egress access, drainage and parking to the adjacent property to the south. The City of Moorpark shall not assume any responsibility for the offered property or any improvements to the property until this action has been accepted by the City Council. If accepted by the City of Moorpark, this easement may be fully assignable to the property owner to the west of this property, as an easement appurtenant for parking, ingress/egress access purposes and all uses appurtenant thereto. The form of the Irrevocable Offer of Dedication and other required pertinent documents required to satisfy the above requirements shall be to the satisfaction of the Community Development Director, City Engineer and the City Attorney.
6. The parking area must be redesigned to allow for the two (2) parallel parking spaces at the rear of 690 Walnut Street. Accessible parking is required to the satisfaction of the City of Moorpark Building Official to meet local, state, and federal requirements.
7. A fully enclosed trash and recycling enclosure must be provided at the southeast corner of the site, with the exact location and design to the satisfaction of the Planning Director.
8. A landscape and irrigation plan for the parkways on Walnut Street and Charles Street must be submitted to the satisfaction of the Planning Director prior to the issuance of any building permit. Landscaping must be installed prior to occupancy of either of the two buildings.
9. Decorative fencing is required, including a wrought iron or tubular steel fence and gate at the Charles Street driveway and a fence separating the landscaped area from the parking area.
10. The exact colors and material details must be reviewed and approved by the Planning Director prior to the issuance of any building permits.

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690 Walnut LLC
c/o Richard Leyner
October 11, 2007
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11. The windows must not extend to floor or ground level; the brick wainscoting and ledge needs to continue across this area. The exact design details of the base of the building must be reviewed and approved by the Planning Director prior to the issuance of any building permits.
12. The storefront doors must be designed so as not to open over the public right-of-way. A decorative entry treatment must be provided.
13. Roof-mounted HVAC and mechanical equipment is prohibited.

The approved Administrative Permit 2007-07 becomes effective ten (10) days from the date of this letter, unless an appeal is filed in writing. The Administrative Permit No. 2007-07 approval will expire one (1) year from the effective date, if construction with a valid Building Permit has not commenced within that time.

Please contact Joseph Fiss, at (805) 517-6226 if you have any further questions.

Sincerely,



David A. Bobardt
Planning Director

C: Honorable City Council
Honorable Planning Commission
Steven Kueny, City Manager
Barry K. Hogan, Deputy City Manager
Building and Safety Division
Case File
Chron