

**ITEM 8.A.**

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

**FROM:** David A. Bobardt, Community Development Director  
Prepared by Joseph Fiss, Principal Planner 

**DATE:** February 5, 2010 (CC Meeting of February 17, 2010)

**SUBJECT:** Consider Resolution Approving Modification No. 1 to Residential Planned Development (RPD) No. 1998-01, a Request to Relocate the Required Recreation Center from Vesting Tentative Tract Map No. 5425 to Tract Map No. 5133, Located on the South Side of Los Angeles Avenue at Millard Street, on the Application of Shea Homes, Inc.

**BACKGROUND**

On July 13, 2009 Shea Homes, Inc., submitted an application for a Modification to the original conditions of approval of RPD No. 1998-01 to relocate the required recreation center from Vesting Tentative Tract Map No. 5425 to Tract Map No. 5133, located on the south side of Los Angeles Avenue at Millard Street. The City Council opened a public hearing on this application on December 16, 2009, and continued the matter to January 20, 2010 at the request of the applicant to allow the staff and applicant additional time to discuss staff concerns and recommended conditions. The continued public hearing on January 20, 2010 was continued again to February 17, 2010 at the request of the applicant. No testimony was provided on either date. As a result of discussions between the applicant and staff, the applicant is now proposing to locate the recreation lot for both Tract Map No. 5133 and Vesting Tentative Tract Map No. 5425 within the boundaries of Vesting Tentative Tract Map No. 5425, north of an extension of Majestic Court and east of Tract Map No. 5133 (location map attached), centrally located for both subdivisions. This staff report and the recommended conditions in the attached resolution have been updated based on discussions with the applicant. Because of the new location, area property owners have been re-notified (copy of notice attached) of this open and continued public hearing with a map showing the new proposed location.

## DISCUSSION

Permit modifications may be considered for any proposed change that is not extensive enough to be considered 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 environmental documentation prepared for the permit. Action on a permit modification application is taken by the decision-making body that approved the original permit by the same process and public noticing as required for the original project application. In this case, the City Council was the original decision-making body of the RPD, through a noticed public hearing process.

The City Council adopted Resolution No. 99-1666 on October 6, 1999, approving Tentative Tract Map No. 5133 and RPD No. 1998-01 for 79 residential duplex condominium units. This project is known as Canterbury Lane, or "Canterbury I". The recreation area was approved at the northeast corner of Majestic Court and "A" Street (now Millard St.), and conditioned for a tot-lot to be allowed in Arroyo Simi area if permitted by the Ventura County Watershed Protection District (VCWPD) and Community Development Director. An unnumbered and unlettered condition was included between Condition No. 33 j and k (Page 52 of Resolution No. 99-1666) as follows:

*" The size of the recreational area shall be increased pursuant to Staff Alternative "B" and shall contain a pool minimum surface area of 1,000 sq. ft.), spa, wading pool, deck area, tot-lot, and building containing restrooms and a meeting room. The design of the recreation facility, fencing and equipment proposed for the tot-lot shall be as approved by the Director of Community Development. The tot-lot may be located on Ventura County Flood Control property if approved by the Ventura County Flood Control District and the Director of Community Development."*

Attachment No. 3 shows a recreation area of 95 feet by 70 feet (6,650 square feet) as originally approved, with no on-site parking. It does not show the precise location of the tot-lot.

On June 14, 2002, Minor Modification No. 2 was approved by the Community Development Director. The proposed tot-lot in the Arroyo Simi floodway area was not approved by the Ventura County Flood Control District (now Watershed Protection District) and was relocated across the street from the recreation area south of Majestic Court, east of "A" Street (Millard St.) on a 36' by 70' (2,520 square-foot) lot as shown on Attachment No. 4.

Minor Modification No. 3 was approved by the City Council on July 2, 2003. The recreation area was relocated to be in the vicinity of lots 46, 47 and 48 on the northeast corner of Majestic Court and Millard Street or outside the project boundaries (Attachment No. 5) on what would become Vesting Tentative Tract Map No. 5425

(Canterbury II), with precise siting, subject to the approval of the Community Development Director. The latter described area is the area currently proposed for the recreation area to serve both Tract Map No. 5133 and Vesting Tentative Tract Map No. 5425. A precise site plan and design for the recreation area under Minor Modification No. 3 was never submitted as processing of the adjacent Vesting Tentative Tract Map No. 5425 had begun. This new project proposal included a single recreation area to serve both (then) Tentative Tract Map No. 5133 and Vesting Tentative Tract Map No. 5425.

Residential Planned Development 2003-02 and Vesting Tentative Tract Map No. 5425 were approved by the City Council on April 6, 2005 for 102 dwelling units. This project was intended to be a continuation of the Canterbury Lane project and was known as "Canterbury II", with the same product type, and the same Homeowner's Association (HOA). A condition of approval was included to develop a 15,405 square foot recreation area at the southeast corner of the site, adjacent to the Arroyo Simi (Attachment No. 6), that would meet the needs of 179 dwelling units (77 from Canterbury I and 102 from Canterbury II), and the requirement for a recreation area at Canterbury I would be satisfied at this location with no further modifications to the conditions of approval. At this point, the recreation area and tot lot were no longer reflected on plans for Canterbury I. To date, Zoning Clearances for building permits had been issued for 60 homes in Canterbury I, 4 of which are in the model complex and the rest are occupied.

The original application for Modification No. 1 to RPD 1998-01 requested relocation of the recreation lot for Tract Map No. 5133 to a 12,785 square-foot area in the southwest corner of the property, with the tot-lot area integrated to recreation area. At the time this modification application was filed, Shea Homes was intending to finish Tract No. 5133 as a standalone project, and was not sure whether development of Vesting Tentative Tract Map No. 5425 would occur in the near future.

Since this time, Shea has revisited the feasibility of proceeding with Vesting Tentative Tract Map No. 5425 and has indicated a desire to continue pursuing the development as originally approved. The modification application had been amended with a revised proposal for an approximately 17,200 square-foot recreation lot and integrated tot-lot north of an extension of Majestic Court and immediately east of Tract Map No. 5133. A 1,172 square-foot clubhouse and a 1,125 square-foot pool plus wading pool and spa are included in this proposal.

The revised location for this recreation lot would be more centrally located for both Tract Map No. 5133 and Vesting Tentative Tract Map No. 5425. It would also be larger than the currently approved 15,405 square-foot recreation area (Attachment 6), and it would also be more visible within the community. As noted above, the Homeowners' Association is already set up to serve both subdivisions, making management of the recreation area straightforward. The design for the clubhouse is compatible with the

architecture of the rest of the project. In addition, the open space area at the end of Millard Street would be maintained with the new proposed location.

Recommended conditions have been modified from the original conditions proposed on December 16, 2009, due to the new location of the recreation area. Timing for some of the conditions has also been modified based on the phasing of Tract Map No. 5133, now that the recreation area is no longer removing proposed houses. A review of plans by the Police Department and an 8-foot high wall on the northern property line of the recreation lot would address security and privacy issues associated with the new location for the recreation area. Street improvements that would be needed include the extension of Majestic Court to Fremont Street, and dedication of right-of-way from Vesting Tentative Tract Map No. 5425 for Los Angeles Avenue road widening, along with a security deposit for its improvement, should the City construct the widening prior to the development of this subdivision. Finally, a condition is added to ensure that access is provided from the private extension of Millard Street in Tract Map No. 5133 to a residentially-zoned parcel owned by the Redevelopment Agency.

#### **FISCAL IMPACT**

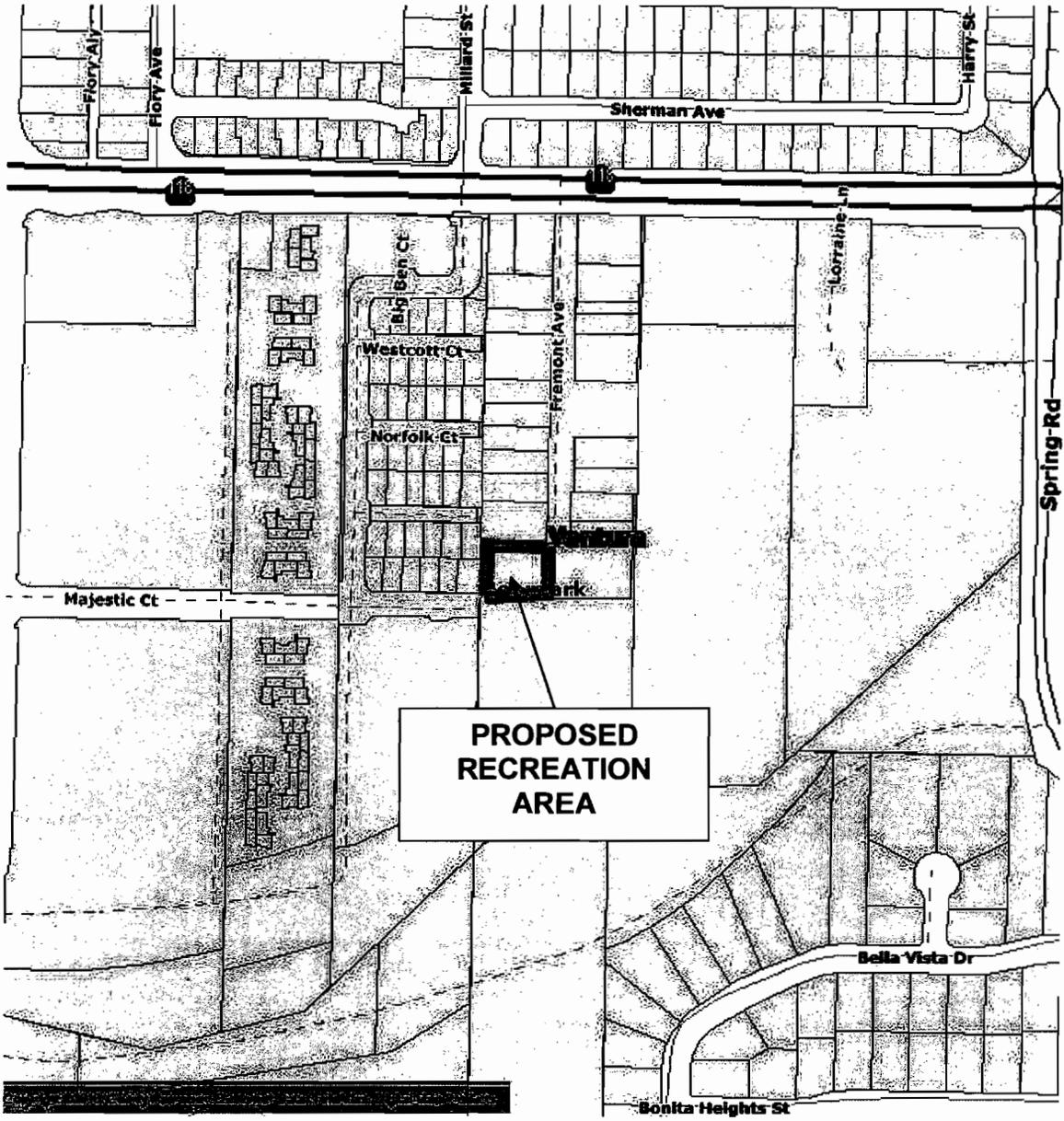
None.

#### **STAFF RECOMMENDATION**

1. Continue to accept public testimony and close the public hearing.
2. Adopt Resolution No. 2010-\_\_\_\_, approving Modification No. 1 to Residential Planned Development (RPD) No. 1998-01 as recommended by staff, subject to conditions of approval.

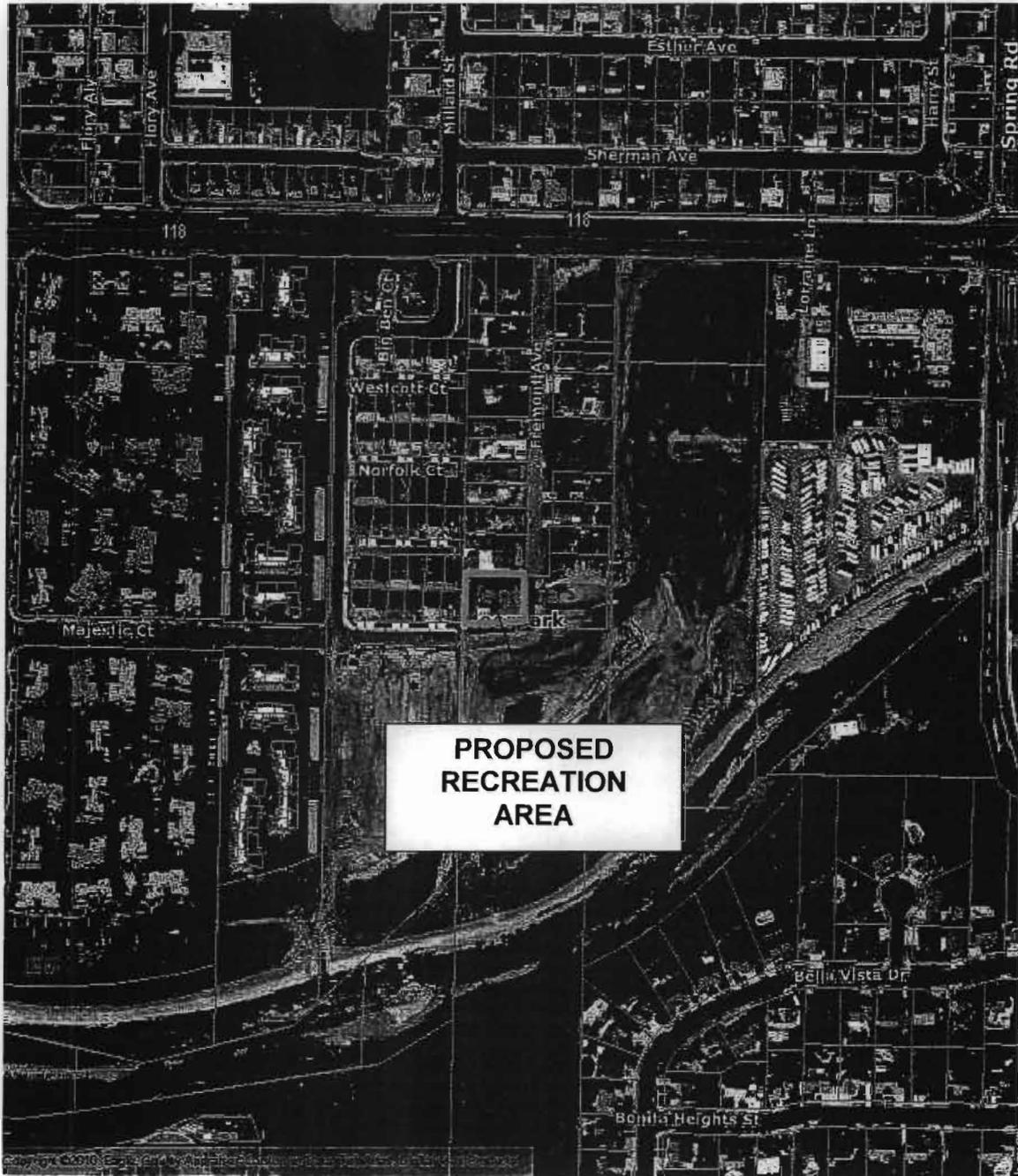
#### **ATTACHMENTS:**

1. Location Map
2. Aerial Photograph
3. Recreation Area Location as Originally Approved
4. Recreation Area Location As Approved per Minor Modification No. 2
5. Recreation Area Location As Approved per Minor Modification No. 3
6. Recreation Area Location As Approved per Tract 5425
7. Project Plans (Under Separate Cover)
8. Public Notice
9. Draft Resolution with Conditions of Approval



**LOCATION MAP**

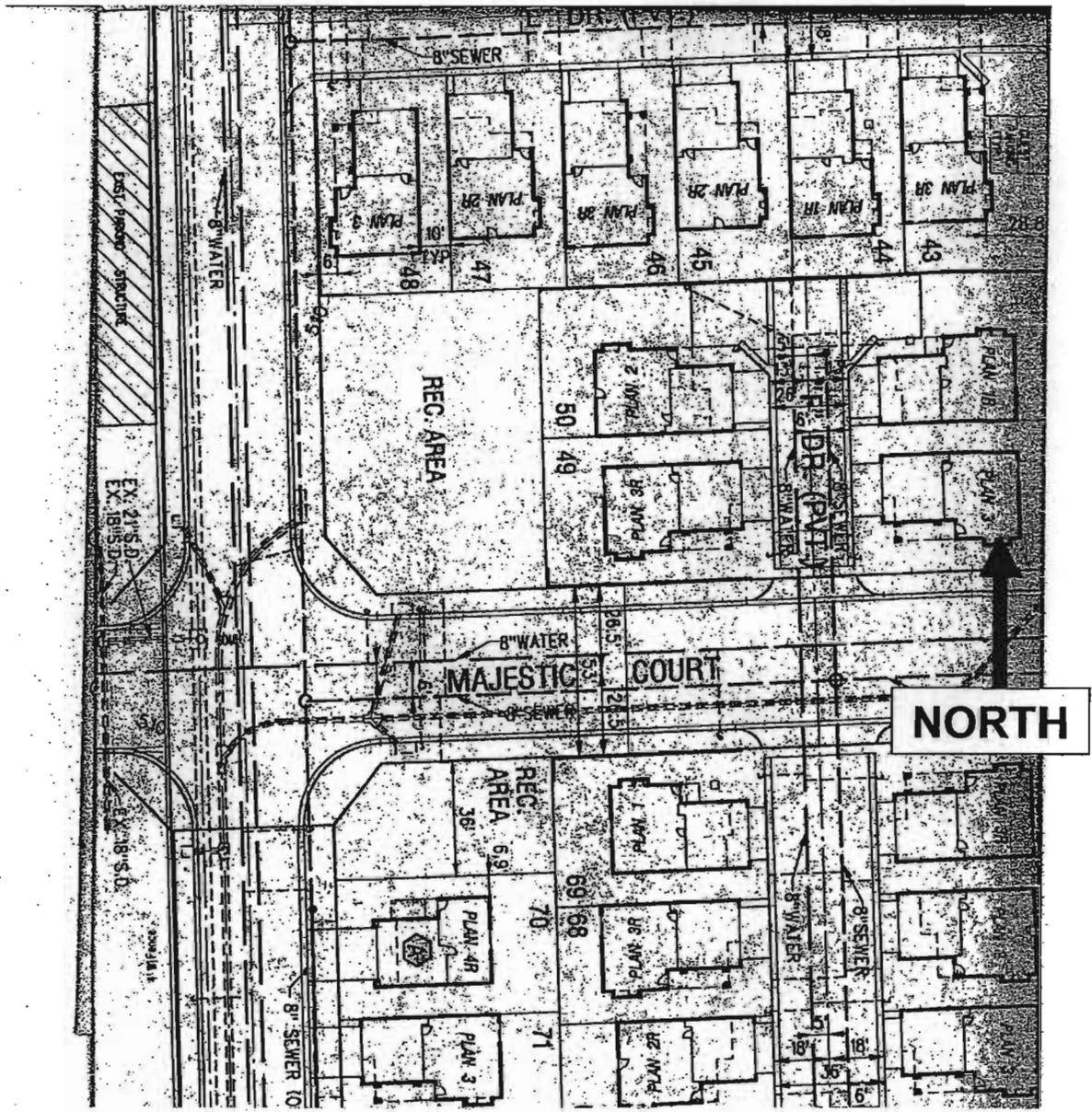
**CC ATTACHMENT 1**



**AERIAL PHOTOGRAPH**

**CC ATTACHMENT 2**

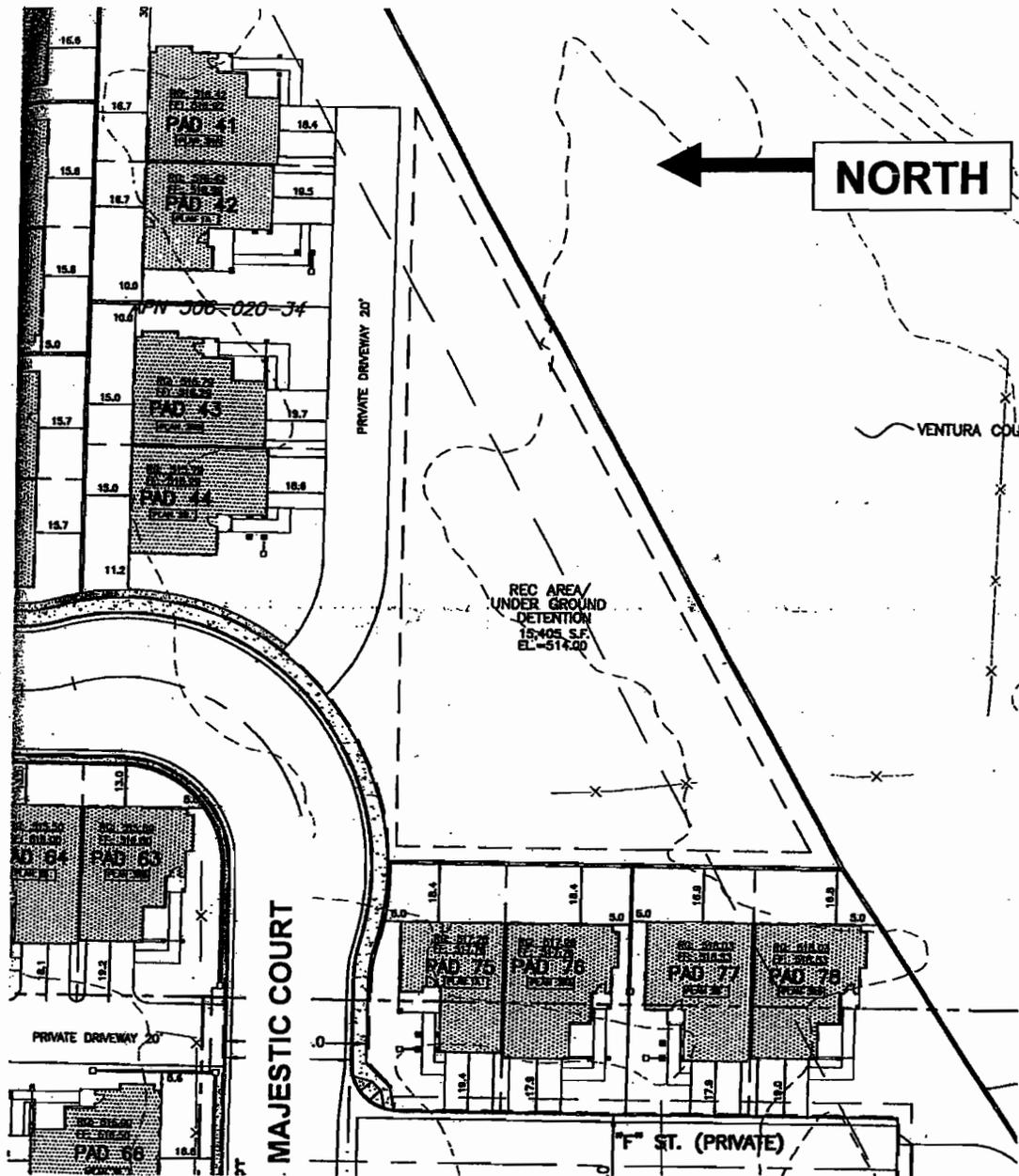




**RECREATION AREA LOCATION AS APPROVED PER MINOR MOD. NO. 2 (TOT LOT SOUTH OF MAJESTIC COURT)**

**CC ATTACHMENT 4**





**RECREATION AREA LOCATION AS APPROVED PER TRACT 5425 (ENTIRE AREA OFF-SITE)**

**CC ATTACHMENT 6**

**PROJECT PLANS  
UNDER SEPARATE COVER**

**CC ATTACHMENT 7**



**Community Development Department**

**City of Moorpark**  
799 Moorpark Avenue  
Moorpark, CA 93021  
(805) 517-6224 Fax (805) 532-2540  
[www.ci.moorpark.ca.us](http://www.ci.moorpark.ca.us)



**City of Moorpark**  
799 Moorpark Avenue  
Moorpark CA 93021

**NOTICE OF CONTINUED PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that a public hearing held before the City Council of the City of Moorpark, California, on December 16, 2009 and January 20, 2010, was continued to **Wednesday, February 17, 2010, at 7:00 p.m.**, at the Moorpark City Hall, located at 799 Moorpark Avenue, Moorpark, California, 93021, to consider the application described below:

You were previously sent an official notice of the December 16, 2009 Public Hearing date, and this is a subsequent notice.

**ENTITLEMENT:** Modification No. 1 to Residential Planned Development (RPD) No. 1998-01

**APPLICANT/OWNER:** Shea Homes, Inc.

**LOCATION:** South side of Los Angeles Avenue at Millard Street

**PROPOSAL:** Locate the Private Recreation Facility for Tracts 5133 and 5425 at the northwest corner of Majestic Court and Fremont Street

**CASE PLANNER:** Joseph Fiss, Principal Planner

**PHONE:** (805) 517-6226

**EMAIL:** [jfiss@ci.moorpark.ca.us](mailto:jfiss@ci.moorpark.ca.us)



- «APN»
- «OWNER\_NAME»
- «OWNER\_ADDRESS»
- «OWNER\_CITY» «OWNER\_STATE» «OWNER\_ZIP»

# Notice of Continued Public Hearing

Notice Continued...

**NOTICE IS FURTHER GIVEN** that the Community Development Director has determined that this project would not change any findings contained in the Mitigated Negative Declaration prepared for the permit and no further environmental review is necessary.

The proposed project application may be reviewed at:

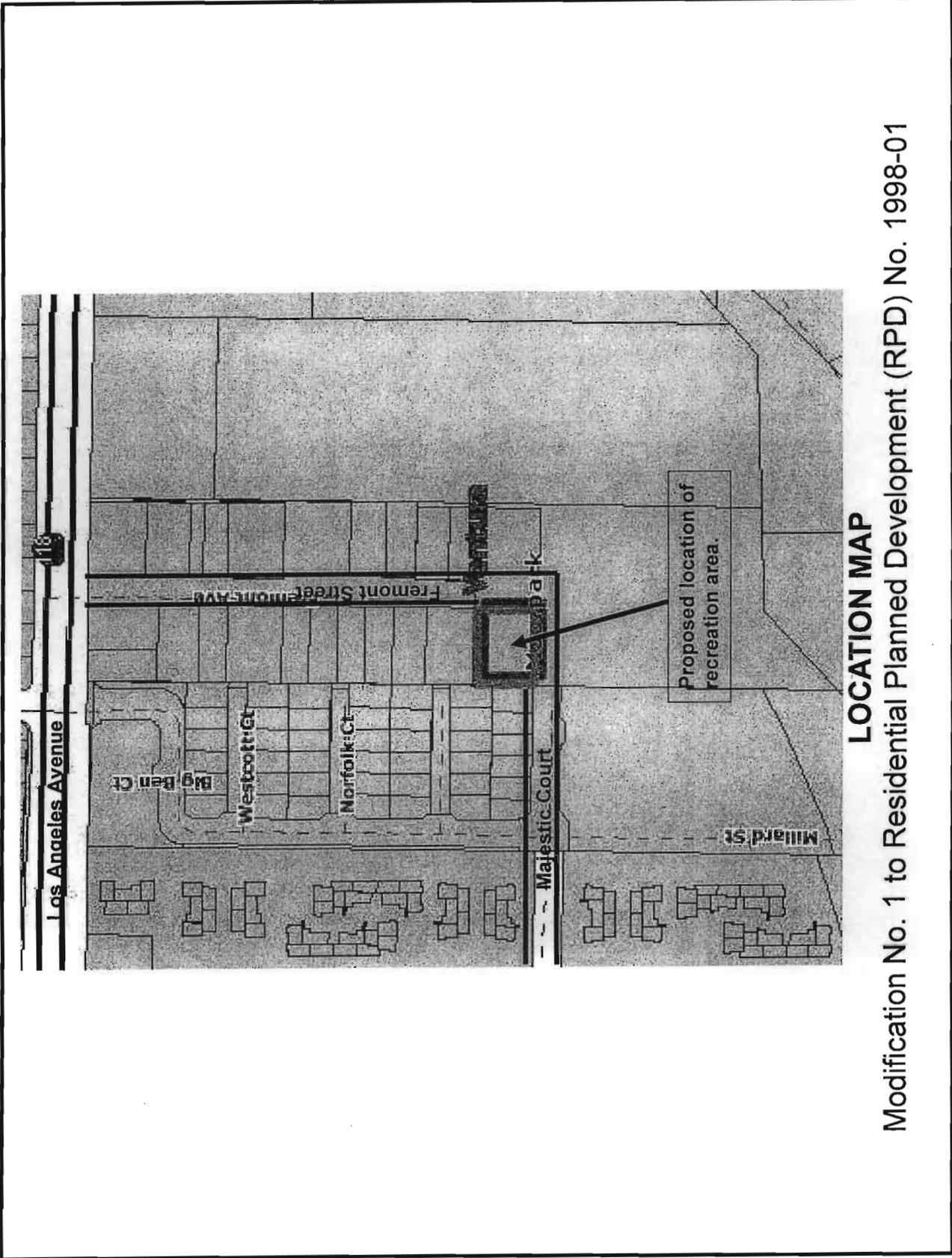
Community Development Department  
City Hall  
799 Moorpark Avenue  
Moorpark, CA 93021

Any person affected by the application(s) may appear and be heard in support or opposition to the proposals at the time of the hearing. The City Council in their deliberation could approve the proposal, deny the proposal, or approve the proposal in an alternative form. If you challenge the proposal in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Community Development Department at, or prior to, the Public Hearing.

Si usted tiene preguntas relacionadas con esta propuesta, comuníquese por favor con Mr. Joseph Fiss dentro del Departamento del Desarrollo de la Comunidad, al telefono (805) 517-6226.

Date Mailed: February 4, 2010  
By: Joyce R. Figueroa, Administrative Assistant

- c. Honorable City Council
- Honorable Planning Commission
- City Manager
- Administrative Services Director & City Clerk
- Community Development Department
- Public Hearing Binder
- City Website



**LOCATION MAP**

Modification No. 1 to Residential Planned Development (RPD) No. 1998-01

RESOLUTION NO. 2010-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING MODIFICATION NO. 1 TO RESIDENTIAL PLANNED DEVELOPMENT (RPD) NO. 1998-01, A REQUEST TO RELOCATE THE REQUIRED RECREATION CENTER FROM THE SOUTHEAST CORNER OF VESTING TENTATIVE TRACT MAP NO. 5425 TO THE WESTERN EDGE OF VESTING TENTATIVE TRACT MAP NO. 5425, NORTH OF MAJESTIC COURT, ON THE APPLICATION OF SHEA HOMES, INC.

WHEREAS, at a duly noticed public hearing held on December 16, 2009, January 20, 2010, and February 17, 2010, 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 Community Development Director's determination that this project would not change any findings contained in the environmental documentation prepared for the permit.

**SECTION 1. MODIFICATION 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:

1. The modification will not alter any of the findings of the original approval of Residential Planned Development 1998-01.
2. The modification will not alter any of the findings in the environmental document prepared for Residential Planned Development 1998-01 and will have no adverse impacts on the environment.
3. The modification will not have any adverse impact on surrounding properties.

**SECTION 2. CITY COUNCIL APPROVAL:** The City Council hereby approves Modification No.1 to Residential Planned Development No. 1998-01, subject to Conditions of Approval attached hereto and incorporated herein as Exhibit A.

Resolution No. 2010-\_\_\_\_  
Page 2

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 17th day of February, 2010.

\_\_\_\_\_  
Janice S. Parvin, Mayor

ATTEST:

\_\_\_\_\_  
Deborah S. Traffenstedt, City Clerk

Exhibit A: Conditions of Approval:

**EXHIBIT A**

**CONDITIONS OF APPROVAL FOR MODIFICATION  
NO. 1 TO RESIDENTIAL PLANNED DEVELOPMENT 1998-01**

1. The permit is granted for the land and project as identified on the entitlement application for a Modification and as shown on the attached, approved plans. The location and design of all site improvements shall be as shown on the approved plot plans and elevations, except or unless indicated otherwise by conditions within this letter.
2. All Conditions of Approval for Residential Planned Development (RPD) NO. 1998-01 as amended are incorporated by reference in this approval letter and shall continue to apply unless specifically modified by this permit.
3. Within thirty (30) calendar days of approval of this entitlement, the applicant shall sign and return to the Planning Division an Affidavit of Agreement and Notice of Entitlement Permit Conditions of Approval, indicating that the applicant has read and agrees to meet all Conditions of Approval of this entitlement. The Affidavit of Agreement/Notice shall include a legal description of the subject property, and have the appropriate notary acknowledgement suitable for recordation.
4. This Modification expires one (1) year from the date of its approval unless the use has been inaugurated by issuance of a building permit for construction. The Community Development Director may, at his/her discretion, grant up to two (2) additional one-year extensions for use inauguration of the development permit, if there have been no changes in the adjacent areas and if the applicant can document that he/she has diligently worked towards use inauguration during the initial period of time. The request for extension of this planned development permit must be made in writing, at least thirty (30) days prior to the expiration date of the permit and must be accompanied by applicable entitlement processing deposits.
5. Conditions of this entitlement may not be interpreted as permitting or requiring any violation of law or any unlawful rules or regulations or orders of an authorized governmental agency.
6. Should continued compliance with these Conditions of Approval not be met, the Community Development Director may modify the conditions in accordance with Municipal Code Section 17.44.100 and sections amendatory or supplementary thereto, declare the project to be out of compliance, or the Director may declare, for some other just cause, the project to be a public nuisance. The applicant shall be liable to the City for any and all costs and expenses to the City involved in thereafter abating the nuisance and in obtaining compliance with the Conditions of Approval or applicable codes. If the applicant fails to pay all City costs related to this action, the

City may enact special assessment proceedings against the parcel of land upon which the nuisance existed (Municipal Code Section 1.12.170).

7. 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 this entitlement approval, which claim, action or proceeding is brought within the time period provided therefore in Government Code Section 66499.37 or other sections of state law as applicable and any provision amendatory or supplementary thereto. 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.

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

- a. The City bears its own attorney fees and costs;
- b. The City defends the claim, action or proceeding in good faith.

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 or a building permit is issued pursuant to the planned development permit.

8. If any of the conditions or limitations of this approval are held to be invalid, that holding does not invalidate any of the remaining conditions or limitations set forth.
9. All facilities and uses, other than those specifically requested in the application and approval and those accessory uses allowed by the Municipal Code, are prohibited unless otherwise permitted through application for Modification consistent with the requirements of the zone and any other adopted ordinances, specific plans, landscape guidelines, or design guidelines.
10. Prior to the approval of any Zoning Clearance for this entitlement the applicant shall submit to the Community Development Department all outstanding entitlement case processing fees, including all applicable City legal service fees. This payment must be made within sixty (60) calendar days after the approval of this entitlement.
11. Prior to the issuance of any additional building permits, the applicant shall provide security in a form acceptable to the Community Development Director and City Engineer/Public Works Director to comply with all conditions in the July 27, 2006 Agreement Regarding Conditions of Approval (Tract 5133) by and between the City

of Moorpark and Shea Homes Limited Partnership. Compliance shall be met on all conditions prior to the issuance of a Zoning Clearance for construction of the 68th housing unit in Tract Map No. 5133, with the exception of the completion of Majestic Court to Fremont Street to the east. Prior to the issuance of a Zoning Clearance for construction of the 68th housing unit in Tract Map No. 5133, the applicant shall provide plans for the improvement and dedication of Majestic Court from the easterly boundary of Tract 5133 to the existing terminus of Fremont Street to the satisfaction of the City Engineer/Public Works Director, and consistent with the design standards as shown on Vesting Tentative Tract Map No. 5425 as conditioned by Resolution No. 2005-2304. Street improvements must be completed and an irrevocable offer of dedication for public street purposes must be provided to the satisfaction of the City Engineer/Public Works Director prior to issuance of a Zoning Clearance for construction of the 73rd unit in Tract Map No. 5133, or December 31, 2010, whichever occurs first.

12. Prior to the issuance of a Zoning Clearance for construction of the recreation area, site and security plans shall be submitted for review and approval of the Moorpark Police Department that incorporate appropriate CPTED (Crime Prevention Through Environmental Design) features.
13. Prior to the issuance of a Zoning Clearance for construction of the 68th housing unit in Tract Map No. 5133, the applicant shall obtain a building permit for construction of the recreation area and tot lot. The recreation area plans must include a minimum 1,000 square-foot clubhouse/restroom building, minimum 1,000 square-foot pool, wading pool, spa, deck area and tot lot, along with an eight (8) foot high wall on the north property line, subject to the review and approval of the Community Development Director. Improvements must be completed and available for use prior to the issuance of a Zoning Clearance for construction of the 73rd unit in Tract Map No. 5133.
14. Prior to the issuance of a Zoning Clearance for construction of the 61st housing unit in Tract Map No. 5133, the applicant shall provide the City with an irrevocable offer of dedication for the public right-of-way along Los Angeles Avenue as required by Vesting Tentative Tract Map No. 5425 and shall enter an agreement with the City, with the provision of either a cash security or lien on the Vesting Tentative Tract Map No. 5425 property in a form acceptable to the City Manager and City Attorney, to compensate the City for improvements to Los Angeles Avenue as required by Vesting Tentative Tract Map No. 5425 as conditioned by Resolution No. 2005-2304 and Ordinance No. 313.
15. Prior to the issuance of a Zoning Clearance for construction of the 61st housing unit in Tract Map No. 5133, a permanent and irrevocable access easement shall be provided along Millard Street south of Majestic Court to allow vehicular and pedestrian access for construction, future occupants, and public agencies and utilities for the approximately 1.34-acre parcel owned by the City and/or

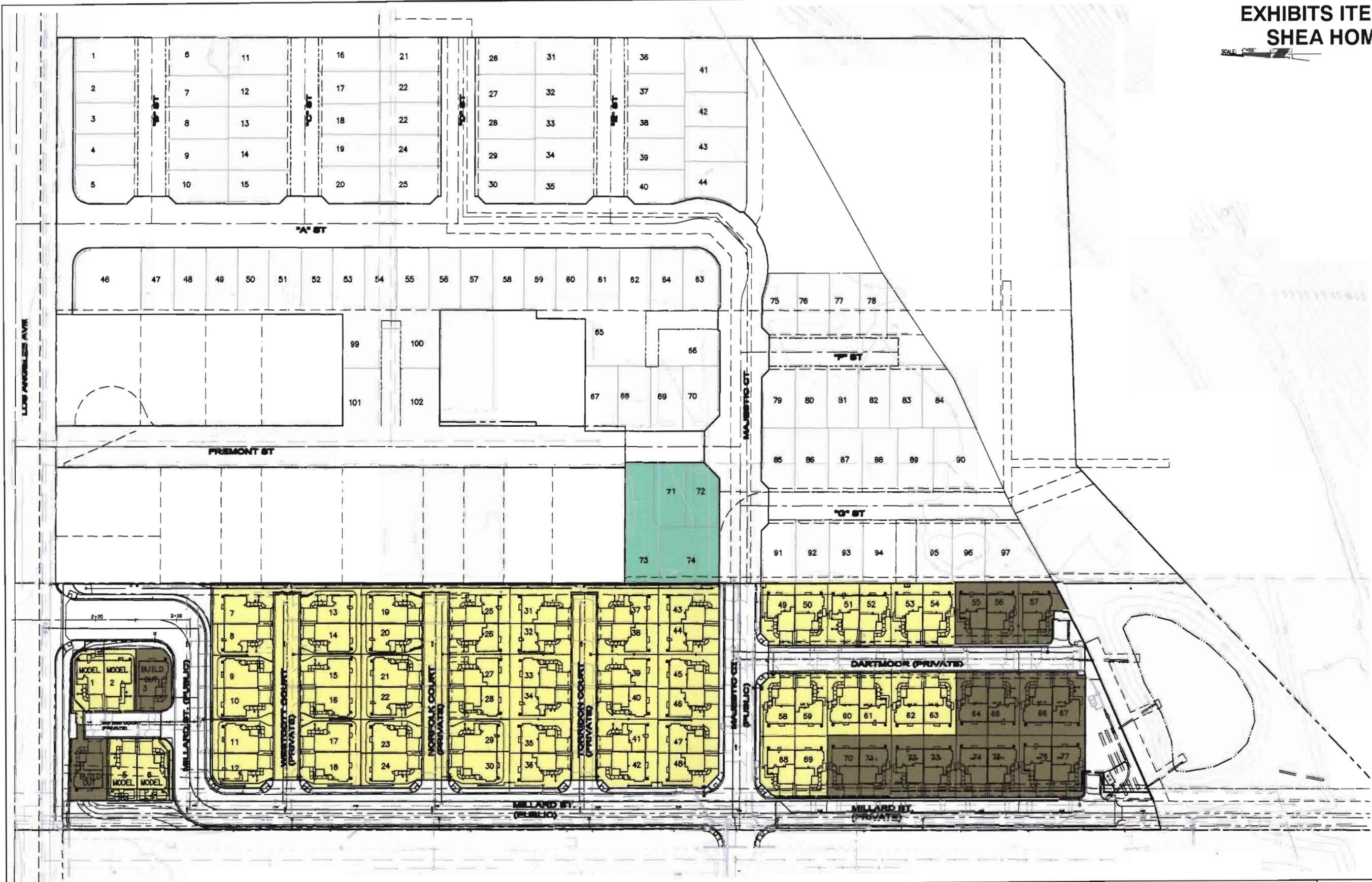
Redevelopment Agency on the west side of Millard Street (APN: 506-0-020-525), subject to final wording approval by the City Manager and City Attorney.

16. Prior to the issuance of a Zoning Clearance for construction of the 68th housing unit in Tract 5133, all fences/walls along the western lot boundary must be in place to the satisfaction of the Community Development Director.

- End -

EXHIBITS ITEM 8.A.  
SHEA HOMES

SCALE: 1"=40'



6			
5			
4			
3			
2			
1			
Δ	DESCRIPTION OF REVISION	R.C.E.	APP'D. DATE

Prepared by:  
**RBF** CONSULTING  
PLANNING • DESIGN • CONSTRUCTION  
8021 VERDE WAY, SUITE 800  
DANVILLE, CALIFORNIA 94522  
(925) 426-7070 • FAX (925) 426-7071 • www.RBF.com

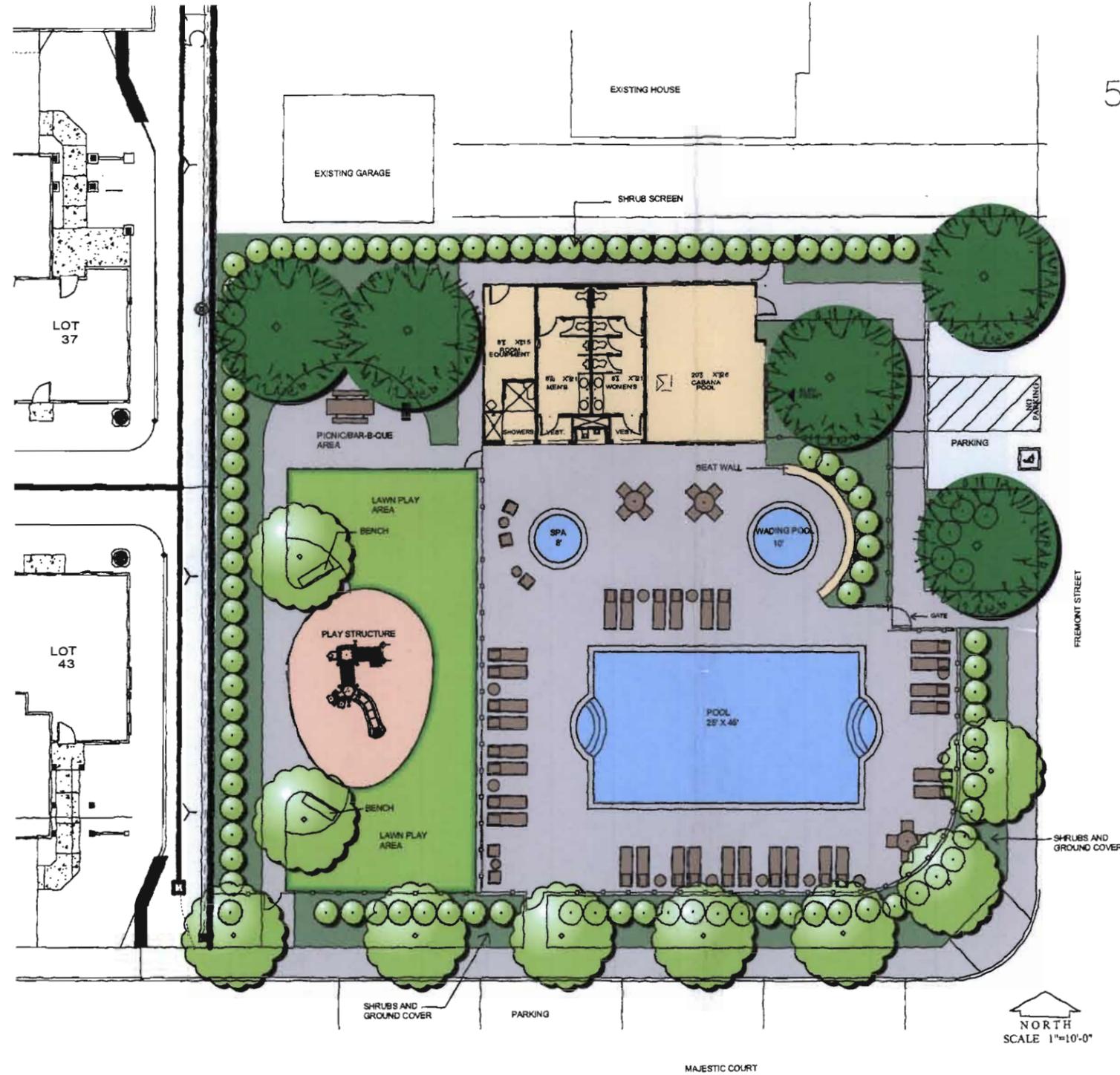
OWNER/DEVELOPER:  
SHEA HOMES LIMITED PARTNERSHIP  
A CALIFORNIA LIMITED PARTNERSHIP  
30899 Russell Ranch Road, Suite 290  
Westlake Village, California 91362  
(818) 874-2300  
(818) 874-2399 FAX

TRACT 5133 & 5425 OVERALL SITE PLAN

LEGEND:  
 COMPLETED HOMES  
 VACANT LOTS  
 REC CENTER

SHEET 1  
OF 1  
DRAWING NO.

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X  
515.

**BASSENAN**  
**LACONI**  
Architects and Land Planning  
2611 Orchard Dr. Suite 100  
Menlo Park, CA 94025-4753  
Telephone 650-353-1100

**CANTERBURY  
RECREATION AREA**

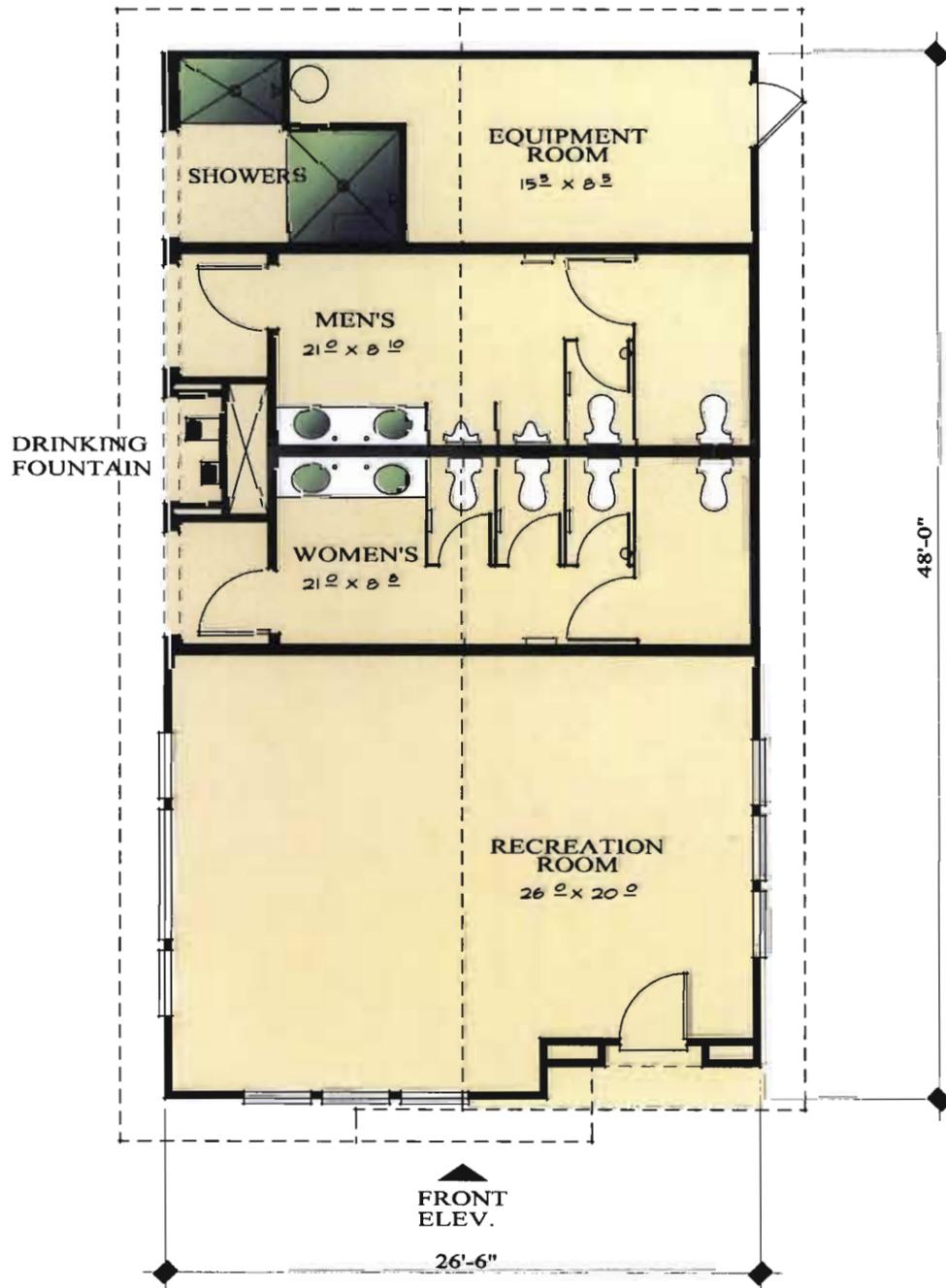
**SheaHomes**  
SOUTHERN CALIFORNIA DIVISION

JORDAN, GILBERT & BAIN LANDSCAPE ARCHITECTS, INC.  
VENTURA, CALIFORNIA  
1/26/10  
805.642.3641





FRONT



RECREATION ROOM & TOILETS = 940 SQ.FT.  
 EQUIPMENT ROOM = 186 SQ.FT.  
 SHOWER = 46 SQ.FT.  
 TOTAL = 1,172 SQ.FT.

**SheaHomes**  
 SOUTHERN CALIFORNIA DIVISION  
 30699 RUSSEL RANCH ROAD, SUITE 290  
 WESTLAKE VILLAGE, CA 91362  
 PH: (818)874-2300 FAX: (818)223-3506

**CANTERBURY LANE RECREATION BUILDING  
 MOORPARK, CALIFORNIA**

**BASSENIAN**  
 Architects  
 LAGONI  
 Archt. setting and Land Planning  
 2001 Orchard Dr. Suite 100  
 Newport Beach CA 92660-0763  
 Telephone 949-553-9100



REAR



RIGHT



LEFT

**SheaHomes**  
SOUTHERN CALIFORNIA DIVISION  
30699 RUSSEL RANCH ROAD, SUITE 290  
WESTLAKE VILLAGE, CA 93062  
PH: (818)874-2300 FAX: (818)223-3506

LEFT, RIGHT AND REAR ELEVATIONS  
**CANTERBURY LANE RECREATION BUILDING**  
MOORPARK, CALIFORNIA

**BASSENIAN**  
*architects*  
**LAGONI**  
Architecture and Land Planning  
2031 Orchard Dr. Suite 100  
Newport Beach CA 92660-0753  
Telephone 949-553-9100

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