

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Dave Klotzle, Assistant City Engineer 
Prepared By: Joseph Fiss, Principal Planner

DATE: August 11, 2010 (CC Meeting of 09/01/10)

**SUBJECT: Consider a Resolution Declaring the Private Roads within Tract 5425,
Subject to the Provisions of the California Vehicle Code (CVC)**

DISCUSSION

A. Tract 5425/5133

Tract 5425 is located on the south side of Los Angeles Avenue, east of Millard Avenue, and includes Fremont Street. The Conditions of Approval for the tract, and for Modification No. 1 to RPD 1994-04 (Tract 5133) require the developer of this project to request that the City enforce the CVC on these privately owned and maintained roads and parking facilities, including the recreation area shared by Tract 5133 and Tract 5425. On September 7, 2005, the City Council adopted Resolution 2005-2375 declaring the private streets within Tract 5133 to be subject to the CVC.

B. Petition

In accordance with the requirements of the Conditions of Modification No. 1 to RPD 1994-04 the City is in receipt of a letter, (Attachment 1) requesting the aforementioned Vehicle Code Enforcement.

C. Code Section

Section 21107.7. (herein "Code Section") of the CVC provides for the enforcement of the CVC on privately owned and maintained roads not generally held open for public use and shall be subject to these provisions of the CVC when and if certain conditions and requirements are met.

D. Public Hearing / Hearing Notice

Pursuant to the requirements of the Code Section, this matter is being considered at a public hearing. A notice of this hearing has been provided to the property owner, in accordance with the requirements of the Code Section.

E. Resolution

The attached Resolution (Attachment 2) states that the privately owned and maintained roads at the subject location shall be subject to the requirements of the previously cited Sections of the CVC.

F. Signs

The Code Section requires signs to be posted at the entrance to the privately owned and maintained roads at the subject location, in order for the subject enforcement to occur. The attached Resolution directs the property owner to place and maintain the required signs.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

1. Open the public hearing, receive testimony and close the public hearing.
2. Adopt Resolution No. 2010 - ____.

ATTACHMENTS

1. Letter
2. Resolution

SheaHomes

Caring since 1881

Our Vision...to be the most respected builder in the country.

June 16, 2010

RECEIVED

JUN 17 2010

City of Moorpark
Community Development

Joseph Fiss
Principal Planner
City of Moorpark
799 Moorpark Ave.
Moorpark, CA

Subject: Canterbury Lane Rec Center Conditions of Approval Item No. 14

Dear Mr. Fiss,

Please let this letter serve as Shea Homes' formal request for City Council to approve a resolution to enforce California Vehicle Codes (CVC) on all private streets in Tract Map No. 5133 and Vesting Tentative Tract Map No. 5425, including Fremont Street as permitted by the CVC. Accompanied with this letter is a check for \$5,000 to cover future costs of creating and operating a preferential parking district should the residents of Fremont Street wish to establish preferential resident parking in the future.

Please let us know if you have questions or need additional information. I can be reached at (714) 936-3013 or brooke.thomas@sheahomes.com.

Sincerely,
Shea Homes Limited Partnership



Brooke Thomas
Community Development Manager

RESOLUTION NO. 2010- _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, FINDING AND DECLARING CERTAIN PRIVATE STREETS AND PARKING FACILITIES IN TRACT 5425 SUBJECT TO CERTAIN PROVISIONS OF THE CALIFORNIA VEHICLE CODE (CVC)

WHEREAS, Section 21107.7 of the California Vehicle Code (CVC) provides for the enforcement of the CVC on privately owned and maintained roads that are not generally open for the use of the public for purposes of vehicular travel; upon compliance with certain conditions and requirements as set forth in said CVC Section; and

WHEREAS, consistent with the Conditions of Approval for Vesting Tentative Tract Map 5425 and Modification No. 1 to RPD 1994-04 [herein the "Property"] require the owner of that Property to request that the City enforce the CVC within and upon the privately owned and maintained roads within the Property; and

WHEREAS, the City has received a written request for such enforcement from the owner of the Property; and

WHEREAS, said written request satisfies those provisions of the CVC requiring the owner of the Property to submit a petition requesting the aforesaid enforcement of the CVC; and

WHEREAS, a public hearing on this matter was convened pursuant to the requirements of the CVC and notice of said public hearing was provided to the property owner as required by the CVC.

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

SECTION 1. That the privately owned and maintained roads not generally open to the public, located upon the property subject to Vesting Tentative Tract Map 5425 and Modification No. 1 to RPD 1994-04, as generally shown on Exhibit 'A' attached hereto and made a part hereof, shall be subject to the provisions of CVC.

SECTION 2. That the said enforcement of the CVC on said privately owned and maintained roads shall take effect upon placement and maintenance of appropriate signs erected in accordance with the requirements of CVC Section 21107.7.

SECTION 3. That the placement and maintenance of such signs shall be the responsibility of the property owner and/or the Homeowners' Associations' controlling the privately owned and maintained roads, as required by the CVC.

SECTION 4. 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.

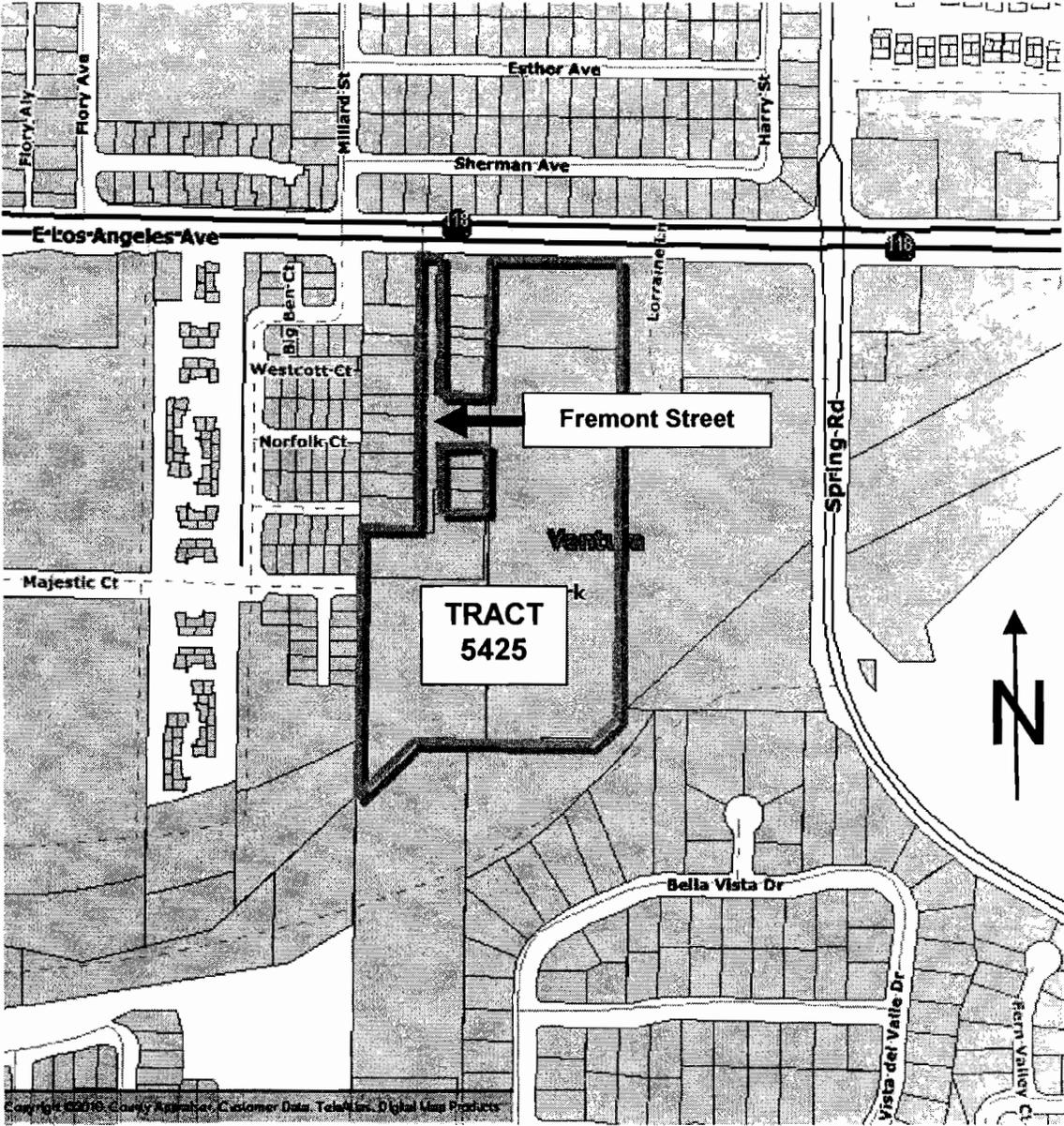
PASSED AND ADOPTED this 1st day of September, 2010.

Janice S. Parvin, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk

Exhibit 'A': Location Map



LOCATION MAP