

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David A. Bobardt, Community Development Director
Prepared By: Joseph R. Vacca, Principal Planner



DATE: October 25, 2013 (CC Meeting of 11/06/2013)

SUBJECT: Consider Resolution Approving Modification No. 1 to Residential Planned Development Permit No. 1999-02, a Request for Approval to Construct Four New House Plans for Construction of 66 Single Family Homes on Existing Lots Within the Meridian Hills Gated Community, Tract 5187, North of Meridian Hills Drive and West of Walnut Canyon Road, on the Application of Rick Bianchi, for TRI Pointe Homes, Inc.

BACKGROUND

On January 23, 2002, the City Council adopted Resolution No. 2002-1935 certifying a Final Environmental Impact Report (EIR) No. SCH-1994081075, in association with the Meridian Hills residential development project. On February 6, 2002, the City Council adopted Resolution No. 2002-1938, which is provided, (Attachment 3), approving Vesting Tentative Tract Map No. 5187 and Residential Planned Development Permit No. 1999-02, for the subdivision of approximately 350 gross acres of land located west of Walnut Canyon Road and approximately one-half mile north of Casey Road into 248 single-family residential lots and to accommodate 248 detached single-family residential units; three recreational lots; three entry/landscaping lots; two project detention basin lots; one regional detention basin lot; one water tank lot and three open space lots, for a total of 263 lots, on the application of West Pointe Homes, Inc.

On February 6, 2002, the Moorpark City Council adopted Ordinance No. 277 (effective March 8, 2002), approving a Development Agreement between the City of Moorpark and West Pointe Homes, Inc. The agreement was approved in connection with the Tract No. 5187/RPD No. 1999-02. The agreement remains in full force and effect for twenty (20) years from the operative date of the agreement (until March 8, 2022), or until the close of escrow on the initial sale of the last Affordable Housing Unit, whichever occurs last. William Lyon Homes, Inc. acquired the project from West Pointe Homes.

On July 7, 2004, William Lyon Homes received the City Council's approval of an Implementation Plan for the project. Tract 5187 Final Map was approved and recorded on October 26, 2006. Grading and most of the infrastructure of the project was completed by William Lyon Homes, who built 65 homes before stopping the project in 2007.

On January 10, 2008, William Lyon Homes verbally informed City staff that their company's interests in the unbuilt portions of the Meridian Hills project (183 lots in Tract 5187 and 17 lots in Tract 5405) had been completely transferred to Resmark LLC, (ORA Ashford 94, LLC). This transaction took place in violation of the terms of the Development Agreement for this project, which required City Council approval of an amendment to the Implementation Plan to address the responsibilities of a new owner prior to the transfer of ownership. On March 25, 2008, William Lyon Homes submitted a formal application to the City seeking approval of an amendment to the Implementation Plan, which was approved by City Council on May 21, 2008, which is provided, (Attachment 4). Most all items in the amended implementation plan have been completed to date with the exception of the completed construction of the multi-use trail along the Walnut Canyon Road right-of-way and along the Peter's driveway to connect to the Moorpark Country Club Estates Tract 4928, north of the project and Moorpark Highlands, Tract 5045, east of the project.

Since 2008, Resmark Equity Partners, LLC, who purchased the property from William Lyon Homes, Inc., as successor in interest has been responsible for compliance with the terms of the Development Agreement. Resmark has partnered with TRI Pointe Homes, LLC (TPH), a home builder based in Irvine, to construct 66 single family homes, on 66 of the 183 remaining vacant lots. Rick Bianchi, as representative for TPH, filed the Modification No. 1 to Residential Planned Development (RPD) Permit No. 1999-02 application on May 21, 2013.

DISCUSSION

TRI Pointe Homes, LLC (TPH), filed the Modification application to construct 66 new single family homes which would leave a total of 117 vacant lots out of the original 248 lots, after the 66 homes are completed, (since 65 existing homes were already constructed by William Lyon Homes and occupied). Since TPH is only proposing construction of 66 units at this time the question remains as to what will happen on the remaining 117 vacant lots. TPH has not provided a clear answer to this question. Therefore, staff assumes that if this proposal is approved and successful that at some point in the future TPH will file another modification application to continue to develop the reminder lots with similar product as proposed under this modification.

TPH is proposing four new house plans which consist of two one story and two two story homes. Their intent is to develop homes that comply with the existing approved design guidelines for RPD No. 1999-02. The new house plans do conform to the site planning and architectural standards as outlined in the existing approved design guidelines.

The following table provides a comparison of the approved architecture and proposed architecture, and shows which plan the proposed houses are intended to mimic.

Approved				Proposed			
Plan	Floors	House Size	Garage Size & (spaces)	Plan (original plan)	Floors	House Size	Garage Size & (spaces)
1 Ashford	One	2,627	665 (3)	2 (1A)	One	2,871	668 (3)
2 Ashford	Two	3,789	702 (3)	3 (2A)	Two	3,789	749 (3)
3 Ashford	Two	4,115	667 (3)	-	-	-	-
1 Marquis	One	3,098	663 (3)	1 (1M)	One	2,679	688 (3)
2 Marquis	Two	3,753	686 (3)	4 (2M)	Two	4,044	662 (3)
3 Marquis	Two	4,312	689 (3)	-	-	-	-
4 Marquis	Two	4,774	663 (3)	-	-	-	-

All sizes are in square feet

As the table above shows, the original approved architecture consisted of a total of seven house plans, with two single story, and five two story homes that ranged in size from 2,627 to 4,774 square feet, with all homes having three car garages. The proposal is for a total of four house plans, there are two single story and two two story homes that range in size from 2,679 to 4,044 square feet, with all homes having three car garages. The proposed garages use a tandem space for the third car parking space. This matches the original approvals that also utilized a third tandem parking space in the garages. The new application however, does provide overhead cabinet storage in the tandem garage spaces. This data is discussed further in the analysis section of this report.

Approved Unit Mix

- For the Ashford product there were 113 units with three floor plans
 30% Plan 1A; 35% Plan 2A; and 35% Plan 3A
- For the Marquis product there were 135 units with four floor plans
 16% Plan 1M; 26% Plan 2M; 27% Plan 3M and 31% Plan 4M

Proposed Unit Mix

- For the TPH product there are 66 units with four floor plans
 21% Plan 1; 20% Plan 2; 27% Plan 3 and 32% Plan 4

Proposed Architecture

Plan 1: *is single story and has three architectural styles, with four colors and materials palettes for each style, characterized as follows:*

A – Spanish Colonial with S-tile concrete roofing, stucco, decorative clay pipe gable end detail, stucco pot shelf, recessed windows and an entrance tower.

B – French Colonial with Flat-tile multi-colored concrete roofing, stucco and stone veneer with horizontal lap siding, window shutter, decorative eave rafter tail details, and an entrance tower.

C – Italianate with S-tile colored concrete roofing, stucco, precast window and entry door surround accents, window column support, decorative eave rafter tail details, recessed windows and an entrance tower.

Plan 2: *is single story and has three architectural styles, with four colors and materials palettes for each style, characterized as follows:*

A – Santa Barbara with S-tile concrete roofing, stucco, decorative glazed ceramic accent tiling around recessed windows, decorative metal grille work, stucco pot shelf and an entrance tower.

B – Cottage with Flat-tile multi-colored concrete roofing, stucco and stone veneer, decorative bay window with standing seam metal roof, decorative eave details, and an entrance tower.

C – Tuscan with S-tile colored concrete roofing, stucco and stone veneer, high density foam with wood grain finish window headers, window shutters over recessed windows, decorative exposed shaped rafter tail details and an entrance tower.

Plan 3: *is two story and has three architectural styles, with four colors and materials palettes for each style, characterized as follows:*

A – Spanish Colonial with S-tile concrete roofing, stucco, decorative recess stucco gable end detail, decorative metal pot shelf, decorative window shutters, recessed windows and a front porch.

C – Tuscan with S-tile multi-colored concrete roofing, stucco and stone veneer with, window shutter details, decorative eave rafter tail details, and a front porch.

D – Traditional with Flat-tile colored concrete roofing, stucco and horizontal lap siding, decorative window shutters and an entry door surround accent, decorative gable end venting details, a recessed front porch area to enhance the entrance door.

Plan 4: *is two story and has three architectural styles, with four colors and materials palettes for each style, characterized as follows:*

A – Santa Barbara with S-tile concrete roofing, stucco, decorative glazed ceramic accent tiling around recessed windows, decorative rounded top picture window, stucco pot shelf with trim accent and an articulated tile entrance.

B – French Colonial with Flat-tile multi-colored concrete roofing, stucco and stone veneer, decorative window shutters, decorative gable end detailing with horizontal lap siding and gable end venting, and front porch at the entrance door.

C – Italianate with S-tile colored concrete roofing, stucco, precast concrete window and entry door surround accents, decorative exposed shaped rafter tail details and an articulated entrance tower element.

The proposed architecture is compatible in design, height, width, overall scale and massing, materials and colors and quality with the four existing approved house plans that it has strived to match. A significant difference on the new plan one and two houses are that the original architecture had a large internal open courtyard that had multiple access connections from inside the homes, along with a second tower element and internal entrance to the home. The new architecture for the plans one and two have either eliminated or reduced the size of the original internal open courtyards and second tower element entrance features have been altogether removed on the houses that previously had these features. The applicant has indicated that the floor plans have been updated and improved to be more in line with today's homebuyers expectations because they have designed great rooms in lieu of formal living rooms. The proposed houses have also been designed to maximize use of outdoor patio spaces. The architecture and site planning complies with the approved design guidelines for the project. A side by side comparison of the proposed architecture with the previously approved architecture has been prepared by the applicant and is provided, (Attachment 5). With the various designs and variety of four colors and materials scheme choices for each style, there will be a total of 48 different iterations of house styles for the four proposed house plans.

The proposed construction phasing plans show that TPH intends to fill in the 66 lots closest to the existing developed residential homes that were previously constructed by Lyon Homes. TPH also plans to open a second gated access off of Ridgemark Drive, west of the existing gated access, to provide for the customer traffic into the project. The plan is to construct four model homes just inside this second gated entrance. Construction of for sale homes will start on Turnstone Court where the original model homes were built by William Lyon Homes. Then construction will proceed to fill in the vacant lots moving north and then west within the existing Meridian Hills neighborhoods.

ANALYSIS

Issues

Staff analysis of the proposed project has identified the following area for consideration by the City Council:

- Compatibility with Prior-approved Site Planning and Architecture

The original approval included three Ashford house plans, designed by Bloodgood Sharp Buster, Architects and Planners, Inc.; and four Marquis house plans, designed by William Hezmalhalch Architects Inc. for a total of seven house plans. The living space of the original approved houses ranged in size from 2,627 square feet up to 4,774 square feet. The proposal is for four house plans that range in size from 2,679 square

feet up to 4,044 square feet. The proposed house plans have been designed to match the architecture and square footage of the small to medium sized homes of the previously approved project.

Recently approved RPDs for single family detached home developments that are currently approved for construction all provide a minimum of three floor plans and go up to as high as nine floor plans. These projects are outlined as follows:

- Richmond American – RPD 2002-03, Cherry Hill, Tract 5045-3&4, there are forty-three remaining lots for development (Planning Areas 2&3 Moorpark Highlands). There are three floor plans provided for sale: Plan 1 – 2,607 sq. ft. one story; Plan 2 – 2,918 sq. ft. two story; Plan 3 – 3,165 sq. ft. two story. All houses have a 3 car garage.
- Pardee – RPD 2009-02, Living Smart, Tract 5860, a one-hundred-thirty-three lot development (Planning Area 7 Moorpark Highlands). There are four floor plans provided for sale: Plan 1, (affordable unit) – 1,123 sq. ft. two story; Plan 2 – 2,311 sq. ft. two story; Plan 3 – 2,385 sq. ft. two story; and Plan 4 – 2,402 sq. ft. two story. All houses have a 2 car garage.
- Toll Bros. Inc. – RPD 2003-04, Masters at Moorpark Country Club Estates, Tract 5463, a fifty lot development (Husted Development). There are five floor plans provided for sale: Plan 1 – 4,010 sq. ft. one story; Plan 2 – 4,358 sq. ft. one story; Plan 3 – 4,675 sq. ft. two story; Plan 4 – 4,967 sq. ft. two story; and Plan 5 – 5,175 sq. ft. two story; all houses have either a 3 or 4 car garage.
- Resmark, LLC. – RPD 1999-02, Meridian Hills Development, Tract 5187, a two-hundred-forty-eight lot development. There are seven floor plans provided for sale: Plan 1A – 2,627 sq. ft. one story; Plan 2A – 3,789 sq. ft. two story; Plan 3A – 4,115 sq. ft. two story; Plan 1M – 3,098 sq. ft. one story; Plan 2M – 3,753 sq. ft. two story; Plan 3M – 4,312 sq. ft. two story; Plan 4M – 4,774 sq. ft. two story; all houses have a 3 car garage.
- Toll Bros. Inc. – Pinnacle, Tract 5045-8, a one-hundred-thirty-two lot development, (Planning Areas 8&9 Moorpark Highlands). There are nine floor plans: Plan 1 – 3,346 sq. ft. one story; Plan 2 – 3,810 sq. ft. one story; Plan 3 – 3,988 sq. ft. two story; Plan 4 – 4,734 sq. ft. two story; Plan 5 – 4,064 sq. ft. two story; Plan 6 – 4,397 sq. ft. two story; Plan 7 – 4,827 sq. ft. two story; Plan 8 – 4,162 sq. ft. two story; and Plan 9 – 4,162 sq. ft. two story; all houses have either a 3 or 4 car garage.

Of all the single family detached projects currently approved for construction, the average number of floor plans provided for sale of the developments is approximately five floor plans, (specifically 5.60 floor plans). The larger number of floor plans offered for sale in the communities and neighborhoods of Moorpark has resulted in a broader variety of architecture than typically seen in other areas in the local region. This has resulted in neighborhoods of Moorpark that have an appearance of semi-custom construction and architectural variation, as opposed to a more typical residential tract development with less architectural variety and interest.

At the present time, the houses already approved on the 66 lots in question have an average square footage of 3,736 square feet. Under the proposed modification the average square footage has been reduced to an average of 3,453 square feet, representing a decrease by approximately seven percent (7%) from what was originally approved. With the proposed condition of approval below, which would require replacing 17 of the proposed homes with 17 of the original Marquis Plans 3 and 4, the overall average square footage of the proposed 66 homes would be increased up to an average of approximately 3,738 square feet, depending on which units are replaced. Since the original approval for RPD No. 1999-02 included seven floor plans and homes with larger square footage than currently proposed, staff believes that there is a compatibility issue that needs to be addressed as part of this application. To ensure that what is proposed is compatible with the existing development within the Meridian Hills master planned community, staff recommends a special condition of approval as follows:

- ❖ Prior to the issuance of a zoning clearance for a building permit for the production homes, (not including the model homes) associated with this Modification No. 1 of RPD 1999-02, two additional two story floor plans must be included in the overall development of the 66 lots, with minimum floor areas for living space of 4,312 square feet and 4,774 square feet respectively, both with three car garages; and that the two additional two story house plans must be designed to mimic the architecture of the approved Marquis Plans 3 and 4 respectively, or the original Marquis Plans 3 and 4 may be used to satisfy this condition; and that there must be 8 Marquis Plan 3 houses and 9 Marquis Plan 4 houses incorporated into the final master plotting (to match original approved master plotting mix criteria), and the average square footage of the proposed 66 homes shall equal or exceed the average square footage of the 66 homes originally approved prior to this modification, to the satisfaction of the Community Development Director.

Staff believes that the introduction of the two, two story homes to mimic the original Marquis Plans 3 and 4, which original approvals had incorporated 8 Marquis Plans 3 houses and 9 Marquis Plans 4 houses, will enhance the overall development and ensure compatibility with the 65 original homes that have already been constructed in

this development. An acceptable alternative would be to allow TPH to use the original Marquis Plans 3 and 4 as originally approved to satisfy this recommended condition of approval which would only require building code updates to the already approved architecture. If this project is approved with the proposed conditions, the only home that TPH would not be building would be the Ashford Plan 3 house which has 4,115 square feet of living space. Since the proposed house plans mimic four of the seven original house plans and staff has recommended a condition that TPH also build the two largest floor plans, staff believes that the construction of 6 floor plans is compatible with the original 7 floor plans because as conditioned the overall average square footages would also be compatible with what has been constructed. Staff feels this is an important condition to incorporate into the approval to ensure compatibility and so that this architectural palette and master plotting may continue to be compatible with the existing 65 properties that were originally constructed.

For each proposed house plan there are three architectural styles proposed for each house, with a minimum of four colors and material palettes for each style. In order to ensure adequate variety and to minimize redundancy, staff is recommending a condition of approval that for house floor Plans 1 through 6, there must not be less than 10% nor more than 25% of any one of the floor plans used throughout the plotting. Also a condition is recommended requiring at least three architectural styles, (i.e. French, Tuscan, and Traditional) be provided per floor plan with no less than 10% nor more than 30% of any one architectural style used per floor plan, and side by side houses of the same floor plan must use different architectural styles. Also, a condition is recommended that final colors and materials must be reviewed and approved to include a minimum of four color schemes per architectural style, consistent with proposed architectural plans and no adjacent units, (side by side) will be allowed to use the same colors and materials palette. These conditions are also intended to ensure adequate variety and compatibility with existing development.

To ensure that materials are sturdy and long lasting, a condition is recommended that the applicant use durable materials for trim on the ground floor levels of the homes, such as wood window trim, or ¼" minimum cementous stucco coat over foam. Also, a condition is recommended that requires the architecture of side or rear elevations of two-story homes adjacent to streets, or clearly visible from streets, must be enhanced with additional architectural treatments.

Finally, a condition of approval is also recommended that requires full compliance with the Implementation Plan approved on May 21, 2008, including completion of the construction and installation of the multi-use trail system, including compliance with accessibility requirements, and construction of the remaining unbuilt portions of the multi-use trail and public sidewalk across the Peter's property and connection with the Country Club Estates and Moorpark Highlands multi-use trails, to the satisfaction of the Community Development Director and City Engineer/Public Works Director. Compliance with this recommended condition would be required to be completed prior to the

issuance of a zoning clearance for a building permit for the production homes, (not including the model homes) associated with this Modification No. 1 of RPD 1999-02.

Ex Parte Communication Disclosure

On October 4, 2013, Rick Bianchi, representing TPH emailed each City Council member an overview of the modification application and provided colored plans of the proposed architecture in PowerPoint slides which also show a comparison with approved architecture. Rick indicated in his email, that he feels the architectural changes are in full compliance with the approved design guidelines and the exterior elevations of the new plans are consistent with the existing exterior elevations. Rick goes on to state that the floor plans have been updated and improved to be more in line with today's homebuyers expectations (for example, they have designed "great rooms" in place of formal living rooms). A copy of the Rick Bianchi's email to the City Council members and the PowerPoint slides: colored architecture plans that were attached to the email, are both provided, (Attachment 2).

Findings

The following findings are offered for the proposed Modification No. 1 to Residential Planned Development Permit 1999-02:

1. The proposed project site design, including structure location, size, height, setbacks, massing, scale, architectural style, and colors and materials, and landscaping, as conditioned, are consistent with the 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 within Tract 5187, to be compatible with the developed residential neighborhoods within the Meridian Hills neighborhood. The proposed project site design, as conditioned, complies with General Plan Policy 3.2: in that the proposed residential project includes variation of residential product types, lot sizes, and designs. The proposed project site design, as conditioned, complies with General Plan Policy 4.1: in that the residential character of the identifiable neighborhood within the Meridian Hills community shall be maintained because the adjacent new development has been planned to have compatible architectural design, landscape, streetscape, color and materials, building setbacks, and building heights. The proposed project site design, as conditioned, complies with General Plan Policy 5.2: in that the proposed infill development in existing Meridian Hills residential neighborhoods has been designed to be compatible with the scale and character of the existing surrounding neighborhood. Finally, the proposed project site design, as conditioned, complies with General Plan Policy 16.1: in that the proposed community features associated with the proposed development are compatible with the existing Meridian Hills residential neighborhood and the overall theme(s) and character shall be maintained or enhanced with the

development of the proposed single family homes and private and community landscaped areas and this infill project is consistent with the theme and character of the area as called for in the Meridian Hills Design Guidelines, (Dated December 3, 2004) as adopted on December 13, 2004 with approval on that date of Permit Adjustment No. 4 to Amend the Design Guidelines for Residential Planned Development Permit No. 1999-02, in that only minor changes are proposed to the elevations and building size from what was previously approved, and;

2. The site design of the proposed project, as conditioned, would not create negative impacts on or impair the utility of properties, structures or uses in the surrounding area, in that the use proposed is similar to uses existing or proposed to the north, south, east and west, and access to adjacent uses is not hindered by this project. Also, the site design of the proposed project, as conditioned, is compatible with the scale and character of the existing uses, employing similar colors and materials and similar design palettes, so as not to create a negative impact on the utility of properties or uses in the surrounding area. Furthermore, the site design of the proposed project, as conditioned, complies with General Plan Policy 17.1, in that the proposed new development has been designed to be compatible with the scale and visual character of the existing surrounding neighborhoods; and
3. The proposed project, as conditioned, is compatible with existing and permitted uses in the surrounding area, in that the surrounding existing and future development includes a variety of single-family detached homes and open space throughout the Meridian Hills residential neighborhoods and development areas of Tract 5187.

These findings are required to be made by City Council in order to approve the requested modification. Should the City Council be unable to make these findings, staff should be directed to return to the City Council in two weeks with a resolution of denial for consideration by the City Council.

PROCESSING TIME LIMITS

Time limits have been established for the processing of development projects under the Permit Streamlining Act (Government Code Title 7, Division 1, Chapter 4.5), the Subdivision Map Act (Government Code Title 7, Division 2), and the California Environmental Quality Act Statutes and Guidelines (Public Resources Code Division 13, and California Code of Regulations, Title 14, Chapter 3). Under the applicable provisions of these regulations, the following timelines have been established for action on this project:

Date Application Determined Complete: October 24, 2013
Planning Commission Action Deadline: Not Applicable

City Council Action Deadline: December 23, 2013

Upon agreement by the City and Applicant, one 90-day extension can be granted to the date action must be taken on the application.

ENVIRONMENTAL DETERMINATION

In accordance with the City's environmental review procedures adopted by resolution, the Community Development Director (Director) determines the level of review necessary for a project to comply with the California Environmental Quality Act (CEQA). Some projects may be exempt from review based upon a specific category listed in CEQA. Other projects may be exempt under a general rule that environmental review is not necessary where it can be determined that there would be no possibility of significant effect upon the environment. A project which does not qualify for an exemption requires the preparation of an Initial Study to assess the level of potential environmental impacts.

Based upon the results of an Initial Study, the Director may determine that a project will not have a significant effect upon the environment. In such a case, a Notice of Intent to Adopt a Negative Declaration or a Mitigated Negative Declaration is prepared. For many projects, a Negative Declaration or Mitigated Negative Declaration will prove to be sufficient environmental documentation. If the Director determines that a project has the potential for significant adverse impacts and adequate mitigation can not be readily identified, an Environmental Impact Report (EIR) is prepared.

The City Council, prior to making its decision on this project, had originally considered the Final EIR (SCH No. 94081075) which had been prepared and certified by City Council Resolution No. 2002-1935 for the Residential Planned Development Permit No. 1999-02 and Tract Map 5187 project pursuant to the California Environmental Quality Act (CEQA) in accordance with Sections 15162 and 15164 of the California Code of Regulations (CEQA Guidelines). The proposed modification does not change the number or location of the homes, and does not have the potential to result in any new impacts or a substantial increase in any impacts not addressed by the previously certified Final EIR. No substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No new information or impacts of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete that require preparation of a new or subsequent EIR have been identified as a result of the proposed modification to update the design of homes for the project. Therefore, City staff determined that the previously certified Final EIR is

the appropriate and adequate environmental document for the proposed modification and that no further environmental documentation is required.

FISCAL IMPACT

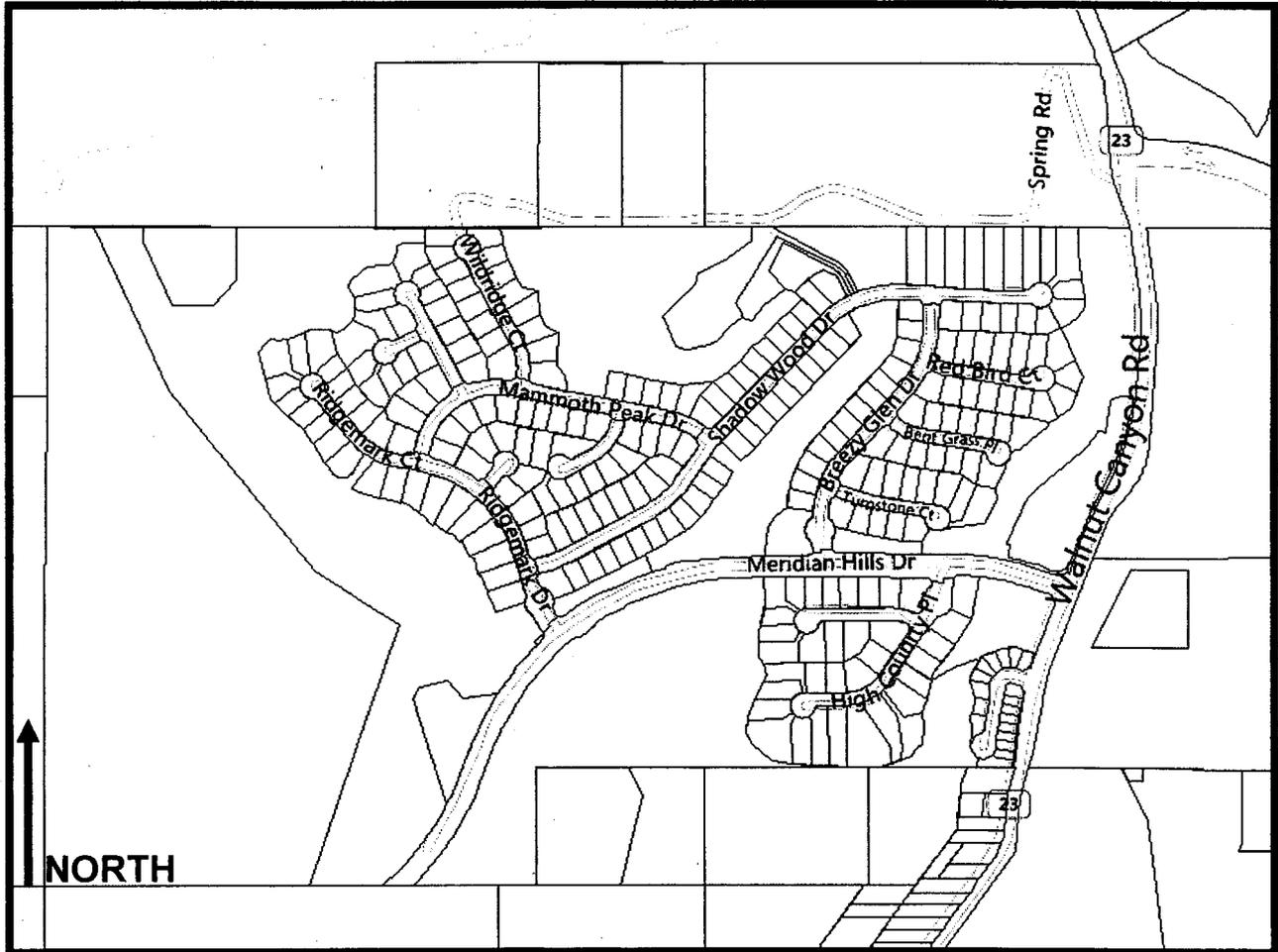
None.

STAFF RECOMMENDATION

1. Open the public hearing, take public testimony, and close the public hearing;
2. Adopt Resolution No. 2013-____, approving Modification No. 1 to Residential Planned Development Permit No. 1999-02 subject to Conditions of Approval.

ATTACHMENTS:

1. Location Map.
2. October 4, 2013, Rick Bianchi Email to City Council and attachment to email: colored architectural plans.
3. Resolution No. 2002-1398: Original Tract 5187 / RPD No. 1999-02 Conditions of Approval.
4. Amended Implementation Plan Tract 5187 – Approved on May 21, 2008.
5. Proposed site planning – plotting unit mix; elevations, floor plans, roof plans; and a side by side architectural comparison (all Under Separate Cover).
6. Draft Resolution Approving a Modification No. 1 to Residential Planned Development Permit No. 1999-02.



LOCATION MAP

**Modification No. 1 to RPD 1999-02 Meridian Hills (Tract 5187) North
of Meridian Hills Drive and West of Walnut Canyon Road**

CC ATTACHMENT 1

Joe Vacca

From: Rick Bianchi <rick.bianchi@roadrunner.com>
Sent: Saturday, October 05, 2013 7:09 AM
To: David Bobardt; Joe Vacca
Subject: FW: Meridian Hills project
Attachments: Meridian Hills side by side 12-13-12.pptx

Just another FYI – this Email went to each council member. Thanks.

From: Rick Bianchi [<mailto:rick.bianchi@roadrunner.com>]
Sent: Friday, October 04, 2013 7:25 AM
To: 'JParvin@MoorparkCA.gov'
Subject: Meridian Hills project

Dear Councilmember Parvin:

My name is Rick Bianchi and I am representing TRI Pointe Homes (TPH) – the builder of the remaining lots at the Meridian Hills project (tract 5187 at Walnut Canyon and Meridian Hills Drive). We will be seeking at the City Council meeting, on November 6, your approval of a modification to the architecture so that we can restart this project and complete the next phase of 66 homes.

The architectural changes are in full compliance with the approved design guidelines - we are not seeking variances or asking for relief of any kind – and after extensive input from the current Meridian Hills community, and at the suggestion of staff, the exterior elevations of the new plans are consistent with the existing exterior elevations. However, we have taken this opportunity to update and improve the floor plans to be more in line with today's homebuyers expectations (for example, we have designed "great rooms" in place of formal living rooms).

The City planning department will, of course, provide you with a full staff report but I wanted to reach out to you so that you had another avenue to get information if you wish.

Because this project has been on hold for a few years I thought some background might be helpful to refresh your recollection. Resmark Companies acquired the property in 2007 from Lyon Homes and Resmark has partnered with TPH, a respected home builder based in Irvine, CA, to construct homes on the remaining lots. As you likely know the grading and most of the infrastructure of the project was completed by Lyon in 2007 and they built on 65 of the 248 lots before the housing / economic downturn. The modification you will be considering in November will apply to the next 66 lots; and we are proposing 4 new plans consisting of one and two story homes. The balance of the lots (117 lots) will be part of a future application.

Over the course of the past year TPH has met no fewer than 5 times with the Meridian Hills community, and 6 times with City staff to discuss our proposed architecture – and we have communicated via direct mail including a survey to solicit input on our final proposal. Our initial architecture had a slightly updated feel but we heard the communities' concern and responded by instructing our architect to design the new homes to reflect the existing homes – and we succeeded (please see the side by side comparison attached).

At our most recent community meeting on September 19, 2013 the homeowners expressed an eagerness for the project to get started asap. Some of their comments included "we are tired of looking at empty lots; we are concerned the empty lots are having a negative impact on our home values; we are excited to have new neighbors".

In conclusion, we believe our efforts to work with the Meridian Hills community and the City staff have resulted in a project that is well-liked and we are excited to get to the hearing. I will be reaching out to you again the near future to see if you have any questions or would like a guided tour of the site.

Thank you for your time and consideration of this matter.

Best regards.

Rick Bianchi
For TRI Pointe Homes

Builder Support Services

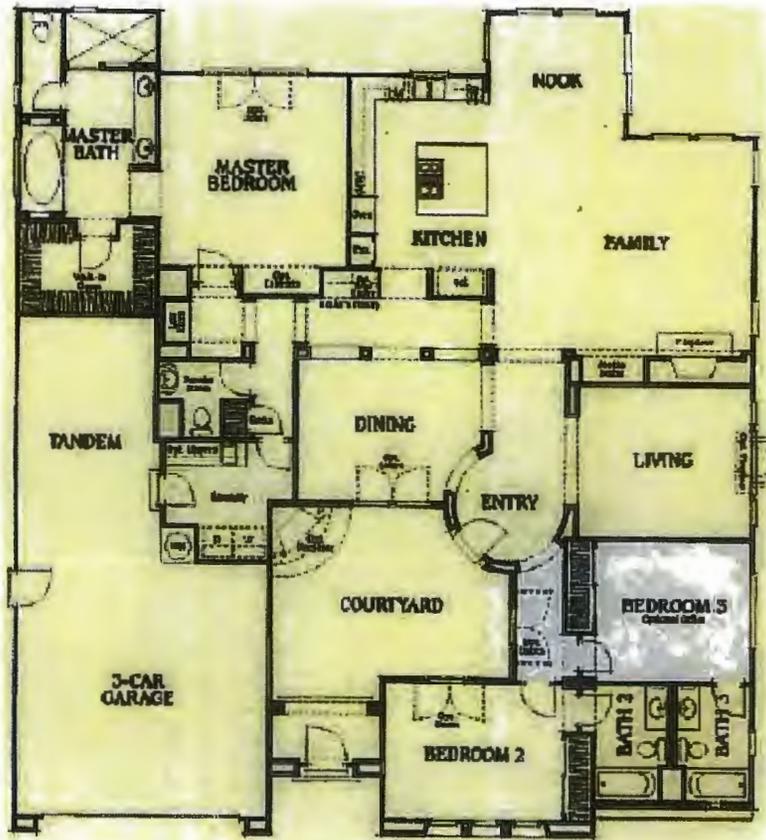
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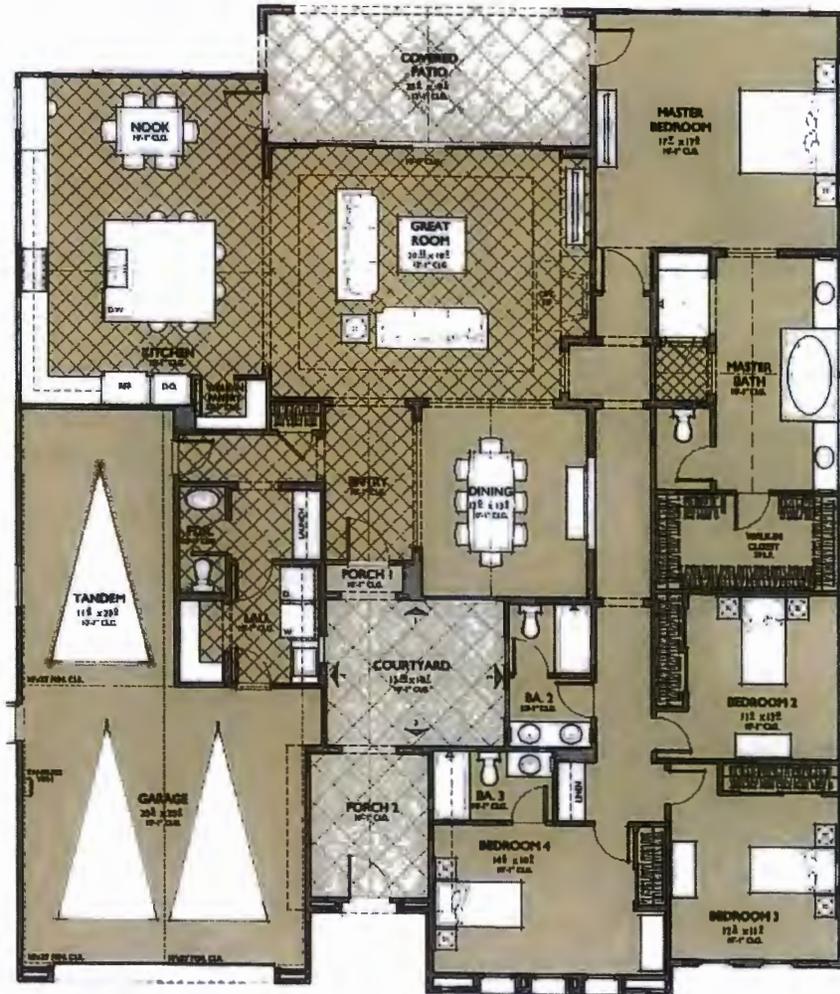


Meridian Hills Presentation

December 13, 2012



Ashford Plan 1 – 2,627 SF
3 Bed, 3.5 Bath



New Plan 2 – 2,900 SF +/-
4 Bed, 3.5 Bath



A - SANTA BARBARA
MATCHES ASHFORD - RESIDENCE 1A

FRONT



B - COTTAGE
MATCHES ASHFORD - RESIDENCE 1B

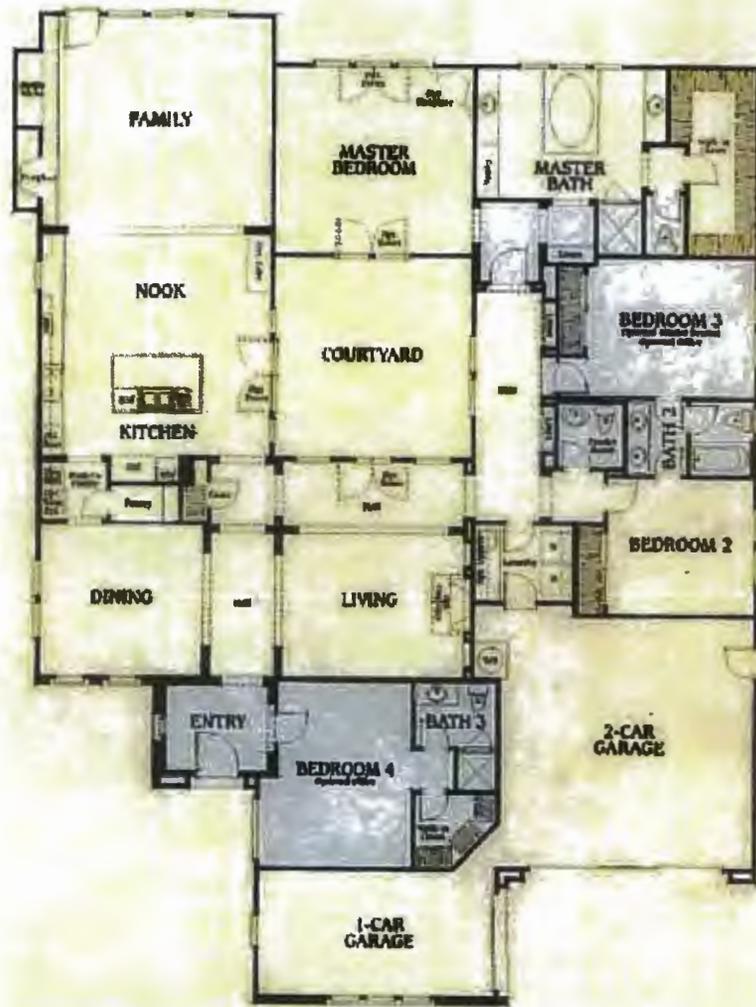
FRONT



C - TUSCAN
MATCHES ASHFORD - RESIDENCE 1C

FRONT





Marquis Plan 1 – 3,098 SF
4 Bed, 3.5 Bath



New Plan 1 – 2,700 SF +/-
4 Bed, 3.5 Bath

RESOLUTION NO. 2002-1938

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING VESTING TENTATIVE TRACT MAP NO. 5187 AND RESIDENTIAL PLANNED DEVELOPMENT PERMIT NO. 99-02 FOR THE SUBDIVISION OF APPROXIMATELY 350 GROSS ACRES OF LAND LOCATED WEST OF WALNUT CANYON ROAD AND APPROXIMATELY ONE-HALF MILE NORTH OF CASEY ROAD INTO 250 SINGLE-FAMILY RESIDENTIAL LOTS AND DETACHED SINGLE-FAMILY RESIDENTIAL UNITS, THREE RECREATIONAL LOTS, THREE ENTRY/LANDSCAPING LOTS, TWO PROJECT DETENTION BASIN LOTS, ONE REGIONAL DETENTION BASIN LOT, ONE WATER TANK LOT AND THREE OPEN SPACE LOTS FOR A TOTAL OF 263 LOTS, ON THE APPLICATION OF WEST POINTE HOMES, INC.

WHEREAS, at a duly noticed public hearing on October 3, 2001, continued public hearings on October 17, November 7, December 5, and December 19, 2001, and on January 16 and January 23, 2002, the City Council considered Vesting Tentative Tract Map. No. 5187 and Residential Planned Development Permit No. 99-02 on the application of West Pointe Homes for the subdivision of approximately 350 gross acres of land located west of Walnut Canyon Road and approximately one-half mile north of Casey Road into 250 single-family residential lots and thirteen (13) other lots and construction of 250 single-family residential units (APN's 500-260-025, 500-240-045, 500-270-075, 500-270-085, 500-260-095, 500-270-090, 500-270-140, 500-270-155, 500-270-165); and

WHEREAS, at its meeting of October 3, 2001, the City Council opened the public hearing and took public testimony and continued the item, public hearing open, to subsequent meetings, and on January 23, 2002, closed the public hearing; and

WHEREAS, at its meeting of January 23, 2002, the City Council adopted Resolution No. 2002-1935 certifying Final Environmental Impact Report (EIR) No. SCH-1994081075 for the proposed project; and

WHEREAS, the City Council, after review and consideration of the information contained in the City Council staff reports and testimony received reached a decision on this matter on February 6, 2002.

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

SECTION 1. The City Council does hereby find that Vesting Tentative Tract Map No. 5187 and Residential Planned Development Permit No. 99-02 are consistent with the City's General Plan as amended by General Plan Amendment No. 99-01.

SECTION 2. The City Council further finds that Vesting Tentative Tract Map No. 5187 and Residential Planned Development Permit No. 99-02 are consistent with the approved Final EIR.

SECTION 3. The City Council hereby adopts the following additional findings:

C.E.Q.A. Findings

1. That Final EIR SCH-1994081075, prepared for the West Pointe Homes North Ranch at Moorpark project serves as the environmental document for Vesting Tentative Tract Map No. 5187 and Residential Planned Development Permit No. 99-02 and has been completed in accordance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's CEQA Procedures.
2. In order to reduce the potential adverse impacts of this project, mitigation measures discussed in the approved EIR have been incorporated and shall apply to Vesting Tentative Tract Map No. 5187 and Residential Planned Development Permit No. 99-02.
3. A Mitigation Monitoring and Reporting Program was prepared and adopted in compliance with Assembly Bill 3180 and applies to Vesting Tentative Tract Map No. 5187 and Residential Planned Development Permit No. 99-02.

Subdivision Map Act Findings:

Based on the information set forth above, it has been determined that Vesting Tentative Tract Map No. 5187, with imposition of the attached conditions, meets the requirements of California Government Code Sections 66473.5, 66474, 66474.6, and 66478.1 et seq., in that:

1. The proposed map is consistent with the City of Moorpark General Plan.

2. That the design and improvements of the proposed subdivision is consistent with the City of Moorpark General Plan.
3. The site is physically suitable for the type of development proposed.
4. The site is physically suitable for the proposed density of development.
5. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage.
6. The design of the subdivision and the type of improvements are not likely to cause serious public health problems.
7. 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.
8. 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.
9. The proposed subdivision does not contain or front upon any public waterway, river, stream, coastline, shoreline, lake, or reservoir.

Residential Planned Development Permit Findings:

1. The proposed project is consistent with the intent and provisions of the City's General Plan and Zoning Ordinance.
2. The proposed project is compatible with the character of surrounding development.
3. The proposed project would not be obnoxious or harmful, or impair the utility of neighboring property or uses.
4. The proposed project would not be detrimental to the public interest, health, safety, convenience, or welfare.
5. The proposed project is compatible with existing and planned land uses in the general area where the development is to be located.

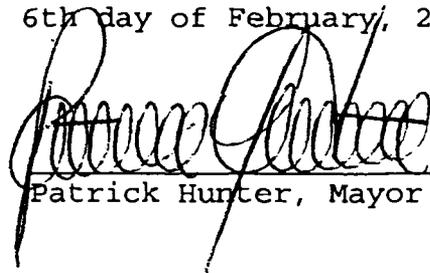
6. The proposed project is compatible with the scale, visual character and design of the surrounding properties, designed so as to enhance the physical and visual quality of the community, and the structure(s) have design features which provide visual relief and separation between land uses of conflicting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

SECTION 4. The City Council hereby approves Vesting Tentative Tract Map No. 5187 and Residential Planned Development Permit No. 99-02, subject to the attached Conditions of Approval.

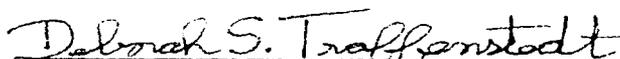
SECTION 5. The approval of Vesting Tentative Map No. 5187 and Residential Planned Development Permit No. 99-02 is contingent upon final approval by the City Council of General Plan Amendment No. 99-01 and Zone Change No. 99-01 and shall not become effective until the effective date of the zone change ordinance.

SECTION 6. 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 6th day of February, 2002.


Patrick Hunter, Mayor

ATTEST:


Deborah S. Traffenstedt, City Clerk



Attachments:

- Exhibit A - Conditions of Approval for Vesting Tract Map No. 5187
- Exhibit B - Conditions of Approval for Residential Planned Development Permit No. 99-02.

EXHIBIT A

CONDITIONS OF APPROVAL FOR VESTING TENTATIVE TRACT MAP NO. 5187:

A. DEPARTMENT OF COMMUNITY DEVELOPMENT:

1. Application of City Ordinances/Policies: The conditions of approval of this Vesting Tentative Tract Map and all provisions of the Subdivision Map Act, City of Moorpark Ordinance 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. Acceptance of Conditions: Recordation of this subdivision shall be deemed to be acceptance by the subdivider 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 Director of Community Development.
3. Expiration of Map: This Tentative Tract Map shall expire three (3) years from the date of its approval. The Director of Community Development 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 30-days prior to the expiration date of the permit.
4. Hold Harmless: The subdivider 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 subdivider 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 subdivider 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 subdivider shall not be required to pay or perform any settlement of such claim, action or proceeding unless the settlement is approved by the subdivider. The subdivider's obligations under this condition shall apply regardless of whether a Final Map is ultimately recorded with respect to the subdivision.
5. Effect of Conditions: 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. The approved Mitigation Monitoring and Reporting Program is included as an attachment to the approving resolution, and all mitigation measures are requirements of the Vesting Tentative Tract Map and Residential Planned Development Permit, as applicable.
6. Severability: 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. Duplication of Conditions: All mitigation measures contained within the approved Mitigation Monitoring Report and Program (MMRP) are hereby adopted as requirements of the Vesting Tentative Map, as applicable. Where conflict or duplication between the MMRP and the conditions of approval occurs and applicability for compliance is questioned by the Developer, the Director of Community Development will determine the applicable condition compliance requirements for each phase of development.

8. Title Report: Prior to Approval of the Final Map, the subdivider shall submit to the Department of Community Development 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. Image Conversion of Plans: Prior to approval of the Final Map, the builder shall pay to the City a fee for the image conversion of the final map and improvement plans, as determined by the Director of Community Development, into an electronic imaging format acceptable to the City Clerk.
10. Consistent with the City's General Plan Housing Element, the Vesting Tentative Tract Map is subject to execution of an Affordable Housing Agreement between the City of Moorpark and the Applicant or Developer. The Affordable Housing Agreement shall set forth the procedure for meeting an affordable housing requirement of 10 percent of the total number of approved dwelling units. The Agreement may be part of a Development Agreement. Execution of the Affordable Housing Agreement is required prior to first final map approval.
11. Outstanding Case Processing Costs: The Applicant shall pay all outstanding case processing (Planning and Engineering), and all City legal service fees within three (3) 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.
12. Submittal of Landscape Plans: 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 and the adopted Mitigation Monitoring and Reporting Program and shall incorporate the recommendations of the required Tree Report, Habitat Enhancement Plan, Habitat Restoration Plan, Riparian Study, and Fire Hazard Reduction Program. The Landscape Plan shall be reviewed by the City's Landscape Architect Consultant

and approved by the Director of Community Development prior to Zoning Clearance for grading permit, or first Final Map approval, whichever occurs first. All of the following Landscape Plan and inspection requirements shall be complied with:

- a. Prior to initial review of the landscape plans, the Applicant shall deposit funds for plan review in an amount specified by the Director of Community Development. The Applicant shall deposit additional funds upon request as needed to cover all landscape plan check and inspection fees. Any deposit balance remaining following final approval of the installation shall be refunded to the Applicant.
- b. The Landscape Plan shall include landscaping for the Water Tank Lot No. 260.
- c. All plant material shall conform to the current issue of the American Standard for Nursery Stock published by the American Association of Nurserymen.
- d. Prior to final inspection by the City of Moorpark, the Applicant's landscape architect shall provide written certification to the City, stating that the installation is in substantial conformance with the approved landscape plans.
- e. Prior to final inspection by the City of Moorpark, the Applicant shall provide a written certification for the operation of the backflow device.
- f. All backflow preventers, transformers, and other above-grade utilities shall be appropriately screened with walls and/or plantings.
- g. The planting and irrigation design shall comply with the State of California Model Water Efficient Landscape Ordinance.
- h. Prior to occupancy, the landscape installation shall be approved by the Director of Community Development. This approval shall be based upon written certification of the landscape installation by the City Landscape Consultant.
- i. The landscape plan shall include planting and irrigation specifications for manufactured slopes over three (3) feet in height; any front yard landscaping for residences that may be required by the approval of an RPD; all common areas to be maintained by the

Homeowners' association including but not limited to parkways, median strips and slope easement areas located along Walnut Canyon Road and interior streets, and habitat mitigation areas. Front Yard landscaping shall be installed as determined by the Residential Planned Development Permit for all lots in this project as reviewed and approved by the Director of Community Development prior to final inspection and release of utilities.

- j. The streetscape within each neighborhood shall be fully landscaped consistent with rural aesthetic requirements of the adopted Mitigation Monitoring and Reporting Program and as determined appropriate by the Director of Community Development.
- k. Prior to issuance of a Zoning Clearance for grading permit, the Applicant shall provide a Tree Report and tree replacement plan consistent with City Municipal Code requirements as a part of the Landscape Plan.
- l. Additional trees shall be provided and located as approved by the Director of Community Development to offset the value of the trees to be removed, consistent with City Municipal Code requirements. The Landscape Plan shall also incorporate extensive tree landscaping including specimen size trees as approved by the Director of Community Development.
- m. Invasive Plants listed in Table 4-2 of the Environmental Impact Report shall be prohibited in all landscaped areas.
- n. The permanent removal of 10 California walnut trees located within the California walnut woodland community, shall be replaced at a 10:1 mitigation ratio by planting 100 California walnut trees on the site or in the adjacent dedicated open space area, as determined appropriate by the Director of Community Development. The trees shall be planted predominantly within the upland areas above the detention basin, in upland areas within restored riparian corridors, and in other upland areas within the dedicated open space area. To ensure maximum survival rates, these replacement trees shall be a minimum of fifteen-gallon specimens that are six (6) feet tall with a one (1) inch trunk caliper when planted. Larger tree sizes may be required by the Director of Community Development in accordance with the tree

replacement/enhanced landscaping requirements of the City's Municipal Code Title 12, Chapter 12.12. Temporary irrigation will be required until trees have become established.

- o. The entrance to the proposed project shall be designed to provide entry monumentation, appropriate landscaping and signage at the entry point. An orderly and consistent tree planting program shall be established for both entrance roads to provide a landscaping pattern along the entranceways that resembles a rural ranch entry road design as approved by the Director of Community Development.
- p. Restoration landscaping along Walnut Canyon Road shall emphasize reestablishment of existing native and non-native habitat to enhance biological habitat value. The landscaping program for areas visible from Walnut Canyon Road shall emphasize restoration of biological habitat and the use of tiered, tree lined streets to minimize the effects of the urban design planned along this perimeter of the project.
- q. The eastern perimeter of the project shall be designed to provide a substantial restoration of riparian landscape features within the Walnut Canyon drainage situated between Walnut Canyon Road and the project. The drainage/detention facility slopes within both the public and private debris/detention facilities within the development shall be landscaped with native riparian woodland plants (such as valley oak, live oak, sycamore, poplar, and willow). Similar landscaping shall be provided in the drainage located central to the project. Any landscape planting within the public detention facility along Walnut Canyon Road is subject to the approval of the Ventura County Flood Control District.
- r. Prior to approval of a Zoning Clearance for grading, the Applicant shall prepare a Riparian Study for the purpose of providing an enhanced riparian canopy along the Walnut Canyon drainage consistent with requirements of the Department of Fish and Game and Army Corps of Engineers. The Riparian Study shall be incorporated into the required Landscape Plan. All riparian habitat planting shall be completed prior to the first residential occupancy approval. The restoration shall be performed in accord with current best available restoration procedures. The Applicant

(or a designee) shall be responsible for maintaining the restoration areas for a period of three years or until the native grasses, riparian corridor, and perimeter plantings are successfully established.

13. Paleontological Mitigation Plan: Prior to issuance of a Zoning Clearance for a grading permit, a paleontological mitigation plan outlining procedures for paleontological data recovery shall be prepared and submitted to the Director of Community Development for review and approval. The development and implementation of this program shall include consultations with the Applicant's engineering geologist. The monitoring and data recovery should include periodic inspections of excavations to recover exposed fossil materials. The cost of this data recovery shall be limited to the discovery of a reasonable sample of available material. The interpretation of reasonableness shall rest with the Director of Community Development.
14. Habitat Enhancement Plan: Prior to issuance of a Zoning Clearance for grading permit, the Applicant shall complete and submit to the City for approval by the Director of Community Development, a Habitat Enhancement Plan (HEP) prepared by a qualified biologist. The HEP 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 value of these areas. The native species planting recommendations of the HEP shall be incorporated into the Landscape Plan required by Condition No. 12.
15. Habitat Restoration Plan: Prior to issuance of a Zoning Clearance for a grading permit, a proposed Habitat Restoration Plan (HRP) shall be developed to ensure compensation for the loss of native habitats that will occur as a result of project development. The HRP 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 Department), the use of native plants common to Venturan Coastal Sage Scrub (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.). The recommendations of the HRP shall be incorporated into the Landscape Plan required by Condition No. 12.

16. Preservation of oak tree: Prior to grading, the single native oak tree which will be impacted by the project shall be preserved on the site and shall be protected from any adjacent grading or construction operations. The measures that shall be taken to protect this oak tree, and the other remaining protected trees on the site, are provided in the Biological Resources Mitigation Plan outlined in the Project Description of the EIR (Chapter 4). Verification of completion of this requirement is subject to the review and approval of the Director of Community Development. The subdivider shall submit a deposit, in an amount to be determined by the Director of Community Development, to pay for review of tree protection measures and to fund monitoring by the City's landscape consultant during grading.
17. Field Survey: No earlier than 45 days and no later than 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), the Applicant shall have a field survey conducted by a qualified biologist, approved by the Director of Community Development, 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 100 feet (200 feet for raptors) of the construction zone. A report of this field survey shall be submitted to the Director of Community Development. If active nests are found, a minimum 50-foot (this distance may be greater depending on the bird species and construction activity, as determined by the biologist) fence barrier (subject to the review and approval of the Director of Community Development) shall be erected around the nest site and 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.

18. Fencing: Prior to issuance of the first Zoning Clearance for Occupancy for the homes adjacent to Open Space, fencing of sufficient height and design shall be constructed between the edge of the fuel modification zone and the natural areas to prevent humans and domestic animals from entering open space habitat areas. The Director of Community Development may require the fencing to be constructed earlier if needed to protect any open space area during construction activities. Final fence design and height is subject to the review and approval of the Director of Community Development and consistent with criteria establish by the California Department of Fish and Game. Fencing will not be placed within the California Department of Fish and Game and/or Army Corps of Engineers jurisdictional areas of the site unless required by those agencies. All fencing design and materials shall be approved by the Director of Community Development.

19. 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 prior to Final Map Approval. CC&R's shall be subject to the review and approval of the Director of Community Development and City Attorney. Language shall be placed in the CC&R's indicating that any subsequent changes to the CC&R's shall be subject to the review and approval of the Director of Community Development and City Attorney. All applicable conditions of approval and mitigation measures shall be incorporated into the CC&R's as requirements, including but not limited to the following provisions:

- a. Identification of all Common Maintenance Areas including maintenance of all multi-use trails, open space lots, detention basin landscaping, parkway landscaping for all streets, any shared driveways, median in "A" Street, bus shelter along "A" Street, private streets, 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 Director of Community Development 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 and Residential Planned Development (RPD) and 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 any approved Development Agreement. Sixty (60) days notice must be given to the City of the intent to modify CC&R's. Further, it is the sole responsibility of the Homeowners' Associations to enforce the CC&R's.

- b. Language indicating that where feasible, the use of recycling materials shall be included in the construction of the project.
- c. Provisions that the Homeowners' Association shall be responsible for implementing and maintaining the vegetation management requirements of the Fire Hazard Reduction Program in perpetuity. As required by the Fire Department fuel modification plan 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 and habitat restoration, with the approval of the Director of Community Development, to appear as a transition between the built environment and natural open space. Final approval of this Program by the County Fire Prevention District and Director of Community Development shall be required prior to the recordation of the first Final Map. Appropriate language shall be included on the Final Map indicating the boundary of all areas of fuel modification hazard zones.

- d. Provisions prohibiting human, domestic animal, agricultural, and motorized vehicle use in preserved designated natural open space areas, except that horses, non-motorized vehicles and pedestrians are allowed on designated trails. In addition, provisions shall be included prohibiting tree houses; play structures; vehicle parking or storage; agricultural use; wireless communication facilities; sale of easements for residential use purposes; extraction of subsurface mineral resources, excavation, drilling, pumping, mining, or similar activity; and all other development restricted by recorded easements. Provisions shall also require the Homeowners' Association to maintain interpretative signs stating the sensitivity of natural habitats and the need to minimize impacts on the natural areas. The signs shall also state that visitors are entering a protected natural area and that all pedestrians must remain on designated trails, all pets must be restrained on a leash, and that it is illegal to harm, remove, and/or collect plants and/or animals.
- e. Invasive plants as listed in Table 4.2 of the Final Environmental Impact Report shall be prohibited. This list of prohibited plants shall be included within the CC&R's.
- f. Provisions that individual front yard landscaping must include a minimum of two (2) 24" box trees as a part of private front yard landscaping.
- g. Provisions requiring that ultra-low water consumption plumbing fixtures shall be installed consistent with City Ordinance No. 132. The CC&R's shall also include a requirement for the following energy saving devices or construction features:
 - i. Stoves, ovens, and ranges, when gas fueled shall not have continuous burning pilot lights.
 - ii. All thermostats connected to the main space-heating source shall have night setback features.
 - iii. Kitchen ventilation system shall have automatic dampers to ensure closure when not in use.
- h. Language restricting front and rear yard lighting to be consistent with the City's Lighting Ordinance.

- i. Language that any modifications to structures shall be designed in accordance with the approved RPD Design Guidelines for RPD 99-02.
- j. Language to insure that no sheet flow of drainage occurs between lots located within or adjacent to the project.
- k. Language requiring the Homeowners' Association to be responsible for the maintenance of drainage facilities including all NPDES requirements unless such structures or facilities are accepted into the master flood protection system by the Ventura County Flood Control District.
- l. Language prohibiting use of roofing material made of wood or asphalt shingles and requiring tile roofs as determined by the City as roofing materials for all structures.
- m. Language that discourages excessive noise generating activities in garages consistent with adopted community noise standards. Garages shall remain permanently available for the purpose of automobile parking.
- n. Language requiring the Homeowner's Association to remove any graffiti within five (5) days from written notification by the City of Moorpark. All such graffiti removal shall be accomplished to the satisfaction of the City.
- o. Language requiring that all property areas be maintained free of litter/debris.
- p. Language requiring that all on-site storm drains, swales and terrace drains be cleared at least twice a year, once immediately prior to October 15 (the rainy season) and once in January. Additional cleaning may be required by the City Engineer.
- q. Language requiring that private roads and parking lots be maintained free of litter/debris. Sidewalks, parking lots shall be swept regularly to prevent the accumulation of litter and debris. When swept or washed, debris must be trapped and collected to prevent entry to the storm drain system. No cleaning agent may be discharged to the storm drain. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash water should be collected and discharged to the sanitary sewer.

Discharges to the sanitary sewer are subject to the review, approval and conditions of the wastewater treatment plant receiving the discharge.

- r. Language requiring that all exterior metal building surfaces be coated and sealed with rust inhibitive paint to prevent corrosion and release of metal contaminants into the storm drain system.
 - s. Language requiring that landscaping be properly maintained with efficient irrigation to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to urban runoff pollution.
 - t. Language requiring compliance with the City approved fence/wall plan.
 - u. Language requiring the Homeowners' Association to be responsible for the maintenance of private streets, including water tank access and secondary fire access roads, and private street lighting.
 - v. Language requiring a photovoltaic system to be installed and maintained for each residential dwelling unit, if the City adopts a policy and standards for photovoltaic systems prior to January 31, 2004, or approval of the first Final Map, whichever is later.
 - w. Language requiring that concurrent with City or other City-approved agency acceptance of fee title for Lots 251 and 263, the Homeowners' Association shall submit an annual payment to City for the purposes of permanent management, maintenance, and mitigation monitoring for open space Lots 251 and 263. The amount of the annual payment for management, maintenance, and mitigation monitoring shall be as adopted by the City Council in the West Pointe Homes, Inc. Development Agreement and in the City Council approved Implementation Plan for the Lot 251 trail staging area, and shall be incorporated into the CC&R's. The establishment of the homeowners association shall include provisions for this perpetual obligation.
20. Fence/Wall Plan: A fencing, perimeter, gate, and privacy barrier wall plan, complete with related landscaping details, identifying the materials to be used and proposed wall heights and locations shall be submitted to and approved by the Director of Community Development prior to the issuance of a Zoning

Clearance for grading. The approved fence/wall plan shall be incorporated into the CC&R's. 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 Director of Community Development shall approve the connection of property line wall with existing fences and or walls on adjacent residential properties. The Developer 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.

21. Sight Distance on Fence/Wall and Landscaping Plans: The Developer 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 to and approved by the Director of Community Development. These shall include all landscape walls and/or sound walls required by the MMRP adopted for the project whether on-site or off-site.
22. Final Design: The final design and location of all walls and fences, streetscape elements, urban landscaping are subject to the approval of the Director of Community Development.
23. Bus Turn-out: The applicant shall include one bus stop turnout in the final street improvement plans for both sides of "A" Street. The final location of bus turnouts and related facilities, including bus shelter, shall be approved by the City Engineer, Director of Community Development, and Director of Community Services.
24. Street Intersection Treatments: Prior to approval of a Zoning Clearance for a grading permit, any special street intersection treatments shall be approved by the City Engineer and the Director of Community Development.
25. Open Space/Conservation Dedications: At the time of approval of the first Final Map, greenbelts, open space areas, landscaped areas, and trails lying within

each portion of the Property (not covered by any other approval requirement) shall be irrevocably offered for dedication, including transfer of development rights, to City in a form approved by the City Attorney, or to one or more Homeowners' or property owners associations as determined by the City Council, as a condition of recordation of the final subdivision map or parcel map defining the area within which said areas are located. Greenbelts, buffers and open space areas may include natural open space areas for which no development use is proposed, wetlands, storm water detention areas, landscaping and decorative planting areas as determined by the Director of Community Development.

Concurrently with recordation of the first final map for Tract No. 5187, Developer agrees to grant, in a form acceptable to City, an open space easement to retain Lots 254, 255, 257, 258, 259, 260, 261, 262, 264, and 265, as shown on the Vesting Tentative Map, in a predominantly open space condition, and transfer development rights except for a water tank use for Lot 260 and detention basin use for Lots 257, 258, and 259.

Developer shall dedicate Lots 251 and 263, as shown on Vesting Tentative Tract Map No. 5187, in fee simple interest to City for the purposes of permanent open space preservation. Such dedication shall be in the form of an irrevocable offer of dedication on the first final map for Tract No. 5187, or at City's sole option, fee title transfer by grant deed and legal description may be requested by City to occur prior to approval of a Grading Permit for Tract No. 5187. Developer shall make improvements at its sole cost and expense to the trail staging area on Lot 251 of Tract No. 5187. The improvements shall be as determined by the City at its sole discretion and shall include but not be limited to the following: preparation of a site plan, grading, installation of a parking lot with paving material as determined by the City (either asphalt, concrete, or decomposed granite, or similar material), water and electricity services, security lighting, and fencing and gates. Improvements shall be completed to the satisfaction of the City prior to occupancy of the 165th residential unit in Tract No. 5187. The Implementation Plan shall include a payment

amount by the Developer to provide for the perpetual maintenance of the trail staging area. Said payment shall be made prior to occupancy of the 165th residential unit for Tract 5187. The Implementation Plan shall also include provisions for the Developer to construct a temporary trail staging area within the "A" Street right-of-way south and west of the future intersection of "A" Street and "E" Street of Tract 5187.

The open space easement transferring development rights shall preclude all development other than for a water tank use for Lot 260 and detention basin use for Lots 257, 258, and 259. Prohibited development on land zoned open space includes but is not limited to tree houses, play structures, vehicle parking or storage, agricultural use, wireless communication facilities, sale of easements for residential use purposes, and extraction of subsurface mineral resources, excavation, drilling, pumping, mining, or similar activity. The limitations and exclusions described in this subsection shall be included in the open space easements.

26. Prior to Final Map approval for any phase, 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. In addition, 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 \$5,000 advance to fund the cost of the Engineer's Report. In the event it is determined that there will be no

landscaping or extraordinary drainage improvements to be maintained by the City, the Director of Community Development may waive this condition with the concurrence of the City Manager.

27. Prior to Final Map approval, the City Council, shall determine which areas shall be maintained by a Homeowners' Association, maintenance assessment district, or other entity.
28. Trail easements: The Final Map shall indicate the location of all trail and sidewalk easements. The minimum widths of said easements shall be twenty (20) feet wide total as shown or as otherwise approved in conjunction with the approved Vesting Tentative Map. The minimum width of the constructed multi-use trail shall be twelve (12) feet and the minimum width of the constructed sidewalk shall be five (5) feet. Fencing separating the trail and sidewalk shall be installed to the specifications of the Director of Community Development. Additional fencing shall be required when the trail abuts the designated Open Space preserve. The trail shall be surfaced with decomposed granite or other suitable material as approved by the City Engineer and Director of Community Development. The sidewalk shall be constructed to City Standards as determined by the City Engineer. The public trail easement adjacent to Walnut Canyon Road (Highway 23) shall be irrevocably offered for dedication to the City of Moorpark. Prior to recordation, the subdivider shall bond for construction of the proposed trails at 150% of the estimated cost of the improvements. Once the trails have been built, the Developer shall maintain the trails for one (1) year and bonds shall remain in effect for a minimum of two (2) years. After that time, the Homeowners' Association, maintenance district, or similar entity shall be responsible for maintaining the trails. The maintenance entity shall be determined by the City Council prior to first Final Map approval. The trail system design shall be submitted to the Director of Community Development and shown on the Final Map prior to recordation. Trail links shall be provided to link surrounding subdivisions and the regional trail system shall be properly designated and prohibit the use of motorized vehicles. The Developer shall enter into an agreement with the City to assure the maintenance

responsibilities are conferred to one of the entities as described within this condition.

The proposed trail system shall be designed to retain the integrity of the proposed open space preserve. Trail systems developed within the project shall not be illuminated, except if the trail is functioning in lieu of a sidewalk. The north-south trail alignment along "A" Street shall link the east-west trail system along "C" street in the Moorpark Country Club Estates project (VTT 4928) via an easement acquired by the Developer across the private property in between Tract 4928 and 5187. The trail system shall traverse the detention basin north of "A" Street and be useable year round. The trail system shall connect to the Hitch Ranch (Specific Plan No. 1) and other areas south of the West Pointe project. The Developer shall be responsible for developing this trail linkage and for construction of the trail connections. If lighting is required for a trail, plans shall be approved by the City Engineer, Director of Community Services, Director of Community Development and Police Department and installed prior to the first residential occupancy approval.

29. Developer at its sole cost and expense shall construct the public trail system identified on the VTTM 5187 and as described in these conditions, including City plan check, inspection and City administrative costs. Developer shall also at its sole cost and expense, prepare a design and plans, and specifications for submittal to the City. The Director of Community Development and City Engineer shall approve design and plans and specifications at its sole discretion. The required improvements shall also include construction of an equestrian crossing over Walnut Canyon Road as determined necessary by the City prior to approval of the first Final Map.
30. All water impoundment(s) shall be maintained in a manner which will not create mosquito breeding sources.
31. Venturian Coastal Sage Scrub Community Research Contribution: Prior to approval of the final map, the Developer shall pay to the City a contribution as specified in the MMRP.

32. Fish and Game Fee Requirement - 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 a single fee of \$875.00 plus a \$25.00 filing fee 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.
33. Miscellaneous Fees: 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, 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.
34. Prior to approval of the Final Map, the Applicant shall pay City an amount to cover the costs associated with a crossing guard for five years at the then current rate when paid, plus the pro-rata cost of direct supervision for one crossing guard location and staff's administrative costs (calculated at fifteen percent of the above costs).
35. During construction, Developer 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. Developer 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 Developer a list of Cable Franchisees upon Developer's request.

In the event the cable television services or their equivalent are provided to the Project or individual lots under collective arrangement or any collective means other than a Cable Franchisee (including, but not limited to, programming provided over a wireless or satellite system contained within the Project), the HOA shall pay monthly to 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 as defined in Chapter 5.06 of the Moorpark Municipal Code and any successor amendment or supplementary provision thereto.

B. COMMUNITY SERVICES DEPARTMENT CONDITIONS:

36. Solid Waste Management Plan: Prior to approval of the final map, a Solid Waste Management Plan shall be prepared and submitted to the City's Community Services Department Analyst responsible for Solid Waste Management Programs for review and approval. This plan, which shall include specific measures to reduce the amount of refuse generated by construction of the proposed project, shall be developed in consultation with the City of Moorpark Community Services Department to meet waste reduction requirements established by the California Integrated Waste Management Act of 1989.
37. Park and Recreational Facilities Fee: Prior to approval of Zoning Clearance for residential unit building permit, the subdivider shall pay fees in accordance with Section 8297-4 of the City's Subdivision Ordinance (Parks and Recreation Facilities).

C. CITY ENGINEER CONDITIONS:

PRIOR TO THE FINAL MAP APPROVAL, THE FOLLOWING CONDITIONS SHALL BE SATISFIED (UNLESS ANOTHER TIMING REQUIREMENT IS INDICATED IN THE FOLLOWING CONDITIONS)

38. The project shall be designed to place all required water and sewer conveyance facilities in Walnut Canyon Road. The Applicant shall obtain all necessary right-of-way and easements to allow for this alignment.
39. The Developer 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.

40. 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.
41. All existing and proposed utilities shall be undergrounded as approved by the City Engineer, including undergrounding of all utility poles along the east and west sides of Walnut Canyon Road within the area designated for Tract 5187 improvements, consistent with Condition 58e.
42. In accordance with Business and Professions Code 8771 the street improvement plans shall provide for a surveyors 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.
43. Archaeological or Historical Finds: If any archaeological or historical finds are uncovered during excavation operations, all grading or excavation shall cease in the immediate area, and the find left untouched. The permittee shall assure the preservation of the site; shall obtain the services of a qualified paleontologist or archaeologist, whichever is appropriate to recommend disposition of the site; and shall obtain the Director of Community Development's written concurrence of the recommended disposition before resuming development. The Developer shall be liable for the costs associated with the professional investigation.
44. All residential and open space areas to be commonly maintained by a Homeowners' Association or dedicated to a public agency for open space purposes as determined by the City, shall be designated as separate lettered lots on each phase of the subdivision map.

45. Developer shall submit current title reports to assure that all blanket easements are vacated over all the lots and streets.
46. Prior to approval of the first Final Map, a study shall be submitted to the City Engineer to show roadway alignments and extent of slope easements needed. In addition, the study shall include the potential future SR-118 bypass alignment (North Hills Parkway) and grades and the effect on any proposed onsite slopes, pads, drainage facilities, roadway alignments and any other improvements, to ensure protection of adequate future right-of-way for the North Hills Parkway. The Developer shall provide an irrevocable offer of dedication of right of way for slope easements to the City for the North Hills Parkway for all affected lots paralleling and extending to the easterly and southerly project boundaries (Lots 4-12 of the Vesting Tentative Map). The irrevocable offer of dedication shall be provided to the satisfaction of the City Attorney, City Engineer, and Director of Community Development on the first Final Map to be recorded.

Developer is required to include within the Final Subdivision Public Report issued by the Department of Real Estate of the State of California, which requires notification and disclaimer to all buyers of lots in Tract 5187, a City Attorney approved notification of the future State Route 118 bypass (referred to as the North Hills Parkway) and location of the 200-foot right-of-way required by the General Plan Circulation Element for the State Route 118 bypass, the four-lane widening proposed for "A" Street, and earthquake fault disclosure in the form of a "Natural Hazards Disclosure Statement." The Public Report and Disclosure Statement will be signed by all future buyers to document acknowledgment of disclosure.
47. Utilities, facilities and services for the project will be constructed in conjunction with its phased development as approved by the Director of Community Development and City Engineer.
48. The Developer will be responsible for the construction of all onsite and offsite sanitary sewer facilities and connections required to serve the project. The Developer shall enter into an agreement with Ventura County Water Works District No.1 (VCWWD) to construct

the improvements and the system will be dedicated to VCWWD No. 1 for maintenance.

49. Prior to Final Map recordation of any phase, the City, Calleguas Municipal Water District and Water District No. 1 shall approve final plans for water distribution. The Developer shall either construct the required distribution facilities or enter into an agreement with the Calleguas Municipal Water District and/or County Waterworks District No. 1 stating when and how facilities will be funded and constructed. The system will be designed and constructed to meet the requirements of the proposed land uses and applicable City, Calleguas and VCWWD No.1 standards.
50. Provisions for electrical, natural gas, telephone and solid waste collection services and cable television shall be made to the development. Spare ducting for future communication facilities shall be provided across each street at each street intersection. The ducts will be extended to pull box/vault structures complete with pull rope in place. The pull box/vault size and spacing shall be to the satisfaction of the City Engineer. "A" Street intersections shall be provided with (8) eight 4" ducts and all other street intersections shall be provided with (4) four 4" ducts.
51. If any of the improvements which the Applicant is required to construct or install are 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 60 days prior to the filing of the final or parcel 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.
52. Prior to issuance of the first Certificate of Occupancy, construction of Walnut Canyon Road, and "A" Street improvements shall be completed to the satisfaction of the City Engineer. Phasing of "A" Street improvements will require City Council approval of a phasing plan in conjunction with first Final Map approval.
53. Prior to acceptance of public improvements and surety (bond) reduction and/or exoneration, the following requirements shall be satisfied:
- a. Reproducible centerline tie sheets shall be submitted to the City Engineer's office.
 - b. 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.
 - c. Original "as built" plans will be certified by the Developer's Registered Civil Engineer and submitted with two sets of blue prints to the City Engineer's office. Although grading plans may have been submitted for checking and construction on sheets larger than 22" X 36", they must be resubmitted as "record drawings" in a series of 22" X 36" Mylar's (made with proper overlaps) with a title block on each sheet. Submission of "as built" plans is required before a final inspection will be scheduled.
54. Geotechnical Engineering Requirements:
- Prior to submittal of grading plans for plan check:
- The Applicant shall have a geotechnical report prepared to the satisfaction of the City Engineer and at the minimum the geotechnical report shall address the following:

- a. The Applicant or subsequent developers shall contract with an engineering geologist and geotechnical engineer, registered in California, to quantify the engineering properties of the on-site soil materials, to assess the potential for weak soils or bedding layers which may affect cut and/or natural slopes, and to verify that grading planned within landslide areas will be remediated to result in an increase in landslide stability consistent with factors of safety approved by the City's consulting Geotechnical Engineers. This geotechnical study shall, as deemed necessary by the City Engineer and consulting City Geologist and Geotechnical Engineer, further assess slopes within or adjacent to proposed residential development areas (depending on the final configuration of proposed individual residential parcels). Further assessment must also address stability and mitigation measures for slopes within residential areas, basins, and the water tank site and access road, as well as potential off-site impacts along access corridors. The findings and recommendations of the geotechnical assessment shall be incorporated into the final design for both the residential and nonresidential components of the project.
- b. The Applicant will determine with subsequent geotechnical studies, the location of any landslide. Landslides shall be removed and recompacted during grading to the satisfaction of the City Engineer and the City's consulting geotechnical engineers. Alternatively, landslides or unstable slopes can potentially be stabilized by constructing buttress or stabilization fill slopes to reduce their potential for future downslope movement. All cut and fill slopes, foundations and structures, shall be designed and constructed to comply with Chapter 70 of the Uniform Building Code (UBC) and applicable City Grading Ordinances. Modifications to these standards shall be permitted only with the written concurrence of the City Engineer, consistent with City Council policies, and the City's consulting geologist.
- c. An engineering geologist shall define the final grading requirements for residential and recreational facilities. All geological recommendations shall be reviewed and approved by the City Engineer and the

City's consulting geologist. Foundation designs in areas where fault traces were identified that have been deemed inactive should address enhancing the stability of homes in the event minor movement occurs as a secondary effect of ground shaking.

- d. The Developer shall cause an engineering geologist to study all unanticipated faults exposed during grading to detect any evidence of possible recent activity. No structure shall be placed within 50 feet of any fault trace.
- e. All habitable structures shall be designed to accommodate structural impacts from 0.12g-ground acceleration or other standard factor of safety deemed applicable to this project. The standards shall be prepared to the satisfaction of the City Engineer.
- f. The Developer shall contract with an engineering geologist to prepare grading recommendations, foundation design criteria, and other recommendations regarding detailed project design. As a component of required subsequent geologic studies, a soils engineer shall evaluate the condition of alluvium and unconsolidated soils. Relatively loose soils or alluvium shall be densified or removed and recompacted prior to placement of structures upon such soils. Other mitigation measures shall be incorporated into the final project design as required by the geological assessment. All geological recommendations shall be to the satisfaction of the City Engineer.
- g. 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.
- h. The Director of Community Development and City Engineer shall review and approve the project's conformance with contour grading concept design consistent with recommendations in the City's Hillside Management Ordinance and City Council Resolution No. 2000-1874. Grading permits shall not be issued until 40 scale grading plans have been developed that incorporate contour grading techniques. The project shall be constructed in accord with the approved grading plans.
- i. The Developer shall submit to the City Engineer for review and approval, a detailed Geotechnical

Engineering Report certified by a California Registered Civil Engineer. The geotechnical engineering report shall include an investigation with regard to liquefaction, expansive soils, and seismic safety. Also, the report shall discuss the contents of the soils as to the presence or absence of any hazardous waste or other contaminants in the soils. Should additional geotechnical studies be generated or required as a result of the geotechnical investigation, additional plan check fees will be required.

- j. Review of the geotechnical engineering report, by the City's Geotechnical Engineer, is required. The Developer shall reimburse the City for all costs including the City's administrative fee for this review.
- k. All recommendations included in the approved geotechnical engineering report shall be implemented during project design, grading, and construction in accordance with the approved project. The City's geotechnical consultant shall review all plans for conformance with the soil engineer's recommendations. Prior to the commencement of grading plan check, the Developer's geotechnical engineer shall sign the plans confirming that the grading plans incorporate the recommendations of the approved soil report(s).

55. General Grading Requirements:

- a. The Developer 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.
- b. Concurrent with submittal of the rough grading plan an erosion control plan shall be submitted to the City for review and approval by the City Engineer. The design shall include measures for hydro seeding on all graded areas within 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.

- c. The fuel injection of all diesel engines used in construction equipment should be retarded two degrees from the manufacturer's recommendation.
- d. ROC, NOX and dust during construction grading will be suppressed by the following activities:
 - i. Equipment not in use for more than ten minutes should be turned off.
 - ii. All diesel engines used in construction equipment should use high-pressure injectors.
 - iii. All diesel engines used in construction equipment should use reformulated diesel fuel.
 - iv. Construction grading shall be discontinued on days forecasted for first stage ozone alerts (concentration of 0.20 ppm) as indicated at the Ventura County APCD air quality monitoring station closest to the City of Moorpark. Grading and excavation operations shall not resume until the first stage smog alert expires.
 - v. All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.
 - vi. All active portions of the site shall be either periodically watered or treated with environmentally safe dust suppressants to prevent excessive amounts of dust.
 - vii. Facilities shall be constructed and operated in accordance with the Rules and Regulations of the Ventura County Air Pollution Control District.
 - viii. Large-scale construction vehicles and trucks exiting the project site during the mass grading period shall be required to have tire wash-downs to minimize the dispersion of dust onto local streets.
- e. Prior to issuance of the initial grading permit, the Developer shall prepare an Erosion and Sediment Control Plan to address construction impacts and long-term operational effects on downstream environments and watersheds. A Certified Erosion and Sediment Control Professional or a qualified Civil Engineer shall prepare this plan. The use of jute or other artificial cover approved by the City Engineer will be required for all graded slopes during the period of

October 15 through, and inclusive of April 15. Proposed management efforts shall include (but not be limited to) provisions for the use of vegetative filtering enhanced by creek bed reconstruction, preparation of detailed erosion control plans, appropriate use of temporary debris basins, silt fences, sediment traps and other erosion control practices. The proposed plan shall also address all relevant NPDES requirements and recommendations for the use of best available technology. The erosion control plan shall be reviewed and approved by the Director of Community Development and City Engineer prior to issuance of grading permits for mass grading. Sediment yields in the watersheds within the project boundary shall be computed for pre-development and post-development conditions in accord with methods outlined in Erosion and Sediment Yields in the Transverse Ranges, Southern California (United States Geological Survey, 1978). These estimates of sediment yield shall be completed prior to initiating final design of the regional flood control debris/detention basin facility situated in the Walnut Canyon Drainage along the easterly project boundary.

- f. During clearing, grading, earth moving or excavation operations regular watering shall control dust. In addition the following measures shall apply:
 - i. Water all site access roads and material excavated or graded on or off-site to prevent excessive amounts of dust. Watering shall occur a minimum of at least two times daily, preferably in the late morning and after the completion of work for the day. Additional watering for dust control shall occur as directed by the City. The grading plan shall indicate the number of water trucks that will be available for dust control at each phase of grading.
 - ii. Cease all clearing, grading, earth moving, or excavation operations during periods of high winds (greater than 20 15 mph averaged over one hour). The contractor shall maintain contact with the Air Pollution Control District (APCD) meteorologist for current information about average wind speeds. Water or securely cover all material transported off-site and on-site to prevent excessive amounts of dust.

- iii. Keep all grading and construction equipment on or near the site, until these activities are completed.
- iv. All employees involved in grading or excavation operations during dry periods shall use facemasks to reduce inhalation of dust.
- v. The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive dust generation.
- vi. Wash off heavy-duty construction vehicles before they leave the site. During clearing, grading, earth moving or excavation operations regular watering shall control dust. Water all site access roads and material excavated or graded on or off-site to prevent excessive amounts of dust. Watering shall occur a minimum of at least two times daily, preferably in the late morning and after the completion of work for the day. Additional watering for dust control shall occur as directed by the City. The grading plan shall indicate the number of water trucks that will be available for dust control at each phase of grading.
- vii. Cease all clearing, grading, earth moving, or excavation operations during periods of high winds (greater than 20 15 mph averaged over one hour). The contractor shall maintain contact with the Air Pollution Control District (APCD) meteorologist for current information about average wind speeds. Water or securely cover all material transported off-site and on-site to prevent excessive amounts of dust.
- g. After clearing, grading, earth moving, or excavation operations, and during construction activities, fugitive dust emissions should be controlled using the following procedures:
 - i. Apply non-hazardous chemical stabilizers to all inactive portions of the construction site. When appropriate, seed exposed surfaces with a fast growing, soil binding plant to reduce wind erosion and its contribution to local particulate levels.

- ii. Periodically, or as directed by the City Engineer, sweep public streets in the vicinity of the site to remove silt (i.e., fine earth material transported from the site by wind, vehicular activities, water runoff, etc.), which may have accumulated from construction activities.
 - iii. 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, lower ozone levels and protect equipment operators from excessive smog levels. The City, at its discretion, may also limit construction during Stage II alerts.
- h. Temporary erosion control measures shall be used during the grading and construction process to minimize water quality effects. Specific measures to be applied shall be identified in the project Erosion and Sediment Control Plan. The following water quality assurance techniques shall be included in the erosion and control; plan, but not limited to the following, as deemed necessary:
- i. Minimize removal of existing vegetation.
 - ii. Provide temporary soil cover, such as hydro seeding, mulch/binder and erosion control blankets, to protect exposed soil from wind and rain.
 - iii. Incorporate silt fencing, berms, and dikes to protect storm drain inlets and drainage courses.
 - iv. Rough grade contours to reduce flow concentrations and velocities.
 - v. Divert runoff from graded areas, using straw bale, earth, and sandbag dikes.
 - vi. Phase the grading to minimize soil exposure during the October through April rainy season.
 - vii. Install sediment traps or basins.
 - viii. Maintain and monitor erosion/sediment controls.
- i. To minimize the water quality effects of permanent erosion sources, the following 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 including, but not limited to the following:

- i. Drainage swales, subsurface drains, slope drains, storm drain inlet/outlet protection, and sediment traps.
 - ii. Check dams to reduce flow velocities.
 - iii. Permanent desilting basins.
 - iv. Permanent vegetation, including grass-lined swales.
 - v. Design of drainage courses and storm drain outlets to reduce scour.
- j. The Applicant shall be required to obtain all Clean Water Act 401 and 404 permits and clearances as administered by the Army Corps of Engineers and the Regional Water Quality Control Board/State Water Resource Board. These permits shall be obtained prior to initiating any grading permits or clearing and grubbing activities not covered under the City's grading ordinance. All conditions of the permits and certifications from these agencies that are designed to minimize impacts to biological resources and all measures to mitigate for the loss of jurisdictional habitats shall be implemented. Implementation of mitigation designed to offset impacts to areas of federal jurisdiction shall be monitored by the relevant federal agencies and by the City (under the California Environmental Quality Assurance Program) for the project.
- k. Construction activities shall be limited to between the following hours: a) 7:00 a.m. and 7:00 p.m. Monday through Friday, and b) 9:00 a.m. to 5:00 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.
- l. The Developer shall ensure that construction equipment is fitted with modern sound reduction equipment.

- i. 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.
- ii. 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.
- iii. Immediately surrounding property owners 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.
- iv. A construction effects mitigation 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 noise on new neighborhoods.
- m. The post-grading slope remediation areas along the northern and southern ridgelines shall reflect contour grading design to diminish the visual effects of slope modifications.
- n. This project is projected to balance cut and fill onsite. Unanticipated off-site import/export operations requiring an excess of 1,000 total truckloads or 10,000 cubic yards of material shall require City Council approval prior to the commencement of hauling or staged grading operations in accordance with City Council Resolution No. 2000-1784. A haul route is to be submitted for review and approval by the City Engineer and Director of

Community Development. Additional surety for the cleaning and/or repair of the streets shall be required as directed by the City Engineer.

- o. All requests for staged grading shall be submitted in writing to the City Engineer for review and approval by the City Council.
- p. 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 temporary 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 or the beginning of the rainy season whichever comes first.
- q. 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 Director of Community Development.
- r. All graded slopes shall be planted in a timely manner meeting the approval of the Director of Community Development with groundcover, trees and shrubs that will stabilize slopes and minimize erosion.
- s. All development areas and lots shall be designed so that surface drainage is collected by the on-site storm drain system prior to connecting to the existing flood control facilities to the east of the property.
- t. So as to reduce debris from entering sidewalk and streets, the approved grading plan shall show a slough wall, approximately 18 inches high, with curb outlet drainage to be constructed behind the back of the sidewalk where slopes exceeding 4 feet in height are adjacent to sidewalk. The Developer shall use the City's standard slough wall detail during the design and construction. The City Engineer and Director of Community Development shall approve all material for the construction of the wall.

56. During grading, the following requirements shall apply:
- a. Grading may occur during the rainy season from October 15th to April 15th subject to approval by the City Engineer and installation of erosion control facilities. Erosion control measures shall be in place and functional between October 15th and April 15th. In order to comply with the October 15 date, revised erosion control plans shall be submitted to the City Engineer, no later than September 15th of each year from the start of grading or clearing operations to the-time of grading bond release.
 - b. Prior to any work being conducted within the State, County, or City right of way, the Developer shall obtain all necessary encroachment permits from the appropriate Agencies.
 - c. During site preparation and construction, the contractor shall minimize disturbance of natural groundcover on the project site until such activity is required for grading and construction purposes. During grading operations, the Developer shall employ a full-time superintendent for NPDES compliance. The NPDES superintendent shall have no other duties than NPDES compliance, shall be present, on the project site Monday through Friday and on all other days when the probability of rain is 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 Developer 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 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 of the NPDES superintendent.
 - d. 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 Department, the Sheriff's Department, and the City Construction

Observer shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.

- e. The Developer shall utilize all prudent and reasonable measures (including installation of a 6-foot 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.
 - f. Backfill of any pipe or conduit shall be in 4" fully compacted layers unless otherwise specified by the City Engineer.
 - g. Soil testing for trench compaction shall be performed on all trenching and shall be done not less than once every 4 feet of lift and 100 lineal feet of trench excavated.
 - h. A 15-mile per hour speed limit for the construction area shall be observed.
57. During site preparation and construction, temporary storm water diversion structures shall be constructed per City of Moorpark standards.
58. Road and Traffic Requirements
- a. Prior to first Final Map approval, the Applicant shall make a cumulative traffic contribution to the City representing the developers pro-rata share of the cost of improvements at the following intersections: 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 actual contribution (pro-rata share) shall be based upon the additional traffic added to the listed intersections, with the actual amount as approved by the City Engineer. The level of participation will be calculated based on the traffic report dated October 30, 2000 by Associated Transportation Engineers, Table 14 on page 39.
 - b. Prior to a Zoning Clearance for each residential unit building permit, the Developer shall pay the Los Angeles Avenue Area of Contribution (AOC) and Gabbert Road/Casey Road AOC fees. The AOC fees shall be the dollar amount in effect at the time of payment.

- c. The requirements for the interim secondary fire access road, as shown on the Vesting Tentative Map, are as follows:

Prior to submittal of grading plans, the proposed interim secondary fire access road that extends onto adjacent private property shall be recorded as a revocable easement benefiting the West Pointe Homes subdivision. The construction requirements for the secondary fire access road and the timing for construction shall be approved by the City Engineer and Fire Protection District prior to Final Map approval. The secondary fire access road easement may be quit claimed to fee title property owners, upon completion of "A" Street for secondary access purposes, if approved by the Fire Protection District.

- d. Prior to first final map approval, the Applicant shall fund a fair-share of the cost 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 to Level of Service D. Anticipated improvements to this intersection include but are not limited to widening approaches to provide an additional through lane, restriping, 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 lanes without narrowing the existing sidewalk. The fair-share contribution shall be the amount approved by City Council prior to first Final Map approval or as provided for in a Development Agreement.
- e. The first Final Map for Vesting Tentative Tract Map No. 5187 shall not be approved until the City Council has approved the final improvement plans for Walnut Canyon Road and satisfactory performance and labor and materials bonds have been accepted by the City Engineer. The improvements associated with the project shall include full width street improvements along both sides of Walnut Canyon Road and extending south from the future intersection of Walnut Canyon Road and Spring Road to the most southerly boundary of the Tract 5187 boundary with appropriate transitions at both the northern and southern terminus of these

improvements, including acceptable joins with existing improvements, as approved by the City Engineer and Caltrans. Improvements include, but are not limited to, acquisition of additional right-of-way if needed to complete the improvements, horizontal and vertical realignment of Walnut Canyon Road in accordance with City and Caltrans standards with no less than 8-foot paved shoulders, no less than two 12-foot travel lanes, no less than a 12-foot turning lane (to accommodate one or two-way turns to be determined), deceleration (right-turn) lanes at the intersections with "A" Street and proposed future street on adjacent two-acre parcel south of Tract 5187, acceleration lane to accommodate southbound traffic from both "A" Street and proposed future street on the adjacent two-acre parcel south of Tract 5187, a 5-foot Portland cement sidewalk adjacent to the back of Portland cement curb and gutter along the west side of the required improvements and undergrounding of existing overhead utility lines and services on both sides of Walnut Canyon Road within the limits of the required improvements. All improvements shall conform to City standards and as approved by Caltrans.

- f. The primary project collector street intersection with Walnut Canyon Road (State Route 23) shall be designed to the satisfaction of the City Engineer and Caltrans to ensure that acceptable turning radii, lane widths, shoulders, lane tapers, signage and traffic control facilities, provision of sight distances, and adequate acceleration and deceleration improvements are incorporated into the project entrance improvement program. Modifications to State Route 23 shall be constructed prior to issuance of the first occupancy approval for any residential dwelling unit. An encroachment permit shall be obtained from Caltrans prior to construction of any proposed roadway improvements, permanent or temporary. Any additional right-of-way required to implement the approved design for this entrance intersection shall be acquired by the Applicant and dedicated to the State or City, as applicable, 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 construction.

- g. Entry monumentation that does not interfere with sight-distance or turning movements shall be incorporated into the project entrance planning. Landscaping shall be provided appropriate to the entry that will not interfere with sight-distance or turning movement operations. To the degree feasible, the entrance landscaping shall extend along the full frontage of the project to provide traffic calming consistent with current landscape design practice. The final design for the project entrance shall be reviewed and approved by the City Community Development Director and the City Engineer prior to the issuance of building permit for the first residential unit. The turning and acceleration lanes provided along Route 23 at the project entrance shall be no less than 12 feet wide.
- h. The Developer shall submit to the City of Moorpark for review and approval, street improvement plans prepared by a Registered Civil Engineer and shall post sufficient surety guaranteeing the construction of the improvements. Streets shall not be accepted by the City for maintenance until completion, unless otherwise determined by the City Engineer.
- i. All internal streets shall conform to the design requirements of the Ventura County Road Standards (most recent revision) unless otherwise modified by conditions included in this document.
- j. The street improvements including "A" Street shall include concrete curb and gutter, parkways, 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 Director of Community Development shall approve all driveway locations. The Developer shall dedicate any additional right-of-way necessary to make all of the required improvements.
- k. Developer shall provide internal street improvement as follows:
 - i. "A" Street (Public Street Collector) - per modified Ventura County Standard Plate B-4A, 84 feet right of way, 16.5 feet travel lanes, 14 feet landscaped median, 8.5 feet bike lanes, 10 feet parkways with 5 feet wide sidewalks, and a 10 feet irrevocable offer of dedication for

parkway landscaping easement along south side, and a 12 feet irrevocable offer of dedication for multi-use trail easement and variable width landscape easement along north side.

- ii. Prior to the first Final Map, the Developer shall at his/her sole cost and expense fund an amendment to the Circulation Element of the City's General Plan to designate "A" Street as a rural collector (two to four lanes). The City Council must have made a decision on the Circulation Element amendment prior to the first residential occupancy in Tract 5187. The final design of "A" Street must be submitted for City Council approval at the same time as the request for approval of the first Final Map for Tract 5187 and shall incorporate "traffic calming" features recommended for approval by the City Engineer to encourage speed reduction.
- iii. The "A" Street raised median from Walnut Canyon Road to "E" Street shall be landscaped consistent with plans approved by the Director of Community Development, Director of Community Services, and Director of Public Works prior to the 50th residential occupancy approval in Tract 5187. The raised median from "E" Street west/south to the tract boundary shall be landscaped consistent with plans approved by the Director of Community Development, Director of Community Services, and Director of Public Works prior to the 165th residential occupancy approval in Tract 5187. The raised median shall be maintained by an Assessment District consisting of all residential lots in Tract 5187 and shall be formed prior to the first residential occupancy in Tract 5187.
- iv. Deceleration lanes (right-turn lanes) shall be installed on "A" Street for "E", "B" and "O" Street intersections. The design, including length and additional required right-of-way width at the three intersection locations shall be approved by the City Engineer prior to first Final Map approval.
- v. The required parkways on both sides of "A" Street shall end and transition into natural open space approximately 150 feet west/south of "E" Street.

- vi. The final location of the "A" Street sidewalk from Walnut Canyon Road to 150 feet west/south of "E" Street shall be as determined by the City Engineer and Director of Community Development. From approximately 150 feet west/south of "E" Street to the Tract 5187 boundary, the sidewalk shall be adjacent to the curb.
- vii. The bus turnouts referenced in Condition No. 27 for the south side of "A" Street shall be located within approximately 1,000 feet of the "B" Street intersection, as determined by the City Engineer and Director of Community Development.
- viii. "A" Street shall be designed with a 50-year life with a 45-mile per hour design speed and with grades not to exceed 7.0 percent. The minimum radius of any traffic lane of "A" Street shall be 1,085 feet, super-elevation shall not be used. Adequate right-of-way at intersections shall be provided to accommodate sight distance and right-turn lanes as determined by the City Engineer.
- l. Private Streets (Collector) - per Ventura County Standard Plate B-4A, 60 feet right of way, 12 feet travel lanes, 8 feet bike lanes, 10 feet parkways with 5 feet wide sidewalks. This includes the following streets: Portion of "B" Street from "A" street to "D" Street; Portion of "E" Street from "I" street to "A" Street; "I" Street; "K" Street from "I" Street to "O" Street; and "O" Street.
- m. Private Streets (Cul-de-sacs) - per Ventura County Standard Plate B-4C, 52 feet right of way, 12 feet travel lanes, 4 feet bike lanes, 10 feet parkways with 5 feet wide sidewalks. The cul-de-sac head shall be designed per Ventura County Standard Plate C-3. Rolled curbs shall be allowed provided no design/drainage constraints prevent their use. This includes the following streets: Portion of "B" Street from "D" street to south of "C" Street; "C" and "D" Streets; Portion of "E" Street from "I" Street to westerly end; "F", "G", "H" "J" Streets; Portion of "K" Street from "I" Street to southerly terminus; Portion of "K" Street from "O" Street to easterly terminus; and "L", "M" and "N" Streets.
- n. Driveways shall be designed in accordance with the latest Ventura County Road Standards. Interim fire

- access roads shall be designed in accordance with Ventura County Fire Protection District requirements.
- o. The Developer shall provide slope easements for road maintenance purposes along all roads where the top of cut plus 5 feet or the toe of fill plus 5 feet is beyond the dedicated right-of-way. Said slope easements shall include the area covered by the cut slope plus 5 feet and fill slope plus 5 feet.
 - p. Prior to Final Map approval, the Developer shall submit for review and approval traffic counts/estimates for stacking of vehicles at the private road entrances during peak hours. The Developer shall justify that the design of the private road entrances is adequate for peak hour stacking of vehicles and truck turning radius movements.
59. Streetlights shall be provided on the improvement plans per Ventura County Standards and as approved by the City Engineer. The Developer shall pay all energy costs associated with public street lighting for a period of one year from the acceptance of the street improvements. The Developer and/or future homeowners association(s) shall pay all energy costs associated with street lighting on private streets.
60. Above ground obstructions (utility cabinets, mailboxes, etc.) are to be placed within the right-of-way landscaping areas whenever possible. When above ground obstructions are to be placed within the sidewalk, a minimum five (5) foot clear sidewalk width must be provided around the obstruction.
61. The Developer shall make an irrevocable dedication on the Final Map of easements to the City of Moorpark over all private streets shown on the Vesting Tentative Map for the purpose of providing access to: a) all governmental agencies that provide public safety, health and welfare services or that enforce laws and ordinances; and b) all members of the public who reasonably need to be vacated over the private streets because of a state of emergency declared by a representative of the City or of the Ventura County Fire Protection District.
62. The Developer shall dedicate vehicular access rights to the City of Moorpark along "A" Street and Walnut Canyon Road.

63. The Developer 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.
64. Prior to City Council approval of the final map(s), proposed street names shall be submitted to the Fire District's Communications Center for review and approval. Street name signs shall be installed in conjunction with the road improvements. The type of sign shall be in accordance with Plate F-4 of the Ventura County Road Standards.
65. All lighting along the perimeter of natural areas, particularly street lights, shall be downcast luminaries and shall be shielded and oriented in a manner that will prevent spillage or glare into the remaining natural and open space areas. Final lighting orientation and design shall be to the satisfaction of the City Engineer and Director of Community Development. All lighting proposed shall be consistent with Chapter 17.30 of the Municipal Code.
66. Drainage Requirements
 - a. Prior to approval of the initial grading plan permit, the Applicant shall submit to the City Engineer for review and approval, a Master Drainage and Flood Control Improvement Plan (Master Plan) which identifies all required drainage and flood control improvements necessary to implement the proposed project. This plan shall be prepared to the satisfaction of the City Engineer. Portions of the improvements that fall within easements or right-of-way dedicated to the Ventura County Flood Control District shall be prepared to the satisfaction of the City Engineer and the District. The Master Plan shall identify all major improvements and typical drainage facilities for the project. The capacity, location, and size of all culverts, collection devices, energy dissipaters, and related improvements shall be designed as herein specified, to the satisfaction of the City Engineer and Ventura County Flood Control District. Capacity details for the construction of the on-site private detention basins and the regional

flood control basin for the Walnut Canyon Drain shall be included in the Master Plan. All necessary permits required to implement the Master Plan shall be obtained from the Ventura County Flood Control District prior to City issuance of a permit for mass grading. No mass-grading permit shall be issued until the Master Plan is completed and approved. The Master Plan shall identify improvements that must be completed coincident with the initiation of mass grading. All improvements shall be constructed consistent with approved plans.

- b. The Developer shall submit to the City Engineer 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 public improvements and shall post sufficient surety guaranteeing the construction of all improvements.
- c. The plans shall depict all on-site and off-site drainage structures required by the City Engineer.
- d. The drainage plans and calculations shall indicate the following conditions before and after development: Quantities of water, water flow rates, major water courses, drainage areas and patterns, diversions, collection systems, flood hazard areas, sumps, sump locations, detention facilities and drainage courses.
- e. Hydrology shall be per the current Ventura County Flood Control Standards except as follows:
 - i. All storm drains shall carry a 10-year frequency storm.
 - ii. All catch basins shall carry a 10-year storm.
 - iii. 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.
- f. All culverts shall carry a 100-year frequency storm.
- g. Drainage facilities shall be provided such that surface flows are intercepted and contained in a storm drain system prior to entering collector or secondary roadways.
- h. Under a 10-year frequency storm, local, residential and private streets shall have one 12' wide dry travel lane available on interior residential streets.

Collector streets shall have a minimum of one 12' wide dry travel lane in each direction.

- i. Drainage to adjacent parcels shall not be increased or concentrated by this development. All drainage measures necessary to mitigate storm water flows shall be provided by the Developer.
- j. Drainage grates shall not be used at any location accessible by pedestrian, bicycle or equestrian traffic.
- k. If the land to be occupied is in an area of special flood hazard, the Developer shall notify all potential buyers in writing of this hazard condition. The grading plan shall also show contours indicating the 50- and 100-year flood levels.
- l. All flows from brow ditches, ribbon gutters and similar devices shall be deposited into the storm drain system prior to entering streets. If necessary, the storm drain system shall be extended beyond the public right-of-way through easements to eliminate surface flow between parcels. Both storm drains and easements outside the public right-of-way are to be maintained by the Homeowners Association unless otherwise approved by the City Council or accepted for maintenance by the Ventura County Flood Control District.
- m. Concrete drainage structures shall be tan in color, as approved by the Director of Community Development, and to the extent possible shall incorporate natural structure and landscape to reduce their visibility.
- n. Drainage 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.
- o. 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 Developer shall make any downstream improvements, required by Ventura County Flood Control and the City of Moorpark, to support the proposed development.
- p. 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 an alternate design intensity is approved by the City Engineer.

- q. The Applicant shall demonstrate that surface drainage from the site shall not drain over the sidewalk or driveways.
 - r. The Developer 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:
 - i. Adequate protection from a 100-year frequency storm.
 - ii. Feasible access during a 50-year frequency storm.
 - iii. Hydrology calculations shall be as per these conditions and as per current Ventura County Flood Control Standards.
 - iv. All habitable structures shall be elevated at least one foot above the 100-year flood level.
 - s. The Developer 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 retention basins or storm water acceptance deeds from off-site property owners must be specified. These facilities (if applicable) must also be acceptable to the Ventura County Flood Control District.
67. National Pollutant Discharge Elimination System (NPDES) Requirements are as follows:
- a. Prior to the issuance of any construction/grading permit and/or the commencement of any clearing, grading or excavation, the Developer shall submit a Storm Water Pollution Control Plan (SWPCP) to the satisfaction of the City Engineer.
 - b. The SWPCP shall be developed and implemented in accordance with requirements of the Ventura Countywide Storm Water Quality Management Program, NPDES Permit No. CAS004002.

- c. The SWPCP shall identify potential pollutant sources that may affect the quality of discharges to storm water and shall include the design and placement of recommended Best Management Practices (BMPs) to effectively prohibit the entry of pollutants from the construction site into the storm drain system.
- d. Improvement plans shall note that the contractor shall comply to the "California Storm Water Best Management Practice Handbooks"
- e. Prior to the issuance of any construction/grading permit and/or the commencement of any clearing, grading or excavation, the Developer 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 Developer shall comply with all requirements of this General Permit including preparation of a Storm Water Pollution Prevention Plan (SWPPP).
- f. The Developer shall obtain a permit from the State Water Resources Control Board for all storm water discharges associated with this development. The Developer shall submit a copy of the Notice of Intent (NOI) to the City Engineers office as proof of permit application.
- g. The Developer shall also comply with NPDES objectives as outlined in the "Storm Water Pollution Control Guidelines for Construction Sites".
- h. Prior to recordation of the first Final Map, Applicant will provide facilities to comply with NPDES requirements. Runoff from developed areas shall be diverted to detention basins, or underground oil and grease traps or other 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. Basins, traps and all other structural and non-structural NPDES facilities shall be maintained by a Homeowner's Association or Assessment District if formed prior to the recordation of the first Final Map. Provisions

shall be made by the Applicant to provide for maintenance in perpetuity.

- i. 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.
- j. The project construction plans shall note and incorporate that the contractor shall comply with the "California Storm Water Best Management Practice Handbooks" - Best Management Practices (BMPs) applicable to the development and to the satisfaction of the City Engineer. Said requirements shall include implementation of the following requirements by the Homeowner's Association:
 - i. All onsite storm drain inlets shall be labeled "Don't Dump Drains to Arroyo".
 - ii. No outdoor vehicle maintenance shall be allowed.
 - iii. All common area property shall be maintained free of litter and debris.
 - iv. All onsite storm drains shall be cleaned, using approved methods, at least twice a year, once immediately prior to October 1, the rainy season, and once in January.
 - v. All common sidewalks, walkways, and parking areas shall be swept regularly to prevent the accumulation of litter and debris from entering the storm drain. No cleaning agent may be discharged into a storm drain system. If any cleaning agent or degreaser is used, wash water shall not be discharged to the storm drain but shall be discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review and approval of the Ventura County Waterworks District No. 1.
 - vi. If required by the BMP's, grease interceptors shall be installed in all onsite and offsite storm drain inlets. In the event, such grease traps are required to be installed in any onsite

inlet, the Developer shall provide the City with a maintenance program for such devices. The CC&R's shall include a requirement that the Assessment District grease interceptors are maintained in a manner consistent with requirements of the Maintenance Program.

D. FIRE DEPARTMENT CONDITIONS:

68. Prior to approval of Zoning Clearance for grading, the Applicant shall retain a certified fire management professional to prepare a Fire Hazard Reduction Program; this program shall be prepared in consultation with the County Fire Protection District and shall be approved by the Director of Community Development. The certified fire management professional shall be familiar with the objectives of fuel management in wildland-urban interface. A native plant specialist shall participate in the development of the fuel management program. The program shall apply to all lands within 200 feet of the proposed residences comprising the project (or as amended by the certified fire professional based on fuel modification factors acceptable to the County Fire Protection District). The recommendations of the Fire Hazard Reduction Program shall be incorporated into the Landscape Plan required by Condition No. 12.
69. During all grading and site clearance activities, earth-moving equipment shall be equipped with spark arrestors and at least two fire extinguishers. All equipment used in the vegetation clearance phase shall be equipped with spark arrestors and best available fire safety technology. The vegetation clearance activities shall be coordinated with and approved by the County Fire Protection Division.

E. VENTURA COUNTY WATERWORKS DISTRICT NO. 1 CONDITIONS:

70. Prior to issuance of a building permit, provide Ventura County Waterworks District the following: Water and sewer improvement plans in the format required.
- a. Hydraulic analysis by a registered Civil Engineer to determine the adequacy of the proposed and existing water and sewer lines.

- b. Copy of approval of fire hydrant locations by County of Ventura Fire Protection District.
- c. Copy of Release from Calleguas Municipal Water District.
- d. Cost estimates for water and sewer improvements.
- e. Fees: Plan check, construction inspection, capital improvement charge, sewer connection fee and water meter charge.
- f. Signed Contract to install all improvements and a Surety Bond.

F. VENTURA COUNTY FLOOD CONTROL DISTRICT CONDITIONS:

- 71. No direct storm drain connections to Ventura County Flood Control District facilities will be allowed without appropriate Best Management Practices (BMP's) for compliance with Ventura Countywide Stormwater Program.
- 72. 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

CONDITIONS OF APPROVAL FOR RESIDENTIAL PLANNED DEVELOPMENT PERMIT NO. 99-2

A. DEPARTMENT OF COMMUNITY DEVELOPMENT CONDITIONS:

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", West Pointe Homes at North Ranch Design Guidelines, except as amended by these conditions. The final Design Guidelines are subject to Director of Community Development approval prior to the first Zoning Clearance for building permit. 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. Following final approval of the Design Guidelines, any change from the approved product mix shall require approval of a modification to the Design Guidelines and Residential Planned Development Permit, consistent with Zoning Code requirements for entitlement processing.
2. Use Inauguration: Unless the Residential Development Permit is inaugurated (building foundation slab in place and substantial work in progress) not later than three years after this permit is granted, this permit shall automatically expire on that date. The Director of Community Development 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 30-days prior to the expiration date of the permit.
3. Other Regulations: The design, maintenance, and operation of the permit area and facilities thereon shall comply with all applicable regulations of the applicable zone and all requirements and enactment's of Federal, State, County, and City authorities, and all such requirements and enactment's shall, by reference, become conditions of this permit.

4. Duplication of Conditions: All mitigation measures contained within the approved Mitigation Monitoring Report and Program (MMRP) are hereby adopted as requirements of the Residential Planned Development Permit, as applicable. Where conflict or duplication between the MMRP and the conditions of approval occur and applicability for compliance is questioned by the Developer, the Director of Community Development will determine the applicable condition compliance requirements for each phase of development.
5. Image Conversion of Plans: Prior to issuance of the first Certificate of Occupancy, the builder shall pay to the City a fee for the image conversion of plans as determined by the Director of Community Development into an electronic imaging format acceptable to the City Clerk.
6. Public Nuisance: The Director of Community Development may declare a development project that is not in compliance with the Conditions of Approval or for some other just cause, 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 1.12.080).
7. Affordable Housing Agreement: Consistent with the City's General Plan Housing Element, the Residential Planned Development Permit is conditionally approved subject to execution of an Affordable Housing Agreement between the City of Moorpark and the Applicant or Developer. The Affordable Housing Agreement shall set forth the procedure for meeting an affordable housing requirement of 10 percent of the total number of approved dwelling units. The Agreement may be part of a Development Agreement. Execution of the Affordable Housing Agreement is required prior to approval of first Zoning Clearance for a residential building permit.
8. Outstanding Case Processing Costs: The Applicant shall pay all outstanding case processing (Planning and Engineering), and all City legal service fees within thirty (30) days of approval of this RPD Permit. 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 RPD Permit.

9. Lighting Plan: Prior to issuance of a Zoning Clearance for construction for any dwelling units on the lots created by this Tract Map, the Applicant shall submit to the Department of Community Development a lighting plan for review and approval consistent with Chapter 17.30 of the Zoning Ordinance. Lighting consistent with best management practices for open space preservation shall be required for this project. All lighting along the perimeter of natural areas, particularly street lamps, shall be downcast luminaries and shall be shielded and oriented in a manner that will prevent spillage or glare into the remaining natural and open space areas. Low intensity night lighting shall be required within the streetscape and at intersections. Lighting standards shall be rural in nature, low in profile, and shall be minimized along street corridors. More intensive lighting is appropriate at intersections within the project boundary but this lighting shall be only sufficiently intensive to provide for vehicle and pedestrian safety. The project entrance lighting should emphasize low intensity landscape feature uplighting of accent landscaping. Standard approach lighting within the Walnut Canyon Road Corridor shall comply with Caltrans design standards.
10. Design/Development Standards: Prior to issuance of a Zoning Clearance for the model home complex, the West Pointe at North Ranch Design Guidelines, incorporated herein by reference as Exhibit "A", and on file with the Community Development Department, shall be revised to be consistent with the conditions of approval for this Residential Planned Development Permit and Vesting Tentative Tract Map No. 5187, subject to Director of Community Development final approval. All design criteria, development standards, landscape concepts and criteria and all building materials, colors and streetscape concepts and other information presented to define the standards for construction and appearance contained in the amended West Pointe Homes at North Ranch Design Guidelines, as approved by the Director of Community Development, shall apply to residential structures and accessory buildings submitted for Zoning Clearance and Building Permit issuance for Vesting Tentative Tract Map No. 5187 in the City of Moorpark.
11. Play Equipment: Prior to issuance of a Zoning Clearance for the model home complex, the Applicant shall submit design

plans for the private recreation areas and manufacture's specifications for play equipment with a list of play equipment features, which shall include but are not limited to swings, slides, climbing apparatus, deck areas, ladders, and bridge. The area required for this proposed equipment including necessary safety clear areas around its perimeter is 27' x 28' or a 756 square foot area. The specific equipment and design of private recreation areas shall be subject to final approval of the Director of Community Development and Director of Community Services.

12. Changes to Design Guidelines: The following changes to the West Pointe Homes at North Ranch Design Guidelines shall be incorporated by the Applicant and new copies of the Guidelines submitted to the Director of Community Development for approval prior to issuance of a Zoning Clearance for any homes including models:
 - 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 are visible from any abutting street shall be allowed, unless in the judgment of the Director of Community Development such change is compatible with all dwellings having frontage on the same street and located within 200 feet (or as otherwise determined by the Director of Community Development) of the side property line of the structure proposed for expansion or alteration, subject to the review and approval of the Director of Community Development consistent with the approved Design Guidelines and Zoning Code requirements.
 - c. All air conditioning or air exchange equipment shall be placed at ground level, may not be placed in a sideyard setback area within 15 feet of an opening window at ground floor level of any residential structure, and shall not reduce the required sideyards to less than 5 feet of level ground. All air conditioning or air exchange equipment shall be placed in the sideyard setback area where compliance with these standards can be achieved.
 - d. Modifications to Permit: 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 at the time of modification application.

- e. Side yard setbacks as measured from the property line of each lot shall be not less than five (5) feet for one-story dwellings and ten (10) feet for two-story dwellings. Two-story dwellings which incorporate windows at the second-story level shall comply with the following design criteria for each type of window opening:
 - i. The minimum height to the bottom sill of a second story window with clear glass, and a fixed sash shall be five and one-half (5.5) feet above the finish floor level of the second story and must be off-set by a minimum of three (3) feet from a window with the similar glazing characteristics on abutting structures.
 - ii. Windows with a bottom sill height less than five and one-half (5.5) feet above the finish floor level of the second floor shall have a fixed sash and obscure glass which may include stained glass or glass blocks.
 - iii. Windows with a top jamb or head height of fourteen (14) feet or less above the level of the first floor shall be considered a first story window.
- f. A minimum of six architectural styles shall be included in each of the individual neighborhood created by the tract map tracts with no more than 20% of the dwellings in each neighborhood represented by one of the architectural styles and no sub-style comprising more than 40% of the maximum number of dwellings allowed for the primary architectural style.
- g. A minimum of three sub-styles shall be included in the architectural styles.
- h. Side by side dwellings with the same architectural style shall incorporate at least two of the following criteria:
 - i. Single story

- ii. Alternative roof lines
 - iii. Increase second story setback by 10 feet from first story setback.
 - iv. Incorporate a porch or balcony
 - v. Incorporate a courtyard behind the front setback a minimum of 8 feet in depth and 10 feet wide.
 - vi. Reverse plan
 - vii. Dormer treatments
 - viii. The roof design for all structures as viewed from any street, (including State Route 23) or from the private recreational area shall be varied unit by unit which may be accomplished through the use of at least one of the following: alternative roof designs; materials and colors a combination roof design such as hip and gable; through the use of dormer details or by off-setting the roof plane or walls of the building either horizontally or vertically by a minimum of four feet.
- i. Not more than 20% of the units on any block face shall have the same architectural plan and elevation.
 - j. Accessory buildings over 120 square feet 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.
 - k. Garden walls and fencing to a maximum height of 36 inches may be placed in front yard setback areas provided that they are architecturally consistent with the main building as approved by the Director of Community Development.
 - l. All property line walls or fences shall be constructed of masonry, stone or concrete products and be in earth tone colors, except for fence lines included in the West Pointe Homes at North Ranch Design Guidelines.
 - m. 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 (no wood fences) and shall be architecturally consistent with the main building to the satisfaction of the Director of Community Development.
- n. All units abutting the gated entrances to Tract 5187 shall be single story in height, except that any portion of the structure that is located more than forty (40) feet from the curb line of the gated street may be two stories not to exceed a maximum of 28 feet in height.
 - o. Garages shall maintain a clear unobstructed dimension of 20 feet in length and 10 feet in width for each parking stall provided with a minimum of three garage-parking stalls required for each dwelling unit.
 - p. All neighborhood entries shall be of a gated design, the design of which is subject to review and approval of the Director of Community Development and the City Engineer. The design of the gated entries shall be compatible with the scale, colors, visual character and design of the approved Design Guidelines so as to enhance the physical and visual quality of the neighborhood or tract.
 - q. 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.
 - r. All residential units shall be constructed employing energy saving devices. These devices are to include, but are not limited to the following:
 - i. Ultra low flush toilets (to not exceed 1.6 gallons);
 - ii. Low water use shower controllers as required by Title 24 of the Uniform Building Code shall be placed on all shower facilities;
 - iii. Natural gas fueled stoves; ovens and ranges shall not have continuous burning pilot lights;

- iv. All thermostats connected to the main space-heating source shall have night set back features;
 - v. To ensure closure when not in use kitchen ventilation systems shall have automatic dampers; and
 - vi. Hot water solar panel stub-outs shall be provided.
13. Recreational Facilities: A minimum one thousand square foot (1000) Club House, 50'x30' Swimming Pool, a minimum of two regulation sized Tennis Courts and the central Open Space area improvements must be completed and the central open space area must be completed and capable of Homeowner use prior to or concurrently with the final inspection of the first residential structure.
14. Architectural Styles: The architectural styles depicted in the Design Guidelines, Exhibit "A" (as amended by these conditions of approval), shall form the basis of the evaluation of architectural treatment to be incorporated on each residential structure for permit issuance.
15. Gated Private Streets: Gated private street entrances shall provide a 75-foot wide right-of-way with two 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. Prior to issuance of a Zoning Clearance for construction of entry area gates, the location shall be approved by the City Engineer to ensure adequate stacking of vehicles and the required truck turning radius can be achieved consistent with the private road entry design approved at the time of Final Map review and approval for Tract 5187.
16. Ornamental Streetlights: The project shall include ornamental streetlights and street signs on the private streets only. The design of the lights and signs shall enhance the community theme. The design and placement of the lights and signs shall be reviewed and approved by the Director of Community Development and City Engineer prior to occupancy.
17. Maintenance of Permit Area: 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.
18. Phasing: Construction phasing shall be approved by the Director of Community Development. The Director shall avoid to the extent possible any impacts to existing residential areas from construction traffic.
 19. Submittal of Construction Drawings: Prior to the issuance of a Zoning Clearance for construction, working drawings, grading and drainage plans, plot plans, final map (if requested by the Director of Community Development), sign programs, and landscaping and irrigation plans (three full sets) shall be submitted to the Director of Community Development for review and approval.
 20. Water Impoundment: All water impoundment(s) shall be maintained in a manner which will not create mosquito breeding sources.
 21. Citywide Traffic Mitigation Fee: As a condition of the issuance of a building permit for each residential unit within the boundaries of the Tract Map, Developer shall pay City at the time of issuance of a Zoning Clearance for construction, a traffic mitigation fee as described herein ("Citywide Traffic Fee"). The Citywide Traffic Fee may be expended by City in its sole and unfettered discretion. The amount of the Citywide Traffic Fee shall be \$4,240.00 per residential unit. Commencing January 1, 2003, 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.
 22. Fish and Game Fee Requirement: 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 a single fee of \$875.00 plus a \$25.00 filing fee 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.

23. Miscellaneous Fees: 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, 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.
24. Traffic System Management Plan: Prior to the issuance of a Zoning Clearance for construction for each residential unit, the permittee shall make a contribution to the Moorpark Traffic Systems Management (TSM) Fund of \$1,444.00 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.
25. AOC Fee: Prior to issuance of a building permit, the Developer shall pay to the City the Area of Contribution (AOC) Fees for Los Angeles Avenue AOC - and Gabbert Road/Casey Road AOC. The Applicant shall also contribute to any cumulative traffic fee program adopted by the City prior to issuance of the first residential building permit for the project. AOC fees shall be those that are in effect at the time of building permit issuance. In addition to the AOC fees (Los Angeles Avenue and Gabbert Road/Casey Road), the Developer shall be required to make similar pro-rata contributions to any other traffic mitigation related pre-

construction impact fees approved by the City Council to offset the long term effects on the City's street system. If the residential portion of the project is constructed prior to any such additional mitigation fee programs being adopted, for impacts to intersections outside of the Los Angeles Avenue Area of Contribution, a proportionate share of future improvement costs shall be collected for locations where project traffic has a measurable effect on cumulative traffic volumes. The City Traffic Engineer and Community Development Department Director shall determine the required contributions prior to issuance of building permits. Fees shall be paid prior to the issuance of these permits.

26. Park and Recreational Facilities Fee: Prior to approval of Zoning Clearance for residential unit building permit, the subdivider shall pay fees in accordance with Section 8297-4 of the City's Subdivision Ordinance (Parks and Recreation Facilities).
27. Developer is required to include within the Final Subdivision Public Report issued by the Department of Real Estate of the State of California, which requires notification and disclaimer to all buyers of lots in Tract 5187, a City Attorney approved notification of the future State Route 118 bypass (referred to as the North Hills Parkway) and location of the 200-foot right-of-way required by the General Plan Circulation Element for the State Route 118 bypass, the four-lane widening proposed for "A" Street, and earthquake fault disclosure in the form of a "Natural Hazards Disclosure Statement." The Public Report and Disclosure Statement will be signed by all future buyers to document acknowledgment of disclosure.
28. During construction, Developer 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. Developer 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 Developer a list of Cable Franchisees upon Developer's request.

In the event the cable television services or their equivalent are provided to the Project or individual lots under collective arrangement or any collective means other than a Cable Franchisee (including, but not limited to, programming provided over a wireless or satellite system contained within the Project), the HOA shall pay monthly to 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 as defined in Chapter 5.06 of the Moorpark Municipal Code and any successor amendment or supplementary provision thereto.

B.: CITY ENGINEER CONDITIONS:

29. The City Engineering conditions of approval for Vesting Tentative Tract Map No. 5187 apply to Residential Planned Development Permit No. 99-2.

C. VENTURA COUNTY FIRE DEPARTMENT CONDITIONS:

30. The vegetation management requirements of the Fire Hazard Reduction Program shall be clearly defined. The proposed West Pointe Homes Homeowners' Association (HOA) shall be responsible for implementing this program in perpetuity. Fuel modification zones are proposed to be retained in as natural a state as safety and fire regulations will permit. The zones will be designed by and planted under the supervision of a landscape architect with expertise in native plant materials and habitat restoration, with the approval of the Director of Community Development, to appear as a transition between the built environment and natural open space. Final approval of this Program by the County Fire Prevention District and Director of Community Development 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.
31. All structures adjacent to open space around the perimeter of the project shall be designed to satisfy at least a one-hour fire-resistant rating. Such structures shall incorporate fire retardant features including boxed-in eaves, reduced overhangs, double paned windows, convection resistant roof design, non-combustible roofing material, and related design features. Building permits shall not be issued until review of fire retarding architectural features has been completed by the County Fire Protection

District. Design standards meeting Fire Department criteria shall be included in the Fire Hazard Reduction Program and incorporated into the RPD Design Guidelines for the residential units.

32. If required by the Fire Protection District, Interior fire sprinkler systems and/or roof sprinkler systems shall be included in the homes constructed on Lots 156 to 207 (or any lot adjacent to the open space west of the project if these lots are renumbered prior to recordation of the Final Map).
33. The Applicant shall be required to comply with all County Fire Protection District design requirements regarding hydrant locations, fire ratings for building materials, fuel modification requirements, fee payments for pro-rata cumulative impacts and other standard fire safety requirements prior to issuance of building permits.
34. Applicant shall obtain VCFD Form No. 126 "Requirements for Construction" prior to obtaining a building permit for any new structures or additions to existing structures.
35. During all grading and site clearance activities, earth-moving equipment shall be equipped with spark arrestors and at least two fire extinguishers. All equipment used in the vegetation clearance phase shall be equipped with spark arrestors and best available fire safety technology. The vegetation clearance activities shall be coordinated with and approved by the County Fire Protection Division.
36. All equipment and material staging activities shall be coordinated with the County Fire Prevention Division. Fire prone construction activities shall be prohibited during "Santa Ana" wind conditions.
37. If deemed necessary by the District, the project shall include a designated landing area on a selected cul-de-sac for a helicopter together with associated fire suppression equipment storage. Any heliport facilities shall be indicated on the Final Map for the project.
38. Any gates to control vehicle access are to be located to allow a vehicle waiting for entrance to be completely off the public roadway. The method of gate control shall be subject to review by the Bureau of Fire Prevention. A minimum clear open width of 15 feet in each direction shall be provided. If gates are to be locked, a Knox System shall be installed.

39. Street signs consistent with County Road and Fire District Standards shall be installed prior to occupancy.
40. Prior to construction, the Applicant shall submit plans to the Ventura County Fire Prevention Division for the approval of the location of fire hydrants; all hydrants shall be shown on the plan that are situated within 500 feet of the perimeter of the residential development.
41. A minimum fire flow of 1,000 gallons per minute shall be provided. The location and capacity of all water storage and conveyance facilities shall be reviewed and approved by the District prior to the recordation of the Final Map or any phase thereof and prior to the issuance of building permits.
42. Address numbers, a minimum of 4 inches 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 150 feet 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.
43. Portions of this development within a designated hazardous fire area shall meet hazardous fire area building code requirements.
44. Approved turn around areas for fire apparatus shall be provided where any access road is 150 feet or more from the main project collector.
 - a. Each hydrant shall be a 6 inch wet barrel design, and shall have one 4 inch and one 2 1/2 inch outlet.
 - b. The required fire flow shall be achieved at no less than 20 psi residual pressure.
 - c. Fire hydrants shall be spaced 500 feet on center, and so located that no structure will be farther than 250 feet from any one hydrant.
 - d. Fire hydrants shall be 24 inch on center, recessed in from the curb face.
45. Fire hydrants shall be installed and in service prior to combustible construction and shall conform to the minimum standards of the County Water Works Manual.

46. All grass or brush exposing any structures to fire hazards shall be cleared for a distance of 100 feet prior to framing.

**D. VENTURA COUNTY WATERWORKS DISTRICT NO. 1
CONDITIONS:**

47. Prior to issuance of a building permit, Applicant shall 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: VENTURA COUNTY FLOOD CONTROL DISTRICT CONDITIONS:

48. No direct storm drain connections to Ventura County Flood Control District facilities will be allowed without appropriate Best Management Practices (BMP's) for compliance with Ventura Countywide Stormwater Program.
49. 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.

F. POLICE DEPARTMENT CONDITIONS:

50. 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 of 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.

51. Enforcement of Vehicle Codes: Prior to Issuance of a Zoning Clearance for Construction, the Developer shall request the City to enforce appropriate vehicle codes on subject property as permitted by Vehicle Code Section 21107.7.

G. MOORPARK UNIFIED SCHOOL DISTRICT CONDITION:

52. Prior to issuance of building permits for the residential components of the project, 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.

H. BUILDING DEPARTMENT CONDITIONS:

53. Prior to submittal of building plans, Applicant shall provide an acoustical study report that the City of Moorpark outlines a program for implementation of the Noise Element Standard of 65 CNEL (Community Noise Equivalent Level) is attained at all locations within the development. The City also requires that interior noise levels attributable to exterior noise sources not exceed 45 CNEL. The intent of the interior noise level criterion is to provide an acceptable noise level for communication and sleep.
54. The final grading plan shall meet all standards of the Uniform Building Code (UBC) and City slope setback criteria as may be required.
55. Spark Arrestor: An approved spark arrestor shall be installed on the chimney of any structure(s).

of 5-21-2008
ACTION: Approved staff
Recommendation: Directed
staff to provide status report
BY: on 6/18/08

MOORPARK CITY COUNCIL *By: M. Benson*
AGENDA REPORT

TO: Honorable City Council

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

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

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

BACKGROUND

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

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

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

DISCUSSION

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

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

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

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

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

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

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

FISCAL IMPACT

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

STAFF RECOMMENDATION

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

ATTACHMENTS:

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

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

Introduction

Subsection 6.13 of the Development Agreement for Tract 5187 states:

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

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

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

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

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

Transfer of Responsibility

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

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

1. Holding of an election within 60 days of existing homeowners to determine if the majority prefer to have the recreation facilities and landscaping associated with HOA recreation Lot A of Tract 5187-2 developed at this time, providing an estimate of what the increase in HOA dues would be for maintenance. Obtaining of building permits and completion of this improvement to the City's satisfaction within 90 days of the election if a majority of the homeowners support completion of this improvement at this time. If the majority vote is opposed to full improvements of the recreation facilities at this time, then an interim landscaping and irrigation plan including trees, shrubs and ground cover, must be provided to the City for review and approval and landscaping installation must be complete within 90 days of the election.
2. Enhancement of all common landscaping areas that are visible from public Rights of Way, per the approved landscaping plans on file, to the satisfaction of the Planning Director, Director of Parks, Recreation, and Community Services, and Public Works Director/City Engineer.
3. Provision of sureties for performance for all requirements for grading, construction of storm drains, sewer, water, and other utilities, private and public streets and other private and public improvements on or offsite as

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

4. Completion of required improvements to Walnut Canyon Road including the installation of the multi-use trail.
5. Completion of required improvements associated with the construction of Meridian Hills Drive.
6. Provision of required Open Space dedications per the Development Agreement.
7. Installation of required Common Landscaping throughout the Project.
8. Completion of grading within the Project area, to establish areas graded to an average elevation, consistent with the approved plans, in preparation for fine grading prior to construction of structures, and a spine network of streets to serve those areas including improvements within Tract 5187-1 on High Country Place and Canyon Wren Court including required grading for lots 21-34, dry utilities (gas, electric, cable, phone) for lots 1-34, and wet utilities for lots 21-34.
9. Completion of required Multi-use Trail and Public Trailhead improvements.
10. Completion of utility installation within phase 1 of Tract 5187 of sufficient capacity, and including "stub-outs," to serve phase 2 of Tract 5187 of that tract; including remaining improvements within Tract 5187-2 including the completion of the dry utilities on Ridgemark Drive and Ridgemark Court (lots 56-81 and 130-131) and Lone Trail Place (lots 82-88), a portion of Mammoth Peak (lots 53-55, and 90-94), Highgrove Place (lots 36-44), Deer Grass Court (lots 45-52), lettered lots K and L. The wet utilities within Tract 5187-2 are complete except for lettered lot K.
11. Completion and maintenance of EIR mitigation measures for the Project.
12. Maintenance of common areas until such time as these areas are accepted by the Homeowners Association or other applicable governing agencies.
13. Completion of construction and maintenance of the required flood control and other drainage improvements.
14. Continuation of meeting and complying with requirements for the design, installation, monitoring, and maintenance of facilities to meet NPDES requirements.

15. Completion of all required public improvements in Tract 5405 including but not limited to streets, soil nail wall, retaining walls, and sound walls; and maintain the main lines for the wet and dry utilities which have been installed to ensure they are in a good state of repair.
16. Construction of the improvements for the trail staging area per section 6.10c of the Development Agreement to be completed prior to occupancy of the 165th residential unit for Tract No. 5187.
17. Compliance with section 6.11 of the Development Agreement and its related requirements set forth in the Affordable Housing Purchase and Sale Agreement recorded on December 15, 2006.
18. Provision of a site security program which includes the 24-hour response and dissemination of security telephone number to the existing residents and City staff.
19. Any additional improvements associated with the development of the Project, as deemed necessary by the City Engineer or Planning Director to protect the public health, safety and welfare.

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

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

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

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

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

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

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

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

Tract 5187* (Items originally presented to applicant in a Letter from Planning Director and attached City Engineering Memo, both dated March 13, 2008) **Required Completion Date****

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

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

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

CC ATTACHMENT 5

(UNDER SEPARATE COVER)

**COPIES OF THE EXHIBIT ARE AVAILABLE
AT THE FRONT COUNTER**

RESOLUTION NO. 2013-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING MODIFICATION NUMBER 1 TO RESIDENTIAL PLANNED DEVELOPMENT NO. 1999-02, A REQUEST FOR APPROVAL TO CONSTRUCT FOUR NEW HOUSE PLANS FOR CONSTRUCTION OF 66 SINGLE FAMILY HOMES ON EXISTING LOTS WITHIN THE MERIDIAN HILLS GATED COMMUNITY, TRACT 5187, NORTH OF MERIDIAN HILLS DRIVE AND WEST OF WALNUT CANYON ROAD, ON THE APPLICATION OF RICK BIANCHI, FOR TRI POINTE HOMES, INC. AND MAKING FINDINGS REQUIRED PURSUANT TO CEQA

WHEREAS, at a duly noticed public hearing held on November 6, 2013, the City Council considered the agenda report and any supplements thereto and written public comments; opened the public hearing and took and considered public testimony both for and against the proposal; and on November 6, 2013 reached a decision on this matter; and

WHEREAS, the City Council, prior to making its decision on this project, had originally considered the Final EIR (SCH No. 94081075) which had been prepared and certified by City Council Resolution No. 2002-1935 for the Residential Planned Development Permit No. 1999-02 and Tract Map 5187 project pursuant to the California Environmental Quality Act (CEQA) in accordance with Sections 15162 and 15164 of the California Code of Regulations (CEQA Guidelines). The proposed modification does not change the number or location of the homes, and does not have the potential to result in any new impacts or a substantial increase in any impacts not addressed by the previously certified Final EIR. No substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No new information or impacts of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete that require preparation of a new or subsequent EIR have been identified as a result of the proposed modification to update the design of homes for the project. Therefore, City staff determined that the previously certified Final EIR is the appropriate and adequate environmental document for the proposed modification and that no further environmental documentation is required.

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

SECTION 1. The City Council, based on its own independent judgment, and on all evidence in the record, concurs with the City staff determination that the previously certified EIR (SCH No. 94081075) is the appropriate and adequate environmental document for the proposed Modification No. 1 to Residential Planned Development No. 1999-02, and that no further environmental documentation is required.

SECTION 2 PLANNED DEVELOPMENT FINDINGS: Based upon the information set forth in the staff report, accompanying studies, and oral and written public testimony, the City Council makes the following findings in accordance with City of Moorpark, Municipal Code Section 17.44.040:

1. The proposed project site design, including structure location, size, height, setbacks, massing, scale, architectural style, and colors and materials, and landscaping, as conditioned, are consistent with the 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 within Tract 5187, to be compatible with the developed residential neighborhoods within the Meridian Hills neighborhood. The proposed project site design, as conditioned, complies with General Plan Policy 3.2: in that the proposed residential project includes variation of residential product types, lot sizes, and designs. The proposed project site design, as conditioned, complies with General Plan Policy 4.1: in that the residential character of the identifiable neighborhood within the Meridian Hills community shall be maintained because the adjacent new development has been planned to have compatible architectural design, landscape, streetscape, color and materials, building setbacks, and building heights. The proposed project site design, as conditioned, complies with General Plan Policy 5.2: in that the proposed infill development in existing Meridian Hills residential neighborhoods has been designed to be compatible with the scale and character of the existing surrounding neighborhood. Finally, the proposed project site design, as conditioned, complies with General Plan Policy 16.1: in that the proposed community features associated with the proposed development are compatible with the existing Meridian Hills residential neighborhood and the overall theme(s) and character shall be maintained or enhanced with the development of the proposed single family homes and private and community landscaped areas and this infill project is consistent with the theme and character of the area as called for in the Meridian Hills Design Guidelines, (Dated December 3, 2004) as adopted on December 13, 2004 with approval on that date of Permit Adjustment No. 4 to Amend the Design Guidelines for Residential Planned Development Permit No. 1999-02, in that only minor changes are proposed to the elevations and building size from what was previously approved, and;

2. The site design of the proposed project, as conditioned, would not create negative impacts on or impair the utility of properties, structures or uses in the surrounding area, in that the use proposed is similar to uses existing or proposed to the north, south, east and west, and access to adjacent uses is not hindered by this project. Also, the site design of the proposed project, as conditioned, is compatible with the scale and character of the existing uses, employing similar colors and materials and similar design palettes, so as not to create a negative impact on the utility of properties or uses in the surrounding area. Furthermore, the site design of the proposed project, as conditioned, complies with General Plan Policy 17.1, in that the proposed new development has been designed to be compatible with the scale and visual character of the existing surrounding neighborhoods; and

3. The proposed project, as conditioned, is compatible with existing and permitted uses in the surrounding area, in that the surrounding existing and future development includes a variety of single-family detached homes and open space throughout the Meridian Hills residential neighborhoods and development areas of Tract 5187.

SECTION 3. CITY COUNCIL APPROVAL: Based on the findings contained in Sections 1 and 2 of this Resolution and all other evidence in the record of this matter, the City Council hereby approves Modification No. 1 to Residential Planned Development Permit No. 1999-02, subject to the Conditions of Approval included in Exhibit A, attached hereto and incorporated herein by reference.

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 ___ day of _____, 2013.

Janice Parvin, Mayor

ATTEST:

Maureen Benson, Assistant City Clerk

Exhibit A – Conditions of Approval

EXHIBIT A

**CONDITIONS OF APPROVAL FOR MODIFICATION NO.1 TO RESIDENTIAL
PLANNED DEVELOPMENT PERMIT NO. 1999-02**

1. All prior conditions of approval of Resolution No. 2002-1938 approving Tract Map No. 5187 and Residential Planned Development Permit No. 1999-02 must continue to apply unless specifically modified by this resolution; in the event of a conflict between conditions of approval of the original Resolution No. 2002-1938 conditions of approval and these conditions of approval, the Community Development Director, City Engineer/Public Works Director and City Manager shall determine which condition of approval shall apply.
2. Prior to the issuance of a zoning clearance for a building permit for the production homes, (not including the model homes) associated with this Modification No. 1 of RPD 1999-02, two additional two story floor plans must be included in the overall development of the 66 lots, with minimum floor areas for living space of 4,312 square feet and 4,774 square feet respectively, both with three car garages; and that the two additional two story house plans must be designed to mimic the architecture of the approved Marquis Plans 3 and 4 respectively, or the original Marquis Plans 3 and 4 may be used to satisfy this condition; and that there must be 8 Marquis Plan 3 houses and 9 Marquis Plan 4 houses incorporated into the final master plotting (to match original approved master plotting mix criteria), and the average square footage of the proposed 66 homes shall equal or exceed the average square footage of the 66 homes originally approved prior to this modification, to the satisfaction of the Community Development Director.
3. Prior to the issuance of a zoning clearance for a building permit for the production homes, (not including the model homes), associated with this Modification No. 1 of RPD 1999-02, full compliance with the Implementation Plan approved on May 21, 2008, must be completed, including the completion of construction and installation of the multi-use trail system, including compliance with accessibility requirements, and construction of the remaining unbuilt portions of the multi-use trail and public sidewalk across the Peter's property and connection with the Country Club Estates and Moorpark Highlands multi-use trails, to the satisfaction of the Community Development Director and City Engineer/Public Works Director.
4. Prior to the issuance of a zoning clearance for a building permit associated with this Modification No. 1 of RPD 1999-02, a master plotting plan must demonstrate that for house floor plans 1 through 6, there are no less than 10% or no more than 25% of any one of the floor plans, to the satisfaction of the Community Development Director.
5. Prior to the issuance of a zoning clearance for a building permit associated with this Modification No. 1 of RPD 1999-02, a master plotting plan must demonstrate that at

least three architectural styles, (i.e. Mission, Tuscan, and Traditional) must be provided per floor plans 1 through 6, with no less than 10% nor more than 30% of any one architectural style used per floor plan, and side by side houses of the same floor plan must use different architectural styles to the satisfaction of the Community Development Director.

6. Prior to the issuance of a zoning clearance for a building permit associated with this Modification No. 1 of RPD 1999-02, final colors and materials must be reviewed and approved to include a minimum of four color schemes per architectural style, consistent with proposed design guidelines, to the satisfaction of the Community Development Director.
7. Prior to the issuance of a zoning clearance for a building permit associated with this Modification No. 1 of RPD 1999-02, a master plotting plan must demonstrate that no adjacent units, (side by side) will use the same colors and materials palette to the satisfaction of the Community Development Director.
8. Prior to the issuance of a zoning clearance for a building permit associated with this Modification No. 1 of RPD 1999-02, the applicant shall submit garage door specifications, and the garage door designs must include paint treatment and be decorative sectional roll up garage doors, and must including garage window glazing all as standard, and the option of external carriage door hardware such as hinges and handles, and the doors must be compatible with the architectural style of each home, to the satisfaction of the Community Development Director.
9. Prior to the issuance of a zoning clearance for a building permit associated with this Modification No. 1 of RPD 1999-02, the applicant shall submit construction plan details for plan check and the trim on the ground floor levels of the homes must be constructed of durable materials, (i.e. wood window trim or 1/4" minimum cementous stucco coat over foam), to the satisfaction of the Community Development Director.
10. Prior to the issuance of a zoning clearance for a building permit associated with this Modification No. 1 of RPD 1999-02, the applicant shall provide a minimum of three optional plans demonstrating front yard decorative hardscape features and driveways, including but not limited to the use of decorative pavers, and colored and stamped concrete, to be used for the construction of the front yard hardscape of the residential units to the satisfaction of the Community Development Director.
11. Prior to the issuance of a zoning clearance for a building permit associated with this Modification No. 1 of RPD 1999-02, the architecture of side or rear elevations of two-story homes adjacent to streets, or clearly visible from streets, must be enhanced with additional architectural treatments to the satisfaction of the Community Development Director.
12. Prior to issuance of final approval on model home building permits and/or prior to the issuance of a zoning clearance for a building permit for production homes

associated with this Modification No. 1 of RPD 1999-02, (whichever occurs first), the gated entrances at Ridgemark Drive and Breezy Glen Drive must be installed and completed per the approved improvement plans, including the placement of decorative stamped and colored concrete with concrete banding, in the streets per the approved improvement plans, to the satisfaction of the Community Development Director and City Engineer/Public Works Director.

13. For construction of homes on Shadow Wood Drive, Mammoth Peak Drive and Copper Creek Place, construction traffic may only use Ridgemark Drive for accessing these areas, not Breezy Glen Drive (Breezy Glen Drive may only be used for access for construction of homes on Lot Numbers: 35, 39, 40, 41, 42, 47, 48 through 61, and 104 through 107).

- End -