

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

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

DATE: January 15, 2014 (CC Meeting of 02/05/2014)

SUBJECT: Consider Authorizing Staff to Submit a Letter of Withdrawal of the City of Moorpark's Appeal Application to the Ventura County Planning Director on the Ventura County Planning Commission Approval of Minor Modification No. 3 to Conditional Use Permit No. 4915 for the Tom Barber Golf Center (LU10-0087)



BACKGROUND/DISCUSSION

On September 1, 2011, the Ventura County Planning Commission approved, by a 3-1 vote, Minor Modification No. 3 to Conditional Use Permit No. 4915, which, among other things, extended the permit for the Tom Barber Golf Center from 2017 to 2037. Lighting from the Tom Barber Golf Center has been an ongoing concern of the City. The permit extension hearing offered an opportunity for the County Planning Commission to make changes to the lighting conditions, if the Commission found the lighting to be a public nuisance; however, the Commission did not make that finding and did not call for any changes to the lighting. On September 9, 2011, following the direction from City Council at their September 7, 2011 meeting, staff filed an appeal of the decision of the County Planning Commission. The appeal fee was \$2,000.00. The public hearing on the appeal was scheduled and noticed to be heard by the Board of Supervisors on February 28, 2012. However, the applicant requested a continuance to allow more time to address outstanding lighting concerns, and the item was continued to be renoticed at a future Board meeting.

The applicant hired Musco Lighting to develop a redesign of the lighting on the Tom Barber Driving Range in response to comments from the City's lighting consultant. The proposed lighting would eliminate all ground-mounted lighting, replacing it with nine (9) seventy (70') foot high poles with two lights on each pole aimed downward instead of at a 90 degree angle to the ground. The existing pole mounted lights behind the tees would be aimed downward at a 30 degree angle, instead of being aimed horizontally

straight out. The new proposed poles would be a similar height to the sports lights used in Arroyo Vista Park as well as the high voltage power lines on Tierra Rejada Road adjacent to the driving range. Staff met with County planning staff and the applicant on site on May 23, 2012, to review the updated lighting plan; and also forwarded the new plan to Teri Jackson, Moorpark's Lighting Consultant of Seaport Lighting Inc. Ms. Jackson indicated that upon review of all supporting documents provided concerning the newly proposed Musco lighting system for the Golf Center, the proposed lighting strategy would achieve the goals of reducing off-site glare from the driving range. Staff presented this information to the City Council on July 18, 2012 and requested authorization to submit a letter in support of the proposed changes to the lighting. On September 13, 2012, staff submitted to the County a letter of support for this revised lighting design.

On November 21, 2013, a new application with the revised lighting was reviewed by the Ventura County Planning Director, and an approval letter was issued for the updated lighting plan application on November 26, 2013. Following the appeal period for the approval, the applicant withdrew the original application (Attachment 1). County staff reported that the appeal fee from the City for the original application had already been spent on preparing the appeal and no refund was available.

STAFF RECOMMENDATION

Authorize staff to submit a letter of withdrawal of the City of Moorpark's appeal application on the Ventura County Planning Commission Approval of Minor Modification No. 3 to Conditional Use Permit No. 4915 for the Tom Barber Golf Center (LU10-0087).

Attachment 1: December 16, 2013 email from Tom Cohen, Applicant/Attorney for Tom Barber withdrawing the prior Ventura County Planning Commission approved application on Tom Barber Golf Center.

CC ATTACHMENT 1

David Bobardt

From: Cohen, Tom <Tom.Cohen@alston.com>
Sent: Monday, December 16, 2013 1:53 PM
To: Brian Baca
Subject: RE: Tom Barber, LU10-0087

Brian: Tom Barber Golf Center, the applicant for the above-captioned application, agrees to withdraw the project previously presented to the County of Ventura Planning Commission at its September 1, 2011 hearing whereby the Planning Commission approved the project described therein. The approval was then appealed to the Board of Supervisors. Thereafter, the applicant agreed to modify the project to address concerns raised by the City of Moorpark in its appeal and those concerns raised by the neighbors located to the south of the driving range. The project was subsequently modified to remove the ground-mounted bunker lights and install nine seventy foot poles along the perimeter of the driving range. It is our understanding that with the withdrawal of the Planning Commission-approved project, the City of Moorpark will withdraw its appeal and the matter concluded.

Thank you.

Tom

Thomas S. Cohen | Alston + Bird LLP
Direct: 805.230.2302 | Mobile: 805.712.1586

From: Brian Baca [<mailto:Brian.Baca@venturaorg>]
Sent: Monday, December 16, 2013 9:16 AM
To: Cohen, Tom
Subject: Tom Barber, LU10-0087

Dear Tom:

I would like to close out the other half of the Tom Barber case. Could you send me an email to confirm that the previous project design that is the subject of the City of Moorpark's appeal to the Board of Supervisors has been withdrawn. Thanks

BRIAN R. BACA, Planning Manager
Resource Management Agency
County of Ventura

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