

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

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

DATE: September 2, 2014 (CC Meeting of 9/17/14)

SUBJECT: Consider a Request to Allow Occupancy of the First Phase of Homes in Tract No. 5425 (Residential Planned Development [RPD] Permit No. 2010-02: Ivy Lane – Shea Homes) Prior to Completion of Fremont Street Improvements

BACKGROUND/DISCUSSION

On June 15, 2011, the City Council approved RPD Permit No. 2010-02 for 99 single-family and duplex homes as part the Ivy Lane project by Shea Homes on the south side of Los Angeles Avenue west of Spring Road. This RPD permit included conditions of approval tying occupancies of the first phase of the project to the completion of improvements on Fremont Street as follows:

Condition No. 7 states: *The soundwall adjacent to Los Angeles Avenue shall be no less than eight (8') feet in height, when measured from inside of the project, with the final design and height to be approved by the Community Development Director and City Engineer/Public Works Director, subject to ultimate pad elevations. The design of the sound wall shall also provide for a pedestrian opening at Fremont Street subject to approval of the Community Development Director and City Engineer/Public Works Director.*

Shea Homes' initial plans for this wall were approved over a year ago and the landscaping plan was approved last fall. The wall was initially not designed as a retaining wall. In order to develop the City-owned property adjacent to the wall, the elevation of the site would need to be raised. At staff's request, Shea Homes revised the overall design of this wall as a retaining wall, with revised landscaping plans as well, to allow for development of the City property. As the Council may recall, this City owned lot will be sold to Shea and developed with two affordable units constructed by Shea

Homes. The negotiation of this agreement also affected the timing of the wall and Fremont Street improvements. In addition, existing residents on Fremont Street overwhelmingly requested that the pedestrian access to Los Angeles Avenue be removed and the redesign removed this access. This has delayed the final approval and construction of the wall, which is part of the overall Fremont Street improvements.

Condition No. 23 of RPD 2010-02 states: *Fremont Street shall not be opened to through traffic from Los Angeles Avenue. Access to and from Majestic Court shall not be permitted until access from Los Angeles Avenue is prohibited. All Fremont Street improvements shall be completed prior to the first residential occupancy of Tract 5425.*

To date, the following work has been completed by Shea Homes on Fremont Street:

- Installation of storm drain
- Installation of sewer main
- Installation of new water main and cut-over of existing services to new water main
- Installation of new gas main and cut-over of existing services to new gas main
- Installation of catch basins
- Installation of new conduit and meter panels for overhead to underground conversion of dry utility services
- Construction of perimeter wall along west project boundary between Fremont residences and Tract 5425 units

The work remaining to be completed is paving, curb and gutter, driveways, and walkways.

Shea Homes had originally scheduled the Fremont Street improvement work to start on Monday, August 11, 2014. This would have required one full night closure to demolish the existing street. Revisions to the street closure plan were requested by the City. Shea Homes will now provide a lighted parking area for the Fremont residents on Shea's property and a lighted walkway has been constructed for resident access between the parking area and Fremont Street. Additionally, Shea Homes has hired a security guard to be on-site overnight to assist the residents with parking and escort from the parking area to Fremont Street if requested. For those days where there is no resident access to Fremont Street during daytime hours, the security guard will also be on-site to assist with parking and any other resident concerns regarding access. Shea Homes' employees will also be on-site to assist. Granite Construction will provide escorted vehicle access to Fremont Street during the day if a resident has an urgent situation or medical condition that precludes them from using the designated parking area and walkway.

The City has issued 37 building permits for the Tract to date, which includes two model building permits. Phase 1 occupancies (eight units) were scheduled for September 5, 2014. However, due to the delays related to the Fremont Street improvements, these home buyers have been required to delay their closings. This includes occupancy of two affordable units. Due to the revisions requested by the City, the tentative start date for the street improvements is September 15 with a completion date of September 25.

Since Shea Homes has been working diligently on the necessary improvements, and delays were caused in part by requests for redesign by City staff, it would be appropriate to allow occupancy of the first phase of units (Lots 83-86 and 89-92) at this time. No further occupancies would be permitted until the completion of the Fremont Street improvements.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Authorize the Community Development Director to allow occupancy of Phase 1 homes (Lots 83-86 and 89-92) at this time.