

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David A. Bobardt, Community Development Director 
Prepared by: Stefanie Edmondson, Contract Planner, Lilley Planning Group

DATE: February 9, 2015 (CC Meeting of March 4, 2015)

SUBJECT: Consider a Resolution Approving Modification No. 1 to Residential Planned Development (RPD) Permit No. 2004-05: a Request to Extend the Expiration Date for the Development of Sixteen (16) Homes, Five (5) Custom Home Lots, and One Open Space Lot on Approximately 42.4 Acres West of Elk Run Way and East of Walnut Canyon Road at Championship Drive, and Finding the Previously Adopted Mitigated Negative Declaration Applicable Thereto, on the Application of Birdsall Group, LLC

BACKGROUND/DISCUSSION

On May 17, 2006, the City Council adopted Resolution Nos. 2006-2462 and 2006-2463, adopting a Mitigated Negative Declaration, approving a General Plan Amendment, and approving Vesting Tentative Tract Map 5437 and Residential Planned Development Permit No. 2004-05, for the development of 16 homes, 5 custom home lots and one open space lot on approximately 42.4 acres, located east of Walnut Canyon Road at Championship Drive, on the application of Birdsall Group, LLC (Assessor Parcel Nos. 500-0-240-016 and 500-0-240. Ordinance Nos. 335 and 336, approving a Zone Change and adopting a Development Agreement for this project, were approved by the City Council on June 7, 2006. The Development Agreement is valid through June 21, 2026.

On December 10, 2014, the applicant requested a Modification to RPD Permit No. 2004-05 to extend the permit expiration date an additional year. Staff suggests a longer extension so the entitlement remains alive with the tract map and development agreement.

The Moorpark Municipal Code allows for a Permit Modification for any proposed change to a discretionary permit that exceeds the criteria of a permit adjustment, but is not

extensive enough to be considered a substantial or fundamental change in the approved entitlement or use relative to the permit, would not have a substantial adverse impact on surrounding properties and would not change any findings contained in the environmental documentation prepared for the permit. Action on the permit modification application shall be by the decision-making body that approved the original permit by the same type of public action process (i.e., action item without public hearing or public hearing item) and public noticing as required for the original project application. There is no timing requirement after approval for when a permit modification can be filed as long as it meets this criteria.

The applicant has been working with the City to meet the requirements for Final Map approval and recordation. It is important that a valid Residential Planned Development Permit is in place at the time of Final Map consideration so that the architectural design is established in conjunction with the project. In the attached draft resolution, staff is recommending an extension of the RPD Permit to March 4, 2018 (3 years from the date of the proposed adoption of the attached resolution). Two additional one-year extensions are proposed to be permitted at the Community Development Director's discretion upon finding progress on project implementation. These additional extensions must be initiated by the developer at least 60 days prior to RPD Permit expiration. Should the extended RPD Permit expire or should the applicant wish to revise the architectural design, a new RPD Permit or another Modification to the existing RPD Permit would need to be considered by the City Council.

Findings

The proposed change in expiration date of RPD Permit No. 2004-05 would not have a substantial adverse impact on surrounding properties, nor change the findings in the Mitigated Negative Declaration prepared for the project.

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: January 17, 2015
Planning Commission Action Deadline: Not Applicable
City Council Action Deadline: April 18, 2015

ENVIRONMENTAL DETERMINATION

The Community Development Director has determined that this project as amended by Modification No. 1 is consistent with the Mitigated Negative Declaration adopted for the original project, including RPD Permit No. 2004-05, in that there are no substantial changes to the project which will require revisions to the previously adopted Mitigated Negative Declaration, there are no changes to the circumstances under which the project is undertaken that would require revisions to the previously adopted Mitigated Negative Declaration, and there is no new information of substantial importance that shows that the project would have one or more significant effects not discussed in the previously adopted Mitigated Negative Declaration, or that significant effects previously examined will be substantially more severe than shown in the previous Mitigated Negative Declaration, in that the only change to the project is a 3-5 year extension of the RPD Permit. No additional environmental review is required.

FISCAL IMPACT

None.

NOTICING

Public Notice for this meeting was given consistent with Chapter 17.44.070 of the Zoning Ordinance as follows:

1. Publication. The notice of the public hearing was published in the Ventura County Star on Sunday, February 22, 2015.
2. Mailing. The notice of the public hearing was mailed on Friday, February 20, 2015, to owners of real property, as identified on the latest adjusted Ventura County Tax Assessor Roles, within one-thousand (1,000) feet of the exterior boundaries of the assessor's parcel(s) subject to the hearing.
3. Sign. One 32 square foot sign was placed on the street frontage by Sunday, February 22, 2015.

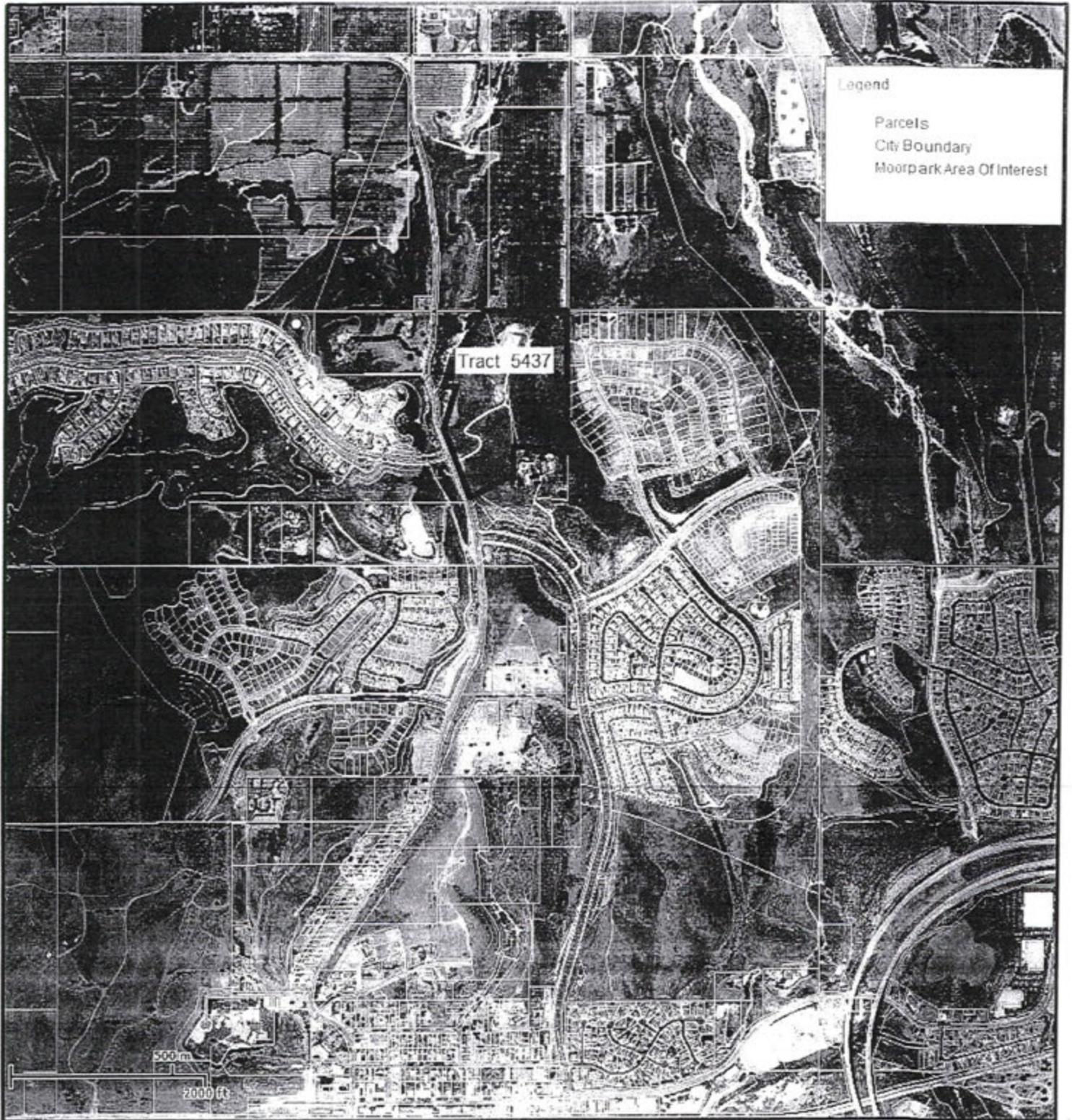
STAFF RECOMMENDATION

1. Open the public hearing, accept public testimony and close the public hearing.
2. Adopt Resolution No. 2015-_____ approving Modification No. 1 to Residential Planned Development No. 2004-05.

ATTACHMENTS:

1. Location Map
2. Site Plan
3. Architectural Design
4. Draft Resolution Approving Modification No. 1 to Residential Planned Development No. 2004-05.

CC ATTACHMENT 1
LOCATION MAP - RPD 2004-05 - BIRDSALL GROUP LLC



1" = 1,505
ft

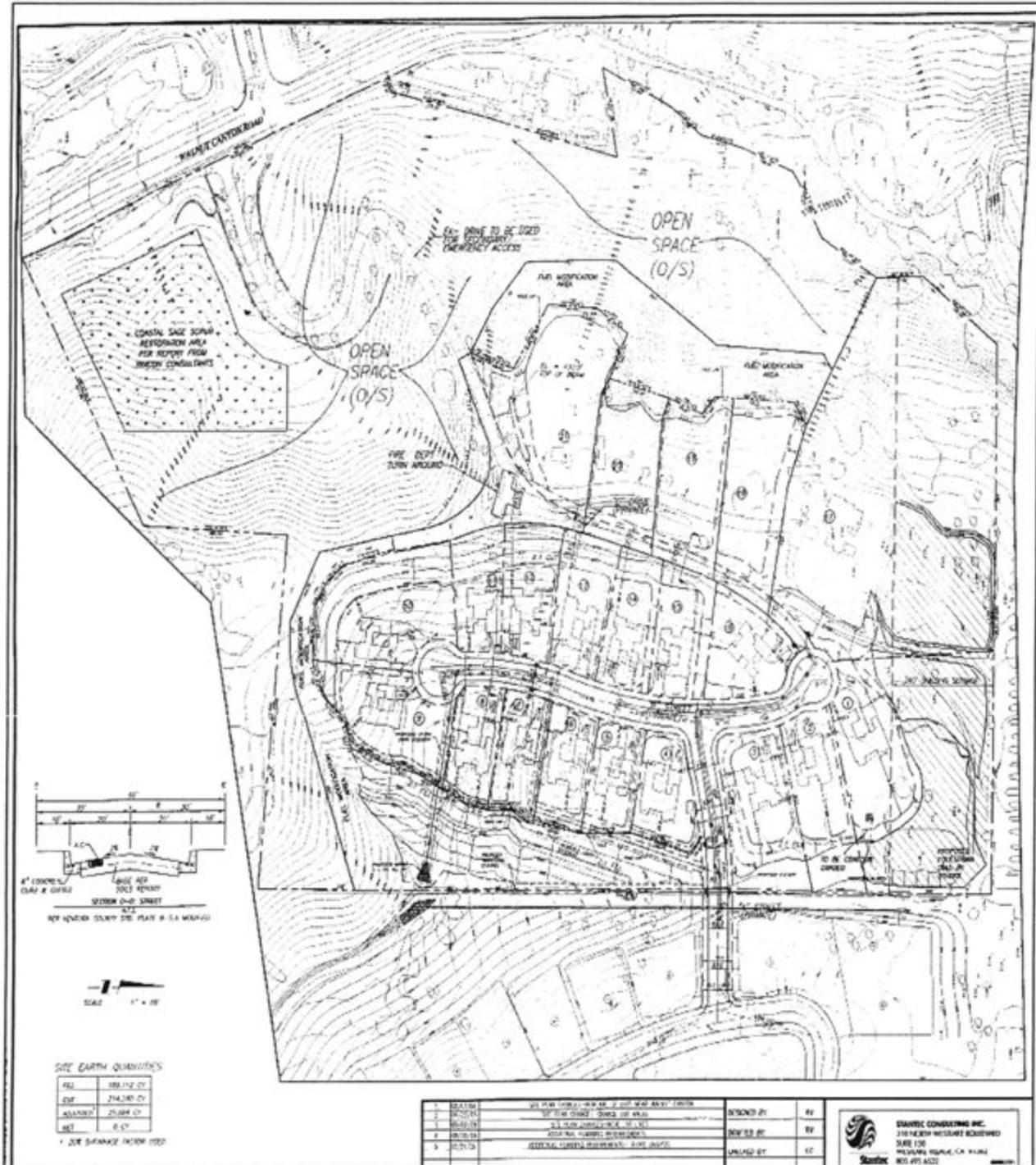
Modification
No. 1

02/13/2015

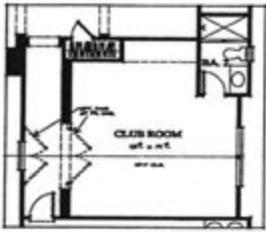


This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy please contact Moorpark staff for the most up-to-date information.

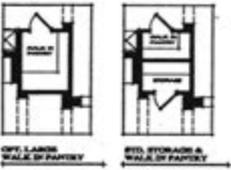
SITE PLAN – RPD 2004-05



CC ATTACHMENT 2



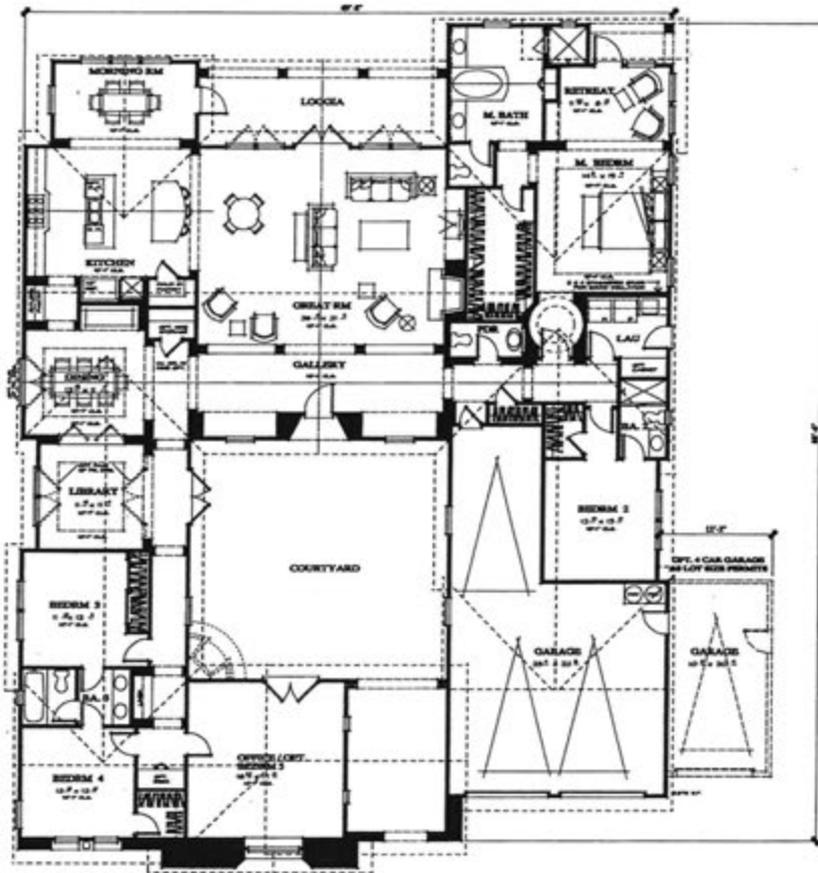
OPT. CLUB RM. AT TANDEM GAR.
1/18/87 BY J. L. BIRDSELL, INC.



OPT. LOUNGE WALL & WALL IN PARTIALLY
OPT. STORAGE & WALL IN PARTIALLY



OPT. BED 5 AT OFFICE



Canyon Crest

Birdsell Group

Plan 1

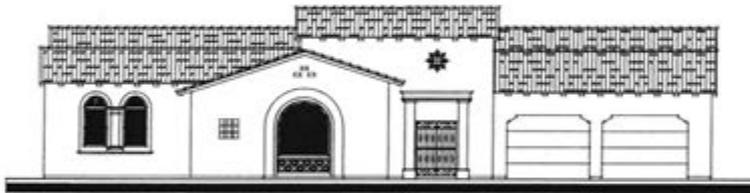
Spanish/Elevation/Showed
Target: 3,800 sq ft
Design: 3,878 sq ft
4 Bedroom 3.5 Bath
Library/Office
3-Car Garage



CC ATTACHMENT 3



Traditional



Spanish

Canyon Crest

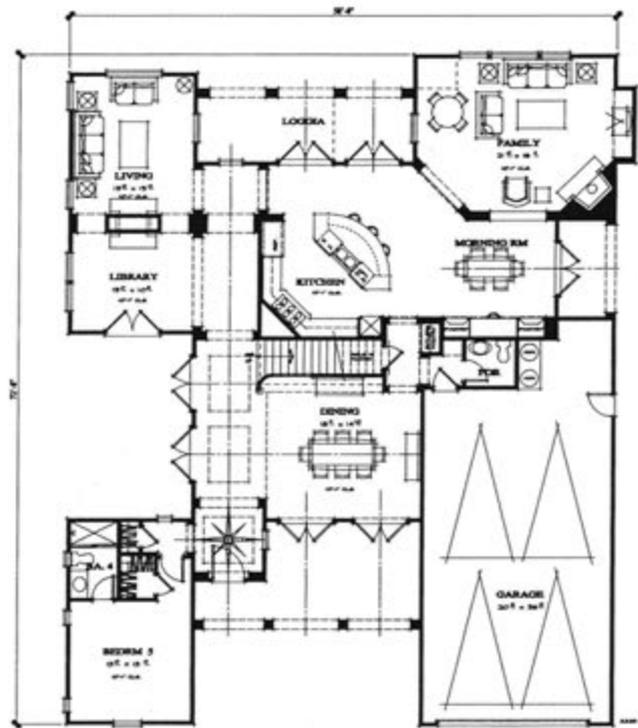
Birdsall Group

Plan 1
Front Elevation

BASSMAN
LACON
ARCHITECTS
1000 W. 10th Street, Suite 100
La Brea, CA 90001
Phone: 310.441.1111
Fax: 310.441.1112
www.bassmanlac.com

04.08.05

03.0407



Canyon Crest

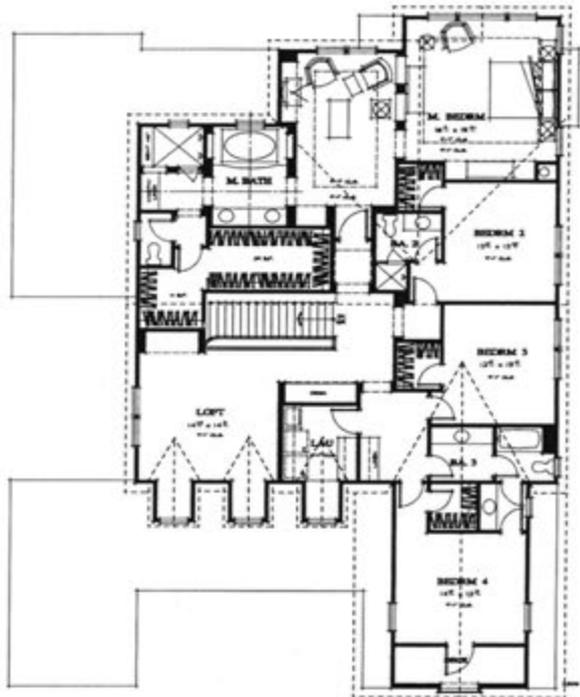
Birdsall Group

Plan 2

Traditional Elev. shown
 Target: 4,500 s.f.
 Design: 4,629 s.f.
 3 Bedroom, 4.5 Bath
 Loft + Library
 4-Car Garage

BASEMAN
LACON
ARCHITECTS AND INTERIORS
10000 10th Street, Suite 100, Denver, CO 80202
Phone: 303.733.8800

04.09.05



Canyon Crest
 Birdsell Group
 Plan 2
 (Traditional Elev. shown)

BIRDSELL
GROUP
 ARCHITECTS
 1000 17th Street, Suite 1000
 Denver, CO 80202
 (303) 733-1000
 www.birdsell.com



Traditional



Spanish

Canyon Crest

Birdsell Group

Plan 2

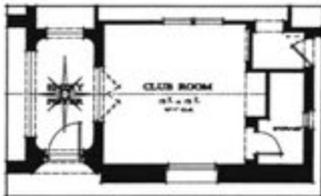
Front Elevation

BIRDSELL GROUP
 ARCHITECTS
 10000 N. 10th Ave., Suite 100
 Denver, CO 80231
 303.440.1000
 www.birdsellgroup.com

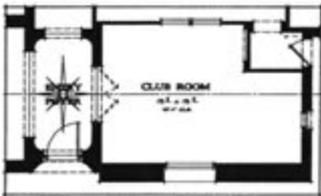
04.18.05



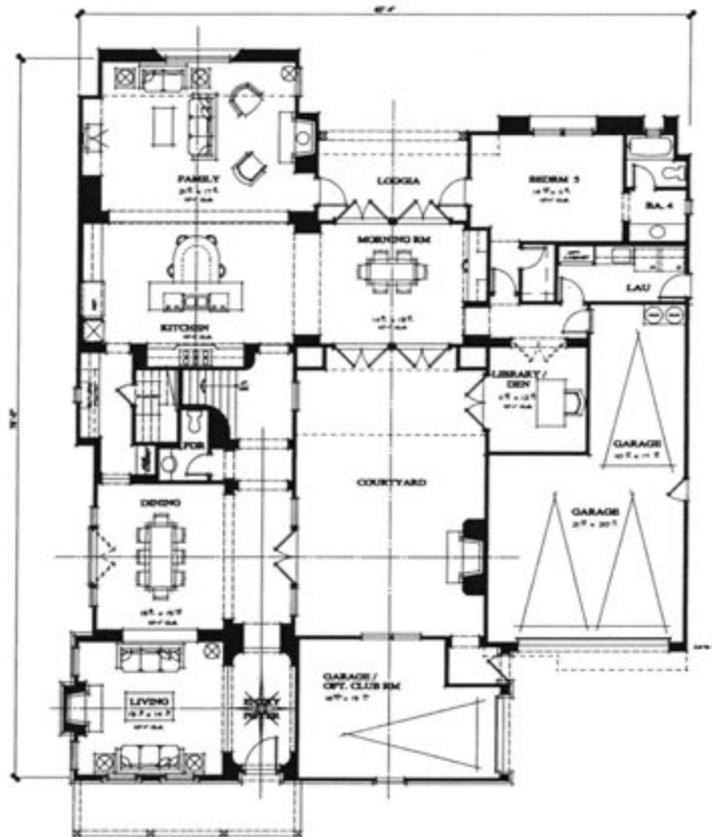
OPT. POOL BATH



OPT. CLUB RM AT GARAGE



OPT. CLUB RM AT GARAGE



Canyon Crest

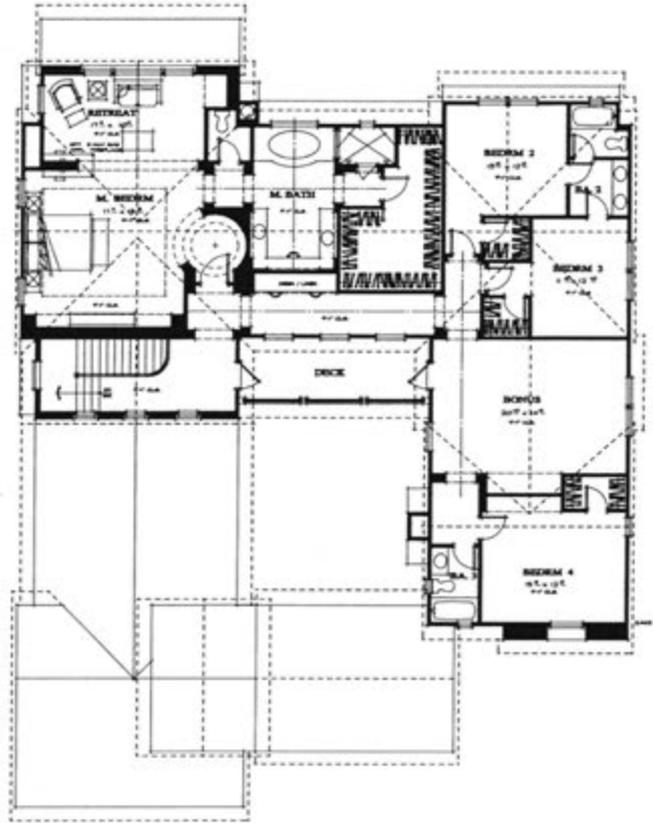
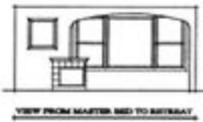
Birdsall Group

Plan 3

(Adobe Elevation shown)
 Target: 3000 sq ft
 Design: 3078 sq ft
 3 Bedroom, 4.5 Bath
 Loft+Library
 4-Car Garage

BASEMAN
 ARCHITECTS
 L.L.C.
 10000 N. 10th Ave., Suite 100
 Phoenix, AZ 85020
 Phone: 602.955.1000
 Fax: 602.955.1001

09 0407



Canyon Crest
 Birdsell Group
 Plan 3
 (Adobe Elevation shown)

BASEMAN
LACON
ARCHITECTS AND ENGINEERS
 1000 S. 10th St., Suite 100
 Phoenix, AZ 85026
 Phone: 602.955.1100

04.18.05
 05.0477



Traditional



Spanish

Canyon Crest

Birdsall Group

Plan 3
Front Elevation

BAIRDMAN
ARCHITECTS
L.L.P.
10000 N. 10th Street
Suite 100
Phoenix, AZ 85020
Tel: 602.998.8888
Fax: 602.998.8889

04.08.05

RESOLUTION NO. 2015-_____

A RESOLUTION APPROVING MODIFICATION NO. 1 TO RESIDENTIAL PLANNED DEVELOPMENT (RPD) PERMIT NO. 2004-05: A REQUEST TO EXTEND THE EXPIRATION DATE FOR THE DEVELOPMENT OF SIXTEEN (16) HOMES, FIVE (5) CUSTOM HOME LOTS, AND ONE OPEN SPACE LOT ON APPROXIMATELY 42.4 ACRES WEST OF ELK RUN WAY AND EAST OF WALNUT CANYON ROAD AT CHAMPIONSHIP DRIVE, AND FINDING THE PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION APPLICABLE THERETO, ON THE APPLICATION OF BIRDSALL GROUP, LLC

WHEREAS, on December 10, 2014, John Newton & Associates, Inc., filed an application on behalf of Birdsall Group / Canyon Crest Partners for Modification No. 1 to Residential Planned Development (RPD) Permit No. 2004-05 to extend the expiration date for the development of 16 homes, 5 custom home lots, and one open space lot on approximately 42.4 Acres Located East of Walnut Canyon Road at Championship Drive; and

WHEREAS, at a duly noticed public hearing on March 4, 2015, 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, closed the public hearing, and reached a decision on this matter; and

WHEREAS, the Community Development Director has determined that this project as amended by Modification No. 1 is consistent with the Mitigated Negative Declaration adopted for the original project, including RPD Permit No. 2004-05, in that there are no substantial changes to the project which will require revisions to the previously adopted Mitigated Negative Declaration, there are no changes to the circumstances under which the project is undertaken that would require revisions to the previously adopted Mitigated Negative Declaration, and there is no new information of substantial importance that shows that the project would have one or more significant effects not discussed in the previously adopted Mitigated Negative Declaration, or that significant effects previously examined will be substantially more severe than shown in the previous Mitigated Negative Declaration, in that the only change to the project is a 3-5 year extension of the RPD Permit, and that no additional environmental review is required.

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

SECTION 1. ENVIRONMENTAL DOCUMENTATION: The City Council concurs with the Community Development Director has determined that this project as amended

CC ATTACHMENT 4

by Modification No. 1 is consistent with the Mitigated Negative Declaration adopted for the original project, including RPD Permit No. 2004-05, in that there are no substantial changes to the project which will require revisions to the previously adopted Mitigated Negative Declaration, there are no changes to the circumstances under which the project is undertaken that would require revisions to the previously adopted Mitigated Negative Declaration, and there is no new information of substantial importance that shows that the project would have one or more significant effects not discussed in the previously adopted Mitigated Negative Declaration, or that significant effects previously examined will be substantially more severe than shown in the previous Mitigated Negative Declaration, in that the only change to the project is a 3-5 year extension of the RPD Permit, and that no additional environmental review is required.

SECTION 2. MODIFICATION FINDINGS: Based upon the information set forth in the staff report(s), accompanying studies, and oral and written public testimony, the City Council makes the following findings in accordance with City of Moorpark, Municipal Code Section 17.44.100:

The proposed change in expiration date of RPD Permit No. 2004-05 would not have a substantial adverse impact on surrounding properties, nor change the findings in the Mitigated Negative Declaration prepared for the project.

SECTION 3. CITY COUNCIL APPROVAL: The City Council hereby approves Modification No. 1 to RPD Permit No. 2004-05 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 4th day of March, 2015.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Exhibit A – Conditions of Approval

EXHIBIT A

**CONDITIONS OF APPROVAL FOR MODIFICATION NO. 1 TO RESIDENTIAL
PLANNED DEVELOPMENT NO. 2004-05**

1. Residential Planned Development (RPD) Permit No. 2004-05 will expire March 4, 2018 unless the use has been inaugurated by issuance of a building permit for construction. The Community Development Director may, at his/her discretion, grant up to two (2) additional one-year extensions for use inauguration of the development permit, if there have been no changes in the adjacent areas and if the applicant can document that he/she has worked diligently towards use inauguration during the initial period of time. The request for extension of this planned development permit must be made in writing at least thirty (30) days prior to the expiration date of the permit and must be accompanied by applicable entitlement processing deposits.
2. All other conditions of approval for Residential Planned Development Permit No. 2004-05 shall continue to apply, except as revised herein. Should there be any conflict between the conditions of this Modification No. 1 and the conditions for Residential Planned Development Permit No. 2004-05, the conditions of this Modification No. 1 shall prevail.

-END-