

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David A. Bobardt, Community Development Director



DATE: June 6, 2016 (CC Meeting of 6/15/2016)

SUBJECT: Consider Resolution Directing the Planning Commission to Study, Hold a Public Hearing, and Provide a Recommendation on an Amendment to the Development Agreement for the Vistas at Moorpark Project, Vesting Tentative Tract Map No. 5130 and Residential Planned Development Permit No. 2014-01, for 110 Homes on Approximately 72 Acres, Located East of Walnut Canyon Road, West of Spring Road, and North of Wicks Road

BACKGROUND

Government Code Section 65864 and City of Moorpark Municipal Code Chapter 15.40 provide for Development Agreements between the City and property owners in connection with proposed plans of development for specific properties. Development Agreements are designed to strengthen the planning process, to provide developers some certainty in the development process and to assure development in accordance with the terms and conditions of the agreement. Procedures for amendment to a Development Agreement are established in Section 15.40.120 of the Moorpark Municipal Code, which require the same review process as a new development agreement; adoption of an ordinance by City Council after public hearings by the Planning Commission and City Council.

DISCUSSION

On January 21, 2004, the City Council adopted Ordinance No. 299, a Development Agreement between the City of Moorpark and Moorpark 150, LLC (SunCal Companies), for a 110-home project on approximately 72 acres east of Walnut Canyon Road, west of Spring Road, and north of Wicks Road. The approvals for this project also included a General Plan Amendment, Zone Change, Vesting Tentative Tract Map No. 5130, and Residential Planned Development Permit No. 1998-02.

The project went through several changes in ownership since this time, and the City Council amended the timing of a condition of approval related to improvements on Walnut Canyon Road three times for the project. Residential Planned Development Permit No. 1998-02 expired in 2012. On March 18, 2015, the City Council adopted Resolution No. 2015-3373, approving a new Residential Planned Development Permit (No. 2014-01) for the current owners of the property, City Ventures, LLC. The project still has 110 homes, with 59 percent of the site used for development, and 41 percent for open space.

The applicant has been working with staff on the affordable housing for the project, which is currently proposed off site. It is possible that the affordable housing obligation may be met before the market-rate homes are constructed. The term of the current Development Agreement was set for 20 years (expiring in 2025) or until the close of escrow on the initial sale of the last Affordable Housing Unit, whichever occurs last, unless said term is amended or the Agreement is sooner terminated. Given the pace at which this project is proceeding, staff and the applicant propose to extend this term so that the Development Agreement remains in effect through the entire construction of the project, with the term to expire no sooner than December 31, 2040, or until the close of escrow on the initial sale of the last Affordable Housing Unit, whichever occurs last.

In addition to an extension of the term of the Development Agreement, the applicant has asked for the City to consider an extension to the completion of the project's Walnut Canyon Road improvements. Special Condition No. 17 of Vesting Tentative Tract Map No. 5130 calls for these improvements to be completed prior to the issuance of the certificate of occupancy for the 1st dwelling unit, or March 18, 2017, whichever occurs first. The applicant would like an extension through December 18, 2017, due to the timeframe needed for Caltrans review. If the City Council adopts the attached resolution initiating an amendment to the Development Agreement for this project, staff would address this proposed change to the conditions of the Vesting Tentative Tract Map concurrently.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Adopt Resolution No. 2016-____.

Attachment:

Draft Resolution No. 2016-____

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, DIRECTING THE PLANNING COMMISSION TO STUDY, HOLD A PUBLIC HEARING, AND PROVIDE A RECOMMENDATION ON AN AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR THE VISTAS AT MOORPARK PROJECT, VESTING TENTATIVE TRACT MAP NO. 5130, AND RESIDENTIAL PLANNED DEVELOPMENT PERMIT NO. 2014-01, FOR 110 HOMES ON APPROXIMATELY 72 ACRES LOCATED EAST OF WALNUT CANYON ROAD, WEST OF SPRING ROAD, AND NORTH OF WICKS ROAD

WHEREAS, on January 21, 2004, the City Council adopted Ordinance No. 299, a Development Agreement between the City of Moorpark and Moorpark 150, LLC (SunCal Companies), for a 110-home project on approximately 72 acres east of Walnut Canyon Road, west of Spring Road, and north of Wicks Road. The approvals for this project also included a General Plan Amendment, Zone Change, Vesting Tentative Tract Map No. 5130, and Residential Planned Development Permit No. 1998-02; and

WHEREAS, City and Developer wish to amend the term of the Development Agreement to ensure that it remains in effect through the entire construction of the project; and

WHEREAS, Section 15.40.120 of the Moorpark Municipal Code establishes procedures for the amendment of a Development Agreement.

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

SECTION 1. INITIATION OF PROCEEDINGS: The City Council hereby authorizes the initiation of proceedings for an amendment to term of the Development Agreement originally adopted by Ordinance No. 299.

SECTION 2. DIRECTION TO PLANNING COMMISSION: The Planning Commission is hereby directed to study, hold a public hearing, and provide a recommendation to the City Council on this matter.

SECTION 3. 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 June, 2016.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk