

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David A. Bobardt, Planning Director 
Prepared By: Freddy A. Carrillo, Assistant Planner 

DATE: October 24, 2008 (CC Meeting of 11/05/2008)

SUBJECT: Consider Resolution Approving Tentative Tract Map No. 5869; a Request to Subdivide an Approved 78,939 Square-Foot Medical Office Building into Condominium Office Units, to Allow the Sale or Lease of Individual Office Suites within the Building, Located at 635 Los Angeles Avenue, on the Application of Karl Hinderer (Grand Moorpark, LLC)

BACKGROUND/DISCUSSION

On June 6, 2008, an application was filed by Karl Hinderer on behalf of Grand Moorpark, LLC for Tentative Tract Map No. 5869; a request to subdivide the 78,939 square-foot medical office building into condominium office units for sale or lease, located at 635 Los Angeles Avenue (on the north side of Los Angeles, between Shasta Avenue and Leta Yancy Road). The referenced medical office building has not yet been constructed. On October 14, 2008, the Planning Commission adopted Resolution PC-2008-536, recommending approval of the office condominium subdivision with conditions. A full analysis of this project is provided in the attached Planning Commission agenda report. The tract map for condominium purposes will not affect or change the architecture, setbacks, building height, circulation or vehicle access as reviewed and approved by the City Council under Commercial Planned Development Permit No. 2005-04. Staff recently approved a second, one (1) year time extension of Commercial Planned Development Permit No. 2005-04, which extended the expiration of the CPD to October 18, 2009. Since the Planning Commission meeting, staff has added Planning Division Special Condition No. 2 to the proposed resolution, which requires, prior to issuance of a zoning clearance for approval of recordation of the final map, that the project must have a valid Commercial Planned

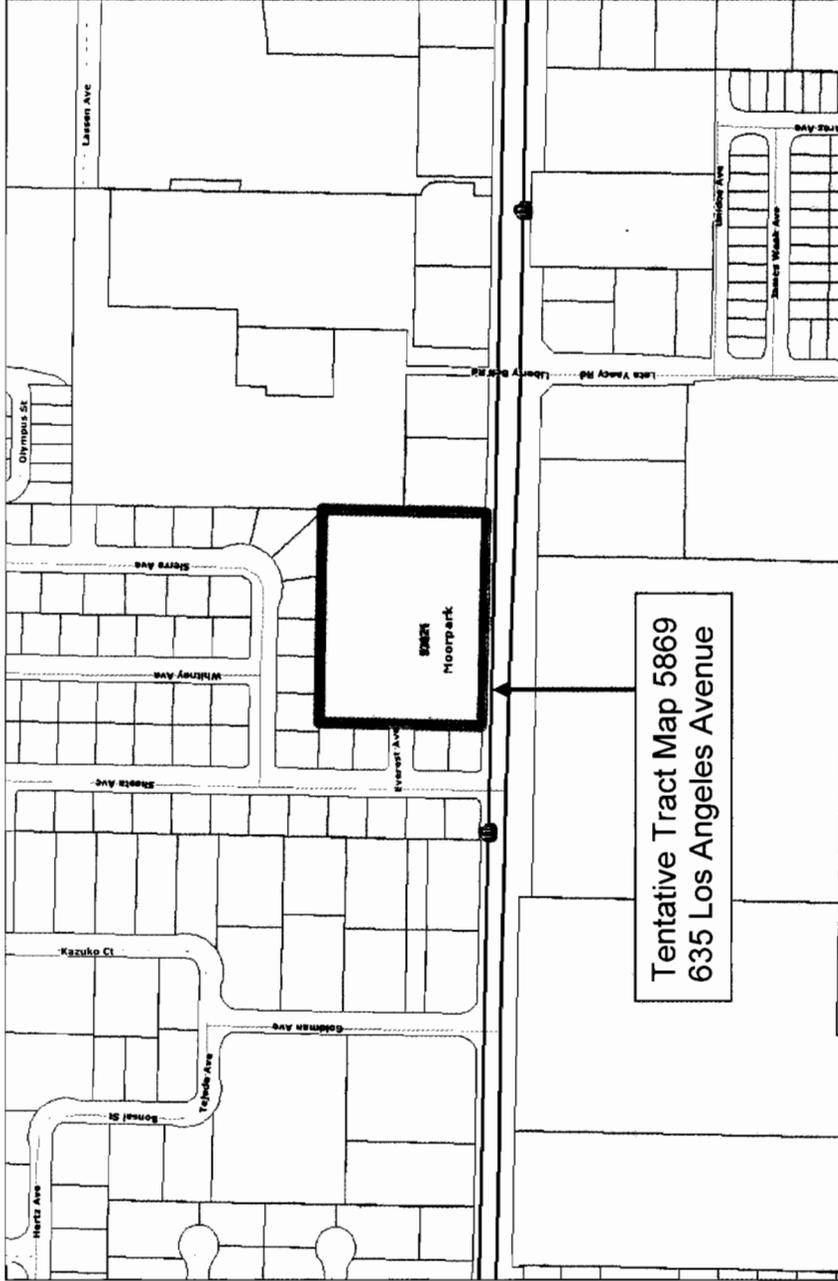
Development permit. The proposed subdivision of the office building into for sale office units is a suitable use of the property with no additional impacts on the surrounding area.

STAFF RECOMMENDATION

1. Open the public hearing, accept public testimony and close the public hearing.
2. Adopt Resolution No. 2008-_____ approving Tentative Tract Map No. 5869.

ATTACHMENTS:

1. Location Map
2. Aerial Photograph
3. Tentative Tract Map 5869 (Under Separate Cover)
4. Planning Commission Agenda Report of 10/14/08 (Without Attachments)
5. Draft Resolution with Conditions of Approval



Location Map
Tentative Tract Map 5869
635 Los Angeles Avenue

CC ATTACHMENT 1



Aerial Photograph

CC ATTACHMENT 2

TENTATIVE TRACT MAP 5869

(under separate cover)

**MOORPARK PLANNING COMMISSION
AGENDA REPORT**

TO: Honorable Planning Commission

FROM: David A. Bobardt, Planning Director *DB*
Prepared by Freddy A. Carrillo, Assistant Planner I *FC*

DATE: September 24, 2008 (PC Special Meeting of 10/14/08)

SUBJECT: Consider Tentative Tract Map No. 5869; A Request to Subdivide an Approved 78,939 Square-Foot Medical Office Building into Condominium Units, to Allow the Sale or Lease of Individual Office Suites within the Building, Located at 635 Los Angeles Avenue, on the Application of Karl Hinderer (Grand Moorpark, LLC)

BACKGROUND

On June 6, 2008, an application was filed by Karl Hinderer on behalf of Grand Moorpark, LLC for Tentative Tract Map No. 5869; a request to subdivide the 78,939 square-foot medical office building into condominium units for sale or lease, located at 635 Los Angeles Avenue (between Shasta Avenue and Leta Yancy Road).

DISCUSSION

Project Setting

Existing Site Conditions:

The 4.0 acre vacant lot is located on the north side of Los Angeles Avenue, west of Shasta Avenue, between the Mission Bell Plaza shopping center on the east, and existing Single-Family homes to the north and west.

Previous Applications:

On October 18, 2006, the City Council adopted Resolution No. 2006-2526 approving CPD No. 2005-04 for a two-story 78,939 square-foot medical office building on the project site. The applicant has filed for extensions while processing plans through plan check. The applicant anticipates starting construction by the end of the 2008 calendar year.

GENERAL PLAN/ZONING			
Direction	General Plan	Zoning	Land Use
Site	C-2 General Commercial	CO Commercial Office	Vacant Lot
North	Medium Density Residential 4 DU/Acre	R-1-8 Single Family 8,000 sq. ft. min	Detached Single Family Houses
South	High Density Residential 7 DU/Acre	RPD-7U Residential Planned Development – 7 units / acre	Vacant lot
East	C-2 General Commercial	CPD Commercial Planned Development	Mission Bell Plaza Shopping Center
West	Medium Density Residential 4 DU/ Acre	R-1-8 Single Family 8,000 sq. ft. min	Detached Single Family Houses

General Plan and Zoning Consistency:

The applicant's proposal is consistent with the Zoning classification and General Plan land use designation.

Proposed Project

Tentative Tract Map No. 5869 is proposed to subdivide the approved office building to create condominium office units with common parking, corridors, lobbies, and other facilities. This would allow the sale or lease of individual suites for medical or other offices. A property owners association with Covenants, Conditions, and Restrictions will be established to ensure common access, parking and maintenance responsibilities.

ANALYSIS

The proposed subdivision will not affect or change the architecture, setbacks, building height, or access as reviewed and approved with CPD 2005-04. The primary intent of the subdivision is for condominium purposes, so that the owner of the medical office building and future tenants will be able to purchase, sell or lease individual office units to medical service providers. The CPD 2005-04 project was originally conditioned to provide reciprocal access and the recommended standard condition number thirteen (13) of the proposed Planning Commission Resolution to approve TTM 5869, states the following:

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Prior to Final Map approval, Permitted shall submit for review by City Attorney, Planning Director and City Engineer an operational agreement and easement or other acceptable document as determined by the Planning Director for the purposes of ensuring uniformity and consistency of maintenance of parking, landscaping and lighting, and reciprocal access and parking within all TTM No. 5869 lots and maintenance of landscaping along the street frontages. The operational agreement and easement shall be recorded concurrently with Final Map recordation.

This will ensure adequate parking remains in place for all users of the building based on the gross floor area of the building and not on individual tenant requirements.

Findings

Subdivision Findings:

- A. The proposed map is consistent with the General Commercial general plan land use designation and Commercial Office zoning designation. .
- B. The design and improvements of the proposed subdivision to allow the creation of condominium office units within the approved office building is consistent with the City of Moorpark General Plan land use designation of general commercial.
- C. The site is physically suitable for the type of development proposed in that the site can be engineered to allow for all required utilities to be brought to the site, adequate ingress and egress can be obtained, and the site can be provided with public and emergency services.
- D. The site is physically suitable for the proposed density of development, in that all City development standards would be met by the proposed project.
- E. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage, in that all potential impacts would be mitigated through project design or conditions.
- F. The design of the subdivision and the type of improvements are not likely to cause serious public health problems, in that adequate sanitation is both feasible and required as a condition of this development.
- G. 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, in that full access to and from Los Angeles Avenue has been incorporated in the design of this project.
- H. 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.

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- I. The proposed subdivision does not front upon a public waterway as defined in California Government Code Section 66478.1 et seq.

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 2, 2008

Planning Commission Action Deadline: November 21, 2008

City Council Action Deadline: 30 Days after Planning Commission Action

ENVIRONMENTAL DETERMINATION

In accordance with the City's environmental review procedures adopted by resolution, the Planning 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 Director has reviewed this project and found it to be Categorically Exempt in accordance with Section 15332 (Class 32) of the California Code of Regulations (CEQA Guidelines) as an In-fill Development Project. No further environmental documentation is required.

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STAFF RECOMMENDATION

1. Open the public hearing, accept public testimony and close the public hearing.
2. Adopt Resolution No. PC-2008-____ recommending to the City Council conditional approval of Tentative Tract Map No. 5869.

ATTACHMENTS:

1. Location Map
2. Aerial Photograph
3. Site Plan/Tentative Tract Map No. 5869 (Under Separate Cover)
4. Draft PC Resolution with Special and Standard Conditions of Approval

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RESOLUTION NO. 2008-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING TENTATIVE TRACT MAP NO. 5869, A 78,939 SQUARE-FOOT OFFICE CONDOMINIUM PROJECT ON A 4.0 ACRE PARCEL, LOCATED AT 635 LOS ANGELES AVENUE, ON THE APPLICATION OF KARL HINDERER (GRAND MOORPARK, LLC)

WHEREAS, on October 14, 2008, the Planning Commission adopted Resolution No. PC-2008-556, recommending conditional approval of Tentative Tract Map No. 5869 on the application of Karl Hinderer (Grand Moorpark, LLC) to subdivide an approved 78,939 square foot office building into individual office units for sale and lease, located on the north side of Los Angeles Avenue at 635 Los Angeles Avenue; and

WHEREAS, at a duly noticed public hearing held on November 5, 2008, the City Council considered the agenda report and any supplements thereto and any written public comments; opened the public hearing, 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 City Council concurs with the Planning Director's determination that this project is Categorically Exempt from the provisions of CEQA pursuant to Section 15332 as a Class 32 exemption for Infill Development Project.

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

SECTION 1. SUBDIVISION MAP ACT FINDINGS: Based on the information set forth in the staff report(s) and accompanying maps and studies the Planning Commission has determined that the Tentative Tract Map, with imposition of the attached special and standard Conditions of Approval, meets the requirements of California Government Code Sections 66473.5, 66474, 66474.6, and 66478.1 et seq., in that:

- A. The proposed map is consistent with the General Commercial general plan land use designation and Commercial Office zoning designation.
- B. The design and improvements of the proposed subdivision to allow the creation of condominium office units within the approved office building is consistent with the City of Moorpark General Plan land use designation of general commercial.
- C. The site is physically suitable for the type of development proposed in that the site can be engineered to allow for all required utilities to be brought to

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the site, adequate ingress and egress can be obtained, and the site can be provided with public and emergency services.

- D. The site is physically suitable for the proposed density of development, in that all City Development standards would be met by the proposed project.
- E. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage, in that all potential impacts would be mitigated through project design or conditions.
- F. The design of the subdivision and the type of improvements are not likely to cause serious public health problems, in that adequate sanitation is both feasible and required as a condition of this development.
- G. 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, in that full access to and from Los Angeles Avenue has been incorporated in the design of this project.
- H. 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.
- I. The proposed subdivision does not front upon a public waterway as defined in California Government Code Section 66478.1 et seq.

SECTION 2. CITY COUNCIL APPROVAL: The City Council hereby approves Tentative Tract Map No. 5869, subject to Special and Standard Conditions of Approval attached hereto and incorporated herein as Exhibit A.

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 resolution.

PASSED, AND ADOPTED this 5th day of November, 2008.

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk

Exhibit A – Special and Standard Conditions of Approval for Tentative Tract Map No. 5869

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EXHIBIT A

**SPECIAL AND STANDARD CONDITIONS OF APPROVAL
FOR TENTATIVE TRACT MAP NO. 5869**

**SPECIAL CONDITION OF APPROVAL FOR TENTATIVE TRACT MAP NO.
5869**

Please contact the PLANNING DIVISION regarding the following conditions:

1. All conditions of approval of City Council Resolution No. 2006-2526, approving Commercial Planned Development 2005-04, shall continue to apply, except as revised herein.
2. Prior to issuance of a zoning clearance for approval of recordation of the final map, the project must have a valid Commercial Planned Development permit.

Please contact the ENGINEERING DIVISION for questions regarding compliance with the following conditions:

1. Applicant shall meet all necessary codes and requirements necessary as part of any flood zone conditions prior to approval of the Final Map to the satisfaction of the City Engineer.
2. There is an existing Edison easement on the subject site that encumbers the building footprint. The applicant shall determine disposition of the subject easement from Edison and said easement shall be moved, abandoned, or allowed to remain in place pending authorization from Edison and said disposition shall be reviewed and approved by the City Engineer prior to Final Map approval.
3. Applicant shall dedicate to the City all sidewalk improvements along Los Angeles Avenue extending within private property to the satisfaction of the City Engineer prior to approval of Final Map.
4. Prior to the issuance of a zoning clearance for final map, the applicant shall provide a reservation on the final map for mutual reciprocal access and parking for the benefit of the future owners to the satisfaction of the City Engineer and Planning Director.

**STANDARD CONDITIONS OF APPROVAL FOR TENTATIVE TRACT MAP
NO. 5869**

Please contact the PLANNING DIVISION regarding the following conditions:

GENERAL REQUIREMENTS

5. The Conditions of Approval of this Tentative Tract Map and all provisions of the Subdivision Map Act, City of Moorpark Municipal Ordinance and adopted City policies supersede all conflicting notations, specifications, dimensions, typical sections and the like which may be shown on said map. Within 30 days following City Council approval of Tentative Tract Map No. 5869, the Permittee shall submit a conforming Tentative Tract Map that complies with all Conditions of Approval, provisions of the Subdivision Map Act, City of Moorpark Municipal Ordinance and adopted City policies, to the satisfaction of the City Engineer and Planning Director.
6. 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 Planning Director.
7. This Tentative Tract Map shall expire three (3) years from the date of its approval. The Planning Director may, at his/her discretion, grant up to two (2) additional one (1) year extension for map recordation, if there have been no changes in the adjacent areas, and if Permittee 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 thirty (30) days prior to the expiration date of the Map.
8. 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 subdivider approves the settlement. The subdivider's obligations under this condition shall apply regardless of whether a Final Map or Tract Map is ultimately recorded with respect to the subdivision.
9. 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.
 10. The map shall be submitted in accordance with County Ordinance No. 3982 entitled "An Ordinance of the Ventura County Board of Supervisors Requiring New Subdivision Records to be Included in the County's Computer-Aided Mapping System and Establishing Related Fees."
 11. Prior to recordation, the subdivider, shall pay a fee to the City Clerk's Department to scan the Final Map and other improvement plans as required by the Planning Director into the City's electronic imaging system.
 12. Prior to application for grading permit and submittal of a Final Map for plan check, the Permittee shall pay all outstanding case processing (Planning and Engineering), and all City legal service fees. The 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 for a Final Map.
 13. Prior to Final Map approval, Permittee shall submit for review by City Attorney, Planning Director and City Engineer an operational agreement and easement or other acceptable document as determined by the Planning Director for the purposes of ensuring uniformity and consistency of maintenance of parking, landscaping and lighting, and reciprocal access and parking within all TTM No. 5869 lots and maintenance of landscaping along the street frontages. The operational agreement and easement shall be recorded concurrently with Final Map recordation.

Please contact the VENTURA COUNTY FLOOD CONTROL DISTRICT regarding the following condition:

14. The project shall control and manage storm runoff to prevent any potential impacts downstream, which might arise from the effect of the development.

Please contact the ENGINEERING DIVISION for questions regarding compliance with the following conditions:

15. All conditions of Tentative Tract Map No. 5869 shall apply to Commercial Planned Development 2005-04.

FINAL MAP CONDITIONS

16. The Developer shall post sufficient surety guaranteeing completion of all on and off-site civil and landscaping 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 improvements, landscaping, fencing, bridges, etc.) in a form acceptable to the City. Onsite lighting facilities need not be bonded.
17. 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.
18. Prior to any work being conducted within any State, County, or City right of way, the Developer shall obtain all necessary encroachment permits from the appropriate Agencies. Copies of these approved permits shall be provided to the City Engineer.
19. 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.
20. 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.
21. The Subdivider shall submit to the Department of Community Development and the City Engineer for review a current title report, which clearly identifies all interested parties and lenders included within the limits of the subdivision, as well as, any easements that affect the subdivision.
22. Any mapping that requires review and approval by the County of Ventura shall be concurrently submitted to the City Engineer for review and

- approval. Subdivider shall be responsible for all associated fees and review costs.
23. A Final Tract Map prepared by a California Registered Engineer meeting all of the provisions of the Subdivision Map Act shall be submitted to the City Engineer for review.
 24. The land division shall make provisions to provide easements for extensions of all utilities and access requirements, including maintenance and construction. Easements for access and circulation shall be designated as private streets.
 25. Any lot-to-lot drainage easements and secondary drainage easement shall be delineated on the Final Map. Assurance in the form of an agreement shall be provided to the City that these easements shall be adequately maintained by property owners to safely convey storm water flows. Said agreement shall be submitted to the City Engineer for review and approval and shall include provisions for the owners association to maintain any private storm drain or National Pollutant Discharge Elimination System, hereinafter NPDES system, not maintained by a City Assessment District and shall be a durable agreement that is binding upon each future property owner of each lot.
 26. The Subdivider shall offer to dedicate to the City of Moorpark street and public service easements, as required, by the City Engineer.
 27. On the Final Map, the Subdivider shall offer to dedicate access easements to the City of Moorpark over all private streets to provide access for all governmental agencies providing public safety, health and welfare.
 28. Prior to submittal of the Final Map to the City for review and prior to approval, the Subdivider shall transmit by certified mail a copy of the conditionally approved Tentative Tract Map together with a copy of Section 66436 of the State Subdivision Map Act to each public entity or public utility holding any recorded easement within Tract No. 5869. Written evidence of compliance shall be submitted to the City Engineer.

GRADING

29. The Developer shall submit grading and improvement plans prepared by a California Registered Civil Engineer to the City Engineer for review and shall gain the City Engineer's approval of said plans prior to issuance of any permit for the project. The Developer shall enter into an agreement with the City of Moorpark to complete all grading, drainage and off-site improvements and shall post sufficient surety guaranteeing completion of all improvements except onsite lighting.
30. Requests for grading permits shall be granted in accordance with the approved CPD No. 2005-04, as required by these conditions and local ordinances. The entire site shall be rough graded in one phase.

31. The Conceptual Grading Plan for CPD No. 2005-04 indicates a balance on site. If during construction more than 1,000 cubic yards is either imported or exported, the developer shall submit an application, with appropriate fees and deposits, to the City Engineer for review and shall gain the City Engineer's approval prior to issuance of the haul route encroachment permit. Approval of the Haul Route Permit shall require the submittal of a haul route permit to the City Engineer, including all information required by the City Engineer. Approval of the haul route shall meet the requirements of the City Engineer.
32. All development areas and lots shall be designed and graded so that surface drainage is directed to acceptable locations or natural or improved drainage courses as approved by the City Engineer. Altered drainage methods and patterns onto adjacent properties shall not be allowed without mitigation.
33. ROC, NOx and dust during construction grading shall be suppressed by the following activities:
 - a. The fuel injection of all diesel engines used in construction equipment shall be retarded two degrees from the manufacturer's recommendation.
 - b. All diesel engines used in construction equipment shall use high-pressure injectors.
 - c. All diesel engines used in construction equipment shall use reformulated diesel fuel.
 - d. Construction grading shall be discontinued on days forecasted for first stage ozone alerts (concentration of 0.20 ppm) as indicated at the Ventura County Air Pollution Control District (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.
 - e. All clearing and grading activities shall cease during periods of high winds (i.e., greater than 15 miles per hour averaged over one hour) to prevent excessive amounts of fugitive dust.
 - f. All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.
 - g. All active portions of the site shall be either periodically watered or treated with environmentally safe dust suppressants to prevent excessive amounts of dust.
 - h. Facilities shall be constructed and operated in accordance with the Rules and Regulations of the Ventura County Air Pollution Control District.

- i. 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.
34. Grading may occur during the rainy season from October 1st to April 15th subject to approval by the City Engineer and timely installation of erosion control facilities. With the exception of work to effectuate Best Management Practices (BMP) for erosion control, no construction of any description shall occur during said rainy season unless a revised storm water pollution prevention plan that reflects the construction status of the site has been approved by the City Engineer. Erosion control measures shall be in place and functional between October 1st and April 15th. During each year that the project is under construction, revised storm water pollution prevention plans shall be submitted to the City Engineer for review and shall gain the City Engineer's approval no later than September 1st of each year from the start of grading or clearing operations to the time of grading bond release.
35. 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, whose responsibilities will include, without limitation, NPDES compliance. Upon City Engineer's determination that the NPDES compliance effort is unsatisfactory, the developer shall designate an NPDES superintendent who shall have no other duties than NPDES compliance. The superintendent responsible for NPDES compliance shall:
 - a. Have full authority and responsibility to attain NPDES compliance.
 - b. Have full authority to hire personnel, bind the developer in contracts, rent equipment and purchase materials to the extent needed to effectuate BMP's.
 - c. Provide proof to the City Engineer and satisfactory completion of courses, satisfactory to the City Engineer, totaling no less than eight (8) hours directed specifically to NPDES compliance and effective use of BMP's.
 - d. Be present, on the project site Monday through Friday and on all other days when the probability of rain is forty percent (40%) or higher and prior to the start of and during all grading or clearing operations until the release of grading bonds.
36. During clearing, grading, earth moving or excavation operations the developer shall maintain regular watering operations to control dust. Additionally, the following measures shall apply:
 - a. 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 (2) 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 shall be available for dust control at each phase of grading.
 - b. Cease all clearing, grading, earth moving, or excavation operations during periods of high winds (greater than 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.
 - c. Water or securely cover all material transported off-site and on-site to prevent excessive amounts of dust.
 - d. Keep all grading and construction equipment on or near the site, until these activities are completed.
 - e. The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive dust generation.
 - f. Wash off heavy-duty construction vehicles before they leave the site.
37. After clearing, grading, earth moving, or excavation operations, and during construction activities, fugitive dust emissions shall be controlled using the following procedures:
- a. When directed by the City Engineer, the Developer shall take all measures necessary to control wind erosion and its contribution to local particulate levels.
 - b. 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.
38. 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.
39. Temporary erosion control measures shall be used during the construction process to minimize water quality effects. Specific measures to be applied shall be identified in the project storm water pollution prevention plan. The following water quality assurance techniques shall be included, but not limited to the following, as required by Ventura Countywide Storm Water Quality Management Program, NPDES Permit No. CAS004002:

- a. Minimize removal of existing vegetation.
 - b. Protect exposed soil from wind and rain.
 - c. Incorporate silt fencing, berms, and dikes to protect storm drain inlets and drainage courses.
 - d. Rough grade contours to reduce flow concentrations and velocities to the extent possible.
 - e. Divert runoff from graded areas, using straw bale, earth, and sandbag dikes.
 - f. Phase the grading to minimize soil exposure during the October through April rainy season.
 - g. Install sediment traps or basins.
 - h. Maintain and monitor erosion/sediment controls.
40. 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 features shall comply with Best Management Practices features including, but not limited to the following:
- a. Drainage swales, subsurface drains, slope drains, storm drain inlet/outlet protection, and sediment traps.
 - b. Check dams to reduce flow velocities.
 - c. Temporary and permanent vegetation, including grass-lined swales.
 - d. Design of drainage courses and storm drain outlets to reduce scour.
 - e. Stabilized construction entrances.
 - f. Training in best management practices for every supervisor on the project, including all contractors and their subcontractors.
41. The developer shall prepare a storm water pollution prevention plan to address construction impacts from the project on downstream facilities, environments and watersheds. A qualified Civil Engineer shall prepare this plan. The proposed plan shall also address all relevant NPDES requirements and recommendations for the use of best available technology. The storm water pollution prevention plan shall be submitted to the City Engineer for review and shall gain the City Engineer's approval prior to issuance of grading permits for mass grading.
42. The developer shall prepare a storm water pollution prevention plan to address long term operational impacts from the project on downstream facilities, environments and watersheds. A qualified Civil Engineer shall

prepare this plan. The proposed plan shall also address all relevant NPDES requirements, maintenance measures, estimated life spans of best management practices facilities, operational recommendations and recommendations for specific best management practices technology. The use of permanent dense ground cover planting approved by the City Engineer shall be required for all graded slopes. Methods of protecting the planted slopes from damage shall be included. Proposed management efforts during the lifetime of the project shall include best available technology. The avoidance of the use of mechanical stormwater treatment facilities such as clarifiers, separators, filters, adsorbents, adsorbents or similar patented devices is strongly encouraged. Should there be no alternative to their use, the Developer shall permanently indemnify the City from all liability or costs that it may incur through use or maintenance failure, in a form approved by the City Attorney, City Engineer, and City Manager at their discretion. The use of biological filtering, bio-remediation, infiltration of prefiltered storm water and similar measures that operate without annual maintenance intervention, that are failsafe, that, when maintenance is needed, will present the need for maintenance in an obvious fashion and which will be maintainable in a cost effective and non-disruptive fashion is required. The storm water pollution prevention plan shall be submitted to the City Engineer for review and shall gain the City Engineer's approval prior to issuance of grading permits for mass grading.

43. The following mitigation measures shall be implemented during all construction activities throughout build out of the project to minimize the impacts of project-related noise in the vicinity of the proposed project site:
 - a. Construction activities shall be limited to between the following hours: a) 7:00 a.m. to 7:00 p.m. Monday through Friday, and b) 9:00 a.m. to 6:00 p.m. Saturday. Construction work on Saturdays shall require pre-approval by the City Engineer and 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 shall be done on Sundays and City observed holidays pursuant to Section 15.26.010 of the Municipal Code.
 - b. Truck noise from hauling operations shall be minimized through establishing hauling routes that avoid residential areas and requiring that "Jake Brakes" not be used along the haul route within the City. The hauling plan shall be identified as part of the grading plan and shall be approved by the City Engineer.
 - c. The Developer shall ensure that construction equipment is fitted with modern sound-reduction equipment.

- d. 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 (350') feet of the noise source.
 - e. 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 residential neighborhoods.
 - f. Property owners and residents located within 600 (600') feet of the project site 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.
44. 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 California Registered Civil Engineer, shall enter into an agreement with the City of Moorpark to complete all on-site and off-site public improvements and shall post sufficient surety guaranteeing the construction of all public improvements.
45. The final grading plan shall meet all Uniform Building Code (UBC) and City of Moorpark standards including slope setback requirements at lot lines, streets and adjacent to offsite lots.
46. Concurrent with submittal of the rough grading plan a Storm Water Pollution Prevention Plan shall be submitted to the City for review and approval by the City Engineer. The design shall include measures for irrigation and hydroseeding on all graded areas when required by the City Engineer. Reclaimed water shall be used for dust control during grading, if available from Ventura County Waterworks District No. 1.
47. The entire site shall be graded to within 0.25 feet of ultimate grade at the same time. Pads shall be graded, planted and landscaped to the satisfaction of the Planning Director and City Engineer.
48. The maximum gradient for any slope shall not exceed a 2:1 slope.
49. All permanently graded slopes shall be planted with groundcover, trees and shrubs that shall stabilize slopes and minimize erosion or alternative measures to the satisfaction of the Planning Director and the City Engineer.

50. So as to reduce debris from entering sidewalk and streets, the approved grading plan shall show a slough wall, approximately eighteen (18") inches high, with curb outlet drainage to be constructed behind the back of the sidewalk where slopes exceeding four (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 Planning Director shall approve all material for the construction of the wall.
51. Backfill of any pipe or conduit shall be in four-inch (4") fully compacted layers unless otherwise specified by the City Engineer.
52. Soil testing for trench compaction shall be performed on all trenching and shall be done not less than once every two (2') feet of lift and 100 lineal feet of trench excavation.
53. Observe a 15-mile per hour speed limit for the construction area.
54. Developer shall obtain approval from the Planning and Engineering Department for all structures and walls in excess of six (6') feet in height.
55. The Developer shall post sufficient surety guaranteeing completion of all improvements (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. The surety shall include provisions for all site improvements within the development and other off-site improvements required by the conditions as described herein.

GEOTECHNICAL/GEOLOGY CONDITIONS

56. The Developer shall submit to the City of Moorpark 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. The Developer shall also provide a report that discusses the contents of the soils as to the presence or absence of any hazardous waste or other contaminants in the soils. Note: Review of the geotechnical engineering report(s) by the City's Geotechnical Engineer shall be required. The Developer shall reimburse the City for all costs including the City's administrative fee for this review.
57. 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 soils 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 soils report(s).

IMPROVEMENTS

58. The Developer shall submit to the City of Moorpark for review and approval, plans for street improvements as shown on the tentative map and those required by these conditions. A California Registered Civil Engineer shall prepare the street improvement plans and the Developer 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. All streets shall conform to City of Moorpark requirements or the County of Ventura Standards as deemed applicable and including all applicable Americans with Disability Act (ADA) requirements.
59. The street right-of-way improvements shall include adequate pavement for vehicle turnouts into the project, controlled access exiting the project, in addition to concrete curb and gutter, parkways, new streetlights and street signing to the satisfaction of the City Engineer. The City Engineer and the Planning Director shall approve all driveway sizes, locations and configurations. The Developer shall acquire and dedicate any additional right-of-way necessary to make all of the required improvements.
60. All Streets shall be designed to the satisfaction of the City Engineer and include the following:
 - a. The structural section for public streets shall be designed for a 50-year life and private streets for 20 years.
 - b. The top asphalt course of all newly constructed public and private streets shall consist of no less than 1½ inch of asphalt rubber hot mix, which shall not be included when computing the required structural section.
 - c. The Developer's geotechnical engineer shall review the need for subsurface drainage systems to prevent saturation of the pavement structural section or underlying foundation materials and shall consider conditions throughout the design life of all pavement structural sections. The provisions of the Caltrans "Design Manual" relating to subsurface drainage shall be implemented in the design of all streets. Subsurface drainage systems shall be marked with detectable underground utility marking tape buried six (6") inches above the pipe. The ends of the marking tape shall be accessible at each surface feature of the subsurface drainage system.
61. 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.
62. 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 shall be protected in place during construction.
63. The Developer shall submit final wall and landscaping plans showing that provisions have been taken to provide for and maintain proper sight distances. The plans shall be required with the site grading plans for the review by, and to the satisfaction of the City Engineer.
 64. Monuments shall meet the City of Moorpark and County of Ventura Standards and shall be to the satisfaction of the City Engineer. All street centerline intersections, lot lines and tract boundaries shall be monumented.
 65. Pedestrian facilities shall meet all City and ADA requirements, and shall be safe and visible from vehicular and pedestrian traffic along all streets. Line of site easements shall be shown on the Final Map and restrict construction or planting within those areas as needed.
 66. Prior to recordation of the Final Map, 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.
 67. As a condition of the issuance of a building permit for any (commercial/industrial) use, the developer shall be required to pay City the Tierra Rejada/Spring Road Area of Contribution (AOC) Fee. The AOC Fee shall be the dollar amount in effect at the time of the payment of the fee.
 68. The Developer shall submit to the City of Moorpark 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. The plans shall depict all on-site and off-site drainage structures required by the City. The drainage plans and calculations shall demonstrate that the following conditions shall be satisfied before and after development:
 - a. Quantities of water, water flow rates, major watercourses, drainage areas and patterns, diversions, collection systems, flood hazard areas, sumps, sump locations, detention facilities, and drainage courses. Hydrology shall be per the current Ventura County Flood Control Standards except as follows:
 - i. All storm drains shall carry a 50-year frequency storm;
 - ii. All catch basins shall carry a 50-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;
 - iv. All culverts shall carry a 100-year frequency storm.
 - b. "Passive" Best Management Practices drainage facilities shall be provided such that surface flows are intercepted and treated on the surface over biofilters (grassy swales), infiltration areas and other similar solutions. Should there be no feasible alternative to the use of mechanical treatment facilities, Developer shall provide a vehicle to permanently indemnify the City from all liability or costs that it may incur through use or maintenance failure.
 - c. Under a 50-year frequency storm collector streets shall have a minimum of one dry travel lane in each direction.
 - d. Drainage to adjacent parcels or the Public Right-of-Way shall not be increased or concentrated by this development. All drainage measures necessary to mitigate storm water flows including onsite detention shall be provided to the satisfaction of the City Engineer.
 - e. Drainage grates shall not be used in any public right-of-way, private right-of-way or in any location accessible to pedestrians.
 - f. All flows that have gone through flow attenuation and clarification by use of acceptable Best Management Practice (BMP) systems and are flowing within brow ditches, ribbon gutters, storm drain channels, area drains and similar devices shall be deposited directly into the storm drain system and shall be restricted from entering streets. If necessary, the storm drain system shall be extended to accept these flows. Both storm drains and easements outside the public right-of-way shall be privately maintained, unless determined otherwise by the City Engineer. 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, subject to review and approval of the City Engineer. Downstream storm drain systems may lack capacity. Developer shall demonstrate, to the satisfaction of the City Engineer, downstream facilities shall not be adversely impacted.
 - g. Developer shall demonstrate that developed storm water runoff shall not exceed pre-developed runoff.
69. The Developer shall demonstrate for each building pad area that the following restrictions and protections shall be put in place to the satisfaction of the City Engineer:
- a. Adequate protection from a 100-year frequency storm.
 - b. Feasible access during a 50-year frequency storm.

- c. Hydrology calculations shall be per current Ventura County Flood Control Standards.
- 70. Development shall be undertaken in accordance with conditions and requirements of the Ventura Countywide Storm water Quality Management Program, NPDES Permit No. CAS004002.
- 71. Landscaped areas shall be designed with efficient irrigation to reduce runoff and promote surface filtration and minimize the use of fertilizers and pesticides, which can contribute to urban runoff pollution. Parking and associated drive areas with five (5) or more spaces shall be designed to minimize degradation of storm water quality. Best Management Practices landscaped areas for infiltration and biological remediation or approved equals, shall be installed to intercept and effectively prohibit pollutants from discharging to the storm drain system. The design shall be submitted to the City Engineer for review and approval prior to the issuance of a building permit.
- 72. All structures proposed within the 100-year flood zone shall be elevated at least one foot above the 100-year flood level.
- 73. The Developer shall provide for all necessary on-site and off-site storm drain facilities required by the City to accommodate upstream and on-site flows. Facilities, as conceptually approved by the City, shall be delineated on the final drainage plans. Either on-site detention basins or storm water acceptance deeds from off-site property owners shall be specified and provided on the plans.
- 74. The Developer shall demonstrate and certify to the satisfaction of the City Engineer that all existing storm drain culverts within the site shall perform in an acceptable manner based on their intended design and the proposed increase/decrease of loading conditions, introduction of surface water within subsurface areas that may affect the culvert and proposed construction. This especially includes cast-in-place concrete pipe (CIPP).
- 75. The Developer shall provide engineering reports that existing detention and other storm drain facilities that were previously designed to include this site meet current requirements.
- 76. Prior to approval of plans for NPDES Facilities, the Developer shall provide to the satisfaction of the City Engineer, engineering and geotechnical reports to prove that all NPDES facilities meet their intended use and design. These facilities shall meet the minimum requirements relating to water retention and clarification.
- 77. The design of the storm drain system shall provide for adequate width easements for future maintenance and reconstruction of facilities particularly those facilities that are deeper than eight (8') feet. In addition all facilities shall have all-weather vehicular access. This design shall be to the satisfaction of the City Engineer.

78. As-Graded geotechnical report and rough grading certification shall be submitted to and approved by the City Engineer and Geotechnical Engineer.
79. A final grading certification shall be submitted to and approved by the City Engineer.
80. All permanent NPDES Best Management Practices facilities shall be operational.
81. Prior to acceptance of public improvements and bond exoneration conditions reproducible centerline tie sheets shall be submitted to the City Engineer's office.
82. The Developer shall file for a time extension with the City Engineer's office at least six (6) weeks in advance of expiration of the agreement to construct subdivision improvements. The fees required shall be in conformance with the applicable ordinance section.
83. All surety guaranteeing the public improvements shall remain in place for one year following acceptance by the City. Any surety that is in effect three years after Zoning Clearance approval or issuance of the first building permit shall be increased an amount equal to or greater than the consumers price index (Los Angeles/Long Beach SMSA) for a period since original issuance of the surety and shall be increased in like manner each year thereafter.
84. Original "as built" plans shall be certified by the Developer's civil engineer and submitted with two (2) 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 "as built" in a series of 22" X 36" mylars (made with proper overlaps) with a title block on each sheet. Submission of "as built" plans is required before a final inspection shall be scheduled. Electronic files shall be submitted for all improvement plans in a format to the satisfaction of the City Engineer. In addition, Developer shall provide an electronic file update on the City's Master Base Map electronic file, incorporating all storm drainage, water and sewer mains, lines and appurtenances and any other utility facility available for this project.
85. The Developer shall certify to the satisfaction of the City Engineer that the recommendations in the reports are adhered to prior to the issuance of a grading permit.
86. Prior to Zoning Clearance and/or occupancy, the City Engineer shall indicate to the Planning Director that all Engineering conditions have been satisfied.
87. The following shall be included in the requirements for the permitted use of the property. The City shall periodically review the site for conformance.

Repeated violations of these requirements shall be cause of revocation of the permit use.

- a. All property areas shall be maintained free of litter/debris.
 - b. All on-site storm drains shall be cleaned at least twice a year, once immediately prior to October 1st (the rainy season) and once in January. Additional cleaning may be required by the City Engineer.
 - c. Parking lots and drive-throughs shall be maintained free of litter/debris. Sidewalks, parking lots and drive-throughs shall be swept regularly to prevent the accumulation of litter and debris. When swept or washed, debris shall be trapped and collected to prevent entry to the storm drain system. No cleaning agent shall 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 shall 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.
 - d. All exterior metal building surfaces, including roofing, shall be coated or sealed with rust inhibitive paint to prevent corrosion and release of metal contaminants into the storm drain system.
 - e. Landscaping shall be properly maintained with efficient irrigation to reduce runoff and promote surface filtration and minimize the use of fertilizers and pesticides that can contribute to urban runoff pollution.
 - f. Trash enclosures and/or recycling area(s) shall be covered. All litter/waste material shall be kept in leak proof containers. The area shall be paved with impermeable material. No other area shall drain onto these areas including rainwater. There shall be no drain connected from the trash enclosure area to the storm drain system. However, the drain from the trash enclosure shall be connected to the sanitary sewer and have an automatic seal that shall preclude any escape of gases or liquids from the sewer connection.
88. On-site private streets, aisles, parking areas, curb, gutter sidewalk, drainage facilities and all other civil facilities shall be designed and constructed in accordance with the requirements for public streets and public facilities.
89. No clearing, grading, erosion control or installation of temporary or permanent irrigation, landscape, hardscape or related structures or construction of improvements of sewer, water, storm drain, streets, or dry utilities shall occur until the City Engineer and the Planning Director provide written concurrence that all requirements have been fulfilled for the phase of construction under consideration.

90. Developer shall pay all plan check and inspection fees, case processing fees and deposits per the City's fee/deposit schedule in effect at the time that review is provided by the City. Developer shall also process and obtain City, County, State and all other public or private agency approvals and permits for any work to be performed within their respective properties or areas of interest. City approval of the Plans does not warrant that other public agency requirements or standards have been met. It is the Developer's responsibility to satisfy all requirements of, and to obtain the written approval for each phase from all public agencies having jurisdiction and to provide verification to the City Engineer and the Planning Director of such prior to commencement of the work allowed by these conditions.
91. All the Improvements shall be constructed in accordance with the Plans as noted previously on these conditions, all applicable City standards and regulations, all applicable conditions required for TTM No. 5869 and all accepted construction practices, as determined by the City Engineer, without exception. Developer warrants that the Plans, as originally submitted by Developer, accomplish the work covered by these conditions. Developer shall complete all work performed under these conditions in accordance with the Plans.
92. Should the Plans prove to be inadequate in any respect, as determined by City in its sole discretion, then Developer shall make such changes as are necessary to ensure, to the satisfaction of the City Engineer, that such Improvements are performed in accordance with said City standards and regulations in effect at the time of construction of the improvements of TTM No. 5869, said accepted construction practices, and approved conditions of TTM No. 5869.
93. Prior to commencement of any phase of work, Developer shall furnish to City valid and sufficient bonds, executed by a corporation authorized to transact business in the State of California on forms approved by City and with Developer as principal, for the completion and maintenance of the Improvements in accordance with these conditions. The Developer shall file with the City, security for the faithful performance of the Improvements to be constructed by Developer and separate security (except for grading and monuments) for payment of laborers and materialsmen who furnish labor or materials to those improvements. Each security shall be good and sufficient on forms approved by the City. Should any surety become insufficient in the opinion of the City, Developer shall increase said surety, in an amount satisfactory to City, within ten (10) days after receiving written notice from City, which notice can be given at any time by City.
94. Without notice and until exonerated by the City Council, each surety shall be renewed on a yearly basis and shall be increased in an amount equivalent to the increase, if any, in the Consumer Price Index – All Urban Consumers – Greater Los Angeles Area for the twelve (12) months that

end three (3) months prior to the month in which the bond is renewed. All of the obligations of Developer under these conditions shall be met to the satisfaction of City prior to exoneration of all of the bonds. All premiums and costs related to provision of the bonds required by these conditions shall be the responsibility of Developer.

95. All Improvements shall be completed to City's satisfaction prior to City acceptance and reduction/exoneration of sureties. All Improvements shall be completed to the City's satisfaction prior to City acceptance and reduction/exoneration of sureties.
96. The City Engineer or his/her duly authorized representative, upon request of Developer, shall inspect the Improvements. As the City determines Improvements have been constructed in accordance with these conditions, City shall accept the Improvements as complete.
97. Developer agrees to pay for all inspection services performed on behalf of City and for the consulting soils engineer and geologist hired by the City. Developer agrees that no final inspection will be made by the City Engineer until City receives full payment for all related City inspection services, consulting soils engineer and geologist services together with the cost of the time incurred by the City Engineer, City Attorney, Public Works Director, and other City staff in connection therewith.
98. At all times during the construction of Improvements, Developer shall take all such precautions as may be necessary to limit access to the site to authorized persons only and to protect the site from all members of the public and protect all public and adjacent private property from debris and damage.
99. Developer shall guarantee against defective plans, labor and materials for a period of one year following City acceptance of the Improvements as complete.
100. In the event any of the Improvements are determined to be defective within the time provided herein, Developer shall repair, replace, or reconstruct the defect without delay and without cost or expense to City and shall pay all City costs for plan check, inspection and the City's Administrative Costs related to this requirement within thirty (30) days after receipt of City's invoice. Should Developer fail to act promptly or in accordance with the requirements of this paragraph, or should the exigencies of the situation require that repair, replacement or reconstruction work be performed before Developer can be notified, City may, at its option, make or cause to be made the necessary repair, replacement or reconstruction. Developer and its surety shall be obligated to pay City for the actual cost of such work together with the City's Administrative Costs.

101. Developer shall keep accurate records on a set of blue lined prints of all City approved additions to and deletions from the work, and of all changes in location, elevation and character of the work, not otherwise shown or noted on the Plan. Prior to the City's inspection and acceptance of the Improvements, Developer shall transfer this information to a final set of record drawings and deliver them to the City Engineer for final approval and retention.
102. Prior to commencement of any work under these conditions, Developer shall file with the City Engineer a written statement signed by the Developer and each public utility serving TTM No. 5869 stating that the Developer has made all arrangements required and necessary to provide the public utility service to TTM No. 5869. For purposes of this paragraph, the term "public utility" shall include, but not necessarily be limited to, a company providing natural gas, water, sewer, electricity, telephone and cable television.
103. In the event that the Developer fails to perform any obligations hereunder, Developer agrees to pay all costs and expenses incurred by City in securing performance of such obligations, in addition to cost of any resulting legal action and reasonable attorney's fees.
104. City may serve written notice upon Developer and Developer's surety of any breach of any portion of these Conditions of Approval for this tract map regarding grading and construction of improvements prior to recording a Final Map for this tract and the default of Developer if any of the following occur:
 - a. Developer refuses or fails to prosecute the Work, or any severable part thereof, with such diligence as will insure its completion within the time specified.
 - b. Developer fails to complete said work within the required time.
 - c. Developer is adjudged as bankrupt.
 - d. Developer makes a general assignment for the benefit of Developer's creditors.
 - e. A receiver is appointed in the event of Developer's insolvency.
 - f. Developer or any of Developer's officers, agents, servants or employees violates any of the provisions of these conditions.
105. In the event notice is given as specified within these conditions regarding grading and construction of improvements prior to recording a Final Map for this tract, Developer's surety shall have the duty to take over and complete the Improvements in accordance with all of the provisions of these conditions; provided, however, that if the surety, within five (5) days after delivery to of such notice, does not give City written notice of its intention to so take over and complete the Improvements or does not

commence the performance thereof within twenty (20) days after notice to City of such election, City may take over the Work and prosecute the Improvements to completion, by contract or by any other method City may deem advisable. In such event, City, without any liability for so doing, may take possession of, and utilize in completing the Improvements, such materials, tools, equipment and other property belonging to Developer as may be on the site of the Work necessary therefore. Developer and its surety shall be obligated to pay City the actual cost of such work together with the City's Administrative Costs. The rights of City provided by this paragraph are in addition to and cumulative to any and all other rights of City as provided by law or equity, and any election by City to proceed pursuant to the provisions noted within these conditions herein shall not be construed as being in lieu of any other such rights.

106. No waiver of any provision of the Conditions of Approval regarding grading and construction of improvements prior to recording a Final Map for this tract shall be deemed, or shall constitute, a waiver of any other provision, whether or not similar; nor shall any such waiver constitute a continuing or subsequent waiver of the same provision. No waiver shall be binding, unless executed in writing by the party making the waiver.
107. Unless otherwise changed, notices required to be given to Surety Company shall be addressed to the Surety on file with the City at the time they are accepted by the City.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
REQUIREMENTS**

108. 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.
109. The SWPCP shall be developed and implemented in accordance with requirements of the Ventura Countywide Storm Water Quality Management Program, NPDES Permit No. CAS004002.
110. 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.
111. Improvement plans shall note that the contractor shall comply with the Technical Guidance Manual for Stormwater Quality Control Measures" and best engineering practices.
112. 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).

113. The Developer shall obtain a permit from the State Water Resources Control Board for "All storm water discharges associated with a construction activity where clearing, grading, and excavation results in land disturbances of five or more acres." The Developer shall submit a copy of the Notice of Intent (NOI) to the City Engineers office as proof of permit application.
114. Prior to Final Map approval, Developer shall provide facilities to comply with NPDES requirements. Runoff from developed areas shall be diverted to detention basins, "passive-devices" or other passive 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. Provisions shall be made by the Developer to provide for secured program of maintenance in perpetuity.
115. Prior to City issuance of the initial grading permit, the Developer shall obtain all necessary NPDES related permits. The grading permits issued for the development shall require Developer 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 shall not be allowed.
116. The project construction plans shall state that the Developer 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 the following:
 - a. All onsite storm drain inlets shall be labeled "Don't Dump Drains to Arroyo."
 - b. No outdoor vehicle maintenance shall be allowed.
 - c. The entire project site and any off-site improvement areas shall be maintenance free of litter and debris.
 - d. 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. Water flushing is not an approved method for cleaning.

- e. All 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 shall 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 County Waterworks District No. 1.

UTILITIES

- 117. All existing, relocated and new utilities shall be placed underground.

ACQUISITION OF EASEMENTS AND RIGHT OF WAY

- 118. Any right-of-way acquisition necessary to complete the required improvements shall be acquired by the Developer at his/her expense. If any of the improvements which the Developer is required to construct or install are to be constructed or installed upon land in which the Developer does not have title or interest sufficient for such purposes, the Developer shall do all of the following at least 60 days prior to the filing of any Phase of the Final Map for approval pursuant to Governmental Code Section 66457.
 - a. Notify the City of Moorpark (hereinafter "City") in writing that the Developer 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. Upon written direction of the City 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.
 - 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 Developer shall pay all of the City's cost (including, without limitation, attorney's fees and overhead expenses) of acquiring such an interest in the land.

PLEASE CONTACT THE FIRE DEPARTMENT REGARDING THE FOLLOWING CONDITIONS:

119. Prior to recordation of any Final Maps, including Final Map waivers, the Permittee shall submit two (2) copies of the map to the Fire Prevention District for approval.
120. A copy of all recorded maps shall be provided to the Fire Prevention District within seven (7) days of recordation of said map.

Please contact the county of VENTURA COUNTY WATERWORKS DISTRICT 1 regarding the following condition:

121. The Permittee shall comply with the standard procedures for obtaining domestic water and sewer services for Permittee's projects within the District and comply with the applicable provisions of the District Rules and Regulations.

- END -