

**ITEM 9.B.**

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

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

**DATE:** May 20, 2011 (CC Meeting of 6/1/2011)

**SUBJECT:** Consider Permit Adjustment No. 3 to Planned Development No. 966 to Allow Architectural Enhancements to an Existing Building (Previously Wendy's Restaurant) Located at 520 Los Angeles Avenue on the Application of Dan Lorenzon (Popeye's Louisiana Kitchen)



**BACKGROUND**

On May 2, 2011 Dan Lorenzon, on behalf of Popeye's Louisiana Kitchen, applied for Permit Adjustment No. 3 to Planned Development No. 966 to allow architectural enhancements to an existing building located at 520 Los Angeles Avenue. This building was previously occupied by a Wendy's fast food restaurant, with a drive through. The applicant is proposing to maintain the layout of the building and drive through, while updating the façade to a more contemporary look. The shopping center property, including the area with the proposed Popeye's pad building, is owned by Moorpark Plaza Family Partners.

**DISCUSSION**

On September 20, 1989, the City Council adopted Resolution No. 1989-614 (Attachment 1), approving Major Modification No. 1 to Planned Development Permit No. 966 to allow construction of the Moorpark Plaza shopping center. Condition of approval 5.b. states that minor changes to the permit shall require a "Minor Modification" and major changes to the permit shall require a "Major Modification". Condition of approval 8.a. allows for building painting and surface treatment "as appropriate for the site" to be approved by the Community Development Director.

In 2003, the Zoning Code was amended to simplify the review process. "Minor Modifications" and "Major Modifications" were combined into a single "Modification" process. At that time, the Permit Adjustment process was also revised to apply to any

change which would not alter any of the project findings and would not have any adverse impact on surrounding properties.

The Community Development Director has determined that the proposed changes would not alter any of the project findings and would qualify for a Permit Adjustment. However, even though a Permit Adjustment is normally considered by the Community Development Director, this one involves a change that is not considered "Major", but involves more than a change to just "painting and surfaces". Therefore, direction is sought by the City Council on this Permit Adjustment application.

The existing building is consistent with the rest of the center in terms of colors and materials, but maintains a distinct architectural style, which includes a mansard roof and glass patio dining area. The applicant is proposing to change the architectural style of the building by removing the mansard elements, replacing them with a parapet roof with cornices; and adding awnings, faux shutters, and gooseneck accent lights. Additionally, the applicant is proposing to repaint the entire building to be consistent with the colors of Popeye's corporate image. The overall height of the building will be substantially the same; however the massing of the building will appear different due to the larger area of the wall plane. This massing is broken up by articulation of the parapet as well as the use of the awnings and shutters. The applicant is proposing to maintain the existing brick columns and trim in order to maintain an element that is consistent with the rest of the center. Stacked stone will replace the brick bases for the signage to match the signage bases recently added to the Chevron station on the southeast corner of Spring Road and Los Angeles Avenue.

It is not uncommon for pad buildings to have an architectural style and colors that are different from the main structure of a shopping center. This creates visual interest and variety and works especially well when there are consistent visual cues and themes that allow each building to maintain architectural integrity while at the same time creating a sense of place within the center. Although the proposed main color for the building is bolder than the existing center, it is compatible in that it is similar to the recent repainting of the west end of the center. The closest pad building is the "We Buy Gold" store, approximately 40 feet to the west. It is painted a combination of 2 shades of beige and off-white and has a hip and gable roof with concrete slate tiles. It is slightly taller than the subject building, which ensures a compatible massing with the proposed restaurant remodel. The main center building is approximately 100 feet from the restaurant building.

Staff has been working with the applicant and property manager to resolve concerns related to overall maintenance of the site. These issues include landscape maintenance and repair, re-plantings, touch-up and completion of the repainting of the main building, removal of unused cabinet signs, and parking lot repair/maintenance. The landscaping maintenance and repair has begun, as well as the completion of the repainting and the removal of unused signs. Conditions are recommended to restore

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the landscaping and resurface the parking lot prior to occupancy to address the unfinished property maintenance issues.

**FISCAL IMPACT**

None.

**STAFF RECOMMENDATION**

Direct the Community Development Director to issue a letter approving Permit Adjustment No. 3 to Planned Development No. 966, subject to conditions of approval.

**ATTACHMENTS:**

1. Resolution No. 1989-614
2. Draft CDD Approval Letter
3. Project Exhibits
  - A. Site Plan
  - B. Elevations

**RESOLUTION NO: 89-614**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING MAJOR MODIFICATION TO PLANNED DEVELOPMENT PERMIT NO.966 RECOMMENDING APPROVAL OF THE SHOPPING CENTER WITH THE RESTAURANT WITH BAR SUBJECT TO THE REVISED CONDITIONS OF APPROVAL FOR THE SHOPPING CENTER, AND RESCINDING RESOLUTION NO. 86-266 WHICH CONDITIONALLY APPROVED PD-966**

WHEREAS, at a duly noticed hearing on September 6, 1989, the City Council considered the application filed by Mash Associates requesting approval for a restaurant with a bar in an existing shopping center located southeast of the intersection of Los Angeles Avenue and Spring Road. The restaurant is to be located at the extreme eastern portion of the center; and

WHEREAS, the City Council after review and consideration of the information contained in the staff report date July 14, 1989, testimony at the hearing, and the Negative Declaration prepared for the shopping center, has found that the environmental effects of the proposed restaurant with the fixed bar are adequately addressed in the Mitigated Declaration that was prepared for the shopping center.

WHEREAS, at its meeting on September 6, 1989, the City Council took public testimony from all those wishing to testify, closed the public hearing, and directed staff to prepare a resolution for the City Council's decision; and

WHEREAS, at its meeting of September 6, 1989, the City Council took action to direct staff to prepare a Resolution with attached Conditions containing Council recommended changes, said Resolution to be presented for Consent Calendar at the next regular scheduled meeting.

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

SECTION 1. Pursuant to the provisions of the California Environmental Quality Act(Division 13 of the Public Resources Code of the State of California), the City Council for the City of Moorpark certifies that the effects of the proposed restaurant with the fixed bar are adequately addressed in the Mitigated Negative Declaration that was prepared for the shopping center.

SECTION 2. That the City Council hereby adopts the findings contained in the staff report dated July 14, 1989, and said report is incorporated herein by reference as though fully set forth.

SECTION 3. That the City Council approves the Major Modification to Planned Development No. 966 for the shopping center with a bar subject to the Conditions of Approval as revised by the City Council for the shopping center and rescinds Resolution No. 86-266 which conditionally approved PD-966.

SECTION 4. That at its meeting of September 6, 1989, the City Council took action to direct staff to prepare a Resolution with attached Staff recommended conditions as modified by the City Council, said resolution to be presented at the next regular scheduled meeting. The action with foregoing direction was approved by the following call vote:

AYES: Councilmembers Harper, Lawrason, Montgomery, Perez  
and Mayor Brown

NOES: None

ABSTAIN: None

ABSENT: None

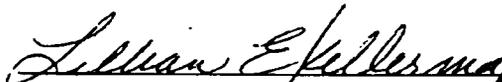
PASSED AND ADOPTED THIS 20th DAY OF SEPTEMBER 1989

Mayor:



Eloise Brown  
City of Moorpark

ATTEST:



Lillian Kellerman, City Clerk



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These conditions of approval supersede all previous Conditions of approval for Planned Development Permit No. 966.

PLANNING DIVISION CONDITIONS:

1. Permitted Land Uses

- a. That the Major Modification of Planned Development Permit No. 966 is approved for a restaurant with a fixed bar.
- b. This permit is granted for the buildings and structures as shown on the Plot Plan labeled Exhibit "3".
- c. The elevations of the proposed restaurant shall be as shown on the Elevations Plan labeled Exhibit "3".
- d. The locations of buildings, parking areas, landscaped areas, roadways, fences, walls, and all other structures, shall be as shown on Plot Plan labeled Exhibit "3".
- e. Prior to the issuance of a Zoning Clearance, the final design of buildings, walls, fences, and other structures, including materials and colors, are subject to the approval of the Director of Community Development.
- f. That the floor plan for the restaurant with the fixed bar is granted as shown on Exhibit "4".

2. New Use or Change of Use

- a. Each new use or change of use shall require issuance of a Zoning Clearance prior to occupancy.
- b. Prior to the issuance of a Zoning Clearance for a new or a change of use, the lessee must obtain an approved Business Registration from the City of Moorpark.

3. Prior to Issuance of Zoning Clearance

Prior to the issuance of a Zoning Clearance for construction from the Department of Community Development, the following conditions shall be met: 1(e), 6(a), 9, 10(b), 11(a), 12(a, b), 13(b,c), 16, 17, 23, 24, 25, 26, 41, 42, 43, 44, 48, 49, 50, 51, 52, 54, 55.

4. Permit Expiration

- a. Unless a Zoning Clearance is obtained for the approved restaurant with the fixed bar within one year after approval of this Permit, this Permit shall automatically expire on that date. At the discretion of the Director of Community Development, a one year extension to obtain a Zoning Clearance may be granted, if there have been no changes in the adjacent areas and the permitted can document that he/she has inauguration of the use.

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- b. The Permit shall expire when the use for which it is granted is discontinued for a period of 180 days or more.

5. Permit Modification

- a. Land uses and facilities other than those specifically approved by this Permit shall require a modification to the Permit.
- b. Any minor changes to this Permit shall require the submittal of an application for a minor modification and any major changes to this Permit shall require the submittal of a major modification.

6. Landscaping Requirements

- a. Prior to the issuance of a Zoning Clearance, three sets of Landscaping and Irrigation Plans, together with a maintenance program, shall be prepared by a State Licensed Landscape Architect, in accordance with City policies, and submitted to the Community Development Department for approval. The Landscaping and Irrigation Plans shall be accompanied by the required deposit fee. The applicant shall bear the full cost of plan review and final inspection and shall sign a reimbursement agreement to this effect.
- b. Prior to the issuance of an Occupancy Permit, all landscaping and irrigation system installation shall be completed and approved by the Director of Community Development or his designee.
- c. Prior to occupancy, the landscape architect shall certify, in writing, that the landscape and irrigation system was installed in accordance with the approved Landscape and Irrigation Plans.
- d. Continued landscape maintenance shall be subject to periodic inspection by City staff. The permittee is required to remedy any defects to the satisfaction of City staff within two weeks after notification of the defects.

7. Outside Storage

Yards, parking areas, storage areas, and other open uses on the site shall be maintained in a neat and orderly manner at all times and be consistent with the intent of the CPD zone.

8. Color Scheme

- a. All buildings and other structures shall be painted or surfaced as appropriate for the site, subject to approval of the Director of Community Development or his designee.
- b. All storage and accessory buildings shall be painted or surfaced in the same color and texture as the parent building.

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9. Roof Mounted Equipment

Prior to the issuance of a Zoning Clearance, all roof mounted equipment(vents, stacks, blowers, air conditioning equipment, ect.) shall be shown on the plot plan and shall be enclosed on all sides by suitable screening, of similar color and material used in the construction of the parent building. The screening shall be maintained during the life of the permit.

10. Trash Enclosures

- a. Trash disposal areas shall be screened from view with a six foot high solid wall or fence of the same material as the parent building.
- b. Prior to the issuance of a Zoning Clearance, the final design of the trash enclosure shall be approved by the Director of Community Development or his designee.
- c. That trash disposal areas shall be provided in locations which will not interfere with circulation parking or access to any building.

11. Light Standards

- a. Prior to the issuance of a Zoning Clearance, all exterior light fixtures and locations shall be shown on the plot plan. Light standards shall not be located within the building setback area and shall have a maximum of 20 feet. The Director of Community Development shall approve the design of the light standards.
- b. Light standards in the parking lot shall be shielded and directed downward to avoid light and glare on neighboring properties.

12. Signs

- a. A comprehensive sign program for the shopping center shall be designed to provide a uniform sign arrangement and design prior to the issuance of a Zoning Clearance.
- b. Prior to the issuance of a Zoning Clearance for construction of the restaurant with a fixed bar, the comprehensive sign plan shall be approved by the Director of Community Development or his designee.
- c. All signs are subject to issuance of a Sign Permit.
- d. All new lessees shall conform to the approved sign program and be required to obtain a sign permit from the Community Development Department.
- e. A total of no more than two monument signs shall be allowed at the shopping center (one for each of the free standing buildings that do not presently have a monument sign along the New Los Angeles Avenue frontage only

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e. (continued)

No monument signs shall be permitted along Spring Road frontage.

13. Utilities

- a. All utility connections on the site shall be placed underground from the property line.
- b. Prior to the issuance of a Zoning Clearance, the transformer location shall be shown on the plot plan and shall be screened with landscaping or a wall.
- c. Prior to issuance of a Zoning Clearance, cross connection control devices shall be shown on the plot plan and shall be screened with landscaping or a wall.

14. Hours of Operation

The maximum hours of operation for the restaurant with the fixed bar shall be in accordance with the following schedule:

- a. Days of operation: Sunday thru Saturday
- b. Hours of operation: Sunday-Thursday(11am-12midnight)  
Friday-Saturday(12am-12midnight)

15. Archaeology

- a. If any archaeological or historical artifacts are uncovered during or excavation operations, the permittee shall assure the preservation of the site; shall obtain the services of a qualified archaeologist to recommend proper disposition of the site; and shall obtain the Director of Community Development's written concurrence of the recommended disposition before resuming development.
- b. Should human burial remains be encountered during any grading or excavation activities, the permittee shall cease operation and shall notify the Community Development Department staff. Following notification, the permittee shall obtain the services of a qualified archaeological consultant and Native American Monitor(s) who shall assess the situation and recommend proper disposition of the site.

16. Penal Bond

Prior to issuance of a Zoning Clearance, a Penal Bond in the amount of \$10,000 shall be filed and accepted by the Director of Community Development. The Director of Community Development may, through a public hearing to be heard before the City Council recommend that any or all of the funds in the Penal Bond be forfeited for noncompliance of the Conditions of Approval or for some other just cause.

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17. Acceptance of Conditions

Prior to the issuance of a Zoning Clearance, the permittee shall sign a statement indicating awareness and understanding of all permit conditions, and shall agree to abide by these Conditions.

18. Permittee's Defense Costs

The permittee agrees a a condition of issuance or renewal of this Permit to defend, at their sole expense, any action brought against the City because of issuance or renewal of this Permit, or in the alternative, to relinquish this Permit. The permittee will reimburse the City for any court costs and/or attorney's fees which the City may be required to pay as a result of any action by a court. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve permittee of the obligations under this condition.

19. Permit Requirements of Other Agencies

- a. The design, maintenance, and operation of this Permit shall comply with all applicable requirements and enactments of the Federal Government, the State of California, the County of Ventura, the City of Moorpark, and all such requirements and enactments shall, by reference, become conditions of this Permit.
- b. No Condition of this Permit shall be interpreted as permitting or requiring any violation of law, or any unlawful rules or regulations or orders of an authorized governmental agency. In instances where more than one set of rules apply, the stricter ones shall take precedence.

20. Limitations of this Permit

If any of the Conditions or limitations of this Permit are held to be invalid, that holding shall not invalidate any of the remaining conditions or limitations set forth.

21. Change of Ownership or Lessee

No later than ten(10) days after change of ownership or lessee of this property, the Director of Community Development shall be notified, in writing, of the new name and address of the new owner or lessee. The same letter shall state that the new owner or lessee has read all conditions pertaining to this Permit and agrees with said conditions.

22. Assessment District for Maintenance of Landscaping

The applicant on behalf of himself and his successors and assigns, agrees not to protest or otherwise contest the formation of any assessment

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district or method of assessment applicable to the development which may be established by the City of Moorpark for the purpose of maintaining landscaping and improvements within the rights-of-way of Los Angeles Avenue and/or Moorpark Avenue.

23. Unconditional Availability Letter

Prior to issuance of a Zoning Clearance for the proposed restaurant with the fixed bar, the Permittee shall demonstrate to the satisfaction of the Director of Community Development that an Unconditional Availability Letter has been obtained from County Waterworks District No. 1 for sewage and water service.

24. Park System Contribution

Prior to the issuance of a Zoning Clearance for the restaurant with the fixed bar, the applicant shall contribute to the City of Moorpark an amount of \$.25 per square foot of gross floor area to support the City's current and future park system. This contribution shall be made

25. Art in Public Places Fund.

Prior to issuance of a Zoning Clearance for the restaurant with the fixed bar, the permittee shall make a monetary contribution to the City of Moorpark's Art in Public Places fund in the amount of \$100 for each 1,000 square feet of building floor area.

26. Traffic Systems Management

Prior to issuance of a Zoning Clearance for the restaurant with the fixed bar, the permittee shall make a monetary contribution to the Moorpark Traffic Systems Management Fund of .15 per square foot of floor area to fund Moorpark Traffic Systems Management programs.

ENVIRONMENTAL HEALTH DEPARTMENT CONDITIONS

27. Cross Connection Control Devices

That prior to occupancy, cross-connection control devices shall be installed on the water system in accordance with the requirements of the Ventura County Environmental Health Department.

28. Approval of Building Plans

That the building plans for the proposed retail food markets and restaurants be approved by the Ventura County Ordinance Code, prior to the issuance of building permits.

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**FIRE DEPARTMENT CONDITIONS**

29. Prevention of Vehicular Parking in No-Parking Areas

That the applicant shall provide sufficient proof of the ability to prevent vehicular parking in "no-parking" areas and that enforcement can be secured in order that access by emergency vehicles will not be obstructed.

30. Vertical Clearance

That all drives shall have a minimum vertical clearance of 13 feet, 6 inches(13'6").

31. Plan Approval

That prior to construction, the applicant shall submit plans to the Ventura County Bureau of Fire Prevention for approval of the location of fire hydrants. Show existing hydrants on plans within 300 feet of the development.

32. Fire Hydrants

That fire hydrants shall be installed and in service prior to combustible construction and shall conform to the minimum standards of the County Waterworks Manual.

- a. Each hydrant shall be a 6 inch wet barrel design and shall have 4-inch outlets.
- b. The required fire flow shall be achieved at no less than 20 psi residual pressure.
- c. Fire hydrants shall be spaced 300 feet on center, and so located that no structure will be farther than 150 feet from any one hydrant.
- d. Fire hydrants shall be located back of sidewalks. (Ref: City of Camarillo Engineering Drawing W-5)

33. Fire Flow Requirement

That the minimum fire flow required will be determined by the type of building construction, proximity to other structures, fire walls, and fire protection devices provided, as specified by the I.S.O. Guide for Determining Required Fire Flow. Given the present plans and information, the required fire flow is approximately 3,000 gallons per minute. The applicant shall verify that the water purveyor can provide the required quantity to the project.

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34. Individual Hydrant flow

That a minimum individual hydrant flow of 1,750 gallons per minute shall be provided at this location.

35. Grass and Brush Removal

That all grass or brush exposing any structures shall be cleared for a distance of 100 feet prior to framing, according to the Ventura County Weed Abatement Ordinance.

36. Address Numbers

That address numbers, a minimum of 6 inches high, shall be installed prior to occupancy, shall be of contrasting color to the background, and shall be readily visible at night. Where structures are set back more than 250 feet from the street, larger numbers will be required so that they are distinguishable from the street. The address numbers shall be posted adjacent to the driveway entrance.

37. Assembly Areas

The building plans of public assembly areas, which have an occupancy load of 50 or more, shall be submitted to the Ventura County Fire Prevention Bureau.

38. Automatic Sprinkler Systems

That, if any buildings are to be protected by an automatic sprinkler system, plans shall be submitted to the Ventura County Bureau of Fire Prevention for review.

39. Automatic Fire Extinguishing Systems

That plans for the installation of an automatic fire extinguishing system (such as halon or dry chemical) shall be submitted to the Ventura County Bureau of Fire Prevention for review to ensure proper installation.

40. Requirements For Automatic Fire Sprinkler Systems

That any structure greater than 5,000 feet in area and/or 5 miles from a fire station shall be provided with an automatic fire sprinkler system in accordance with Ventura County Ordinance No. 14.

CITY ENGINEER'S CONDITIONS

41. Grading Plan Requirement

That prior to zoning clearance, the developer shall submit to the City of Moorpark for review and approval a grading plan prepared by a Registered

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Civil Engineer; shall obtain a Grading Permit; and shall post sufficient surety guaranteeing completion.

42. Geotechnical Report

That prior to zoning clearance, the developer shall submit to the City of Moorpark for review and approval a detailed Geotechnical Report prepared by a California Registered Professional Engineer. The grading plan shall incorporate the recommendations of the approved Geotechnical Report.

43. Improvement Plans

That prior to Zoning Clearance, the developer shall submit to the City of Moorpark for review and approval street improvement plans prepared by a Registered Civil Engineer; shall enter into an agreement with the City of Moorpark to complete the improvements; and shall post sufficient surety guaranteeing the construction of the improvements.

The improvements shall include concrete curb and gutter, sidewalk, street lights, striping and signing, and paving in accordance with the Ventura County Road Standards and consistent with the Circulation Element of the General Plan. The applicable Road Standards Plates are as follows:

Los Angeles Avenue per Plate B-2A  
Moorpark Road per Plate B-2B with Class II bike path  
All driveways to be constructed per Plate E-2 modified to reflect 10 foot radius curb returns

44. Dedication Requirement

That prior to Zoning Clearance, the developer shall offer to dedicate to the City of Moorpark for public use all the public streets rights-of-ways.

45. Encroachment Permit

That prior to any work being conducted within the State or City right-of-way, the developer shall obtain an Encroachment Permit from the appropriate agency.

46. Dedication Requirement

That in conjunction with the Zoning Clearance, the developer shall offer to dedicate to the City of Moorpark for public use the necessary right-of-way for Moorpark Road and Los Angeles Avenue to conform to the applicable City of Moorpark Road Standard Plates a mentioned in the applicable prior condition.

47. Access Rights

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That in conjunction with the Zoning Clearance, the developer shall dedicate to the City of Moorpark the access rights adjacent to Moorpark Road and Los Angeles Avenue along the entire frontage of the parent parcel except for approved driveways as delineated on the approved site plan.

48. Storm Protection

That prior to Zoning Clearance, the developer shall demonstrate feasible access with adequate protection from 10-year frequency storm to the satisfaction of the City of Moorpark.

49. A.O.C. Fees

That prior to Zoning Clearance, the developer shall deposit with the City of Moorpark a contribution for the Los Angeles Avenue Improvement Area of Contribution.

50. Water Wells

That prior to Zoning Clearance, the developer shall indicate in writing to the City of Moorpark the disposition of any water wells that may exist on the site. If any wells are proposed to be abandoned, or if they are abandoned and have not been properly sealed, they must be destroyed in per the Ventura County Ordinance No. 2372.

51. Submission of Plans

That prior to Zoning Clearance, the developer shall submit to the City of Moorpark for review and approval drainage plans, hydrologic, and hydraulic calculations prepared by a Registered Civil Engineer; shall enter into an agreement with the City of Moorpark to complete the improvements and shall post sufficient surety guaranteeing the construction of the improvements. The drainage plans and calculations shall indicate the following conditions before and after development.

Quantities of water, water flow rates, major water courses, drainage areas and patterns, diversions, collection systems, flood hazard areas, sumps and drainage courses.

52. Protection From Flooding

That prior to Zoning Clearance, the developer shall submit to the City of Moorpark for review and approval evidence that all the buildable sites will be protected from flooding.

53. Watercourse Encroachment Permit

That prior to any work being conducted within Arroyo Simi flood plain, the developer shall obtain a Ventura County Flood Control District Watercourse Encroachment Permit.

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54. Maintenance of Landscaping and Irrigation

That prior to Zoning Clearance, the developer shall submit to the City of Moorpark for review and approval evidence that the developer will provide for the maintenance of landscaping and irrigation on private property as well as in the public right-of-way.

55. Bonding for Traffic Signal System

Prior to Zoning Clearance, the developer shall bond for the full cost necessary to improve the traffic signal system at Moorpark Road and New Los Angeles Avenue to add northbound advance vehicle detection, as well as northbound and southbound left turn phasing. These improvements shall be made by the developer when deemed necessary by the City Engineer. However, if these improvements are not needed within a three year period following full occupancy, the bond shall be exonerated.

56. Street Lighting

Developer shall pay all energy costs associated with street lighting for a period of one year from the initial energizing of the street lights.

57. Signs

Developer shall post appropriate signs to prohibit left turns out of the driveway fronting New Los Angeles Avenue(Highway 23).

58. POLICE DEPARTMENT CONDITIONS

If any private and/or public events(weddings, receptions, barmitsvahs, special private/public functions, dances/DJS) are held on the premise of the restaurant with the fixed bar, a permit must be obtained by the City of Moorpark.

59. Construction Site Security

A licensed security guard is recommended during the construction phase, or a 6' high chainlink fence will be erected around the construction site.

Construction equipment, tools, ect. will be properly secured during nonworking hours.

All appliances(microwave ovens, dishwashers, trash compactors, ect.) will be properly secured prior to installation during nonworking hours. Serial numbers will be recorded for identification purposes.

If an alarm system is used, it should be wired to all exterior doors, windows, and to any roof vents or other roof openings where access may be made.

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60. Lighting

Parking lots will be well lighted with a minimum maintained one-foot candle of light at ground level.

Lighting devices will be protected against the elements and constructed of vandal resistant materials.

Lighting devices shall be of sufficient height to prohibit potential vandalism.

Lighting plans showing type and location of all lighting devices for all structures will be submitted to the Police Department for review and approval.

61. Landscaping

Landscaping will not cover any exterior door or window.

Landscaping at entrances/exits or at any intersection within the parking lot, will not block or screen the view of a seated driver from other moving vehicles or pedestrians.

Landscaping(trees) will not be placed directly under any overhead lighting which could cause the loss of light at ground level.

Landscaping plans will be submitted to the Police Department for review and approval.

62. Building Access and Visibility

Address will be clearly visible to approaching emergency vehicles and mounted against contrasting color.

Address numbers will be a minimum of 6" in height and illuminated during the hours of darkness.

Front door entrances will be visible from the street or parking lot areas.

63. On/Off Street Parking

No parking signs shall be placed along the south curb line of Los Angeles Avenue between the corner of Los Angeles Avenue between the corner of Moorpark Road and Los Angeles Avenue(s/e corner) and continue east to the north exit driveway of the shopping center.

64. Street Circulation

Driveways or streets within the parking lot area will be wide enough so as to keep the circulation moving smoothly. The main thoroughfare located in front of the shopping center should be 30' wide. This should also apply to the entrance thoroughfare off of Los Angeles Avenue.

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APPLICANT:  
DATE:

PD-966  
Major Mod. 89-1  
Mash Associates  
August 2, 1989  
Page 13

65. Building Design

All exterior doors will be constructed of solid wood core minimum of 1.75" thick or of metal construction. This does not apply to front entrance doors normally constructed with glass.

Doors utilizing a cylinder lock shall have a minimum five(5) pin tumbler operation with the locking bar or bolt extending into the receiving guide a minimum of one inch.

Exterior sliding glass doors or windows will be equipped with metal guide tracts at the top and bottom and be constructed so that the window cannot be lifted from the tract when in the closed position.

There will not be any easy exterior access to the roof area(ie. ladders, trees, high walls, ect.)

Upon occupancy by the owner or proprietor, each single unit in a tract or commercial development, constructed under the same general plan, shall have locks using combinations which are interchangeable free from locks used in all separate dwellings, proprietorships, or similar distinct occupancies.

A:CDPD966.RFT



# City of Moorpark

COMMUNITY DEVELOPMENT DEPARTMENT: PLANNING – BUILDING AND SAFETY – CODE COMPLIANCE

799 Moorpark Avenue, Moorpark, California 93021 (805) 517-6200 fax (805) 532-2540

June 2, 2011

Dan Lorenzon  
12226 Coast Drive  
Whittier, CA 90601

With copy to:  
Moorpark Plaza Family Partners  
10701 Wilshire Blvd. PH-A  
Los Angeles, CA 90024

**Subject: PERMIT ADJUSTMENT NO. 3 TO PLANNED DEVELOPMENT NO. 966 TO ALLOW ARCHITECTURAL ENHANCEMENTS TO AN EXISTING BUILDING (PREVIOUSLY WENDY'S RESTAURANT) LOCATED AT 520 LOS ANGELES AVENUE ON THE APPLICATION OF DAN LORENZON (POPEYE'S LOUISIANA KITCHEN)**

Dear Mr. Lorenzon:

We have completed our review of your request for a Permit Adjustment. Any change which would not alter any of the findings pursuant to this title, nor any findings contained in the environmental document prepared for the permit and would not have any adverse impact on surrounding properties, may be deemed a Permit Adjustment and acted upon by the Community Development Director or designee without a hearing.

Findings Pursuant to Title 17, Chapter 17.44 of the Municipal Code:

1. The revisions referenced above will not alter any of the findings of the original approval of Planned Development No. 966.
2. The proposed revisions will not alter any of the findings in the environmental document prepared for Planned Development No. 966 and will have no adverse impacts on the environment.
3. The proposed revisions will not have any adverse impact on surrounding properties.
4. The requested Permit Adjustment application meets the submittal criteria set forth in the Municipal Code.

Approval of Application

The Community Development Director has determined, based upon a review of the proposed project, a review of Planned Development No. 966, the requirements of the Zoning Ordinance and the above findings that this request for a Permit Adjustment is hereby APPROVED subject to the following conditions:

## CC ATTACHMENT 2

1. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit is deemed to be acceptance of all conditions of this permit.
2. The Conditions of Approval of this permit, City of Moorpark Municipal Code and adopted city policies at the time of the permit approval supersede all conflicting notations, specifications, dimensions, typical sections and the like which may be shown on plans.
3. Conditions of this entitlement may not be interpreted as permitting or requiring any violation of law or any unlawful rules or regulations or orders of an authorized governmental agency.
4. The applicant 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 permit, 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 applicant 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 applicant 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 applicant shall not be required to pay or perform any settlement of such claim, action or proceeding unless the settlement is approved by the applicant. The applicant's obligations under this condition shall apply regardless of whether a building permit is ultimately obtained, or final occupancy is ultimately granted with respect to the permit.
5. 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.
6. All necessary permits shall be obtained from the Building and Safety Division and all construction shall be in compliance with the Moorpark Building Code and all other applicable regulations.
7. If any of the conditions or limitations of this approval are held to be invalid, that holding will not invalidate any of the remaining conditions or limitations set forth.
8. Prior to the issuance of a Zoning Clearance for tenant occupancy, an occupancy inspection shall be completed by the Building and Safety Department.
9. Prior to the issuance of a Zoning Clearance for tenant occupancy, the prospective tenant shall obtain a Business Registration from the City of Moorpark. All contractors doing work in Moorpark shall have or obtain a current Business Registration.
10. Prior to the issuance of a Zoning Clearance for tenant occupancy, the applicant shall submit a Developer Waste Reduction and Recycling Plan to the satisfaction of the Community Services Administrative Specialist.

11. A separate sign permit application is required for all proposed signs; all signs must be consistent with any approved master sign program for the shopping center, which is subject to the review and approval of the Community Development Director.
12. All exterior materials and colors must be consistent with the approved plans and specifications approved for the project under this permit adjustment and on file with the Community Development Department.
13. The applicant shall provide a sample of the proposed awning color for review and approval by the Community Development Director, prior to issuance of a Zoning Clearance for a building permit. Awning construction must be permanent (non-retractable). No signs or banners may be printed on, embroidered on, or attached to in any way any part of the awning.
14. Outdoor lighting is subject to review and approval by the Community Development Director and must comply with Chapter 17.30 of the Zoning Code. All fixtures must have a full-cutoff design to avoid glare impacts.
15. Landscaping along the Los Angeles Avenue frontage shall be restored consistent with the attached landscape concept prior to occupancy.
16. The parking lot for the center shall be re-surfaced to the satisfaction of the Community Development Director prior to occupancy.
17. Prior to occupancy, "No Left Turn" signs shall be installed at appropriate locations at the Los Angeles Avenue driveway, consistent with Condition of Approval No. 57 of Resolution No. 1989-614, approving Planned Development No. 966. Such sign installation shall be subject to the review and approval of the Community Development Director and the City Engineer.
18. All Conditions of Approval for Planned Development No. 966 are incorporated by reference in this approval letter and shall continue to apply unless specifically modified by this permit.
19. The Permit Adjustment No. 3 to Planned Development No. 966 approval will expire one (1) year from the effective date, if construction with a valid Building Permit has not commenced within that time.
20. Within 90 days of project approval, a solid roof and new opaque gates, subject to the satisfaction of the Community Development Director, shall be installed on the trash enclosure closest to the restaurant.
21. Within 90 days of project approval, the property owner shall remove the raised median at the Spring Road Driveway, and install striping to create one ingress lane and two egress lanes (one through/left turn, and one right turn only), to the satisfaction of the City Engineer/Public Works Director and Community Development Director.
22. Prior to occupancy of the restaurant pad building, the property owner shall remove the raised median at the Los Angeles Avenue Driveway, and install striping including a painted median to create one ingress lane and one egress lane (right turn only), to the satisfaction of the City Engineer/Public Works Director and Community Development Director.

Dan Lorenzon  
June 2, 2011  
Page 4

23. Prior to occupancy of the restaurant pad building, the property owner shall enter into an agreement, subject to City Manager and City Attorney language approval, with the City to dedicate property along Los Angeles Avenue and Spring Road needed to complete Projects 8013 and 8026 in the City's adopted Capital Improvement Plan, including any permanent or temporary easements needed to implement the projects.
24. The property owner shall allow for the City to reduce the driveway width at Los Angeles Avenue to provide for one ingress lane and one egress lane consistent with City standards as part of the implementation of future roadway improvements to Los Angeles Avenue.

Please contact Joseph Fiss, Principal Planner, at (805) 517-6226, if you have any further questions.

Sincerely,

David Bobardt,  
Community Development Director

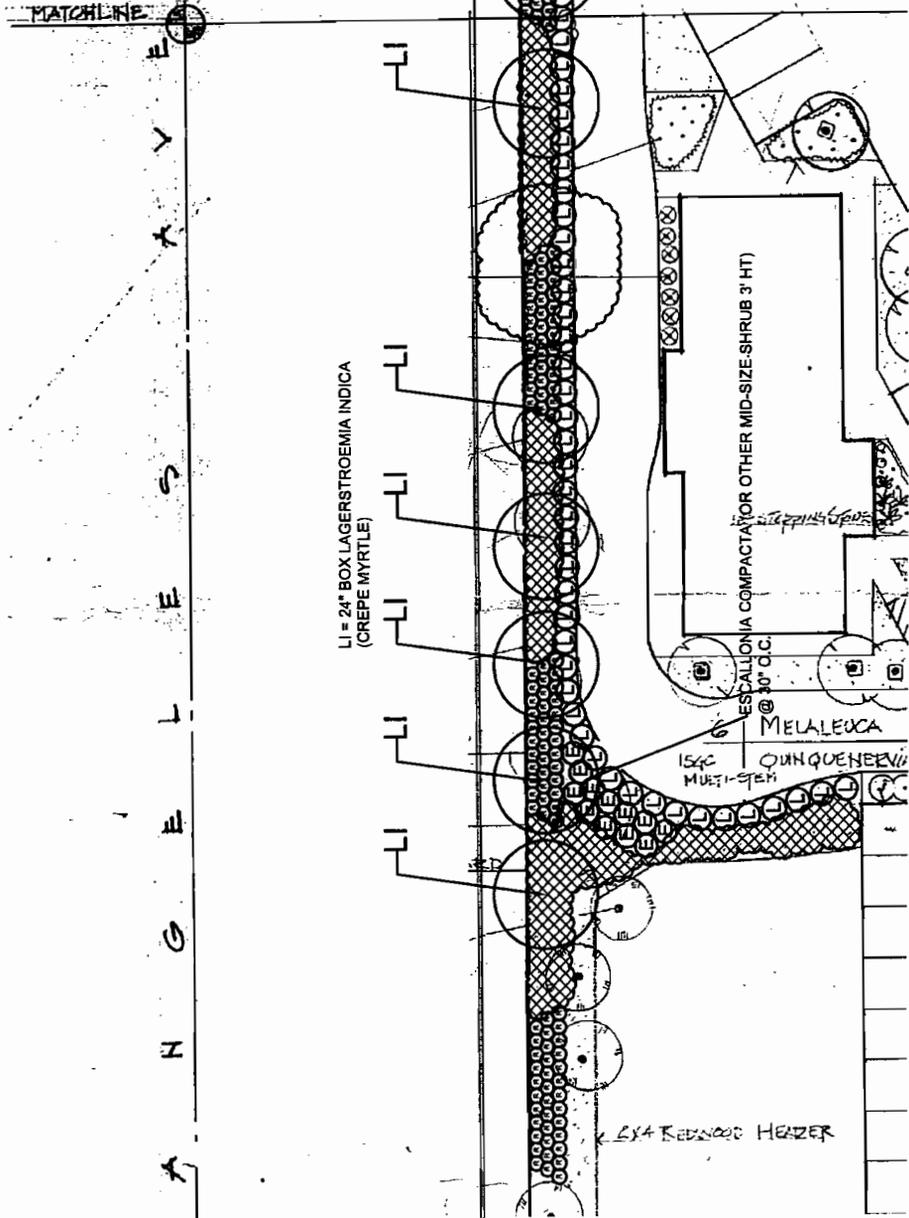
Attachment: Landscape Concept

c: Honorable City Council  
Honorable Planning Commission  
Steven Kueny, City Manager  
Building and Safety Division  
Case File (PA No. 3 to PD No. 966)  
Chron

NOTE: 2" DEPTH SHREDDED BARK MULCH SHALL BE INSTALLED WITHIN ENTIRE PLANTING AREAS.

CONTRACTOR SHALL REMOVE EXCESSIVE SOIL. PLANTER SHALL BE MIN. 1" BELOW FINISH GRADE OF SIDEWALK AND ALL ADJACENT HARDSCAPE SURFACES.

EXISTING SPRAY HEADS SHALL BE RETROFITTED WITH 12" POP-UPS WITH LOW GALLONAGE SPRAY NOZZLES (PER CITY OF MOORPARK LANDSCAPE DESIGN STANDARDS AND GUIDELINES) TO ALLOW FOR ADEQUATE COVERAGE OF GROUND COVER AND SHRUB PLANTERS.



1 GALLON RHAPHIOLEPIS 'BALLERINA' (DWARF INDIA HAWTHORN) @ 24" O.C.

1 GALLON TRACHELOSPERMUM JASMINOIDES (STAR JASMINE) OR ROSMARINUS O. 'PROSTRATUS' (ROSEMARY) @ 30" O.C.

LI = 24" BOX LAGERSTROEMIA INDICA (CREPE MYRTLE)

UP 24" BOX ULMIUS PARVIFOLIA (CHINESE ELM)

CONTINUE PLANT LAYOUT THE LENGTH OF LOS ANGELES AVENUE TO THE EASTERLY PROPERTY LINE (ADJACENT TO THE WOOD RANCH RESTAURANT)

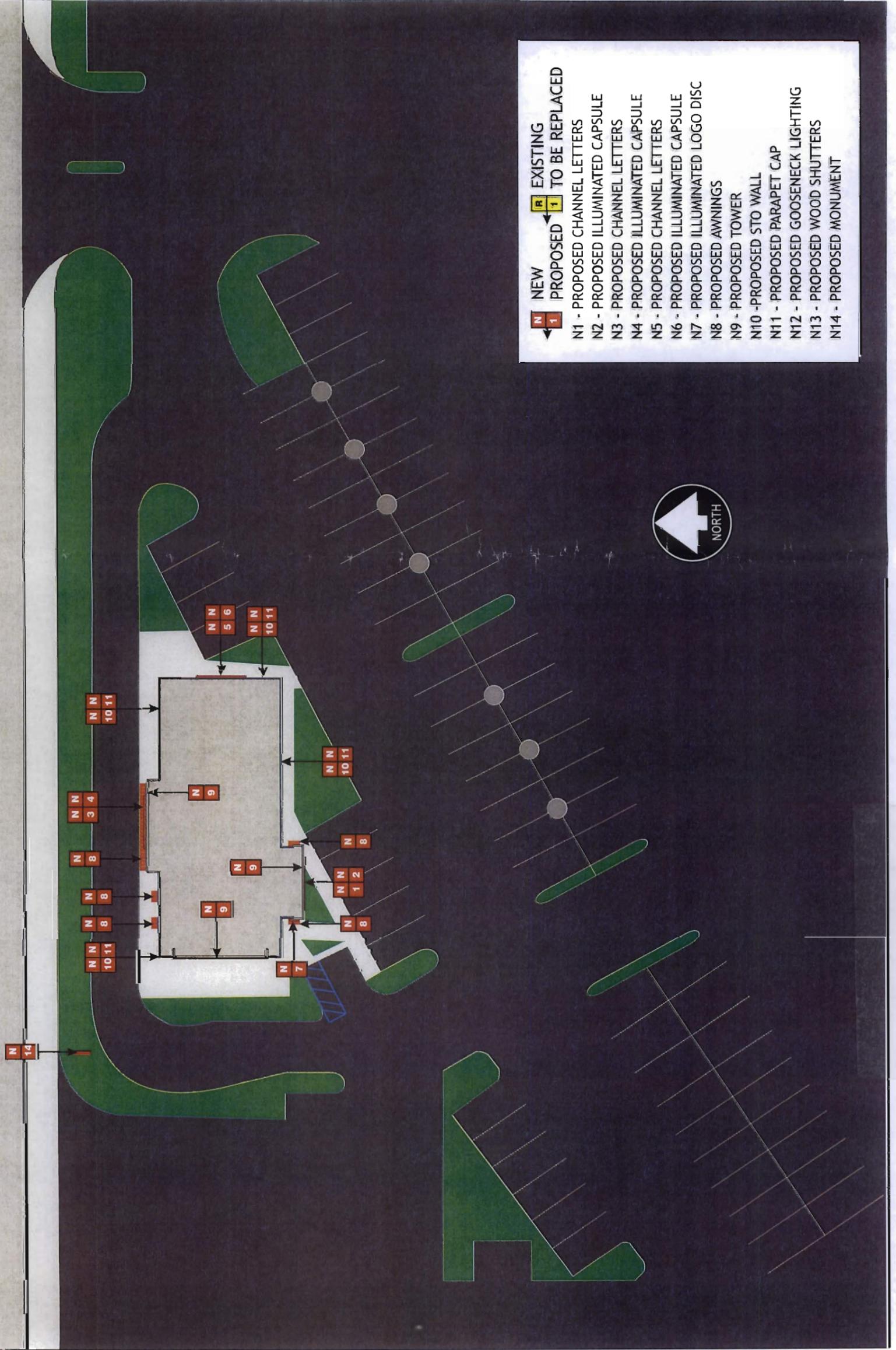
(1) GALLON HEMEROCALLIS HYBRID (DAY LILY) @ 24" O.C.

(1) GALLON TULBAGHIA 'VARIEGATA' (VARIEGATED SOCIETY GARLIC) @ 24" O.C.

5-GALLON LIGUSTRUM JAPONICUM (JAPANESE PRIVET) AT 3.5' O.C. ENTIRE LENGTH CONTRACTOR SHALL MAINTAIN A 36" HT. HEDGE IN FRONT OF ALL DRIVE ISLES AND PARKING SPACES.

A. SITE PLAN

# Los Angeles Avenue



- N** NEW
- R** EXISTING
- 1** PROPOSED TO BE REPLACED
- N1 - PROPOSED CHANNEL LETTERS
- N2 - PROPOSED ILLUMINATED CAPSULE
- N3 - PROPOSED CHANNEL LETTERS
- N4 - PROPOSED ILLUMINATED CAPSULE
- N5 - PROPOSED CHANNEL LETTERS
- N6 - PROPOSED ILLUMINATED CAPSULE
- N7 - PROPOSED ILLUMINATED LOGO DISC
- N8 - PROPOSED AWNINGS
- N9 - PROPOSED TOWER
- N10 - PROPOSED STO WALL
- N11 - PROPOSED PARAPET CAP
- N12 - PROPOSED GOOSENECK LIGHTING
- N13 - PROPOSED WOOD SHUTTERS
- N14 - PROPOSED MONUMENT



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 Fax: (562) 949-5707  
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**C11-02-0053R9**

PAGE NO.:  
**2** OF **14**

CLIENT:  
**POPEYES**

ADDRESS:  
 520 New Los Angeles Avenue,  
 Moorpark, CA

CONTRACT:  
 \*\*\*\*\*

DATE:  
 -----

SALES REP:  
**DAN LORENZON**

DESIGNER:  
**JOSE SORIA**

REVISION DATE:  
**04/26/2011**

REVISION BY:  
**NICK MORA**

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**B. ELEVATIONS**

(P)



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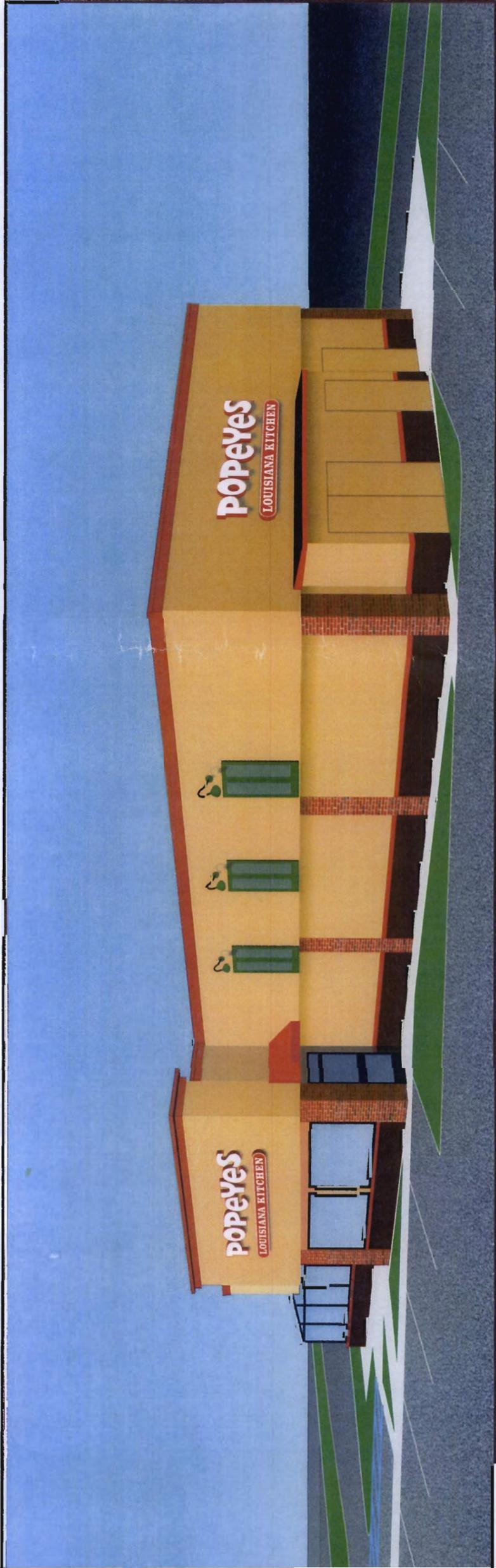
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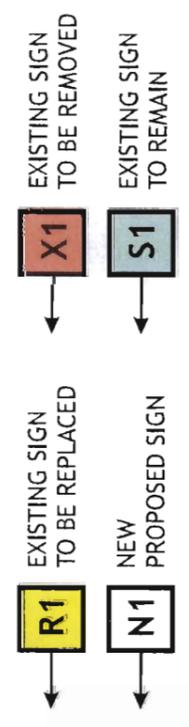
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S C H E D U L E

- N1 - PROPOSED CHANNEL LETTERS
- N2 - PROPOSED ILLUMINATED CAPSULE
- N3 - PROPOSED CHANNEL LETTERS
- N4 - PROPOSED ILLUMINATED CAPSULE
- N5 - PROPOSED CHANNEL LETTERS
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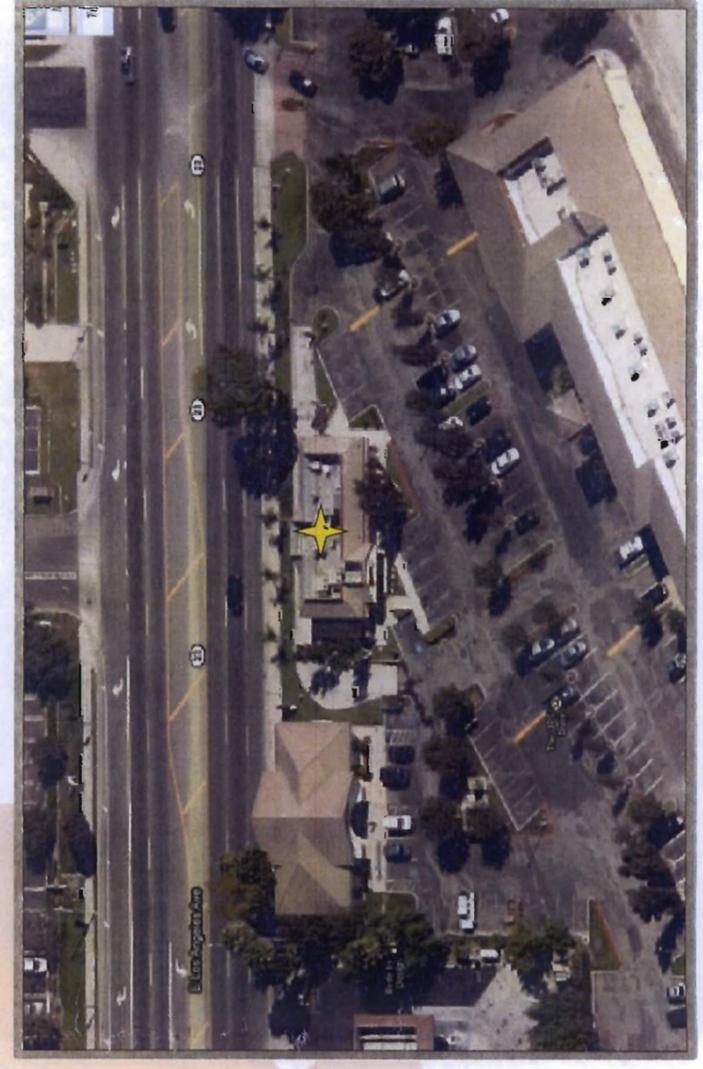
L E G E N D



VICINITY MAP



Not To Scale



AERIAL PHOTO



Not To Scale

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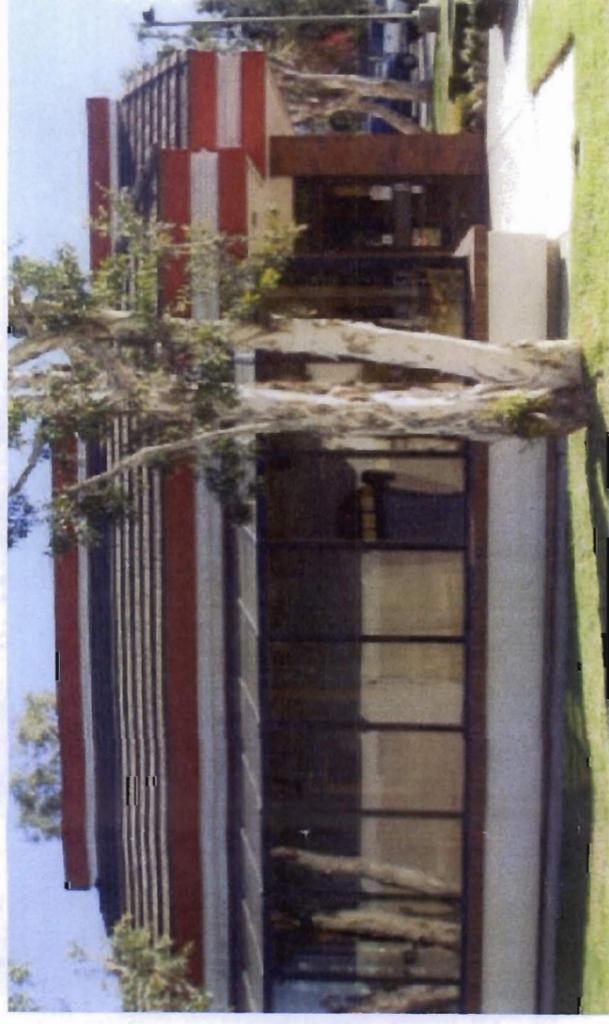
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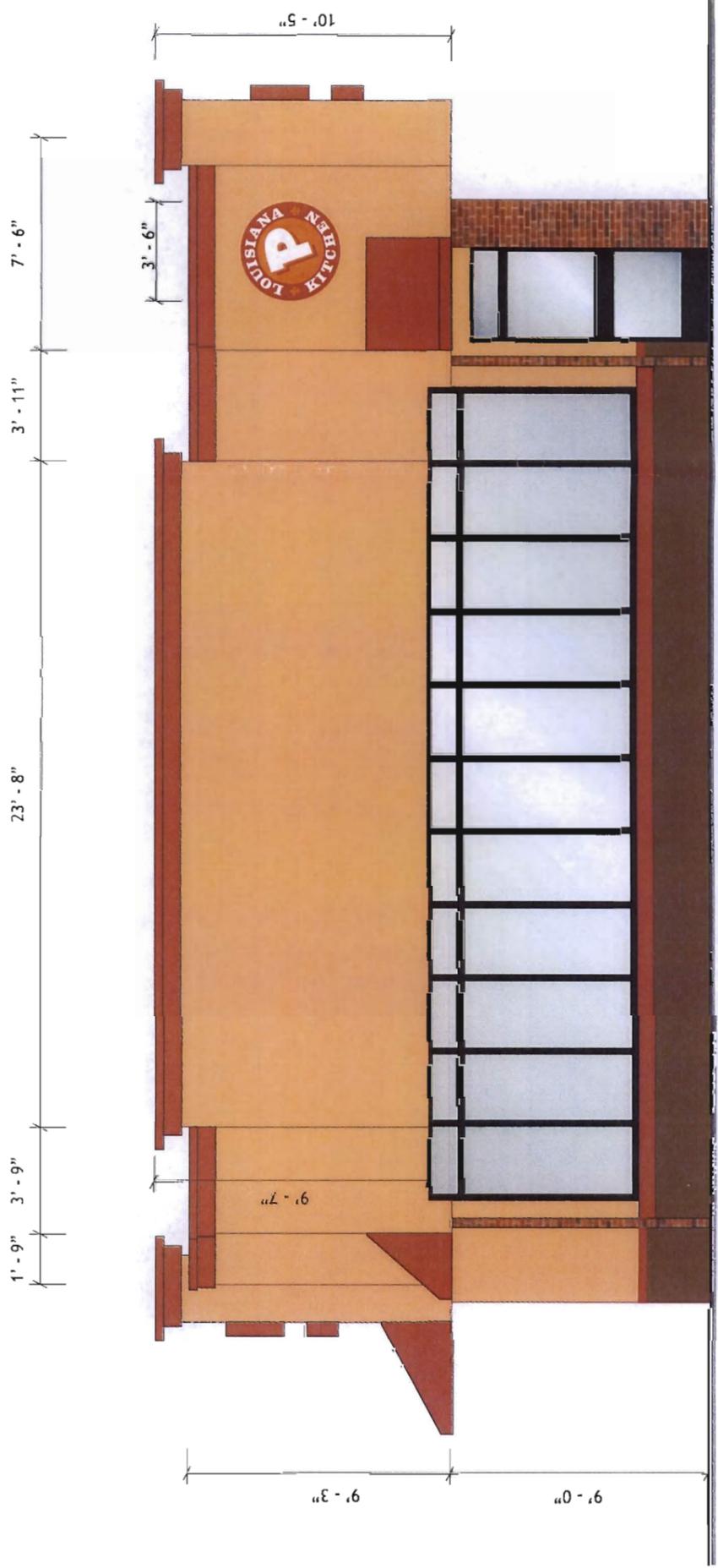
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EXISTING CONDITION

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-  Benjamin Moore™ 2158-40 Golden Mist
-  Benjamin Moore™ 2107-20 Mocha Brown
-  Benjamin Moore™ 2040-10 Rainforest Foliage



WEST ELEVATION

Scale: 3/16" = 1'-0"



Benjamin Moore™ 2086-10 Exotic Red

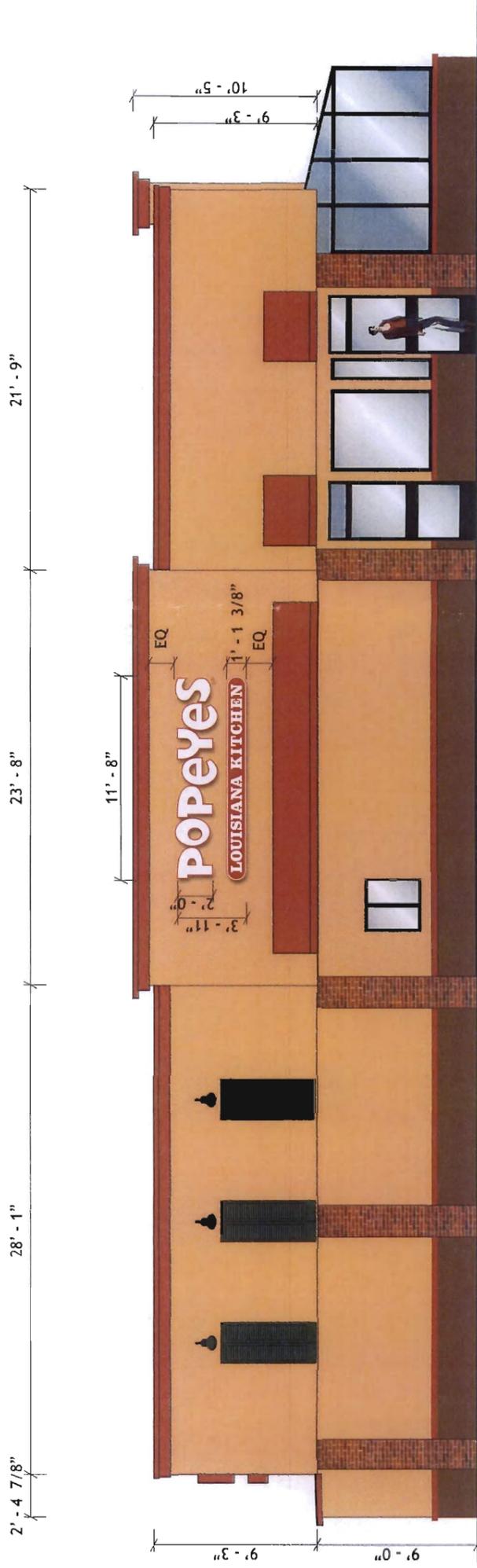
Benjamin Moore™ 2158-40 Golden Mist

Benjamin Moore™ 2107-20 Mocha Brown

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EXISTING CONDITION



NORTH ELEVATION



Scale: 1/8" = 1'-0"



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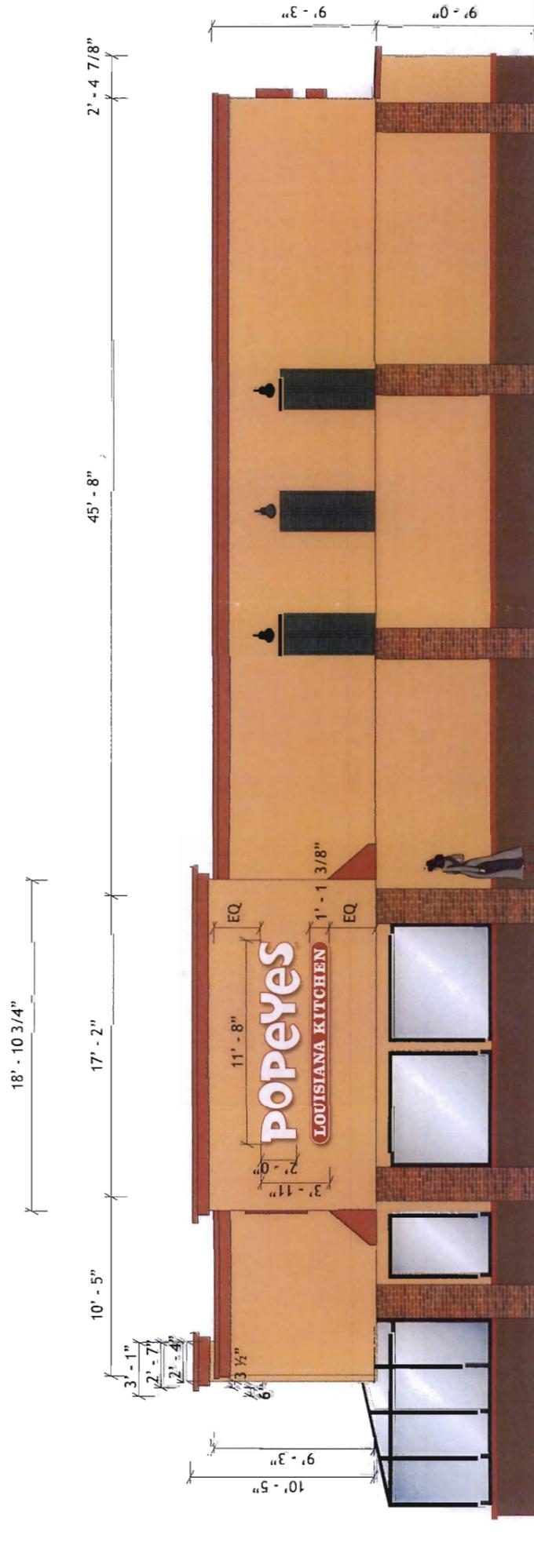
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SOUTH ELEVATION

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**POPEYES**  
LOUISIANA KITCHEN

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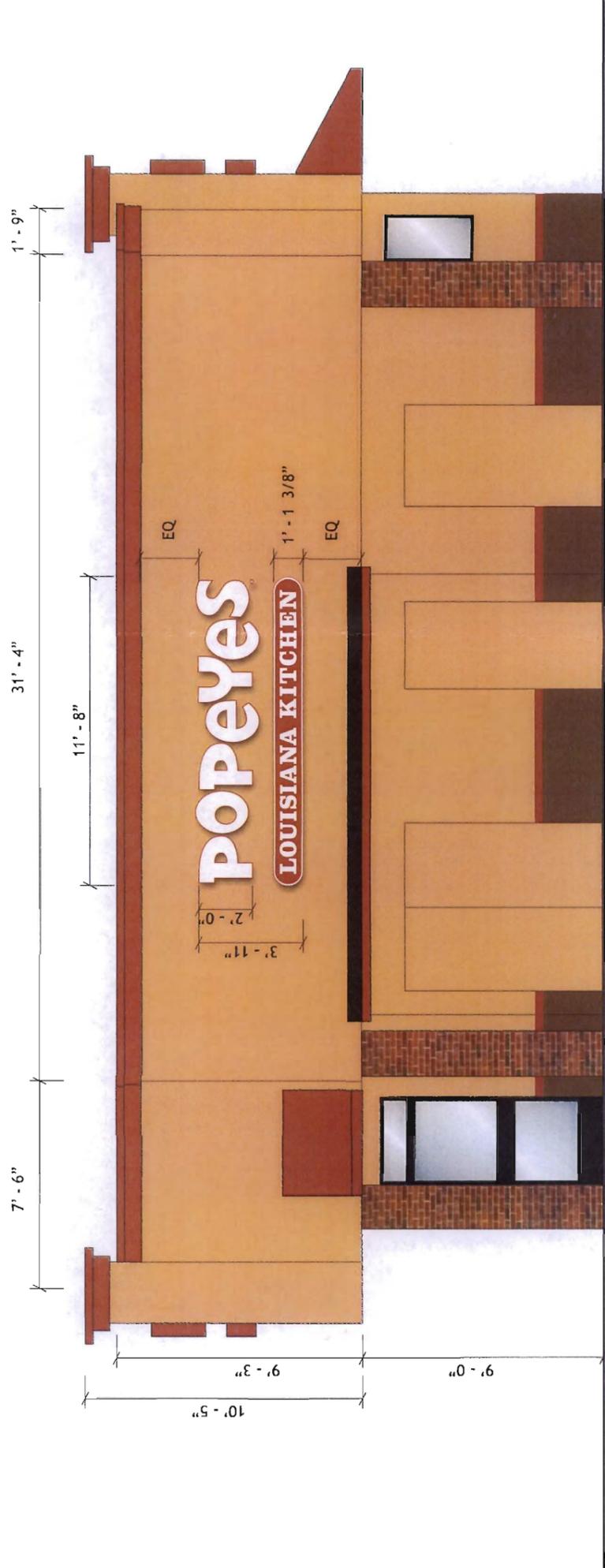
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EAST ELEVATION

Scale: 3/16" = 1'-0"