

**MOORPARK CITY COUNCIL
AGENDA REPORT****TO: Honorable City Council****FROM: Barry K. Hogan, Community Development Director**
Prepared By: Joseph Fiss, Principal Planner **DATE: June 6, 2006 (CC Meeting of 6/21/2006)****SUBJECT: Consider Commercial Planned Development No. 2005-01 to Allow Construction of a 25,522 Square Foot Office Building on a 1.6 Acre Parcel Located on the South Side of Los Angeles Avenue, West of Leta Yancy Road, on the Application of Abdy Khorramian, Architect****BACKGROUND**

On February 17, 2005, an application for Commercial Planned Development Permit No. 2005-01 was submitted for construction of an office building on a 1.6 acre parcel located on the south side of Los Angeles Avenue, west of Leta Yancy Road. The applicant is proposing 25,522 square feet of floor area in two stories, with surface parking. On May 23, 2006, the Planning Commission adopted Resolution PC-2006-501, recommending approval of the project to the City Council.

DISCUSSION

A full analysis of this project is provided in the attached May 23, 2006 Planning Commission agenda report. The Planning Commission's discussion focused on architectural details. The Planning Commission recommended approval of the overall architectural design, but directed the applicant to work with staff on slight revisions to the elevations and site plan. Specifically, the architect was directed to modify the tower element, change the quoins from limestone to brick, to create a more symmetrical parking lot design, and to ensure that the site plan, parking spaces, aisles, and landscaping comply with City and State requirements.

Most of these requirements will be resolved during the plan check process, and no further conditions of approval related to building design are required. However, subsequent to Planning Commission recommendation, several special conditions have

been added and standard conditions enhanced to provide consistency with other similar projects recently approved by the City Council. The changes include:

Special Condition #

14. Regarding a drainage and access easement was eliminated because it was a duplicate of #15, which is now #14.
16. Now #15, regarding NPDES facilities was modified to clarify approval authority.
17. Now # 16, regarding hours of operation, was modified to be consistent with the conditions for the recently approved office building on Park Lane south of Los Angeles Avenue.
20. Was added to require a tri-party agreement for the maintenance of the parkway landscaping along Los Angeles Avenue.
21. Was added to prohibit left turns from the project to Los Angeles Avenue and from Los Angeles Avenue to the project.
22. Was added to require written acknowledgement of the left turn restrictions to and from Los Angeles Avenue.
23. Was added regarding Federal Emergency Management Agency (FEMA) requirements for construction in a 100-year floodplain.
24. Was added to require a minimum outside turning radius of forty-five feet (45').

Standard Condition #

5. Was modified to clarify implementation of a Mitigation Monitoring Report and Program (MMRP) if required.
7. Was added to require a Paleontological Mitigation Plan if deemed necessary by the Community Development Director.
20. Now #21, was modified to adjust the Citywide Citywide Traffic Fee to \$29,700 per acre, consistent with recent indexing factors.
26. Now #27, regarding compliance with Assembly Bill 3158 for the management and protection of Statewide Fish and Wildlife was modified to clarify requirements based on type of environmental document prepared for a project.

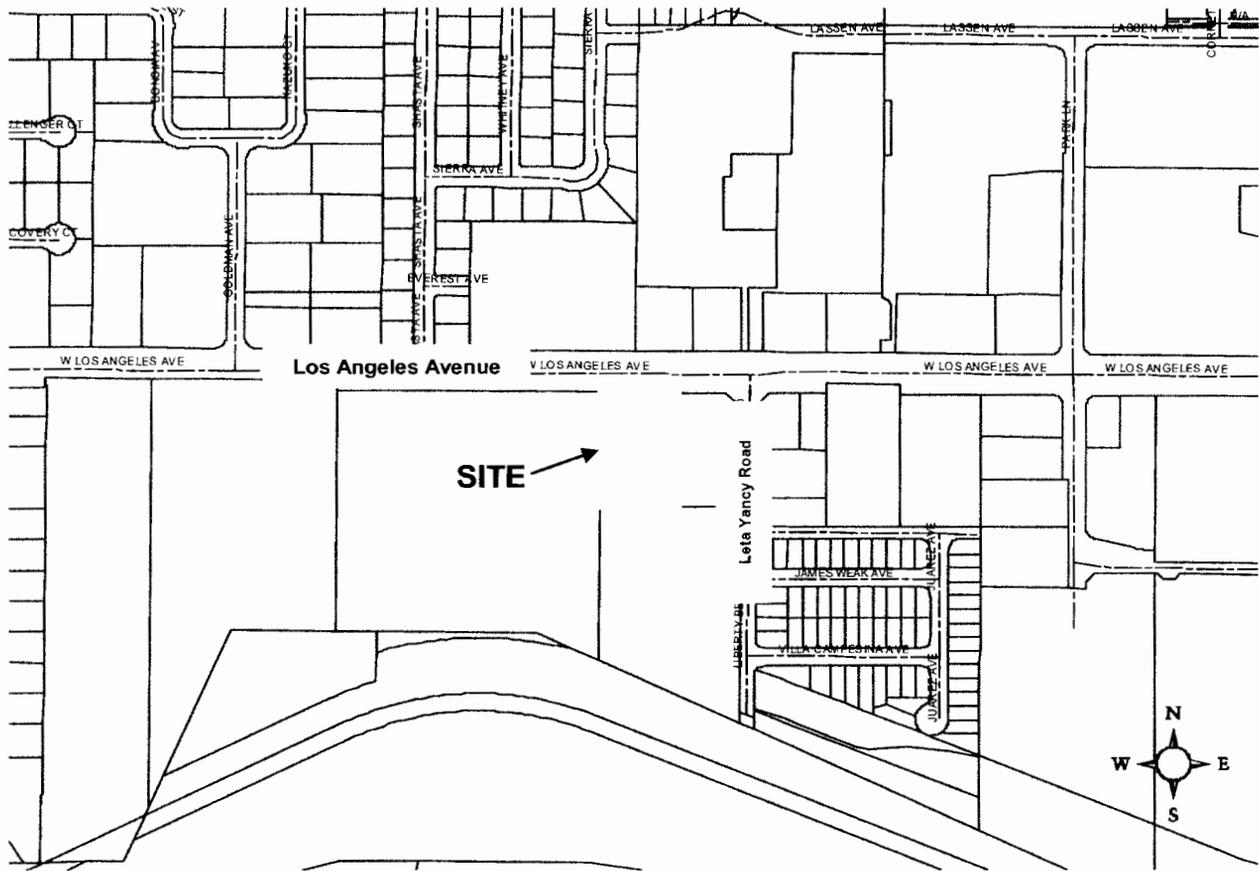
STAFF RECOMMENDATION

1. Open the public hearing, take public testimony and close the public hearing.
2. Adopt Resolution No. -2006-____ approving Commercial Planned Development Permit No. 2005-01.

Honorable City Council
June 21, 2006
Page 3

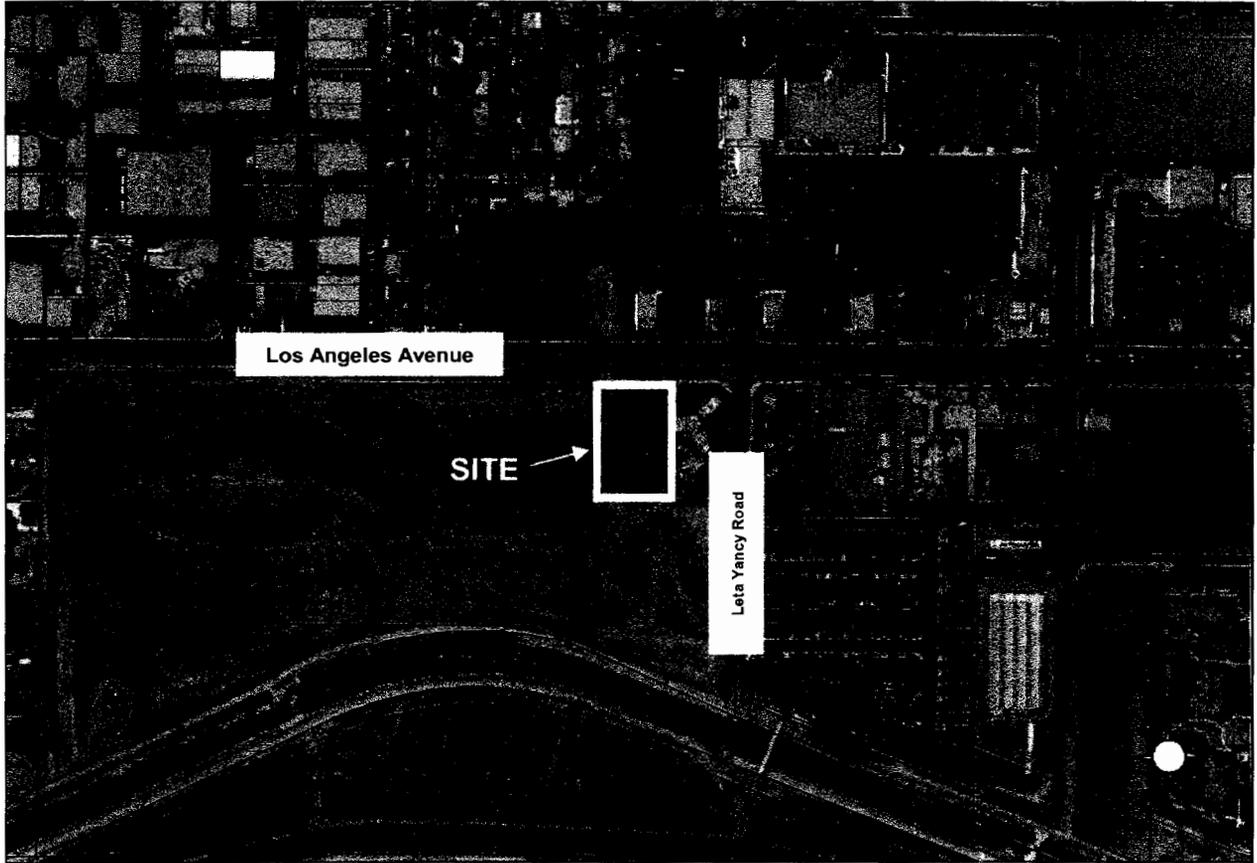
ATTACHMENTS:

1. Location Map
2. Aerial Photograph
3. Project Exhibits
4. May 23, 2006 Planning Commission Agenda Report (w/o attachments)
5. Draft Resolution with Conditions of Approval



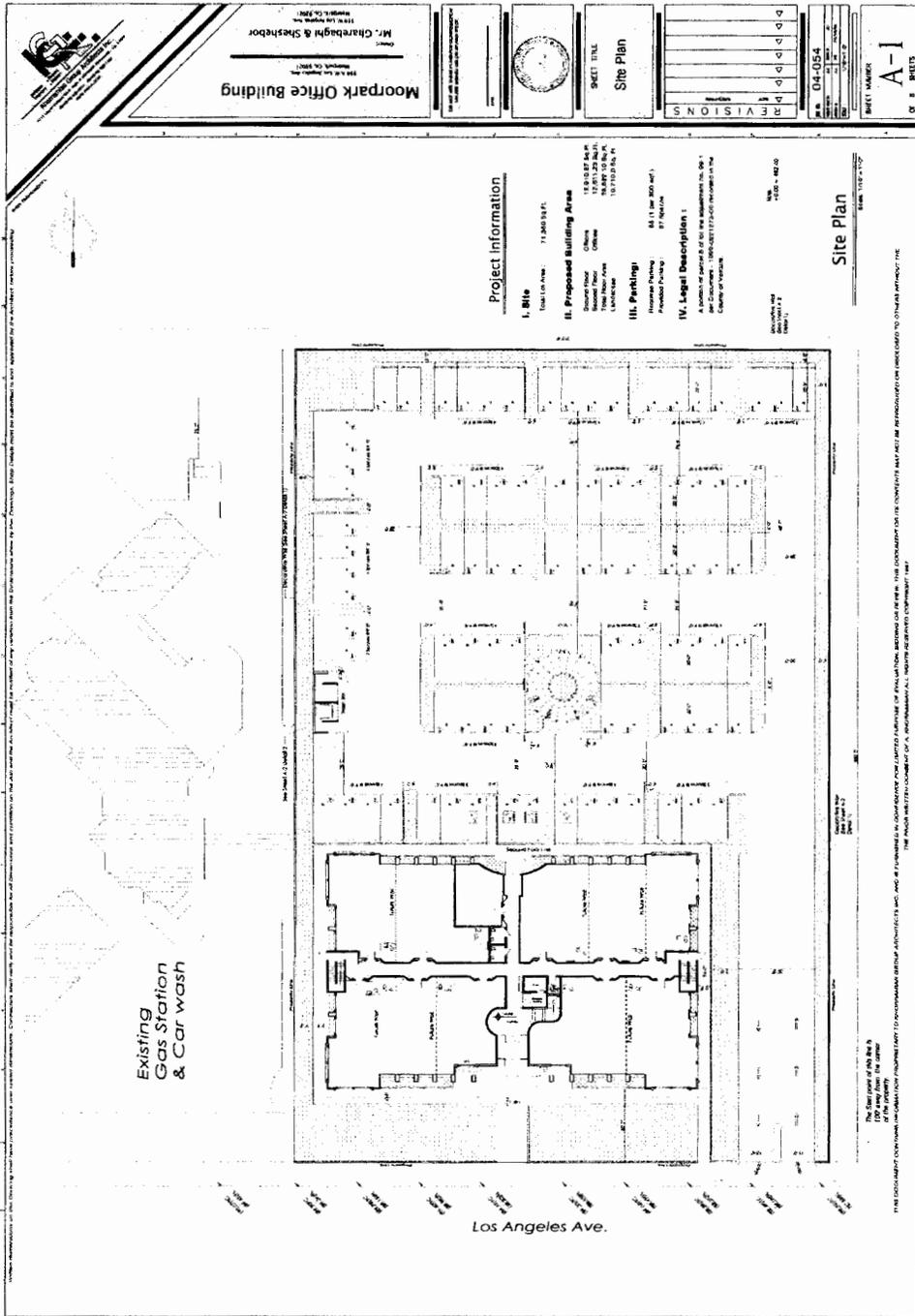
LOCATION MAP

CC ATTACHMENT 1



AERIAL PHOTOGRAPH

CC ATTACHMENT 2



Mr. Chereghat & Shesthor
 118 W. 1st Street
 Los Angeles, CA 90012

Moorpark Office Building

REVISIONS

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

04-054

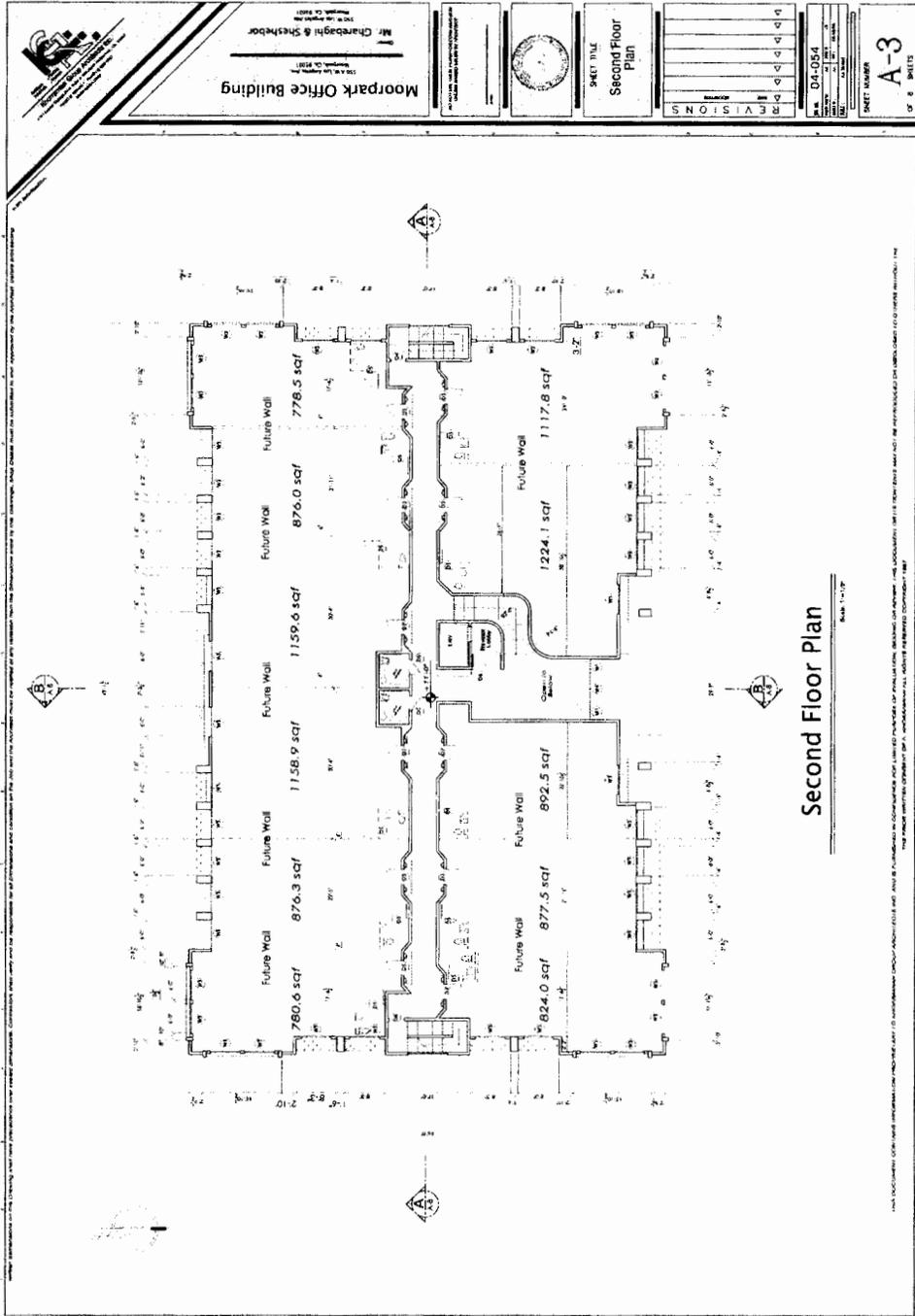
SHEET TITLE
 Site Plan

SHEET NUMBER
 A-1

OF 8 SHEETS

Site Plan

CC ATTACHMENT 3



Second Floor Plan

 <p>Mr. Charabagh & Shestehor 1000 N. Main Street Fresno, CA 93701 Tel: 559-233-1111</p>		<p>SHEET TITLE Second Floor Plan</p>	<p>REVISIONS</p> <table border="1"> <tr><th>NO.</th><th>DATE</th><th>DESCRIPTION</th></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	NO.	DATE	DESCRIPTION													<p>PROJECT NO. D4-054</p>	<p>SHEET NUMBER A-3 OF 6 SHEETS</p>
				NO.	DATE	DESCRIPTION														
<p>DATE PLOTTED: 11/11/10</p>																				



ELEVATION

000148

**MOORPARK PLANNING COMMISSION
AGENDA REPORT**

TO: Honorable Planning Commission

FROM: Barry K. Hogan, Community Development Director
Prepared by Joseph Fiss, Principal Planner



DATE: May 3, 2006 (PC Meeting of 5/23/06)

SUBJECT: Consider Commercial Planned Development No. 2005-01 to Allow Construction of an Approximately 25,500 Square Foot Office Building on a 1.6 Acre Parcel Located on the South Side of Los Angeles Avenue, West of Leta Yancy Road, on the Application of Abdy Khorramian, Architect

BACKGROUND

On February 17, 2005, an application for Commercial Planned Development Permit No. 2005-01 was submitted for construction of an office building on a 1.6 acre parcel located on the south side of Los Angeles Avenue, west of Leta Yancy Road. The applicant is proposing 25,522 square feet of floor area in two stories, with surface parking.

DISCUSSION

Project Setting

Existing Site Conditions:

The existing site is a relatively flat, unimproved parcel. The immediate southeast corner of Los Angeles Avenue and Leta Yancy Road is developed with an existing gas station and car wash. Vegetation on the site consists of brush and weeds.

Previous Applications:

An application for Commercial Planned Development Permit No. 2000-02 for a 2,868 square foot Jack-in-the-Box Restaurant with drive-through service and a 17,196 square foot two-story retail/office building was submitted for this site, but subsequently withdrawn by the applicant, prior to final City Council action.

CC ATTACHMENT 4

GENERAL PLAN/ZONING			
Direction	General Plan	Zoning	Land Use
Site	<u>C-2</u>	<u>CPD</u>	<u>Unimproved</u>
North	<u>C-2</u>	<u>CPD</u>	<u>Shopping Center and Unimproved Lot</u>
South	<u>V-H</u>	<u>RPD</u>	<u>Unimproved/Approved for Residential Development</u>
East	<u>C-2</u>	<u>CPD</u>	<u>Gas Station/Car Wash</u>
West	<u>V-H</u>	<u>RPD</u>	<u>Unimproved/Approved for Residential Development</u>

General Plan and Zoning Consistency:

The Zoning Ordinance requires City Council approval of the Commercial Planned Development Permit for this project. The applicant's proposal is allowed in the CPD (Commercial Planned Development) Zoning Classification and the C-2 (General Commercial) General Plan Designation.

Proposed Project

Architecture:

The architecture of the building is contemporary, with classic materials and finishes, such as limestone and brick veneered walls and columns, with quoins and decorative molding, and a tile-roofed tower element. This is appropriate for a stand-alone office building. Architecture and design is discussed further in the analysis section.

Setbacks:

The building is set back thirty feet from (30') from Los Angeles Avenue, the minimum required. Interior setbacks in the CPD zoned are determined on a project-by-project basis. Setbacks are discussed further in the analysis section

Circulation:

The one proposed driveway to and from Los Angeles Avenue will be restricted to right-in and right-out movements only. Circulation issues are further discussed in the Analysis Section below.

Parking:

Proposed Use	Building Area (sq.ft.)/(Parking Ratio)	Spaces Required	Spaces Proposed
Office	25,522	85	87

Parking is provided at the code required parking ratio of one space per three-hundred square feet of gross floor area (1:300). This ratio is appropriate for an office building such as this, regardless of the number of individual tenants. The parking space and aisle widths meet the minimums required by the code.

Landscaping/Lighting:

The City has adopted landscape guidelines for commercial developments. The applicant has proposed a landscape theme generally consistent with the guidelines and with the proposed Contemporary architecture. The landscape plan is subject to review by the City's landscape consultant, who will determine if the number and placement of all plant materials and irrigation is appropriate.

The applicant has provided a conceptual lighting plan. Lighting must be an integral part of the architectural design. Lighting must not be obscured by landscaping and must be consistent with the architecture of the buildings. The lighting plan is subject to review by the City's lighting consultant who will determine if the lighting is consistent with the City's requirements. An additional condition of approval has been added, requiring that lighting fixtures are architecturally compatible with the buildings and landscaping.

Site Improvements and National Pollution Discharge Elimination Standards Requirements (NPDES):

The City Engineer has conditioned the project to provide for all necessary on-site and off-site storm drain improvements including the imposition of National Pollution Discharge Elimination System (NPDES) requirements. "Passive" Best Management Practices Drainage Facilities are required to be provided so that surface flows are intercepted and treated on the surface over biofilters (grassy swales), infiltration areas and other similar solutions.

Air Quality:

All commercial/industrial projects are required to off-set air pollutants consistent with the 2003 Ventura County Air Quality Assessment Guidelines. Contribution to the Moorpark Traffic System Management Fund has been identified as a method to meet this requirement.

ANALYSIS

Issues

Staff analysis of the proposed project has identified the following areas for Planning Commission consideration in their recommendation to the City Council:

- Architecture
- Setbacks
- Circulation

Architecture:

The original building was designed with conventional colors and materials, including stucco walls and stack-stone veneered cladding. Initially, the applicant proposed stack-stone veneer cladding, however, during the review process, staff worked with the applicant on alternative exterior materials of brick and limestone, with quoins. Staff and the applicant, agree that the finishes currently proposed are superior because of their timelessness.

Consideration in the design has been given for location of business signs, although a sign program will be required as a condition of approval. Accessory structures (trash enclosures) have been designed to match the center architecturally, and include painted roll up doors to fully screen the trash bins.

Conditions of approval have been added that prohibit any visible roof ladders, equipment, vents, exterior drains and scuppers and require screening and landscaping of all ground mounted utility boxes. All gas, electric, and water meters must also be screened to the degree allowable by the utility companies, and subject to the review and approval of the Community Development Director.

A landscaped shade structure is proposed in the parking lot to provide a rest area for employees and customers, as well as to break up the monotony of the parking lot. Benches will be provided within this area. A condition of approval has been added to require the final design of the structure to be subject to the review and approval of the Community Development Director.

Setbacks:

By siting the building at the front setback, parking is de-emphasized and the architecture of the building and the streetscape is strengthened. The building is proposed to be located approximately thirteen feet (13') from the east property line in order to allow a sufficiently wide entry/exit driveway on the west side of the building, as far from the intersection of Los Angeles Avenue and Leta Yancy Drive as possible.

The thirty foot (30') front setback is the minimum required for properties fronting on Los Angeles Avenue. This distance allows the building to present a strong front elevation,

screen parking behind the building, while still providing good visibility to the adjacent service station/car wash on the east.

Circulation:

Access from Los Angeles Avenue will be restricted to right-in/right-out movements. This is acceptable for the proposed office use, which would generate considerably less traffic than retail or restaurant uses. The internal circulation has been designed to provide maximum access to parking spaces, circulation through the parking lot, and clearly marked pedestrian access through the parking lot. A condition of approval has been added that would require the applicant to provide a reciprocal access agreement with the property to the east, should it be determined by the City Engineer that an additional exit is required. This property, the Mobil Service station, is currently under the same ownership as the subject site.

Findings

Commercial Planned Development Permit Findings:

The following draft findings are provided for Planning Commission consideration:

- A. The site design, including structure location, size, height, setbacks, massing, scale, architectural style and colors, and landscaping, is consistent with the provisions of the general plan, any applicable specific plans, zoning ordinance, and other applicable regulations in that the proposed project meets or exceeds the Ordinance requirements for setbacks, parking, landscaping, and height, and meets or exceeds the existing General Plan and zoning designation requirements for the property.
- B. The site design would not create negative impacts on or impair the utility of properties, structures, or uses in the surrounding area in that the design sets the building back sufficiently so as not to impair the property to the west and does not affect the use of neighboring properties and buildings.
- C. The proposed uses are compatible with existing and permitted uses in the surrounding area in that the proposed building colors and architecture are designed to blend in with the other existing commercial buildings and the proposed buildings are located in such a manner so as not to cause problems with the use of the adjacent properties.

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: April 27, 2006
Planning Commission Action Deadline: n/a
City Council Action Deadline: July 26, 2006

ENVIRONMENTAL DETERMINATION

In accordance with the City's environmental review procedures adopted by resolution, the Community Development 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: In-Fill Development Projects) of the California Code of Regulations (CEQA Guidelines). No further environmental documentation is required.

STAFF RECOMMENDATION

1. Open the public hearing, accept public testimony and close the public hearing;
2. Adopt Resolution No. PC-2006-____ recommending to the City Council conditional approval of Commercial Planned Development Permit No. 2005-01.

ATTACHMENTS:

1. Location Map
2. Aerial Photograph
3. Site Plan
4. Ground Floor Plan
5. Second Floor Plan
6. Elevations
7. Draft PC Resolution with Conditions of Approval
8. Large Project Exhibits

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING COMMERCIAL PLANNED DEVELOPMENT NO. 2005-01 TO ALLOW CONSTRUCTION OF A 25,522 SQUARE-FOOT OFFICE BUILDING ON A 1.6 ACRE PARCEL LOCATED ON THE SOUTH SIDE OF LOS ANGELES AVENUE, WEST OF LETA YANCY ROAD, ON THE APPLICATION OF ABDY KHORRAMIAN, ARCHITECT

WHEREAS, on May 23, 2006, the Planning Commission adopted Resolution No. PC-2006-501, recommending conditional approval of Commercial Planned Development Permit No. 2005-01 for the construction of a 25,522 square-foot office building on a 1.6 acre parcel located on the south side of Los Angeles Avenue, west of Leta Yancy Road; and

WHEREAS, at a duly noticed public hearing held on June 21, 2006, 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 Community Development Director's determination that this project is Categorically Exempt from the provisions of CEQA pursuant to Section 15332 as a Class 32 exemption for in-fill development projects.

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

SECTION 1. PLANNED DEVELOPMENT FINDINGS: Based upon the information set forth in the staff report(s), accompanying studies, and oral and written public testimony, the Planning Commission makes the following findings in accordance with City of Moorpark, Municipal Code Section 17.44.030:

- A. The site design, including structure location, size, height, setbacks, massing, scale, architectural style and colors, and landscaping, is consistent with the provisions of the general plan, any applicable specific plans, zoning ordinance, and other applicable regulations in that the proposed project meets or exceeds the Ordinance requirements for setbacks, parking, landscaping, and height, and meets or exceeds the existing General Plan and zoning designation requirements for the property.
- B. The site design would not create negative impacts on or impair the utility of properties, structures, or uses in the surrounding area in that the design sets the

building back sufficiently so as not to impair the property to the west and does not affect the use of neighboring properties and buildings.

- C. The proposed uses are compatible with existing and permitted uses in the surrounding area in that the proposed building colors and architecture are designed to blend in with the other existing commercial buildings and the proposed buildings are located in such a manner so as not to impede the use of the adjacent properties.; and

SECTION 2. CITY COUNCIL APPROVAL: The City Council hereby approves Commercial Planned Development Permit No. 2005-01, 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 resolutions.

PASSED AND ADOPTED this 21st day of June, 2006.

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk

Attachment:

Exhibit A – Special and Standard Conditions of Approval for Commercial Planned Development Permit No. 2005-01

EXHIBIT A

**SPECIAL AND STANDARD CONDITIONS OF APPROVAL
FOR COMMERCIAL PLANNED DEVELOPMENT NO. 2005-01**

SPECIAL CONDITIONS

1. The landscape plan shall incorporate specimen size trees and other substantial features subject to the review and approval of the Community Development Director.
2. All landscaping and irrigation shall be installed prior to occupancy.
3. Lighting fixtures shall be architecturally compatible with the buildings and landscaping. Security and parking lot lighting shall not be attached to the buildings.
4. Visible roof ladders, equipment, vents, exterior drains and scuppers are not permitted.
5. Ground-mounted utility boxes and equipment shall be screened with landscaping subject to the review and approval of the Community Development Director.
6. All gas, electric, water and any other utility meters or boxes shall be screened to the degree allowable by the utility companies, and subject to the review and approval of the Community Development Director.
7. The proposed shade structure, benches, drinking fountain and landscaping shall be subject to review and approval of the Community Development Director.
8. The parking lot walkway shall be decorative concrete. The location, pattern, color, and design shall be subject to review and approval of the Community Development Director.
9. Prior to any construction work in or on Los Angeles Avenue, the applicant shall obtain all necessary permits from the California Department of Transportation Office of Permits.
10. All signage shall conform to the City's sign requirements and an approved sign program. A monument sign may be constructed consistent with the sign requirements and a sign program as approved by the Community Development Director.
11. Prior to the occupancy of the building the applicant shall form an Assessment District [herein "Back-Up District"] to fund future City costs, should they occur, for the maintenance of parkway landscaping on all public street frontages, median landscaping or drainage improvements previously maintained by a Private Responsible Party and then assumed by the City. If a Back-Up District is formed, it shall be the intent of the City to approve the required assessment each year, but to only levy that portion of the assessment necessary to recover any past City

costs or any anticipated City costs for the following fiscal year. In the event the City is never required to assume the maintenance of any such improvements maintained by a Private Responsible Party, the amount of the annual assessment actually levied upon the affected properties would be minor amount, possibly zero. The City shall administer the annual renewal of the Back-Up District and any costs related to such administration shall be charged to the Fund established for such district revenues and expenses. The aforementioned backup district may include the landscape setbacks including an irrevocable access easement given to the City.

12. During construction, perimeter lighting shall be installed at a minimum of 150 foot intervals and at height not less than fifteen feet (15') from the ground. The light source used shall have a minimum light output of 2,000 lumens, shall be protected by a vandal resistant cover, and shall be lighted during the hours of darkness. Lighting shall be installed subject to review and approval of the Community Development Director and Chief of Police.
13. Prior to the commencement of construction, including grading, fencing, not less than six feet (6') in height, which is designed to preclude human intrusion, shall be installed along the perimeter boundaries of the construction site and shall be secured with chain and Fire District padlocks for emergency vehicle access. Alternatively, a uniformed security guard, licensed pursuant to Chapter 11 of the Business and Professions Code of the State, shall be utilized to continually patrol the construction site during the hours when construction work has ceased.
14. If required by the City Engineer, prior to issuance of a grading permit, the Applicant shall provide an Irrevocable Offer of Dedication to the City of an easement for the purpose of providing ingress/egress access, drainage and parking to the adjacent property to the east. The City of Moorpark shall not assume any responsibility for the offered property or any improvements to the property until this action has been accepted by the City Council. If accepted by the City of Moorpark, this easement may be fully assignable to the property owner to the west of this property, as an easement appurtenant for parking, ingress/egress access purposes and all uses appurtenant thereto. The form of the Irrevocable Offer of Dedication and other required appurtenant documents required to satisfy the above requirements shall be to the satisfaction of the Community Development Director, City Engineer and the City Attorney.
15. On-site water detention area(s) shall not be so deep, or the sides so steep, as to require fencing, as determined by the Community Development Director and City Engineer, prior to issuance of a grading permit.
16. No specific hours of operation are established for the uses in this project; however, the Community Development Director shall have the authority to establish hours of operation through a Permit Adjustment when in his/her opinion limits on hours of operations are necessary to maintain compatibility with the adjacent residential uses. Any exterior maintenance, cleaning, sweeping and

landscape work may only be performed between 7:00 a.m. and 7:00 p.m. Monday through Saturday.

17. Loading and unloading operations are allowed only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Fridays. More restrictive hours for loading and unloading may be imposed by the Community Development Director if there are noise and other issues that make the loading and unloading incompatible with the adjacent residential uses. There shall be no idling of trucks while loading or unloading.
18. Final architectural and site plan design and detailing, including parking lot, landscaping and lighting design shall be subject to review and approval of the Community Development Director.
19. A landscaped parkway shall be provided between the street and the sidewalk. The design of said parkway and sidewalk will be subject to the review and approval of the Community Development Director, the City Engineer and California Department of Transportation Office of Permits.
20. Prior to the issuance of a Certificate of Occupancy for the first commercial space, the applicant shall enter into the standard Caltrans tri-party agreement for the maintenance of the parkway landscaping along Los Angeles Avenue.
21. Left turns to Los Angeles Avenue from the project and left turns from Los Angeles Avenue to the project are prohibited. The project driveway shall be posted for right turn in and right turn out only.
22. Prior the issuance of a Zoning Clearance for each tenant the Applicant shall provide the Community Development Director with a written acknowledgement that the both the owner and lessee are aware of and that they waive all rights to protest right turn in and right turn out restrictions. The written acknowledgement shall be in the form of an "Agreement for Access and Waiver," subject to the approval of the City Attorney and Community Development Director.
23. Submittal of a Federal Emergency Management Agency (FEMA) approved Conditional Letter of Map Revision (CLOMR) shall be required by the City Engineer prior to the issuance of any grading permit in a FEMA identified 100-year floodplain.
24. The access driveway on Los Angeles Avenue shall have a minimum outside turning radius of forty-five feet (45'), in lieu of the forty-foot (40') radius indicated per Condition No. 94.

STANDARD CONDITIONS

A. *The following conditions shall be required of all projects:*

GENERAL REQUIREMENTS

1. Within thirty (30) calendar days of approval of this entitlement, the applicant shall sign and return to the Planning Division an Affidavit of Agreement and Notice of Entitlement Permit Conditions of Approval, indicating that the applicant has read and agrees to meet all Conditions of Approval of this entitlement. The Affidavit of Agreement/Notice shall include a legal description of the subject property, and have the appropriate notary acknowledgement suitable for recordation.
2. This planned development permit shall expire one (1) year from the date of its approval unless the use has been inaugurated by issuance of a building permit for construction. The Community Development Director may, at his/her discretion, grant up to two (2) additional one-year extensions for use inauguration of the development permit, if there have been no changes in the adjacent areas and if the applicant can document that he/she has diligently worked towards use inauguration during the initial period of time. The request for extension of this planned development permit shall be made in writing, at least thirty (30) days prior to the expiration date of the permit and shall be accompanied by applicable entitlement processing deposits.
3. The Conditions of Approval of this entitlement and all provisions of the Subdivision Map Act, City of Moorpark Municipal Code and adopted City policies at the time of the entitlement approval, supersede all conflicting notations, specifications, dimensions, typical sections and the like which may be shown on said Map and/or plans.
4. Conditions of this entitlement shall not be interpreted as permitting or requiring any violation of law or any unlawful rules or regulations or orders of an authorized governmental agency.
5. If a Mitigation Monitoring Report and Program (MMRP) has been adopted, all mitigation measures required as part of an approved Mitigation Monitoring Report and Program (MMRP) for this project are hereby adopted and included as requirements of this entitlement. Where conflict or duplication between the MMRP and the Conditions of Approval occurs the Community Development Director shall determine compliance based on the measure is the strictest or provides the most favorable outcome for the City.
6. If any archeological or historical finds are uncovered during grading or excavation operations, all grading or excavation shall cease in the immediate area and the find shall be left untouched. The applicant shall assure the preservation of the site and immediately contact the Community Development Director informing the Director of the find. The applicant shall be required to obtain the services of a

qualified paleontologist or archeologist, whichever is appropriate to recommend disposition of the site. The paleontologist or archeologist selected shall be approved by the Community Development Director. The applicant shall pay for all costs associated with the investigation and disposition of the find.

7. **Paleontological Mitigation Plan:** If required by the Community Development Director, prior to issuance of a Zoning Clearance for a grading permit, a paleontological mitigation plan outlining procedures for paleontological data recovery shall be prepared and submitted to the Director of Community Development for review and approval. The development and implementation of this Plan shall include consultations with the Applicant's engineering geologist as well as a requirement that the curation of all specimens recovered under any scenario will be through the Los Angeles County Museum of Natural History (LACMNH), that unless a written directive is issued by the City of Moorpark within thirty (30) days of receipt of a report on the resources found all specimens will remain the property of LACMNH, and subject to their discretion. The monitoring and data recovery should include periodic inspections of excavations to recover exposed fossil materials. The cost of this data recovery shall be limited to the discovery of a reasonable sample of available material. The interpretation of reasonableness shall rest with the Director of Community Development.
8. 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 this entitlement approval, which claim, action or proceeding is brought within the time period provided therefore in Government Code Section 66499.37 or other sections of state law as applicable. 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 Final Map is ultimately recorded with respect to the subdivision or a building permit is issued pursuant to the planned development permit.

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. All facilities and uses, other than those specifically requested in the application and those accessory uses allowed by the Municipal Code, are prohibited unless otherwise permitted through application for Modification consistent with the requirements of the zone and any other adopted ordinances, specific plans, landscape guidelines, or design guidelines.

FEES

11. Entitlement Processing: Prior to the issuance of any Zoning Clearance, entitlement, building permit, grading permit, or advanced grading permit the applicant shall submit to the Community Development Department all outstanding entitlement case processing fees, including all applicable City legal service fees. This payment shall be made within sixty (60) calendar days of approval of this entitlement.
12. Condition Compliance: Prior to the issuance of any Zoning Clearance, building permit, grading permit, or advanced grading permit, the applicant shall submit to the Community Development Department the Condition Compliance review deposit.
13. Capital Improvements and Facilities, and Processing: Prior to the issuance of any Zoning Clearance, the applicant shall submit to the Community Development Department, capital improvement, development, and processing fees at the current rate in effect. Said fees include, but are not limited to building and public improvement plan checks and permits. Unless specifically exempted by City Council, the applicant is subject to all fees imposed by the City as of the issuance of the first permit for construction and such future fees imposed as determined by City in its sole discretion so long as said fee is imposed on similarly situated properties.
14. Parks: Prior to issuance of a Zoning Clearance for a building permit, the applicant shall submit to the Community Development Department Park and Recreation Fees of \$0.50 per square foot of building area.
15. Tree and Landscape: Prior to or concurrently with the issuance of a building permit the Tree and Landscape Fee shall be paid to the Building and Safety Division. The fee shall be paid in accordance with City Council adopted Tree and Landscape Fee requirements in effect at the time of building permit application.
16. Fire Protection Facilities: Prior to or concurrently with the issuance of a building permit, current Fire Protection Facilities Fees shall be paid to the Building and Safety Division. The fee shall be paid in accordance with City Council adopted Fire Protection Facilities Fee requirements in effect at the time of building permit application.

17. Library Facilities: Prior to or concurrently with the issuance of a building permit the Library Facilities Fee shall be paid to the Building and Safety Division. The fee shall be paid in accordance with City Council adopted Library Facilities Fee requirements in effect at the time of building permit application.
18. Police Facilities: Prior to or concurrently with the issuance of a building permit the Police Facilities Fee shall be paid to the Building and Safety Division. The fee shall be paid in accordance with City Council adopted Police Facilities Fee requirements in effect at the time of building permit application.
19. Traffic Systems Management: Prior to the issuance of a Zoning Clearance for each building permit, the applicant shall submit to the Community Development Department the established Moorpark Traffic Systems Management (TSM) Fee for the approved development consistent with adopted City policy for calculating such fee but in no case shall the fee be less than \$0.63 per square foot of gross building area.
20. Intersection Improvements: Prior to issuance of the first Zoning Clearance for a building permit, the applicant shall submit to the Community Development Department a fair-share contribution for intersection improvements relating to the project. The level of fair share participation will be to the satisfaction of this City Engineer based on standard trip generation rates for commercial shopping center developments, applied to the intersections identified in the Archstone Apartments (RPD 1997-01) and Vintage Crest/USA Properties (RPD 2000-02) traffic reports.
21. Citywide Traffic: Prior to issuance of a Zoning Clearance for each building permit, the applicant shall submit to the Community Development Department the Citywide Traffic Fee. The fee shall be calculated per dwelling unit for residential projects, or by use for commercial and industrial projects, based upon the effective date of approval of the entitlement. Commencing on the first of the year of this approval, and annually thereafter, the fee (\$29,700.00 per acre) shall be increased to reflect the change in the Caltrans Highway Bid Price (OR Engineering News Record Construction Index) for the twelve (12) month period available on December 31 of the preceding year ("annual indexing"). In the event there is a decrease in the referenced Index for any annual indexing, the current amount of the fee shall remain until such time as the next subsequent annual indexing which results in an increase. In the event the Bid Price Index referred to above in this condition is discontinued or revised, such successor index with which it is replaced shall be used in order to obtain substantially the same result as would otherwise have been obtained if the Bid Price Index had not been discontinued or revised.
22. Area of Contribution: Prior to the issuance of a Zoning Clearance for each building permit, the applicant shall pay to the Community Development Department the Area of Contribution (AOC) Fee for the area in which the project is located. The fee shall be paid in accordance with City Council adopted AOC fee requirements in effect at the time of building permit application.

23. Street Lighting Energy Costs: Prior to recordation of Final Map, or issuance of a building permit, whichever occurs first the applicant shall pay to the Community Development Department all energy costs associated with public street lighting for a period of one year from the acceptance of the street improvements.
24. Schools: Prior to issuance of building permits for each building, the applicant shall provide written proof to the Community Development Department that all legally mandated school impact fees applicable at the time of issuance of a building permit have been paid to the Moorpark Unified School District.
25. Art in Public Places: Prior to or concurrently with the issuance of a Zoning Clearance for building permit, the applicant shall contribute to the Art in Public Places Fund in the amount of one percent (1%) of the building valuation, to be submitted to the Community Development Department. If the applicant is required to provide a public art project on or off-site in lieu of contributing to the Art in Public Places Fund the art work shall have a value corresponding to or greater than the contribution, and shall be constructed prior to Final Occupancy of the first building. All art shall require approval by the Arts Committee prior to construction.
26. Electronic Conversion: In accordance with City policy, the applicant shall submit to the Community Development Department, City Engineer and the Building and Safety Division the City's electronic image conversion fee for entitlement/condition compliance documents; Final Map/ engineering improvement plans/permit documents; and building plans/permit documents, respectively.
27. Fish and Game: Within two (2) business days after the City Council adoption of a resolution approving this project, if the City Council action includes adoption of a Negative Declaration or Environmental Impact Report, the applicant shall submit to the City of Moorpark two separate checks for Negative Declaration or Environmental Impact Report, and Administrative Fee, both made payable to the County of Ventura, in compliance with Assembly Bill 3158 for the management and protection of Statewide Fish and Wildlife Trust Resources. Pursuant to Public Resources Code Section 21089, and Fish and Game Code Section 711.4, the project is not operative, vested or final until the filing fees are paid.
28. Storm Drain Discharge Maintenance Fee: Prior to or concurrently with the issuance of a Zoning Clearance for building permit, the applicant shall pay to the Community Development Department citywide Storm Drain Discharge Maintenance Fee. The fee shall be paid in accordance with City Council adopted Storm Drain Discharge Maintenance Fee requirements in effect at the time of building permit application.

B. *Please contact the PLANNING DIVISION for compliance with the following conditions:*

DEVELOPMENT REQUIREMENTS

29. Prior to the issuance of a certificate of occupancy for any building, the applicant shall submit a Master Sign Program to the Community Development Director for review and approval. The Master Sign Program shall be designed to provide comprehensive on-site sign arrangement and design consistent with the commercial/industrial center architecture and the City's Sign Ordinance requirements.
30. For all flat roofed portions of buildings, a minimum eighteen inch (18") parapet wall above the highest point of the flat roof shall be provided on all sides.
31. Skylights are prohibited unless approved through the Planned Development Permit process or as a Modification to the Planned Development Permit.
32. Exterior downspouts shall not be permitted unless designed as an integral part of the overall architecture and approved by the city as part of the planned development permit.
33. Ground-mounted equipment is preferred. Roof-mounted equipment that cannot be ground-mounted may be approved by the Community Development Director. In no event shall roof-mounted equipment (vents, stacks, blowers, air conditioning equipment, etc.) be allowed unless architecturally screened from view on all four sides and painted to match the roof. All screening shall be maintained for the life of the permit.
34. Roof-mounted equipment and other noise generation sources on-site shall be attenuated to 45 decibels (dBA) or to the ambient noise level at the property line measured at the time of the occupancy, whichever is greater. Prior to the issuance of a Zoning Clearance for initial occupancy or any subsequent occupancy, the Community Development Director may request the submittal of a noise study for review and approval. The noise study would need to show that the current project attenuates all on-site noise generation sources to the required level or provide recommendations as to how the project could be modified to comply. The noise study must be prepared by a licensed acoustical engineer in accordance with accepted engineering standards.
35. Any outdoor ground level equipment, facilities or storage areas including, but not limited to loading docks, trash enclosures, cooling towers, generators, shall be architecturally screened from view with masonry wall and/or landscaping as determined by the Community Development Director.
36. A utility room with common access to house all meters and the roof access ladder shall be provided unless an alternative is approved by the Community Development Director.
37. No exterior access ladders of any kind to the roof shall be permitted.

38. Parking areas shall be developed and maintained in accordance with the requirements of the Moorpark Municipal Code. All parking space and loading bay striping shall be maintained so that it remains clearly visible during the life of the development.
39. Prior to any re-striping of the parking area a Zoning Clearance shall be required. All disabled parking spaces and paths of travel shall be re-striped and maintained in their original approved locations unless new locations are approved by the Community Development Director.
40. All parking areas shall be surfaced with asphalt or concrete and shall include adequate provisions for drainage, National Pollution Discharge Elimination System (NPDES) compliance, striping and appropriate wheel blocks, curbs, or posts in parking areas adjacent to landscaped areas. All parking and loading areas shall be maintained at all times to insure safe access and use by employees, public agencies and service vehicles.
41. The Building Plans shall be in substantial conformance to the plans approved under this entitlement and shall specifically reflect the following:
 - a. Transformer and cross connection water control devices (subject to approval by Ventura County Waterworks District No. 1) shall be shown on the site plan and landscaping and irrigation plan and screened from street view with masonry wall and/or landscaping as determined by the Community Development Director.
 - b. Bicycle racks or storage facilities, in quantities as required by the Community Development Director.
 - c. Required loading areas with forty-five foot (45') turning radii shall be provided for loading zones consistent with the AASHO WB-50 design vehicle and as required by the Community Development Director. If drains from the loading area are connected to the sewer system, they are subject to the approval of Ventura County Waterworks District No. 1.
 - d. Final exterior building materials and paint colors shall be consistent with the approved plans under this permit. Any changes to the building materials and paint colors are subject to the review and approval of the Community Development Director.
 - e. 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.
 - f. Trash disposal and recycling areas shall be provided in a location which will not interfere with circulation, parking or access to the building. Exterior trash areas and recycling bins shall use impermeable pavement, be designed to have a cover and so that no other area drains into it, The trash areas and recycling bins shall be depicted on the final construction

plans, the size of which shall be approved by the Community Development Director, City Engineer and the City's Solid Waste Management staff. When deemed appropriate, drains from the disposal and recycling areas shall be connected to the sewer system, and are subject to the approval of Ventura County Waterworks District No. 1. Review and approval shall be accomplished prior to the issuance of a Zoning Clearance for building permit.

42. Prior to issuance of a Zoning Clearance for final building permit (occupancy), the applicant shall install U.S. Postal Service approved mailboxes in accordance with the requirements of the local Postmaster.
43. Any expansion, alteration or change in architectural elements requires prior approval of the Community Development Director. Those changes in architectural elements that the Director determines would be visible from abutting street(s) shall only be allowed, if, in the judgment of the Community Development Director such change is compatible with the surrounding area. Any approval granted by the Director shall be consistent with the approved Design Guidelines (if any) for the planned development and applicable Zoning Code requirements.
44. When required by Title 15 of the Moorpark Municipal Code, rain gutters and downspout shall be provided on all sides of the structure for all structures where there is a directional roof flow. Water shall be conveyed to an appropriate drainage system, consistent with NPDES requirements, as determined by the City Engineer.

OPERATIONAL REQUIREMENTS

45. All uses and activities shall be conducted inside the building(s) unless otherwise authorized by the Community Development Director and consistent with applicable Zoning Code provisions.
46. Prior to the issuance of a Zoning Clearance for any use which requires handling of hazardous or potentially hazardous materials, the applicant shall provide proof that he/she has obtained the necessary permits from Ventura County Environmental Health Division. Should the Community Development Director determine that a compatibility study is required; the applicant shall apply for a Modification to the entitlement.
47. The applicant agrees not to protest the formation of an underground Utility Assessment District.
48. The continued maintenance of the subject site and facilities shall be subject to periodic inspection by the City. The Applicant and his/her successors, heirs, and assigns shall be required to remedy any defects in ground or building maintenance, as indicated by the City within five (5) days from written notification.

49. No noxious odors shall be generated from any use on the subject site.
50. The applicant and his/her successors, heirs, and assigns shall remove any graffiti within five (5) days from written notification by the City of Moorpark. All such graffiti removal shall be accomplished to the satisfaction of the Community Development Director.
51. Should continued compliance with these Conditions of Approval not be met the Community Development Director may declare the project to be out of compliance, or the Director may declare, for some other just cause, the project to be a public nuisance. The applicant shall be liable to the City for any and all costs and expenses to the City involved in thereafter abating the nuisance and in obtaining compliance with the Conditions of Approval or applicable codes. If the applicant fails to pay all City costs related to this action, the City may enact special assessment proceedings against the parcel of land upon which the nuisance existed (Municipal Code Section 1.12.080).
52. Prior to the issuance of a Zoning Clearance for tenant occupancy, the prospective tenant shall obtain a Business Registration Permit from the City of Moorpark. All contractors doing work in Moorpark shall have or obtain a current Business Registration Permit.
53. Prior to or concurrently with the issuance of a Zoning Clearance for occupancy of any of the buildings, the applicant shall request that the City Council approve a resolution to enforce Vehicle Codes on the subject property as permitted by the Vehicle Code.
54. Prior to or concurrently with the issuance of a Zoning Clearance for a grading permit, the applicant shall submit the construction phasing plan for approval by the Community Development Director and City Engineer. Phasing shall avoid, to the extent possible, construction traffic impacts to existing adjacent residential, commercial and industrial areas, if any.
55. Prior to issuance of Zoning Clearance for the first building permit, the applicant shall submit a Waste Reduction and Recycling Plan to the City's Solid Waste Management staff and the Community Development Director for review and approval. The Plan shall include a designated building manager, who is responsible for initiating on-site waste materials recycling programs, including acquiring storage bins for the separation of recyclable materials and coordination and maintenance of a curbside pickup schedule.
56. The building manager or designee shall be required to conduct a routine on-site waste management education program to educating and alerting employees and/or residents to any new developments or requirements for solid waste management. This condition shall be coordinated through the City's Solid Waste Management staff.

LANDSCAPING, LIGHTING AND MAINTENANCE REQUIREMENTS

57. Prior to the issuance of a Zoning Clearance for building permits the applicant shall submit to the Community Development Director for review and approval, with the required deposit, three full sets of Landscaping and Irrigation Plans prepared by a licensed landscape architect and drawn on a plan that reflects final grading configuration, in conformance with the City of Moorpark Landscape Standards and Guidelines, policies and NPDES requirements; including, but not limited to, all specifications and details and a maintenance plan. Fences and walls shall be shown on the Landscape and Irrigation Plans, including connection, at the applicant's expense, of property line walls with existing fences and or walls on any adjacent residential, commercial or industrial properties. The plan shall maintain proper vehicle sight distances subject to the review of the City Engineer, and encompass all required planting areas consistent with these Conditions of Approval. Review by the City's Landscape Architect Consultant and City Engineer, and approval by the Community Development Director prior to issuance of a Zoning Clearance for building permit, is required.
58. Prior to or concurrently with the submittal of the landscape and irrigation plan, a lighting plan, along with required deposit, shall be submitted to the Community Development Director for review and approval. The lighting plan, prepared by an electrical engineer registered in the State of California, shall be in conformance with the Moorpark Municipal Code.
59. Unless otherwise stipulated in the Special Conditions of Approval, the applicant shall be responsible for the maintenance of any and all parkway landscaping constructed as a requirement of the project, whether said parkway landscaping is within the street right-of-way or outside of the street right-of-way. Any parkway landscaping outside of the street right-of-way shall be within a landscape easement.
60. All required landscape easements shall be clearly shown on the Final Map or on other recorded documents if there is no Final Map.
61. Tree pruning, consisting of trimming to limit the height and/or width of tree canopy and resulting in a reduction of required shade coverage for the parking lot area, is prohibited and will be considered a violation of the Conditions of Approval.
62. When available, use of reclaimed water shall be required for landscape areas subject to the approval of the Community Development Director, the City Engineer and Ventura County Waterworks District No. 1.
63. 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 Practice 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 Community Development Director and City Engineer for review and approval prior to the issuance of a building permit.

64. All landscaping shall be maintained in a healthy and thriving condition, free of weeds, litter and debris.
65. Prior to the issuance of Zoning Clearance for occupancy all fences/walls along lot boundaries shall be in place, unless an alternative installation is approved by the Community Development Director.

C. *Please contact the ENGINEERING DEPARTMENT for compliance with the following conditions:*

GENERAL

66. Grading, drainage and improvement plans and supporting reports and calculations shall be prepared in conformance with the "Land Development Manual" and "Road Standards" as promulgated by Ventura County; "Hydrology Manual" and "Design Manual" as promulgated by Ventura County Watershed Protection District; "Standard Specifications for Public Works Construction" as published by BNI (except for signs, traffic signals and appurtenances thereto; for signs, traffic signals and appurtenances thereto, the provisions of Chapter 56 for signs and Chapter 86 for traffic signals, and appurtenances thereto, of the "Standard Specifications," most recent edition, including revisions and errata thereto, as published by the State of California Department of Transportation); "Engineering Policies and Standards" of the City of Moorpark, "Policy of Geometric Design of Highways and Streets," most recent edition, as published by the American Association of State Highway and Transportation Officials. In the case of conflict between the standards, specifications and design manuals listed above, the criteria that provide the higher lever of quality and safety shall prevail. Any standard specification or design criteria that conflicts with a Standard or Special Condition of Approval of this project shall be modified to conform with the Standard or Special Condition to the satisfaction of the City Engineer.
67. The applicant and/or property owner shall provide verification to the City Engineer that all on-site storm drains have been cleaned at least twice a year, once immediately prior to October 1st (the rainy season) and once in January. The City Engineer may require additional cleaning depending upon site and weather conditions.
68. All paved surfaces; including, but not limited to, the parking area and aisles, drive-through lanes, on-site walkways shall be maintained free of litter/debris. Walkways, parking areas and aisles and drive-through lanes shall be swept, washed or vacuumed regularly. When swept or washed, debris shall be trapped

- and collected to prevent entry to the storm drain system in accordance with NPDES requirements.
69. Prior to improvement plan approval the applicant shall obtain the written approval on the improvement plans Mylar® sheets for the location of fire hydrants by the Ventura County Fire Prevention Division. (Water and Sewer improvements plans shall be submitted to Ventura County Waterworks District No. 1 for approval.)
 70. Prior to any work being conducted within any State, County, or City right of way, the applicant shall obtain all necessary encroachment permits from the appropriate agencies and provide copies of these approved permits and the plans associated with the permits to the City Engineer.
 71. Reactive organic compounds, Nitrogen oxides (ozone/smog precursor), and particulate matter (aerosols/dust) generated during construction operations shall be minimized in accordance with the City of Moorpark standards and the standards of the Ventura County Air Pollution Control District (APCD). When an air pollution Health Advisory has been issued, construction equipment operations (including but not limited to grading, excavating, earthmoving, trenching, material hauling, and roadway construction) and related activities shall cease in order to minimize associated air pollutant emissions.
 72. The applicant shall comply with Chapters 9.28, 10.04, 12.24, 17.53 of the Moorpark Municipal Code standard requirements for construction noise reduction.
 73. The applicant 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.
 74. The applicant shall post in a conspicuous location the construction hour limitation and make each construction trade aware of the construction hour limitations.

GRADING

75. Prior to the issuance of a grading permit (should an early grading agreement be approved for this project) or prior to Final Map the applicant shall post sufficient surety, in a form acceptable to the City Engineer, guaranteeing completion of all onsite and offsite improvements required by these Conditions of Approval or the Municipal Code including, but not limited to grading, street improvements, storm drain improvements, temporary and permanent Best Management Practice (BMP) for the control of non-point water discharges, landscaping, fencing, and bridges. Grading and improvements shall be designed, bonded and constructed as a single project.

76. Prior to the issuance of a grading permit (should an early grading agreement be approved for this project) or prior to Final Map, whichever occurs first, the applicant shall provide written proof to the City Engineer that any and all wells that may exist or have existed within the project have been properly sealed or have been destroyed or abandoned per Ventura County Ordinance No. 2372 or Ordinance No. 3991 and per Division of Oil and Gas requirements.

PUBLIC AND PRIVATE STREETS

77. Prior to construction of any public improvement the applicant shall submit to the City Engineer, for review and approval, street improvement plans prepared by a California Registered Civil Engineer, enter into an agreement with the City of Moorpark to complete public improvements and post sufficient surety guaranteeing the construction of all improvements. Unless specifically noted in these Standard Conditions or Special Conditions of Approval.
78. Prior to issuance of the first building permit all existing and proposed utilities that are less than 67Kv shall be under-grounded as approved by the City Engineer.

DRAINAGE AND HYDROLOGY

79. For a 10-year frequency storm, local, residential and private streets shall be designed to have one dry travel lane available on interior residential streets. Collector streets shall be designed to have a minimum of one dry travel lane in each direction.
80. Drainage and improvement plans shall be designed so that after-development, drainage to adjacent parcels would not be increased above pre-development drainage quantities for any stormwater model between and including the 10 year and 100 year storms, nor will surface runoff be concentrated by this project. Acceptance of storm drain waters by the project and discharge of storm drain waters from the project shall be in type, kind and nature of predevelopment flows unless the affected upstream and/or downstream owners provide permanent easement to accept such changed storm drainage water flow. All drainage measures necessary to mitigate stormwater flows shall be provided to the satisfaction of the City Engineer. The applicant shall make any on-site and downstream improvements, required by the City, to support the proposed development.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

81. The applicant shall submit to the City Engineer a Stormwater Pollution Control Plan (SWPCP) and a Stormwater Pollution Prevention Plan (SWPPP) in accordance with requirements of the Ventura Countywide Stormwater Quality Management Program, Technical Guidance Manual for Stormwater Quality Control Measures, NPDES Permit No. CAS004002. The Plans shall identify potential pollutant sources that may affect the quality of discharges to stormwater and shall include the design and placement of recommended Best Management Practice (BMP) to effectively prohibit the entry of pollutants from the construction site into the storm drain system streets and water courses. The Plans shall be implemented as part of the grading, improvements and development of the project.

82. Prior to the issuance of any construction/grading permit and/or the commencement of any clearing, grading or excavation, the applicant shall submit a Notice of Intent (NOI) to the California State Water Resources Control Board, Stormwater Permit Unit in accordance with the NPDES Construction General Permit (No. CASQ00002): Waste Discharge Requirements for Discharges of Stormwater Runoff Associated with Construction Activities). The applicant shall also provide a copy of the Notice of Intent (NOI) to the City Engineer as proof of permit application. The improvement plans and grading plans shall contain the WDID number for the project.
83. Prior to the starting of grading or any ground disturbance the applicant shall identify a qualified superintendent for NPDES compliance. The NPDES superintendent shall be present, on the project site Monday through Friday and on all other days when the probability of rain is 40% or higher and prior to the start of and during all grading or clearing operations until the release of grading bonds. The NPDES superintendent shall have full authority to rent equipment and purchase materials to the extent needed to effectuate Best Management Practice. The NPDES superintendent shall provide proof of attendance and satisfactory completion of courses satisfactory to the City Engineer totaling no less than 8 hours directed specifically to NPDES compliance and effective use of Best Management Practice. In addition, an NPDES superintendent shall be designated to assume NPDES compliance during the construction of streets, storm drainage systems, all utilities, buildings and final landscaping of the site.

MAINTENANCE

84. Unless otherwise stipulated in the Special Conditions of Approval, any median landscaping constructed by the project shall be maintained by the City. An Assessment District shall be formed to fund the City maintenance costs for any such median landscaping.
85. Unless otherwise stipulated in the Special Conditions of Approval, parkway landscaping shall be maintained by a Home Owners' Association, a Property Owners' Association or by the property owner [collectively herein "Private Responsible Party"]. In such case, any required landscape easements, shall be conveyed to the Private Responsible Party.
86. Unless otherwise stipulated in the Special Conditions of Approval, all required on-site drainage improvements and/or stormwater quality [NPDES] features or facilities shall be maintained by the Private Responsible Party.
87. When, and if stipulated in the Special Conditions of Approval, that certain identified parkway landscaping and/or drainage improvements are to be maintained by the City, an Assessment District shall be formed to fund City costs for such maintenance. In such event, any required landscaping and/or drainage improvements shall be conveyed to the City in easements for such purposes.

88. Any Final Map identifying any landscape easement or drainage easement granted to a Private Responsible Party shall also be irrevocably offered for dedication to the City and shown on said Final Map. The City reserves the right to assume the maintenance of parkway landscaping, median landscaping or drainage improvements being maintained by a Private Responsible Party, should it be determined by the City, at its sole discretion, that the maintenance being provided by the Private Responsible Party is inadequate.
89. If required by a Special Condition of Approval, an Assessment District [herein "Back-Up District"] shall be formed to fund future City costs, should they occur, for the maintenance of parkway landscaping, median landscaping or drainage improvements previously maintained by a Private Responsible Party and then assumed by the City. If a Back-Up District is formed, it shall be the intent of the City to approve the required assessment each year, but to only levy that portion of the assessment necessary to recover any past City costs or any anticipated City costs for the following fiscal year. In the event the City is never required to assume the maintenance of any such improvements maintained by a Private Responsible Party, the amount of the annual assessment actually levied upon the affected properties would be minor amount, possibly zero. The City shall administer the annual renewal of the Back-Up District and any costs related to such administration shall be charged to the Fund established for such district revenues and expenses.
90. When it has been determined that it is necessary to form an Assessment District (including a Back-Up District), the applicant shall be required to undertake and complete the following:
 - a. At least one-hundred-twenty (120) days prior to the planned recordation of any Final Map or the issuance of any zoning clearance for building permit, which ever comes first:
 - i. submit the final draft plans for any irrigation, landscaping or Drainage Improvements [herein "Maintained Areas"] to be maintained by the Assessment District (including a required Back-Up District), along with any required plan checking fees;
 - ii. submit a check in the amount of \$5,000 as an advance to cover the cost of Assessment Engineering for the formation of the Assessment District [Note: Developer shall be required to pay for all final actual assessment engineering costs related to the Assessment District formation along with City administrative costs.];
 - b. At least sixty (60) days prior to the planned recordation of any Final Map or the issuance of any zoning clearance for building permit, which ever comes first, submit to the City the completed, "City approved" plans for the Maintained Areas (landscaping, irrigation and NPDES Drainage Improvements);

- c. Prior to the planned recordation of any Final Map or the issuance of any zoning clearance for building permit, which ever comes first, submit to the City a signed Petition and Waiver requesting formation of the Assessment District [Note: The Petition and Waiver shall have attached to it as Exhibit 'A' the City approved final draft Engineer's Report prepared by the Assessment Engineer retained by the City.]

D. *Please contact the BUILDING DIVISION for compliance with the following conditions:*

91. Prior to the issuance of a Building Permit, the applicant shall provide written proof that an "Unconditional Will Serve Letter" for water and sewer service has been obtained from the Ventura County Waterworks District No. 1.

E. *Please contact the VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT for compliance with the following conditions:*

92. Prior to issuance of a Zoning Clearance for building permit, a Ventura County Air Pollution Control District (APCD) "Authority to Construct" shall be obtained for all equipment subject to APCD Permit (see APCD Questionnaire, AB3205). Final Certificate of Occupancy shall not be granted until compliance with all applicable APCD Rules & Regulations has been satisfactorily demonstrated.
93. Facilities shall be operated in accordance with the Rules and Regulations of the Ventura County Air Pollution Control District, with emphasis on Rule 51, Nuisance. Rule 51 states: "A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endangers the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property."

F. *Please contact the VENTURA COUNTY FIRE PROTECTION DISTRICT for compliance with the following conditions:*

GENERAL

94. Prior to combustible construction, an all weather access road/driveway and the first lift of the access road pavement shall be installed. Once combustible construction starts a minimum twenty foot (20') clear width access road/driveway shall remain free of obstruction during any construction activities within the development. All access roads/driveways shall have a minimum vertical clearance of thirteen feet-six inches (13'-6") and a minimum outside turning radius of forty feet (40').

95. Approved turnaround areas for fire apparatus shall be provided when dead-end Fire District access roads/driveways exceed 150-feet. Turnaround areas shall not exceed a five percent (5%) cross slope in any direction and shall be located within one-hundred-fifty feet (150') of the end of the access road/driveway.
96. The access road/driveway shall be extended to within one-hundred-fifty feet (150') of all portions of the exterior wall of the first story of any building and shall be in accordance with Fire District access standards. Where the access roadway cannot be provided, approved fire protection system or systems shall be installed as required and acceptable to the Fire District.
97. When only one (1) access point is provided, the maximum length shall not exceed eight-hundred feet (800').
98. Public and private roads shall be named if serving more than four (4) parcels or as required by the Fire District.
99. Approved walkways shall be provided from all building openings to the public way or Fire District access road/driveway.
100. Structures exceeding three stories or forty-eight feet (48') in height shall meet current VCFPD Ordinance for building requirements. Structures exceeding seventy-five feet (75') in height shall be subject to Fire District high rise building requirements.
101. Structures greater than 5,000 square feet and/or five (5) miles from a fire station shall be provided with an automatic fire sprinkler system in accordance with current Ventura County Fire Protection District Ordinance.
102. Commercial trash dumpsters and containers with an individual capacity of 1.5 cubic yards or greater shall not be stored or placed within five feet (5') of openings, combustible walls, or combustible roof eave lines unless protected by approved automatic sprinklers.

DEVELOPMENT REQUIREMENTS

103. Prior to the issuance of a certificate of occupancy by the Building Division the applicant shall submit a plan to the Fire District for review and approval indicating the method by which this project will be addressed.
104. Minimum six-inch (6") high address numbers shall be installed prior to occupancy, shall be contrasting color to the background, and shall be readily visible at night. Brass or gold plated number shall not be used. Where structures are set back more than one-hundred-fifty feet (150') from the street, larger numbers will be required so that they are distinguishable from the street. In the event a structure(s) is(are) not visible from the street, the address number(s) shall be posted adjacent to the driveway entrance on an elevated post.

105. Prior to combustible construction, fire hydrants shall be installed to the minimum standards of the City of Moorpark and the Fire District, and shall be in service.
106. Prior to occupancy of any structure, blue reflective hydrant location markers shall be placed on the access roads in accordance with Fire District standards. If the final asphalt cap is not in place at time of occupancy, hydrant location markers shall still be installed and shall be replaced when the final asphalt cap is completed.
107. Prior to the issuance of a building permit, building plans for all A, E, H, I, R-1 and R-2 Occupancies shall be submitted, with payment for plan check, to the Fire District for review and approval. Prior to issuance of a building permit the applicant shall submit a phasing plan and two (2) site plans (for the review and approval of the location of fire lanes) to the Fire District.
108. Prior to occupancy, the fire lanes shall be posted "NO PARKING FIRE LANE TOW-AWAY" in accordance with California Vehicle Code and the Fire District.
109. Prior to or concurrently with the issuance of a building permit, the applicant shall submit plans to the Fire District showing the location of the existing hydrants within three-hundred feet (300') of the proposed project and showing the location, type and number of proposed hydrants, and the size of the outlets. Fire hydrant(s) shall be provided in accordance with current adopted edition of the Uniform Fire Code, Appendix 111-B and adopted amendments. On-site fire hydrants may be required as determined by the Fire District. Fire hydrants, if required, shall be installed and in service prior to combustible construction and shall conform to the minimum standard of the Ventura County Waterworks Manual and the Fire District.
110. Prior to installation of any fire protection system; including, but not limited to sprinklers, dry chemical, hood systems, the applicant shall submit plans, along with the required fee for plan check, to the Fire District for review and approval. Fire sprinkler systems with one-hundred (100) or more heads shall be supervised by a fire alarm system in accordance with Fire District requirements.
111. Prior to installation of the fire alarm system (if required), the applicant shall submit plans, along with the required fee for plan check, to the Fire District for review and approval. The fire alarm system shall be installed in all buildings in accordance with California Building and Fire Code.
112. Prior to the issuance of a certificate of occupancy by the Building Division, the applicant shall obtain all applicable Uniform Fire Code (UFC) permits.
113. Prior to the issuance of a building permit, the applicant shall obtain a copy of Ventura County Fire District Form No. 126 "Requirements for Construction."
114. Prior to the issuance of a certificate of occupancy by the Building Division, the applicant shall install fire extinguishers in accordance with the Uniform Fire Code.

The placement of extinguishers shall be subject to review and approval by the Fire District.

115. Prior to framing, the applicant shall clear for a distance of one hundred feet all grass or brush exposing any structure(s) to fire hazards.

G. *Please contact the VENTURA COUNTY WATERWORKS DISTRICT NO. 1 for compliance with the following conditions:*

116. The applicant shall comply with the applicable provisions of Ventura County Waterworks District No. 1 standard procedures for obtaining domestic water and sewer services for applicant's projects within the District.

117. Prior to issuance of a building permit, provide Ventura County Waterworks District:

- a. Water and sewer improvement plans in the format required.
- b. Hydraulic analysis by a registered Civil Engineer to determine the adequacy of the proposed and existing water and sewer lines.
- c. Copy of approval of fire hydrant locations by Ventura County Fire Protection District.
- d. Copy of District Release and Receipt from Calleguas Municipal Water District.
- e. Cost estimates for water and sewer improvements.
- f. Plan check, construction inspection, capital improvement charge, sewer connection fee and water meter charge.
- g. Signed Contract to install all improvements and a Surety Bond.

118. At the time water service connection is made, cross connection control devices shall be installed on the water system in a manner approved by the Ventura County Waterworks District No. 1.

H. *Please contact the VENTURA COUNTY WATERSHED PROTECTION DISTRICT for compliance with the following conditions:*

119. Direct storm drain connections to Ventura County Flood Control District facilities are subject to Ventura County Watershed Protection District permit requirements.

I. *Please contact the POLICE DEPARTMENT for compliance with the following condition:*

120. Prior to initiation of the building plan check process for the project, the applicant shall submit plans in sufficient detail to the Police Department for review and

approval of defensible space concepts to reduce demands on police services. To the degree feasible and to the satisfaction of the Community Development Director and the Police Chief, public safety planning recommendations shall be incorporated into the project plans. The applicant shall prepare a list of project features and design components that demonstrate responsiveness to defensible space design concepts.

- END -