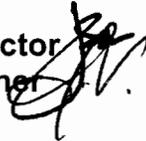


**MOORPARK CITY COUNCIL
AGENDA REPORT****TO: Honorable City Council****FROM: Barry K. Hogan, Community Development Director**
Prepared By: Joseph R. Vacca, Principal Planner **DATE: June 29, 2006 (CC Meeting of 07/19/06)****SUBJECT: Consider Commercial Planned Development No. 2005-06 to Allow Construction of a 141,038 Square Foot Retail Home Improvement Warehouse Home Depot Store and Garden Center on a 12.9-Acre Parcel Located at the East End of Patriot Drive Adjacent to State Route 23 Freeway****BACKGROUND**

On December 23, 2005, an application for Commercial Planned Development (CPD) Permit No. 2005-06 was submitted by Home Depot for a 106,278 square foot home improvement store with a 34,760 square foot attached garden center. The total retail home improvement store is proposed to be 141,038 square feet and is located on approximately 12.9 acres of vacant land. The property is at the easternmost terminus of Patriot Drive, east of Miller Parkway, and south of the Moorpark Marketplace, adjacent to the State Route 23 freeway. Howard Hardin of WPIIDC, is the applicant representing Home Depot and Mark Ossola is the property owner. The Planning Commission received information on the project description of the proposed Home Depot (CPD 2005-06) at their meeting, on May 23, 2006. On June 27, 2006, the Planning Commission held a public hearing on the project and adopted Resolution PC 2006-504, recommending approval of the project to the City Council.

DISCUSSION

A full analysis of this project is provided in the attached June 27, 2006 Planning Commission agenda report. The Home Depot project is an allowed use within the Sub-regional Retail Commercial Business Park zoning and land use designation of the Amended Carlsberg Specific Plan. All potentially significant environmental effects of this project have been analyzed adequately in an earlier Environmental Impact Report (SCH No. 92061076) that was prepared and certified for the Amended Carlsberg Specific Plan. No new information or impacts that require preparation of a new or subsequent EIR have been identified as a result of this proposed project; therefore, no further analysis pursuant to the California Environmental Quality Act is required.

With that understanding, Planning Commission discussion focused on the overall project design including site planning and architecture. There were two citizens present at the public hearing who voiced opposition to the project.

The majority of the Planning Commission concurred with staff's recommendation of approval of the project based on the special and standard conditions recommended by staff. The Planning Commission added a condition on the project to limit the store operating hours between six o'clock (6:00) AM and ten o'clock (10:00) PM daily. With the one additional condition the Planning Commission adopted Planning Commission Resolution 2006-504 recommending City Council approval of the project.

In the proposed City Council Resolution, staff added special condition number 26, which limits exterior property maintenance including but not limited to, cleaning, sweeping and landscape work to the hours between 7:00 AM and 7:00 PM, Monday through Saturday. Staff also added special condition number 27, to the proposed resolution which prohibits the overnight parking of commercial vehicles in the parking lot and loading areas of the property. Finally, staff added special condition number 28, which states that the construction of Patriot Drive must be completed prior to the occupancy of the Home Depot store.

Staff met with the Sereneta Homeowners Association Board on Wednesday, July 12 to provide an opportunity for project review and questions. As a result of that meeting some additional conditions are suggested. Additional language is suggested to be added to special condition number 21 to indicate that violators will be subject to citation. The hours of operation should be from 6 am to 9 pm instead of 10 pm. This would be a change to special condition 25 added by the Planning Commission. There was also concern mentioned with respect to landscaping along the rear of Home Depot. Special condition of approval number 13 and standard condition number 58 address that matter. Standard condition number 27 has been deleted since it does not apply to commercial projects.

Staff has attached E-mail communications received from citizens since the Planning Commission meeting.

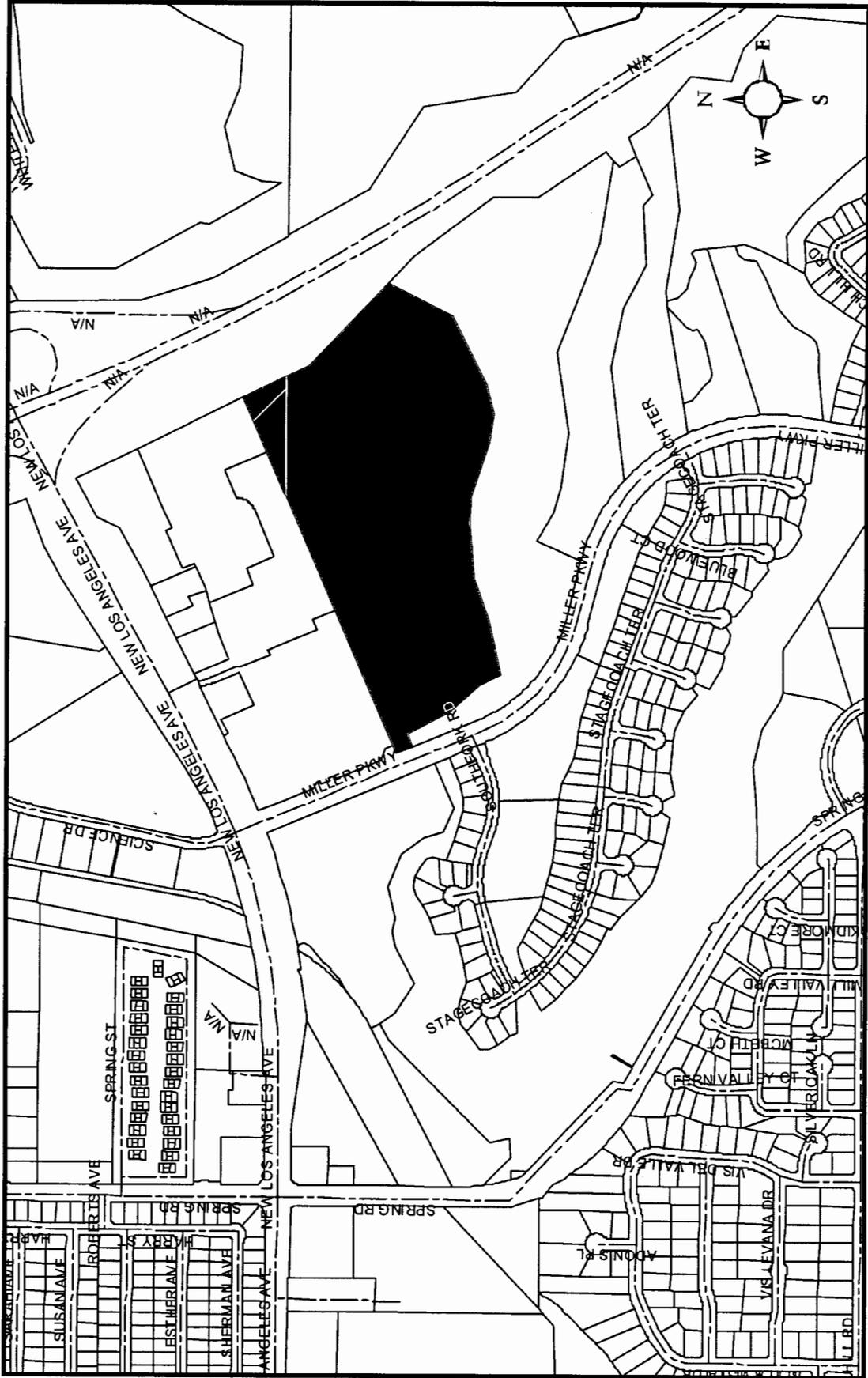
STAFF RECOMMENDATION

1. Open the public hearing, take public testimony and close the public hearing; and
2. Adopt Resolution No. 2006-____ approving Commercial Planned Development Permit No. 2005-06.

ATTACHMENTS:

1. Location Map
2. Aerial Photograph
3. Project Exhibits
 - a. Site Plan
 - b. Elevations
 - c. Floor Plan
4. June 27, 2006 Planning Commission Agenda Report (without draft resolution)
5. Draft Resolution with Conditions of Approval
6. E-mail Communications from Citizens

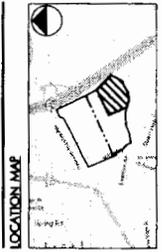
LOCATION MAP



AERIAL PHOTOGRAPH



William Parrish design development consultants
 1000 Main Street, Suite 400
 West Covina, CA 91790
 P: 626.977.6800 F: 626.977.6800
 W: www.williamparish.com



PROJECT INFORMATION

SITE AREA
 TOTAL ACRES: 171.1 ACRES
 TRD CROSS ACRES: 103.3 ACRES

BUILDING AREA
 INCLUDING VESTIBULE WITH AUTO
 GARAGE CENTER: 74,000 SF

PARKING COUNT SUMMARY
 REQUIRED BY CITY & COUNTY: 360 SPACES
 FOR RETAIL USE: 176 SPACES
 TOTAL REQUIRED: 471 SPACES

PARKING PROVIDED
 645 / 7000 SPACES

PARKING STALLS ARE POST WITH 2" ASB

ZONING CLASSIFICATION
 PROPOSED: SF

PROJECT NOTES

1. THE CONCEPTUAL SITE PLAN IS FOR PLANNING PURPOSES ONLY. THE PROJECT WILL BE SUBJECT TO THE CITY'S PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT'S REVIEW AND APPROVAL.
2. ALL OTHER CITY AND COUNTY REGULATIONS ARE REFERENCED AND MUST BE REVIEWED.
3. THE SITE PLAN IS BASED ON A WETLAND CONVEYANCE OF THE PROPERTY FROM THE STATE OF CALIFORNIA TO THE PROJECT DEVELOPER.

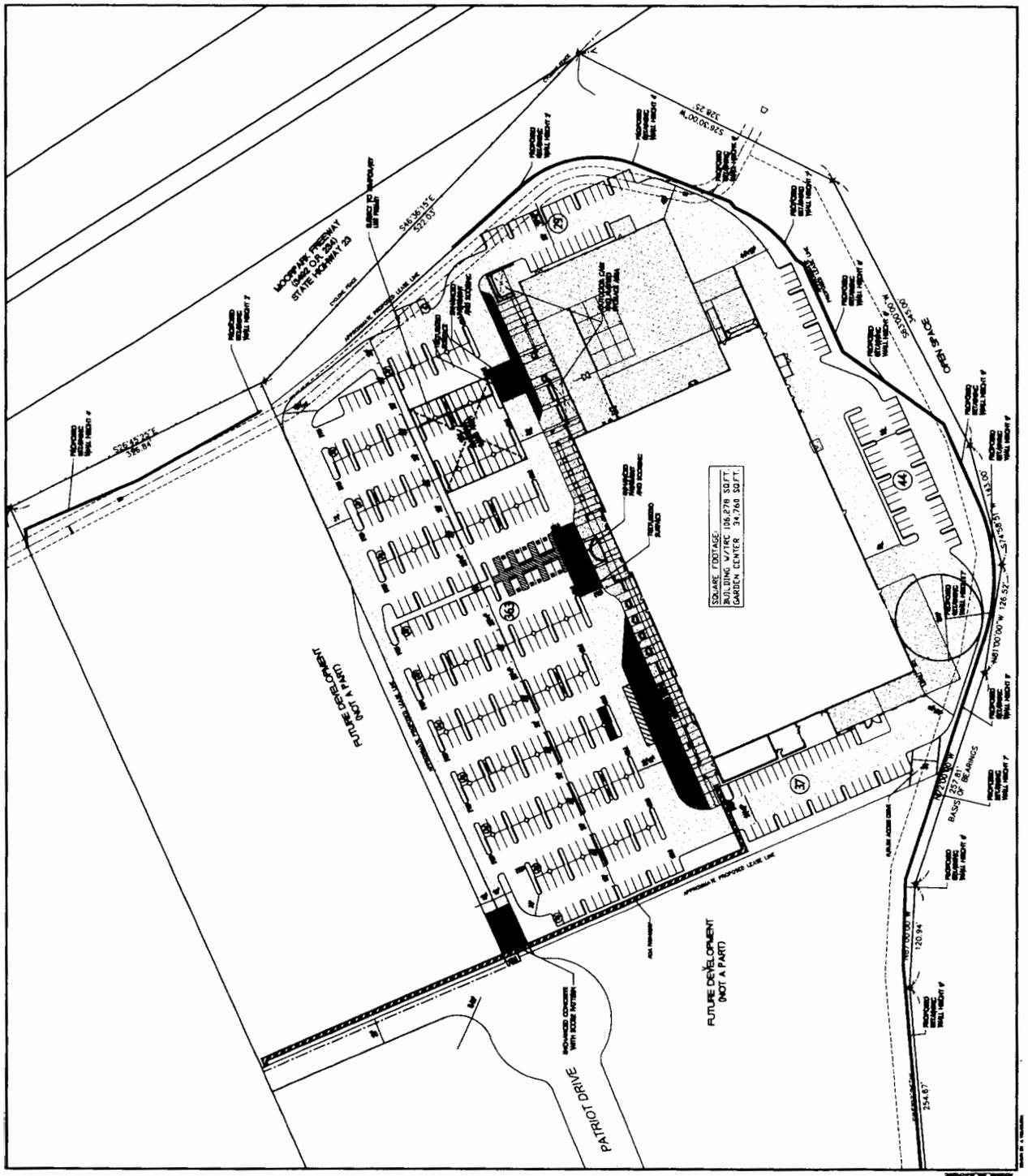
DRAWING REVISIONS RECORD

| DATE | BY | REVISION |
|----------|----------------|-------------------|
| 09/10/06 | A. VALANIKOVA | 1. VALANIKOVA |
| | H. HALDUN | 2. H. HALDUN |
| | J. J. JACOBSON | 3. J. J. JACOBSON |
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| | W. PARRISH | 100. W. PARRISH |

**THE HOME DEPOT
 MOORPARK, CA**

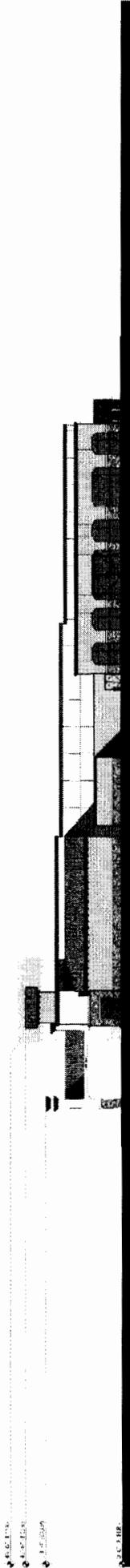
Home Depot, Inc.
 1000 Main Street, Suite 400
 West Covina, CA 91790
 P: 626.977.6800 F: 626.977.6800
 W: www.homedepot.com

HOME DEPOT SITE ID NUMBER: SF 0077200
TRD PROJECT NUMBER: TH005-TH

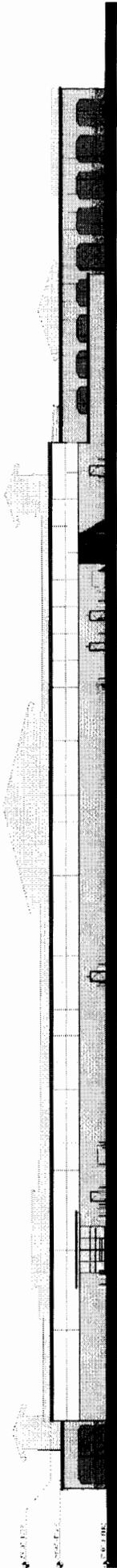




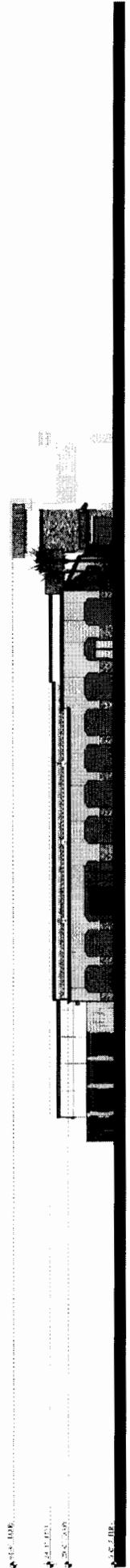
NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

Elevations

| Project No. | 100-0000 | Revision |
|-------------|--------------|----------|
| Scale | 1/4" = 1'-0" | |
| Author | Architect | |
| Project No. | 100-0000 | |
| Scale | 1/4" = 1'-0" | |
| Date | 10/11/07 | |

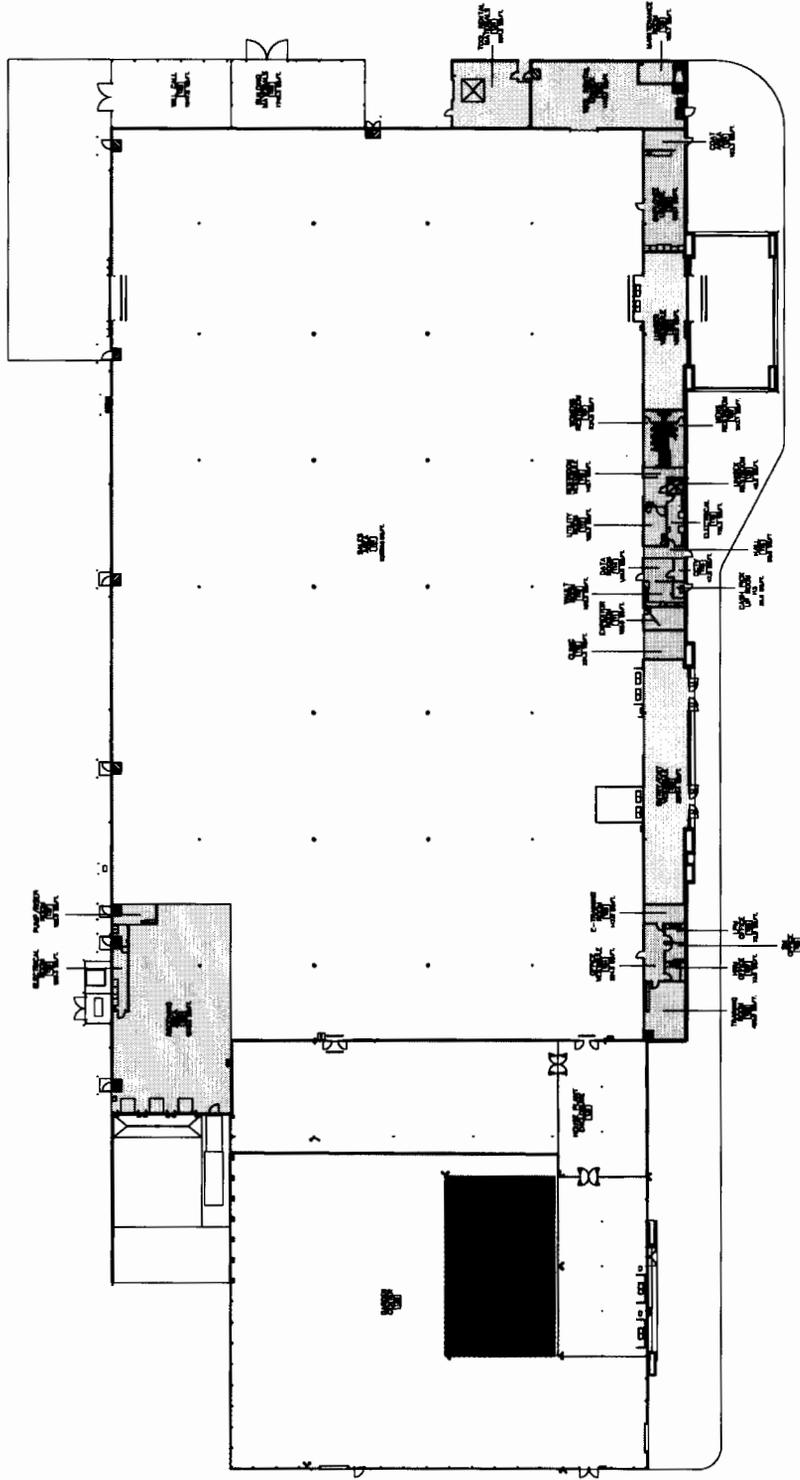
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THE HOME DEPOT

Moorpark, California



William Parrish
Design Development
Consultants, Inc.
10000 Wilshire Blvd., Suite 1000
Beverly Hills, CA 90210
Tel: 310.274.1200
Fax: 310.274.1201
www.williamparish.com



Legend

| | | |
|-----------|---|--------------|
| [Pattern] | General Merchandise Sales Area | 93,994 S.F. |
| [Pattern] | Office and Rest Areas | 3,910 S.F. |
| [Pattern] | Loading Dock and Receiving Areas | 2,085 S.F. |
| [Pattern] | Tool Rental Center Area | 2,968 S.F. |
| [Pattern] | Outdoor Garden Center Area | 102,867 S.F. |
| [Pattern] | Outdoor Garden Center Area | 34,760 S.F. |
| [Pattern] | Total Building Area with Outdoor Garden Center Area | 137,627 S.F. |
| [Pattern] | Vestibule Area | 3,411 S.F. |

Floor Plan

| | | |
|-------------|---------------|-----------|
| Project No. | TRD 02 14 | 8/11/2004 |
| Date | Revised/Issue | |
| Issue Date | May 21, 2008 | |
| Prepared By | JF | |
| Checked By | PK | |
| Scale | 1:1 | |

NOT TO SCALE. THIS PLAN IS A REPRESENTATION OF THE DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION WITHOUT THE APPROPRIATE CONTRACT DOCUMENTS. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS PLAN.

800000

THE HOME DEPOT

Moorpark, California



william partrich
design development
consultants, inc.
1000 West Street, Suite 1100
San Francisco, CA 94111
Tel: 415.774.8888
www.williampartrich.com

**MOORPARK PLANNING COMMISSION
AGENDA REPORT**

TO: Honorable Planning Commission

FROM: Barry K. Hogan, Community Development Director *JKH*
Prepared by Joseph R. Vacca, Principal Planner

DATE: June 7, 2006 (PC Meeting of 06/27/06)

SUBJECT: Consider Commercial Planned Development No. 2005-06 to Allow Construction of a 141,038 Square Foot Retail Home Improvement Warehouse Home Depot Store and Garden Center on a 12.9 Acre Parcel Located at the East End of Patriot Drive Adjacent to State Route 23 Freeway

BACKGROUND

On December 23, 2005, an application for Commercial Planned Development (CPD) Permit No. 2005-06 was submitted by Home Depot for a 106,278 square foot home improvement store with a 34,760 square foot attached garden center. The total retail home improvement store is proposed to be 141,038 square feet and is located on approximately 12.9 acres of vacant land. The property is at the easternmost terminus of Patriot Drive, east of Miller Parkway, and south of the Moorpark Marketplace, adjacent to the State Route 23 freeway. Howard Hardin of WPIIDC, is the applicant representing Home Depot and Mark Ossola is the property owner. The Planning Commission received information on the project description of the proposed Home Depot (CPD 2005-06) at its last meeting, on May 23, 2006.

DISCUSSION

Project Setting

Existing Site Conditions:

The project site is located at the southeastern quadrant of 33 acres of vacant land, on a 12.9 acre section of the larger vacant lot. The property where Home Depot is proposed, has been rough graded and is generally flat and does not have any significant trees or plant materials. The State Route 23 freeway is adjacent to the eastern edge of the project area, approximately thirty-five feet (35') above the proposed finished floor elevation of Home Depot. The southern edge of the project area contains an existing slope, adjacent to natural open space.

Previous Applications:

On March 19, 2003, the City Council approved Industrial Planned Development (IPD) Permit No. 2000-01 for eight (8) industrial/office buildings totaling 464,963 square feet; and Tentative Tract Map No. 5226 for eight (8) lots and a private street (Patriot Drive). Because the Home Depot would affect the rest of this development, the property owner has submitted a modification application to adjust buildings, lot configurations, and property lines to accommodate this project. The modification application is currently incomplete.

| GENERAL PLAN/ZONING | | | |
|----------------------------|--|---|-----------------------------------|
| Direction | General Plan | Zoning | Land Use |
| Site | Sub-Regional Retail / Commercial / Business Park (SR/C/BP) | Specific Plan No. 92-1 (Amended Carlsberg SP) | Vacant |
| North | Sub-Regional Retail / Commercial / Business Park (SR/C/BP) | Specific Plan No. 92-1 (Amended Carlsberg SP) | Retail Commercial and Restaurants |
| South | Open Space | Specific Plan No. 92-1 (Amended Carlsberg SP) | Open Space |
| East | Freeway – R/W | OS – 10ac | SR-23 freeway |
| West | Sub-Regional Retail / Commercial / Business Park (SR/C/BP) | Specific Plan No. 92-1 (Amended Carlsberg SP) | Vacant (approved Business Park) |

General Plan and Zoning Consistency:

Retail sales are an allowed use for the site under the Amended Carlsberg Specific Plan Zoning Classification and the Sub-Regional Retail/Commercial/Business Park (SR/C/BP) General Plan Land Use Designation and does not require any changes to the current Amended Carlsberg Specific Plan, nor does it require any changes to the General Plan. As stated in the Amended Carlsberg Specific Plan, on page 56: "The sub-regional retail/commercial overlay area is intended to provide for a shopping center featuring both retail and service commercial uses for the convenience of residents of the development, as well as, of the surrounding community." On page 57 of the development standards section, letter "n" - clearly indicates Retail Sales as a permitted use. A Commercial Planned Development Permit is required for the proposed building.

Project Summary

Planned Development Permit No. 2005-06:

| Parcel | Proposed Use | Building Area (sq. ft.) |
|---------------|--|------------------------------------|
| 12.9 acres | Retail home improvement warehouse store of 106,278 sq. ft. and attached retail garden center of 34,760 sq. ft. | 141,038 sq. ft. (total) |

Proposed Project

Architecture:

The architecture of the home improvement store has been patterned after the Moorpark Marketplace, with Spanish styled elements including large gable ends with exposed wood rafter tails, tower elements, parapet roofs with ceramic tile accents, as well as, colonnades covered with clay roofing tile. The majority of the building has a height of thirty feet (30'), with some taller ornamental elements on the front of the building. The primary entrance, designed as a gable end feature, has a maximum height of forty-six and one-half feet (46'6"). The lumber loading area consists of a fully covered porte-cochere with hipped roofs and a parapet façade at a maximum height of thirty-three feet (33'). There are two (2) tower elements that serve to break up the horizontal massing of the building, both of which have a maximum height of forty-two and one-half feet (42'6"). The maximum height allowed under the amended Carlsberg Specific Plan is thirty-five feet (35'), with the allowance for architectural projections to exceed this standard in order to provide complementary architecture and appropriate massing of commercial structures. The proposed architecture is well designed and is compatible with the surroundings. The architecture is discussed in more detail in the analysis section of this report.

Setbacks:

The Amended Carlsberg Specific Plan requires a thirty-foot (30') deep front yard. Since the project is not adjacent to any residential lots or streets or alleys, the required side and rear yards are zero feet (0'). The site plan demonstrates full compliance with the setback standards of this Specific Plan, as the project exceeds all of the minimum standards.

Circulation:

The subject property is served by (future) Patriot Drive, a private street which takes access off of Miller Parkway. Patriot Drive will terminate with a cul-de-sac at the northwestern corner of the subject property where a thirty-foot (30') wide drive aisle will connect Patriot Drive to the Moorpark Marketplace, which is located to the north of the cul-de-sac. Home Depot will take access easterly, directly off of the Patriot Drive cul-de-sac and will share this drive aisle with vacant property to the north which separates the proposed Home Depot site from the back of the food court of the Moorpark Marketplace. This drive aisle into the site is a minimum of thirty feet (30') in width, with landscaping planters lining this access.

The predominate parking lot is located off of the main drive aisle that provides access to the site and is located in front of the proposed building and garden center. All of the drive aisles on site are a minimum of twenty-five feet (25') in width. At the rear corners of the building, there is a minimum forty foot (40') clear to sky turning radii around the rear of the building for Fire Department access.

Traffic:

According to the Institute of Transportation Engineers – Trip Generation 7th Edition, (2003), the proposed 141,038 sq. ft. Home Depot – home improvement store will generate 4,202 Average Daily Trips on a weekday. The analysis of the traffic section of the EIR for the Carlsberg Specific Plan Amendment concluded that the Sub Regional/Retail Commercial/Business Park area would accommodate up to 795,000 sq. ft. of commercial development with up to 42,000 Average Daily Trips. Upon review of the circulation patterns and routes that were analyzed in the original EIR, it was determined that these arterials and streets have sufficient capacity to accommodate up to the maximum of 795,000 sq. ft. of retail and commercial development. The addition of the proposed 141,038 sq. ft. Home Depot to the existing 358,000 sq. ft. Moorpark Marketplace commercial center to the north, and to the 132,000 sq. ft. Village at Moorpark commercial center under construction to the west, will not exceed the maximum amount of commercial development analyzed in the original EIR. The combination of the existing and proposed commercial development totals 631,038 sq. ft. of commercial/retail development, which is well under the maximum of 795,000 sq. ft. that is allowed under the current Amended Carlsberg Specific Plan.

A proposed project condition would require a bus stop for the City of Moorpark municipal bus transportation system. This commercial project would also pay Area of Contribution fees to be used towards improving citywide traffic and circulation. As part of the Settlement Agreement between the applicant and the City, this commercial project would provide mitigation fees which represent payments toward fair share improvements as required in the original EIR. Furthermore, conditions provide fair share contributions towards completed traffic improvements for the Carlsberg Specific Plan project area.

Parking:

| Lot | Proposed Use | Spaces Required | Spaces Provided |
|--|---|-----------------|-----------------|
| 11.2 acres useable (of the 12.9 acres of leased land area) | 141,038 sq. ft. Retail home improvement warehouse and garden center | 470 | 473 |

The project is required to comply with the City's parking ordinance by providing one parking space for every 300 sq. ft. of gross retail floor area. The project meets the minimum number of parking stalls, including the required number of accessible stalls as required by

the parking ordinance and uniform building code. All of the parking spaces are nine feet (9') wide by twenty feet (20') in depth. The primary parking lot is located in front of the warehouse store and garden center, with a total of 363 spaces. Ancillary parking areas are proposed on the sides and rear of the building, with a total of 110 additional parking spaces.

Loading Area:

The loading area is located at the southeast corner at the back of the building. Sufficient room exists for the full turning movements of semi-tractor trailers in the drive aisles at the rear of the building without conflicting with any parking. There are three depressed loading docks proposed within an area that is thirty-eight feet (38') wide and seventy-five feet (75') deep. The proposed loading area exceeds the minimum standards for loading spaces set forth in the parking ordinance which requires twelve feet (12') in width by forty feet (40') in length per loading space. The loading and unloading of retail goods and purchased items are discussed further in the analysis section of this report.

Landscaping:

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 Spanish-styled 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 using similar fixtures to those in the Moorpark Marketplace. The lighting plan is subject to review by the City's lighting consultant for consistency with the City's requirements. Project lighting is discussed further in the analysis section of this report.

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

The City Engineer has recommended conditions on 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 to address project stormwater quality issues.

Air Quality:

All commercial/industrial projects are required to off-set air pollutants consistent with the 2003 Ventura County Air Quality Assessment Guidelines. Staff has included a standard condition requiring the applicant to make contribution to the Moorpark Traffic System Management Fund 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 and Site Planning
- Outdoor Storage and Sales
- Enhanced Paving
- Cart Corrals
- Signs
- Lighting
- Loading and Unloading
- Citizen Input

Architecture and Site Planning:

The design of the home improvement store carries out the Spanish-style architecture of the Moorpark Marketplace, with use of earth-toned shades and natural materials. The front of the building faces the north toward the parking lot. The building footprint is approximately four-hundred and twenty feet (420') wide by two-hundred and fifty feet (250') deep. The main entrance has a prominent gable end tower element that is approximately eighty-five feet (85') wide and forty-six and a half feet (46'6") tall. The gable end is accentuated with two-piece clay barrel tile roofing and heavy rough sawn wood beams and knee braces. The main pedestrian entrances are located within arched openings placed in the tower elements that flank either side of a larger arched opening in the middle. The middle opening provides visibility into the glazed store front and contains a large raised planter faced with rock veneer with a precast concrete seat wall cap. The arched openings of the main entrance are wrapped with a pre-cast concrete surround and a rock veneer wainscot supports the bases of the tower.

The balance of the store front façade from the main entrance to the west, is punctuated with a series of arched openings that lead into a colonnade, which is fully covered with a clay-tiled, hipped roof. This colonnade provides a pedestrian connection between the main entrance, which is generally in the center of the building, and the building materials loading area located at the western portion of the project. The rock veneer wainscot is carried out across the balance of the building and at the bases of colonnade's arched openings that have half-round raised landscape planters. These raised planters are intended to introduce more plant material, shade and interest at the pedestrian level against the front of the building. Behind the colonnade is the main structure, which has a parapet roof at an approximate height of thirty feet (30'). The parapet features at this height extend

horizontally across the entire face of the building. The linearity of this feature tends to bring down or soften the overall massing of the structure. The business's retail materials loading area contains a porte-cochere with a parapet façade at a maximum height of thirty-three feet (33'), which screens a full hipped roof element that covers an approximate seventy five-foot (75') wide by forty-foot (40') deep loading zone, (totaling approximately 3,000 sq. ft.) in front of the western portion of the store. The pedestrian colonnade continues on to the northwest corner of the building, where it transitions into a corner tower element, which has a maximum height of forty-two and a half feet (42'6"), and is located at the entrance tool rental center. This tower creates a transitional area in the pedestrian connections across the store front into a pedestrian walk that leads all the out to Patriot Drive and off-site.

From the main entrance to the east, a pedestrian quad is emphasized with tree wells designed to support large specimen trees, along with vine and landscaping pockets against the building backed with decorative ceramic tile. This area is flanked by the parapet roof element described above. This primary parapet roof is articulated with decorative ceramic tiles that contain wrought iron grille work. An additional tower element, which like the one on the northwest corner of the building has a maximum height of forty-two and a half feet (42'6"), has been introduced to transition this pedestrian quad into the retail garden center area and entrance.

The footprint of the retail garden center is approximately one-hundred and ninety feet (190') wide by one-hundred and eighty feet (180') deep. The main entrance into the garden center contains a moderately sized gable end which is approximately forty feet (40') wide and thirty feet (30') tall, with only one large arched opening for access. Again, the base of the tower element is wrapped with rock veneer, as well as the wainscot along the balance of the garden center. Two large raised planters that are each twenty feet (20') wide by five feet (5') deep are introduced in the pedestrian areas directly in front the garden center. The security fencing material on the garden center is proposed to be vinyl covered small mesh chain link, backed with shade cloth on the interior of the garden center. There is a retaining wall proposed at the base of the slope behind the building. This retaining wall was conceptually approved with the Cypress IPD. It will need to be constructed as part of the development of the Home Depot project. The wall ranges in height from zero up to nine feet at its tallest point, but the majority of the wall is between three to six feet in height.

Since the wall is behind the building and is not entirely visible from off-site, staff feels that the use of decorative masonry is sufficient. A condition has been included requiring the retaining wall plan and materials to be reviewed and approved by the Community Development Director prior to the issuance of grading permits.

The following building materials are proposed on the project:

- Two piece Clay roofing tile
- Cornice detail on parapets
- Rough sawn wood beams/rafter tails
- Rock veneer
- Precast concrete
- 6"x6" decorative ceramic tile
- 18"x18" decorative ceramic tile
- Decorative Wrought Iron grille
- Stucco

The following conditions of approval are recommended by staff to fully carry out and enhance the style of architecture that is proposed:

- The two main pedestrian entrances, porte-cochere and two tower elements shall all have a smooth trowel applied plaster finish with random brush strokes to the satisfaction of the Community Development Director.
- The arched openings shall have a rounded bull nose edge to the satisfaction of the Community Development Director.
- All pre-cast concrete detailing shall have a natural concrete finish to the satisfaction of the Community Development Director.
- An appropriately scaled precast concrete key-stone shall be introduced at the tops of the precast concrete surrounds of the arched openings on the main entrance, to the satisfaction of the Community Development Director.
- The applicant shall submit all of the proposed colors, materials and building finish textures for review and approval to the satisfaction of the Community Development Director prior to the issuance of building permits.
- Roof appurtenances shall be no higher than the lowest parapet on the roof and shall be painted the same color as the roofing material and there shall not be any piping, visible roof ladders, equipment, vents, exterior drains and scuppers or any other exposed equipment on the roof with the exception of air conditioning handling units.
- All ground mounted utility boxes shall be screened with landscaping and all gas, electric, and water meters shall also be screened to the degree allowable by the utility companies, to the satisfaction of the Community Development Director.
- The security fencing on the garden center shall be decorative and a sample shall be submitted for review and approval of the Community Development Director.

The proposed architecture is very well designed and is compatible with the surroundings. Coupled with good massing, introduction of large pedestrian links and amenities with appropriate site planning, the architectural plan for the project is of good quality. The new retail building is proposed in a location that will be surrounded by vacant lots that are associated with the approved Cypress IPD business park development. The site is also tucked into the south east corner of the vacant lot against the slopes to the south and east, at the area of the property that is at the furthest point away from any residences. The

proposed building is at an approximate distance of one-thousand four-hundred feet (1,400'), equivalent to almost five football fields, from the nearest residential unit on South Fork Road.

Outdoor Storage and Sales:

Outdoor storage of saleable materials is prohibited unless a temporary use permit is approved for outdoor sales. Staff worked with the applicant to introduce the raised landscape planters within the hardscape plan across the balance of the front of the store. This serves two purposes. First it allows for more planted areas and pedestrian amenities than would exist without the raised planters. Secondly, the raised planters create a built-in physical barrier and impediment that hinders outdoor storage of saleable goods. The site plan designated an outdoor seasonal sales area where outdoor sales may be allowed with an approved temporary use permit subject to review and approval of the Community Development Director. A condition of approval is included in that requires prior approval of a temporary use permit by the Community Development Director prior to the occurrence of any seasonal or temporary outdoor sales. Also a condition is included which requires the applicant to submit a hardscape plan for review and approval of the amount, size and shape of the raised planters. Staff has recommended a condition on the project requiring the installation of specimen sized trees within the landscape planters along the front of the project and in larger planter areas.

Enhanced Paving:

Staff also worked with the applicant to introduce decorative paving in front of the store at the pedestrian entrances and at the vehicular access point that leads onto the site from Patriot Drive. The enhanced paving areas at the pedestrian entrances into the store will be at the same level as the finished grade of the store but, there will be a slight rise in the drive aisle up to these decorative paving areas. This accomplishes several things. First the paving clearly and attractively delineates the pedestrian crossings. With the drive aisle at the same grade as the store front, people with carts and flat-beds can access the store and parking lot much easier. This is a common design attribute of warehouse style stores. Also, the rise in the grade of the paving within the drive aisle functions as a traffic calming device as vehicles experience the transition while driving through the pedestrian areas. This also precludes the need for the introduction of speed bumps on the site in the future. A condition is included requiring the submittal of a final hardscape plan to include the decorative treatment of the hardscape with integral color and texture at all pedestrian areas, and prominent drive aisles, including, but not limited to, the front entrance to the site off of Patriot Drive and the primary entrances into the store and garden center, to the satisfaction of the Community Development Director.

Cart Corrals:

The site plan proposes six large cart corrals distributed evenly in various locations throughout the parking lot in front of the store. There is also cart and flat-bed storage

proposed in front of the garden center, screened behind raised planters. The proposed plans do not show the actual design of the cart corrals. A recommended condition provides for the design and placement of cart corrals to be subject to review and approval of the Community Development Director prior to the issuance of building permits.

Signs:

The size and scale of the signs reflected on the plans have not been reviewed and approved. The applicant has stated that there will not be any pylon or pole sign proposed for this store. All of the signs associated with this proposed project will be building mounted or ground mounted on a monument sign. A special condition of approval has been included requiring a master sign program for review and approval by the Community Development Director prior to the issuance of building permits for sign installations.

Lighting:

The project is proposing to use the same type of light fixtures that are at the Moorpark Marketplace, except with a full-cutoff (flat) lens instead of a sag lens. Staff will ensure that the lighting plan is consistent with the standards set forth in the City's lighting ordinance. A condition is included which requires that all outdoor lighting systems shall be designed to include an automatic shutoff control with manual override capability to reduce at least fifty percent (50%) of the energy usage of the system from twelve (12:00) a.m. until one (1) hour before daylight, unless otherwise approved by the Community Development Director for safety or security reasons. An additional condition of approval has been added requiring that lighting fixtures be architecturally compatible with the buildings and landscaping. Staff feels the use of skylights at this location may be allowed as long as the applicant can demonstrate that off-site glare during nighttime hours will be minimized to an acceptable level. A condition requiring the review and approval of a skylight plan to address nighttime off-site glare has been included.

Loading and Unloading:

To minimize community impacts, a condition is proposed for that would prohibit delivery trucks from using Miller Parkway south of Patriot Drive when traveling to or from the site. Furthermore, a condition is included which requires the applicant to submit a loading circulation plan to be reviewed and approved by the City Engineer and Community Development Director prior to occupancy. In addition to truck deliveries, this plan would need to address customer loading of retail home improvement materials such as lumber and tool rentals.

Citizen Input:

A number of e-mails from citizens providing their input on the proposed Home Depot project have been received by Community Development staff (Attachment 5). The majority of the e-mails have expressed concerns and or opposition to the project. Some of the comments expressed a concern that if approved, the Home Depot store may attract day

laborers and create a neighborhood nuisance. Staff feels that this location is far removed from any area in town where day laborers currently congregate and that it is unlikely that there will be the occurrence of day laborer staging at the proposed Home Depot location. Staff researched whether or not day laborers are present at other nearby Home Depot locations. There are three existing Home Depot locations in eastern Ventura County: Simi Valley, Newbury Park and Camarillo. Staff has visited all of these existing stores on numerous occasions and did not observe the presence of any day laborers at any of these establishments.

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, the Amended Carlsberg Specific Plan, zoning ordinance, and other applicable regulations, as it meets or exceeds the Ordinance requirements for setbacks, parking, landscaping and height and meets the intent contained within applicable City Ordinances and policies, the Amended Carlsberg Specific Plan; and the proposed project is compatible with the architectural style of the Moorpark Marketplace commercial center and the Village at Moorpark commercial center both located in proximity to this project on the west and east sides of Miller Parkway.
- B. The site plan design would not create negative impacts nor impair the utility of properties, structures or uses in the surrounding area as the property is zoned to allow a commercial development and the site plan design integrates the building location at the south-eastern section of the subject property, adjacent to off site slopes, thus minimizing visibility of the structure from off-site as viewed from residential properties located to the southwest of this proposed development.
- C. The proposed commercial uses are compatible with existing and permitted uses in the surrounding area as the architectural design and site plan arrangement complements the design of the Moorpark Marketplace and Village at Moorpark commercial centers located to the north and west of the subject property; and the proposed commercial building is located in such a manner so as not to impede the use of the adjacent vacant properties to the west and north and reduces any potential impacts to existing residential developments based on the presence of natural open space which buffers the proposed site from existing residences.

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: June 9, 2006
Planning Commission Action Deadline: not applicable
City Council Action Deadline: September 7, 2006

Upon agreement by the City and Applicant, one 90-day extension can be granted to the date action must be taken on the application.

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 determined through an Initial Study that all potentially significant environmental effects of this project have been analyzed adequately in an earlier Environmental Impact Report (SCH No. 92061076) that was prepared and certified for the Amended Carlsberg Specific Plan. No new information or impacts that require preparation of a new or subsequent EIR have been identified as a result of this proposed project. No further analysis pursuant to the California Environmental Quality Act is required.

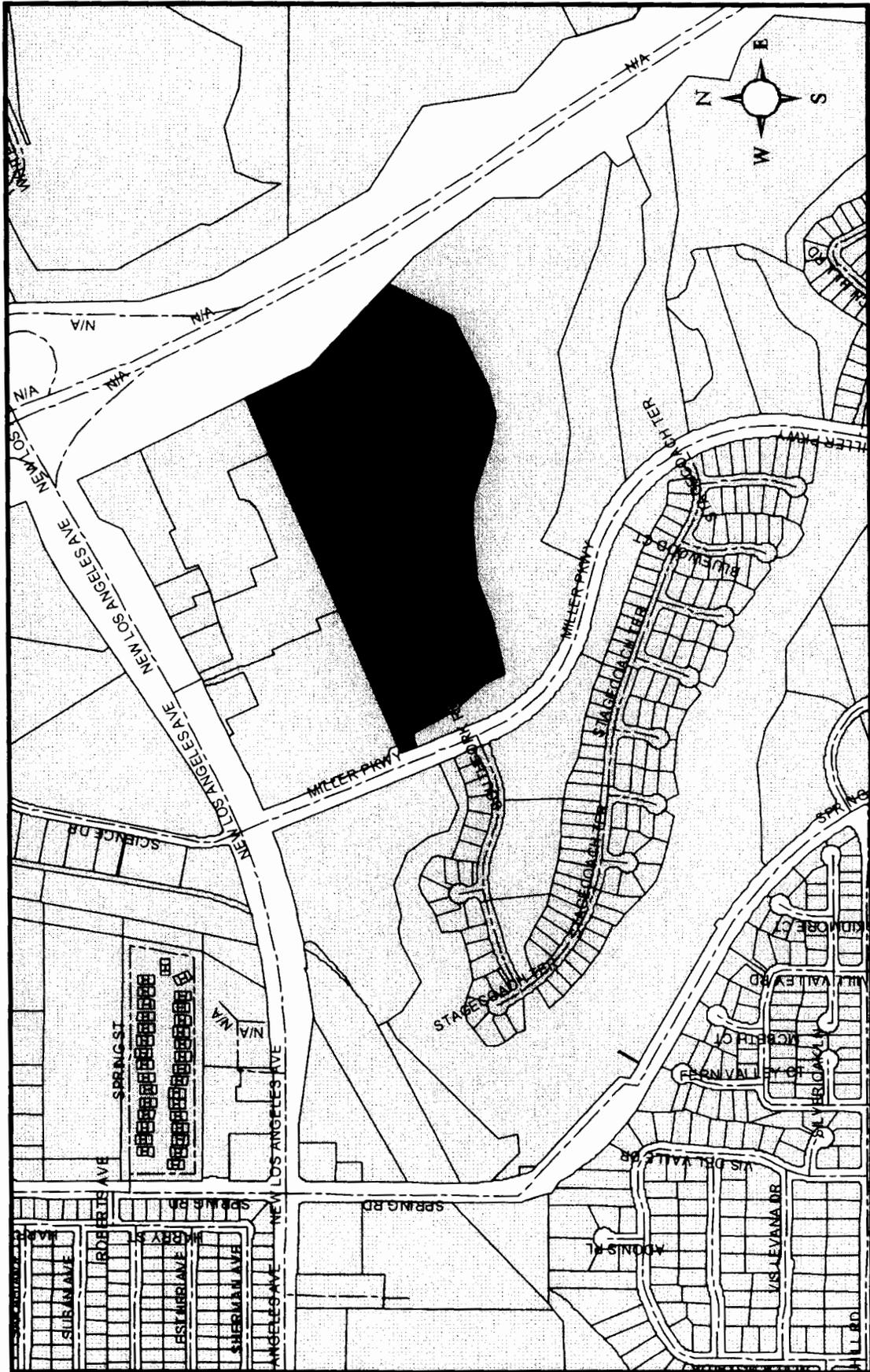
STAFF RECOMMENDATION

1. Open the public hearing, accept public testimony and close the public hearing; and
2. Adopt Resolution No. PC-2006-____ recommending to the City Council conditional approval of Commercial Planned Development Permit No. 2005-06.

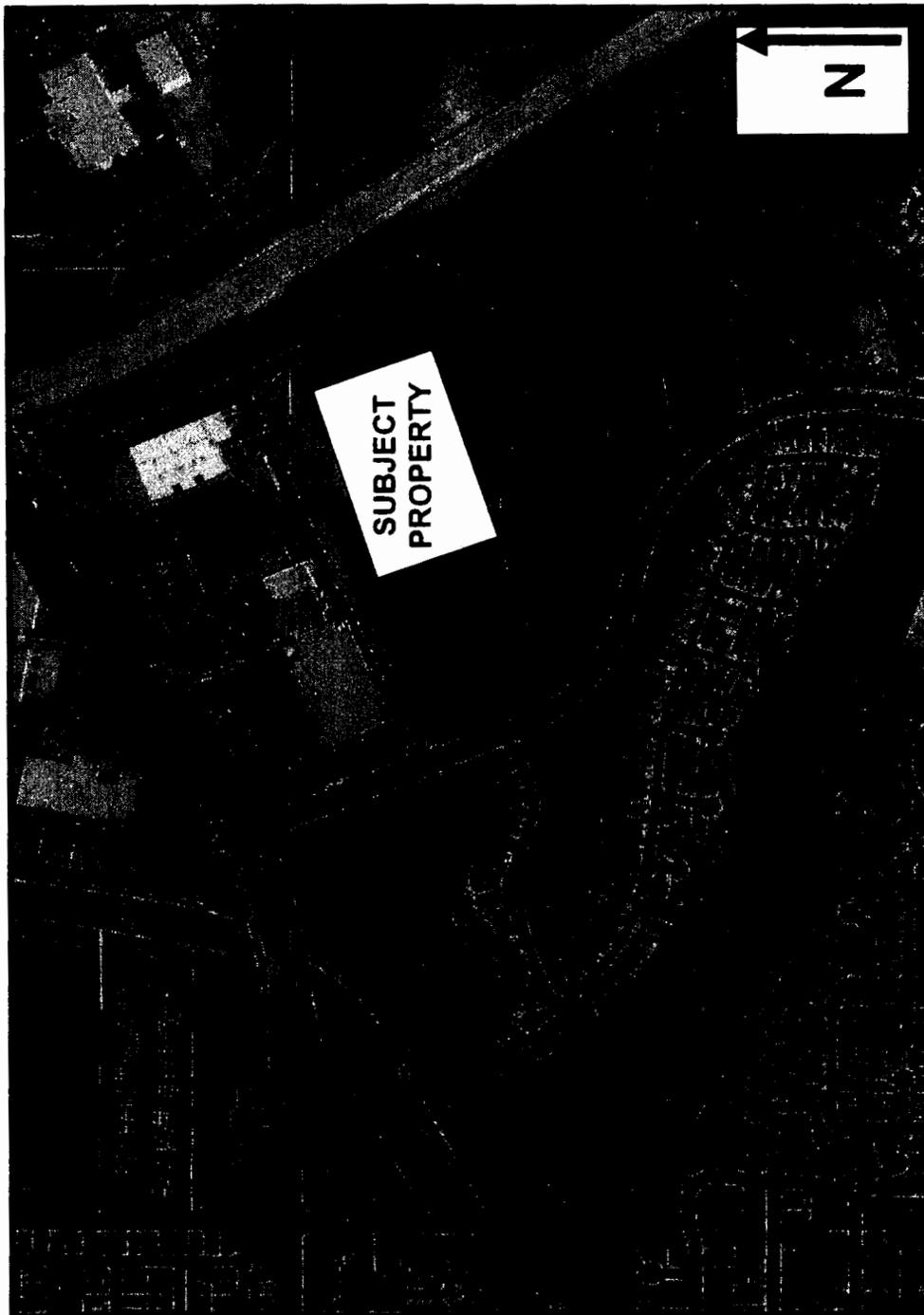
ATTACHMENTS:

1. Location Map
2. Aerial Photograph
3. Project Exhibits
 - A. Site Plan
 - B. Landscaping Plan
 - C. Grading Plan
 - D. Colored Elevations
 - E. Materials Plan
 - F. Store Front Hardscape Plan
 - G. Area Land Use Map
4. Draft PC Resolution with Conditions of Approval
5. E-mail Communications from Citizens

LOCATION MAP

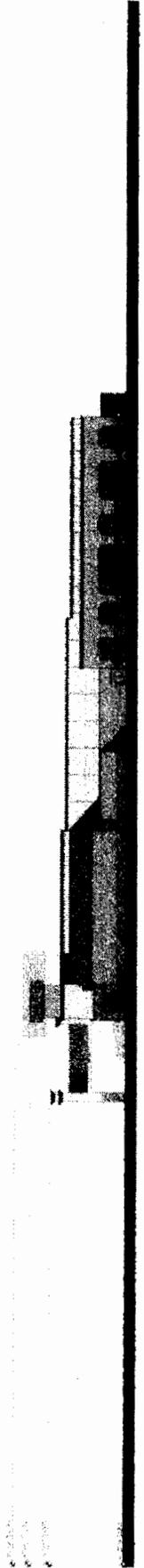


AERIAL PHOTOGRAPH

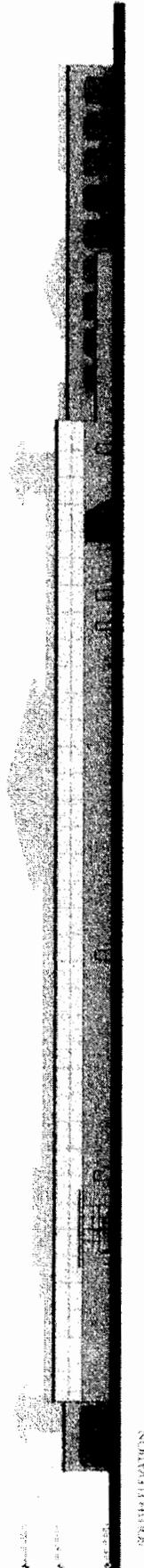




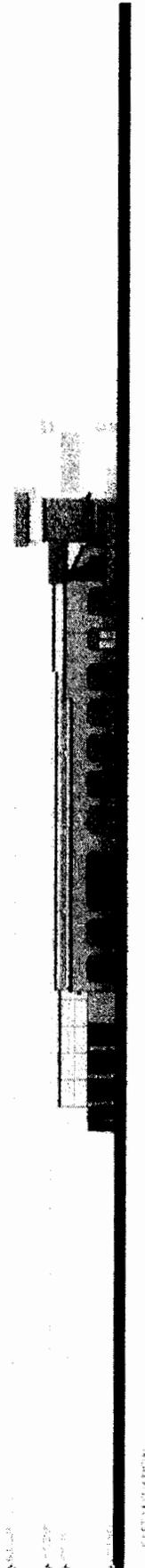
NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

Elevations

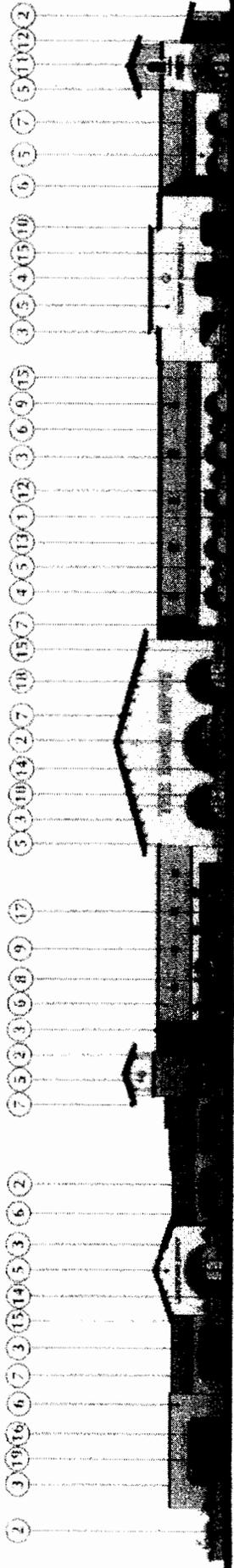
| Room | Area | Volume |
|-----------|------|--------|
| Office | 1000 | 1000 |
| Storage | 2000 | 2000 |
| Warehouse | 5000 | 5000 |
| Office | 1000 | 1000 |
| Storage | 2000 | 2000 |
| Warehouse | 5000 | 5000 |

THE HOME DEPOT
 PC ATTACHMENT
 3.D.

THE HOME DEPOT
 10000 W. WILLOW BLVD.
 LOS ANGELES, CA 90024
 (213) 744-1000



10000 W. WILLOW BLVD.
 LOS ANGELES, CA 90024
 (213) 744-1000



NORTH ELEVATION

| | | | | | | | | | | | |
|---|-----------|---|---|--------|--|----|----------------|--|----|-------------------|---|
| 1 | Curb | Round in Place Concrete Dunn Edwards Color: "Campan" 160 | 5 | Wall | Stucco Dunn Edwards Color: DDE161 "Milled Wax" | 11 | Structural | 1.04 "x" "x" Extruded Aluminum Frame Kemper of Engineers Color: "White" Extruded | 13 | Wire-work | Precast Concrete Integral color concrete, various shape Dunn Edwards Color: "San Diego Blue" |
| 2 | Wall Base | Architectural Stone Veneer Cultural Stone, Cobblefield Color: "Essex Rivet" | 6 | Wall | Margraff Formlines HES Textures Dunn Edwards Color: DDE161 "Milled Wax" | 11 | Exterior Doors | Jonbay Metal Doors & Frames Dunn Edwards Color: DDE171 "Oak" | 16 | Roof Cup Over | Steel Coiling "Dove" w/ Perforated Slats Dunn Edwards Color: DDE139 "Santitasville Brown" |
| 3 | Trim | Extruded Insulation & Finish System (E.I.F.S.) Dunn Edwards Color: DDE172 "Oak" | 7 | Roof | Two-Face Ribbed Tile US Tile Color: "DDE Wood Beak" | 12 | Trim | Stucco Dunn Edwards Color: DDE137 "Essex Hat" | 17 | Stair | 18" x 18" Dimpled Tile Dunn Edwards Color: "Kant" LC04 |
| 4 | Wall | Margraff Formlines HES Textures Dunn Edwards Color: DDE172 "Oak" | 8 | Wall | Margraff Formlines HES Textures Dunn Edwards Color: DDE172 "Oak" | 13 | Roof Opening | Cambium Fabricated Decorative Metal Cold Wrought Iron Color: "Black" | 18 | Exterior Lighting | Stromberg Lighting Stromberg Lighting Color: "Medium Bronze" |
| | | | 9 | Accent | 6" x 6" Decorative Tile Dunn Edwards Color: DDE172 "Oak" | 14 | Soffit | Architectural Stone Veneer Cultural Stone, Cobblefield Color: "Essex Rivet" | 19 | Fencing | Associated Fencing Products or Equivalent Finished Steel Posts and Rails w/ Wood Covered Small Mesh Chain Link Fencing and 3 1/2" Round Chain. Attached to Posts Color: "Black" (All Components) |

Colors and Materials

| | |
|-------|--|
| Color | Material |
| 1 | Round in Place Concrete |
| 2 | Architectural Stone Veneer |
| 3 | Extruded Insulation & Finish System (E.I.F.S.) |
| 4 | Margraff Formlines |
| 5 | Stucco |
| 6 | Margraff Formlines |
| 7 | Two-Face Ribbed Tile |
| 8 | Margraff Formlines |
| 9 | 6" x 6" Decorative Tile |
| 10 | Precast Concrete |
| 11 | Stucco |
| 12 | Stucco |
| 13 | Stucco |
| 14 | Architectural Stone Veneer |
| 15 | Stucco |
| 16 | Steel Coiling "Dove" w/ Perforated Slats |
| 17 | 18" x 18" Dimpled Tile |
| 18 | Cambium Fabricated |
| 19 | Stromberg Lighting |

000028

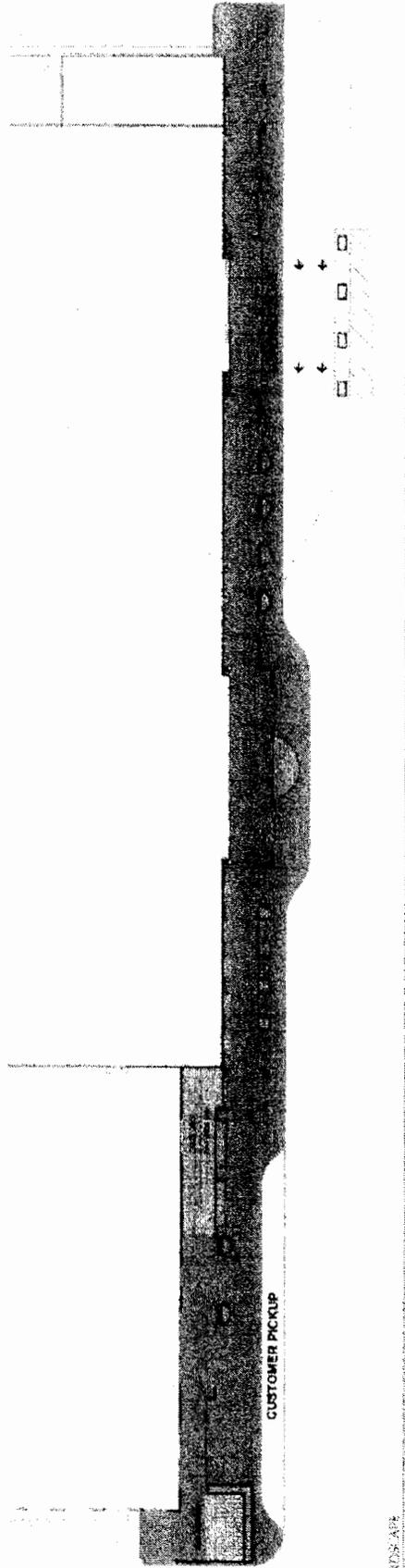
THE HOME DEPOT

PC ATTACHMENT 3.E.

with the design development
consultants, Inc.
1000 West 10th Street, Suite 200
San Diego, CA 92101
Tel: 619-594-1000



-  Planter
-  Cart Storage Area
-  Integral Colored Concrete



HARDSCAPE



NEIGHBORHOOD

Front Elevation and Hardscape

Name: _____
 Title: _____
 Date: _____
 Project: _____
 Scale: _____
 Drawing No.: _____

000029

THE HOME DEPOT

Menlo Park, California

PC ATTACHMENT

3.F.



and an award-winning
 design firm
 in Menlo Park, California
 650.321.1234
 www.foxgroup.com



Overall Land Use Map

| | |
|-------------|-----------|
| Project No. | 1000-0011 |
| Map No. | 1000-0011 |
| Map Date | 10/1/00 |
| Prepared By | UC |
| Checked By | UC |
| Scale | AS SHOWN |

This map is for informational purposes only. It is not intended to be used as a legal document. The user should consult the appropriate local government for more information.

000030

THE HOME DEPOT
 PC ATTACHMENT
 3.G.

Moorpark, California

William Garth
 Design Development
 Consultants, Inc.
 11111 1st Street, Suite 100
 Moorpark, CA 93426
 Phone: (805) 771-1111
 Fax: (805) 771-1112



E-MAIL COMMUNICATIONS FROM CITIZENS
CONCERNING HOME DEPOT APPLICATION

-----Original Message-----

From: Raja Bamrungpong
Sent: Sunday, May 21, 2006 11:37 AM
To: Moorpark
Subject: Proposed Home Depot project.

I'm currently a resident at the Cantara development over the past 5 years. My wife and I really enjoy our home and the small-town feel city of Moorpark. I'm totally against the project and it makes no sense what so ever of wanting to put a Home Depot next to a million dollar homes. We were told that the undeveloped area was zoned exclusively for business building and not for retail space. I urge Mayor Hunter and Council members to please reject any proposal that would utilize that property for retailing space. The thought of having street vendors selling things and day laborers hanging outside of my development is not very appealing.

Raja Bamrungpong

-----Original Message-----

From: Michael Castello
Sent: Sunday, May 21, 2006 3:29 PM
To: Moorpark
Subject: Home Depot in Moorpark

To whom it may concern,

I live directly behind the area slated for consideration of the Home Depot building. Currently I am against it for two reasons.

- 1) At other Home Depot locations I observe illegals congregated near the building perimeter looking for work. I am concerned about the safety of my home and family and believe it will depreciate the worth of my home and area.
- 2) How high will the building be? I enjoy and beautiful view of the hills. The Target is located in the same area but does not obstruct my view. The view was my main reason for moving to this location in 2002.

Thank you for your time,

Mr and Mrs Michael Castello

000031

PC ATTACHMENT 5

-----Original Message-----

From: Alfred Dutra

Sent: Monday, May 22, 2006 7:25 AM

To: Moorpark

Subject: Home Depot Project

Importance: High

Good Morning:

I wanted to take a minute and express my concern over the proposed Home Depot project. I have a concern that Moorpark is attracting and approving too many of the same types of businesses. Right down the street we have a "Do it Center" and a large parcel of space that has been empty for some years now. Yet more space is being constructed. We have a large number of 'fast food' restaurants with a limited number of alternatives.

To strike more of a balance, I would think we need to attract a more upscale development to match the homes constructed in recent years. Perhaps at least one development that mirrors those of a Westlake Village. The shopping center that houses Target has been a disappointment to me for the reasons I've already mentioned.

Moorpark is a charming community that is in jeopardy of losing that charm if future developments are not diverse enough in the clientele they attract. A smaller version of the Simi Valley Town Center is what is needed in Moorpark, not another home improvement store.

I hope I have been articulate enough to express my point and that you consider my comments before approving any more projects in Moorpark.

I thank you in advance for your consideration.

Al Dutra

000032

-----Original Message-----

From: robert cohen
Sent: Monday, May 22, 2006 5:14 PM
To: Moorpark
Subject: Home depot

Councilmembers, just a note to let you know that this is one citizen who thinks putting a Home Depot at Miller Pkwy is a less than intelligent thing to do. I cannot imagine why the company wants to put another store in so close to the Simi location, but it definitely would not be a good thing for Moorpark. While it may generate some sales tax, it would have a very negative effect on the property in Serenata, thus affecting property tax revenue over time. In addition, one can imagine the extra load put upon our police dept by the problems caused by the pardon-the-expression "casual labor" that it will attract.

Please say no!
Robert Cohen

-----Original Message-----

From: Calendar
Sent: Monday, May 22, 2006 5:55 PM
To: Moorpark
Subject: Home Depot
To whom it may concern:

I am a resident in the Toscana plan of homes located on Miller parkway and Shawnee. It has come to my attention that there are plans to put a Home Depot in the lot behind Target on New Los Angeles Avenue. I wanted to write and offer my household's complete support in this endeavor. We cannot wait to have a Home Depot closer to home! Well done!

Sincerely,

Jennifer Chow

000033

-----Original Message-----

From: The Valentines
Sent: Monday, May 22, 2006 6:36 PM
To: Moorpark
Subject: home depot

Dear Council Members,

Five years ago my wife and I moved into the Cantara development just off Miller Parkway. We considered this an excellent location and chose a view lot looking out towards New Los Angeles Ave. We realized that some stores would be opening in the area within our view and that traffic would increase somewhat. However had we known that a Home Depot would be considered for this location, we never would have bought in this area. This is the type of large store that will increase one of Moorpark's most critical problems--truck traffic--and will no doubt lower our property values. Looking at a Home Depot from our backyard is not what we had in mind when we bought view property. Please consider what impact this type of business will have on the homeowners who paid a premium for what they hoped would be a peaceful neighborhood. Say no to "Depot",

Sincerely,

Mike & Jeanne Valentine

-----Original Message-----

From:
Sent: Tuesday, May 23, 2006 4:19 PM
To: Moorpark
Subject:

I oppose the proposal for a new Home Depot store to be built behind Target. Although I love shopping there I think the store in Simi Valley on Cochran Street is close enough and we do already have one large hardware store here. How about a major book store instead, like Barnes & Noble? Sincerely, Teri Brown

000034

-----Original Message-----

From: Bishop, Eric

Sent: Wednesday, May 24, 2006 11:49 AM

To: Moorpark

Subject: Against Consideration of Home Depot on New LA Ave. in Moorpark

Hello, my name is Eric Bishop. I live at _____ in Moorpark.

As a Moorpark resident for the past 11 years, I am completely against the prospect of the development of a Home Depot within the city of Moorpark. With the current Home Depot located in Simi Valley at Madera I think it is completely ridiculous that Home Depot and even the Moorpark City Council would consider this idea. It's bad enough that Pet Co. and Staples are being developed in the Miller Pky/New LA Ave location.

Does city planning mean "every" city needs these massive wastes of commercial real estate space?

I couldn't believe my ears when I heard this nonsense. I trust the Moorpark City Council will make the decision that is right for the citizens of Moorpark.

Respectfully,

Eric Bishop

-----Original Message-----

From: Bishop, Sharon

Sent: Wednesday, May 24, 2006 1:51 PM

To: Moorpark

Subject:

Hello, my name is Sharon Bishop. I live at _____ in Moorpark.

As a Moorpark resident for the past 10 years, I am completely against the prospect of the development of a Home Depot within the city of Moorpark. With the current Home Depot located in Simi Valley at Madera I think it is completely ridiculous that Home Depot and even the Moorpark City Council would consider this idea. It's bad enough that Pet Co. and Staples are being developed in the Miller Pky/New LA Ave location just below beautiful homes!

Please DO NOT build a Home Depot! We are losing all of our rural space that we love! Thank you for making the right decision!

Sharon Bishop

000035

-----Original Message-----

From:

Sent: Thursday, May 25, 2006 12:25 PM

To: Moorpark

Subject: Home Depot

To whom it may concern:

I live at _____ right behind the Target center and I just simply wanted to let you know that I strongly support Home Depot coming into town. I like the convenience of stores being in our area and not having to drive to Simi Valley or Thousand Oaks.

I would also love to see a new nicer grocery store in the area across from Target. A lot of people talk about the need of a Whole Foods, Trader Joes, Bristol farms, or Pavilions in our area. Just a side note.

Thanks for your time, Rachel Lindas

000036

-----Original Message-----

From: theresa N

Sent: Thursday, May 25, 2006 5:55 PM

To: Moorpark

Subject: Home Depot in Moorpark

Hi,

For what its worth, my family thinks having a Home Depot on Patriot way near Target is a TERRIBLE IDEA!

Huge stores like Home Depo are too BIG to have any other type of business in them should the corporation later decide to close a few stores. When that happens, these huge stores stay unrented for long periods of time (case in point - Moorpark's Kmart). This creates an opportunity for Vandals and more times than not, such stores become eyesores!! Our community is too nice! Lets keep it nice! Industrial Condos would be better than a Home Depo.

But better than Industrial Condos, would be small stores with living quarters on top, so that mom & pop business could live and work in the same space! Those could be created beautifully, and would draw people to them!

Please be conscious of the impression people passing thru Moorpark on the freeway will get, as they go by.

Will Moorpark be a place they might want to come back and visit? Or will Moorpark become a place so Industrialized, that they will hurry thru as fast as they can! Business located near the Freeway, should be attractive and inviting. Just because Home Depot carries a big name, should not insure that it gets any place it wants to have here. Stores like Home Depot need to be tucked away carefully, so that in the future the building will never become a liability to the community!

Sincerely,
Theresa Nielsen

000037

-----Original Message-----

From: Chris Dutton

Sent: Friday, May 26, 2006 7:03 PM

To: Moorpark

Subject: Home Depot in Moorpark

May 26, 2006

Dear Moorpark City Council,

It has come to our attention and we have heard on more than one occasion that the City Council has been approached and is considering allowing a Home Depot to be erected behind the Target store near Miller Parkway and Los Angeles Avenue.

If we may respectfully offer our greatest opposition to this idea. Moorpark has undergone an incredible transformation in the last several years. It is now home to several upscale and family friendly neighborhoods. The community has recently voted down a "mega" style housing development and supported the City Council on this issue. The community focus appears to be on a hometown, upscale environment which is competitive with many very sought after communities surrounding Moorpark.

As local residents to the area in question, we dread to think of the impact a Home Depot would have to the community and the surrounding (mostly residential) areas. Massive traffic, day laborers loitering, noise, massive delivery schedules are only the beginning of this industrial nightmare.

Additionally, we believe that this city settled when it voted on the Moorpark Marketplace. Adding a Home Depot directly behind this complex on a plot of land we were told would be reserved for office space only will continue to perpetuate a "discount" budget based entry to our city.

In closing, I encourage each of you to consider the upscale look of Moorpark today. The recent flower and tree lined streets of Tierra Rejada. The beauty of the Tierra Rejada Valley, Underwood Family Farms and Historical High Street complete the small town look of Moorpark. This is what has made property values triple in the last 15 years, not 'mega marts.' Please take a closer look at this idea without focusing on tax revenue. We want our community to retain its intrigue. We overwhelmingly voted 'no' to big box Northpark and supported the wishes of the Moorpark City Council. Please support us now by voting down big box Home Depot.

Sincerely,

The Dutton Family

000038

-----Original Message-----

From: MEdelstein
Sent: Saturday, May 27, 2006 2:40 PM
To: Moorpark
Subject: Home Depot

Dear Council Members,

Just heard a Home Depot may possibly go in behind Target. Why? We have a Do It Center here and Lowe's and Home Depot are just minutes away. We will just have another huge, empty building like half of K-mart and the Savon by Vons. Why not a book store someplace in Moorpark like Borders--we really do read in this town--even if outsiders think we are uneducated!

Good luck with whatever decision is made.

Have a good holiday weekend,

Jeff and Michele Edelstein
Serenata homeowners

-----Original Message-----

From: Lisa Gordon
Sent: Saturday, May 27, 2006 6:46 PM
To: Moorpark
Subject: Home Depot
In regard to Home Depot being built in Moorpark (behind the Target shopping center):

There is already a Home Depot and Lowes close to Moorpark in Simi Valley.
In Moorpark there is already a Do It Center.

Home Depot in Moorpark would bring in a lot more traffic along New LA Avenue - there is already more than enough traffic on that street.

Don and Lisa Gordon
residents of Moorpark

000039

-----Original Message-----

From: PBraun

Sent: Tuesday, May 30, 2006 2:51 PM

To: Moorpark

Subject: Proposed Home Depot

Dear Counselmembers:

I am a resident of the Serenata development in Moorpark. Our June newsletter contained an advisory that the city of Moorpark is considering a proposal to put a Home Depot in the area behind Target. Why? We have a Do-It-Center on the west end of town, not to mention a Lowe's and [another] Home Depot in Simi Valley. It appears the west end of Moorpark does not receive an abundance of business as it stands, let alone if the Do-It-Center is forced to compete with yet another home improvement center. I can't believe the residents in the developments around the Target and soon-to-be PetCo shopping centers applaud the addition of another proposed eye-sore in the neighborhood. Why don't you consider giving them a break and put in a park or, at the very least, if money is the motivating factor, an upscale store or group of stores?

Sincerely,

Pat Braun

000040

-----Original Message-----

From: JULIE STAMAND

Sent: Tuesday, May 30, 2006 3:21 PM

To: Moorpark

Subject: Serenata Resident - My input on Home Depot in Moorpark

To My City Council Members -

As a resident of Moorpark and lifetime resident of Ventura County, I feel compelled to offer my input on the possibility of Home Depot being allowed to build another store, and hope it is of use in your decision making process.

I am currently able to drive 6.73 miles and be at a Home Depot (Simi Valley)
Or...If I'm in a Lowes mood, 7.3 miles and I'm at the NEW Lowes in Simi Valley.

But, Even better, I can drive 1.75 miles and be at the MOORPARK Do-It Center.
I CHOOSE to visit the Do-It center to keep the tax revenue in Moorpark, and because the Do-It center occupies a portion of the building that had been vacant for so long after K-Mart closed. I love the fact that the Do-It center has the small town feel, with all the amenities of a large scale hardware store. I love the fact it drives business to Take Sushi, Ultima Salon, and the new wonderful Pandiera Bakery. Lets work on getting that other portion of the building leased. Not build another huge store.

I know a Home Depot would bring new tax revenue to Moorpark. But, honestly...any new retail would bring the revenue. I personally don't need another huge box style home improvement store. I need some additional FAMILY dining options. I would love some new family style shopping, like the Target shopping center is already creating.

Please consider placing this land up for other uses to improve Moorpark. Of course, develop it to bring in tax revenue. I get it... the need for tax revenue. But a 4th Home Improvement store in less than 7.5 miles of our home is not what we need OR WHAT I WANT.

Thanks for reading this. I know your busy.
Sincerely - Julie St. Amand

000041

-----Original Message-----

From: HELEN WILLCOX

Sent: Tuesday, May 30, 2006 4:42 PM

To: Moorpark

Subject: Home Depot Proposal

Please, Please, Please DO NOT allow a HOME DEPOT to build in our neighborhood!! We live in homes directly behind Target off Miller Parkway...the traffic here is already too busy a pace for a small neighborhood, by a park (where many of us walk to) and close to schools! We already have increased traffic from the Target center and the new development housing Staples and PETCO will make it much worse. We just had a new Do It Center put in the Albertson's shopping center which will surely go out of business if Home Depot is three blocks away.

Please consider the reason these families bought a house in this area in the first place...to move away from the city traffic and live in a semi-rural environment. The more large businesses you bring in the more it takes away from our privacy.

Thanks,

H. Willcox

(Household with two voters)

-----Original Message-----

From: Mike Sergott

Sent: Tuesday, May 30, 2006 8:37 PM

To: Moorpark

Subject: Proposal to build Home Depot behind Target

Dear City Council members:

I am a resident of the Serenata community in Moorpark and just learned of a proposal to build a Home Depot in the empty lot behind Target. I would like to wholeheartedly support this proposal, as it brings valuable services to our community. I would like to see Moorpark grow into a desirable neighborhood to visit and live, and believe that the addition of Home Depot to the Moorpark Marketplace would aid in this goal.

Please feel free to contact me regarding this issue.

Kind regards,
Tania Sergott

000042

-----Original Message-----

From: Sandy Krutilek

Sent: Wednesday, May 31, 2006 11:21 AM

To: Moorpark

Subject: Home Depot in Moorpark

Our family and friends are absolutely against a Home Depot in lovely Moorpark, bringing in more traffic congestion mingled with the those big trucks that clog Los Angeles Ave. and devalue our property. We intend to vote against any council member who approves of the Home Depot.

Scott and Sandra Krutilek

-----Original Message-----

From: JAN GREENWOOD

Sent: Monday, June 05, 2006 9:14 PM

To: Moorpark

Subject: Home Depot

Council members,

I am opposed to a new Home Depot being built behind the Target Store. The only way in or out of this store would be Miller Parkway. This will create massive traffic problems on Miller parkway. You are placing children in jeopardy as you have a middle school and a public park on Miller parkway. You will have commercial Truck traffic on Miller Parkway, and I don't think Miller Parkway is rated for commercial truck traffic. Finally I don't see the need, we have two hardware stores in town and a Home Depot and a Lowe's within five miles.

John & Jan Greenwood

000043

-----Original Message-----

From: Blanca Garza

Sent: Tuesday, June 06, 2006 11:22 AM

To: City Council, Barry Hogan; Joe Vacca

Subject: Phone Message: Ann Annese (805) 531-9799 - Home Depot

Good morning! I received a call from Ann Annese (531-9799) who lives in the Serenata community. She requested to leave a message for the City Council and Planning Commissioners regarding her concern with Home Depot being built in the proposed location as it is too close to homes, schools and churches and it will make the traffic situation worst. She is also concerned it will cause a similar situation as the issues the City is having at Topsy Fox. She does not feel the City needs a Home Depot as the one in Simi is close but if we do get one in Moorpark she feels a location that is more industrial would be better.

000044

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING COMMERCIAL PLANNED DEVELOPMENT PERMIT NO. 2005-06 TO ALLOW CONSTRUCTION OF A 106,278 SQUARE FOOT HOME IMPROVEMENT WAREHOUSE STORE AND 34,760 SQUARE FOOT ATTACHED GARDEN CENTER ON A 12.9 ACRE PARCEL, LOCATED AT THE EAST END OF PATRIOT DRIVE, ADJACENT TO STATE ROUTE 23 FREEWAY, ON THE APPLICATION OF HOWARD HARDIN FOR HOME DEPOT

WHEREAS, on June 27, 2006, the Planning Commission adopted Resolution No. PC-2006-504, recommending conditional approval of Commercial Planned Development Permit (CPD) No. 2005-06, on the application of Howard Hardin for Home Depot, for the construction of a 106,278 square-foot retail home improvement warehouse store with an additional attached 34,760 sq. ft. retail garden center, located at the east end of Patriot Drive adjacent to State Route 23 Freeway. (Assessor Parcel Nos. 512-0-260-045; -095; -125); and

WHEREAS, at a duly noticed public hearing held on July 19, 2006, the City Council considered the agenda report and any supplements thereto and written public comments; opened the public hearing and took and considered public testimony both for and against the proposal; and reached a decision on this matter; and

WHEREAS, the City Council concurs with the Community Development Director's determination that all potentially significant environmental effects of this project have been analyzed adequately in an earlier Environmental Impact Report (SCH No. 92061076) that was prepared and certified for the Amended Carlsberg Specific Plan, and that no new information or impacts that require preparation of a new or subsequent EIR have been identified as a result of this proposed modification to the project, therefore, no further analysis pursuant to the California Environmental Quality Act is required.

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, accompanying studies, and oral and written public testimony, the City Council makes the following findings in accordance with City of Moorpark, Municipal Code Section 17.44.040:

- 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, the Amended Carlsberg Specific Plan, zoning

ordinance, and other applicable regulations, as it meets or exceeds the Ordinance requirements for setbacks, parking, landscaping and height and meets the intent contained within applicable City Ordinances and policies, the Amended Carlsberg Specific Plan; and the proposed project is compatible with the architectural style of the Moorpark Marketplace commercial center and the Village at Moorpark commercial center both located in proximity to this project on the west and east sides of Miller Parkway.

- B. The site plan design would not create negative impacts nor impair the utility of properties, structures or uses in the surrounding area as the property is zoned to allow a commercial development and the site plan design integrates the building location at the south-eastern section of the subject property, adjacent to off-site slopes, thus minimizing visibility of the structure from off-site as viewed from residential properties located to the southwest of this proposed development.
- C. The proposed commercial uses are compatible with existing and permitted uses in the surrounding area as the architectural design and site plan arrangement complements the design of the Moorpark Marketplace and Village at Moorpark commercial centers located to the north and west of the subject property; and the proposed commercial building is located in such a manner so as not to impede the use of the adjacent vacant properties to the west and north and reduces any potential impacts to existing residential developments based on the presence of natural open space which buffers the proposed site from existing residences.

SECTION 2. CITY COUNCIL APPROVAL: The City Council hereby approves Commercial Planned Development Permit No. 2005-06 subject to the Special and Standard Conditions of Approval included in Exhibit A (Special and Standard Conditions of Approval), attached hereto and incorporated herein by reference.

SECTION 3. CERTIFICATION OF ADOPTION: 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 19th day of July, 2006.

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk

Exhibit A – Special and Standard Conditions of Approval – Commercial Planned Development Permit No. 2005-06

000046

EXHIBIT A

**SPECIAL AND STANDARD CONDITIONS OF APPROVAL
FOR COMMERCIAL PLANNED DEVELOPMENT NO. 2005-06**

SPECIAL CONDITIONS

1. The site plan shall include a bus stop on the project site for the City of Moorpark municipal bus transportation system with location and design to the satisfaction of the Community Development Director and the Parks, Recreation and Community Services Director. The bus stop shall be constructed at the applicant's expense and completed prior to issuance of a zoning clearance for occupancy.
2. The applicant shall submit a retaining wall plan which demonstrates locations, heights and materials for the retaining wall proposed along the base of the slopes to the east and south of the project site for review and approval of the Community Development Director prior to the issuance of grading permits.
3. The two main pedestrian entrances, porte-cochere, and two tower elements shall all have a smooth trowel applied plaster finish with random brush strokes and this shall be reflected on the plans to the satisfaction of the Community Development Director prior to the issuance of building permits.
4. All of the arched openings along the store front façade shall have rounded bull nose edges and this shall be reflected on the plans to the satisfaction of the Community Development Director prior to the issuance of building permits.
5. All pre-cast concrete detailing shall have a natural concrete finish and this shall be reflected on the plans to the satisfaction of the Community Development Director prior to the issuance of building permits.
6. An appropriately scaled pre-cast concrete keystone shall be introduced at the tops of each of the pre-cast concrete surrounds of the arched openings on the main entrance, and this shall be reflected on the plans to the satisfaction of the Community Development Director prior to the issuance of building permits.
7. The applicant shall submit all of the proposed colors, materials and building finish textures for review and approval and this shall be reflected on the plans to the satisfaction of the Community Development Director prior to the issuance of building permits.
8. Roof appurtenances shall be no higher than the lowest parapet on the roof and shall be painted the same color as the roofing material and there shall not be any piping, visible roof ladders, equipment, vents, exterior drains and scuppers or any other exposed equipment on the roof with the exception of air conditioning handling units and this shall be reflected on the plans to the satisfaction of the Community Development Director prior to the issuance of building permits.

9. All ground-mounted utility boxes shall be screened with landscaping and all gas, electric, and water meters shall also be screened to the degree allowable by the utility companies, and this shall be reflected on the plans to the satisfaction of the Community Development Director prior to the issuance of building permits.
10. The security fencing on the garden center shall be decorative and a sample shall be submitted for review and approval and this shall be reflected on the plans to the satisfaction of the Community Development Director prior to the issuance of building permits.
11. A temporary use permit for temporary seasonal outdoor sales shall be submitted to the Community Development Director with the appropriate fee for review and approval prior to the occurrence of any seasonal or temporary outdoor sales.
12. The applicant shall submit a hardscape plan which demonstrates the amount, size and shape of the raised planters for review and approval of the Community Development Director prior to the issuance of building permits.
13. The landscape plan shall incorporate specimen size trees subject to the review and approval of the Community Development Director.
14. A final hardscape plan shall be prepared to include the treatment of the decorative hardscape areas with integral color and texture at all predominate pedestrian areas, and prominent drive aisles including but not limited to the front entrance to the site off of Patriot Drive and the primary entrances into the store and garden center, and the final plan shall be subject to the review and approval of the Community Development Director prior to the issuance of building permits.
15. Prior to installation of hardscape building materials, a field check and approval shall be required by the Community Development Director.
16. The applicant shall prepare a cart corral plan in association with the site plan to demonstrate the total number of cart corrals and the design and placement of all cart storage including raised planter screening at the front of the garden center and the plan shall be subject to the final review and approval of the Community Development Director prior to the issuance of building permits.
17. The applicant shall prepare a master sign program for the business which shall be submitted to the Community Development Director for review and approval to ensure compliance with the sign ordinance prior to the issuance of building permits for sign installations.
18. The photometric lighting plan shall include a lighting system which shall be designed to include an automatic shutoff control with manual override capability to reduce at least fifty percent (50%) of the energy usage of the system from twelve (12:00) a.m. until one (1) hour before daylight, unless otherwise approved by the Community Development Director for safety or security reasons and the lighting plan shall be reviewed and approved by the Community Development Director prior to the issuance of building permits.

19. All lighting fixtures shall be architecturally compatible with the buildings and landscaping subject to the review and approval of the Community Development Director prior to the issuance of building permits.
20. The applicant shall prepare a skylight plan in association with the roof plan to demonstrate methods by which off-site glare during nighttime hours will be minimized. The plan shall be subject to the final review and approval of the Community Development Director prior to the issuance of building permits.
21. The applicant shall submit a loading circulation plan, which shall include customer loading of retail home improvement materials such as lumber and tool rentals/ pick up and drop off; and the Home Depot product deliveries and unloading of product for the Home Depot. Deliveries to and from the store (except for retail customers in personal vehicles) shall not travel on Miller Parkway south of Patriot Drive. This plan shall be reviewed and approved by the City Engineer and Community Development Director prior to occupancy of the building. Violators shall be subject to citation.
22. Development Fee: Prior to issuance of Zoning Clearance for each building permit, the applicant shall pay the City a Development Fee consistent with the Settlement Agreement requirement for the Amended Carlsberg Specific Plan. The amount of the Development Fee shall be consistent with the terms of the Carlsberg Settlement Agreement.
23. Mitigation Fee: Prior to issuance of Zoning Clearance for each building permit, the applicant shall pay the City a "Mitigation Fee" consistent with the Settlement Agreement requirement for the Amended Carlsberg Specific Plan. The amount of the Mitigation Fee shall be consistent with the terms of the Carlsberg Settlement Agreement. Institutional uses shall pay on the same basis as commercial and industrial uses, except that institutional uses which are exempt from secured property taxes shall be exempt from the fee.
24. 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 for the following intersections:
 - Tierra Rejada / Miller Parkway
 - Miller Parkway / Patriot Drive
 - Miller Parkway / Los Angeles Avenue
 - Los Angeles Avenue / SR-23 on-off ramps
 - Los Angeles Avenue / Spring Road

The amount of the fair-share contribution shall be to the satisfaction of the City Engineer based on the traffic report prepared for the project and the extent of the impact to these intersections.
25. The hours of operation shall be between the hours of 6:00AM to 9:00PM daily.

26. Exterior property maintenance, including but not limited to, cleaning, sweeping and landscape work shall only be performed between the hours of 7:00 AM and 7:00 PM Monday through Saturday.
27. The overnight parking of commercial vehicles in the parking lot and loading areas of the property shall be prohibited except for those Home Depot rental trucks, as approved by the Community Development Director.
28. The construction of Patriot Drive must be completed and opened and operable to the satisfaction of the City Engineer and Community Development Director prior to the occupancy of the Home Depot store.

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. 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.

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: 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.
8. 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.
9. 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

10. 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.
11. 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.
12. 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.
13. Parks: Prior to issuance of Zoning Clearance for a building permit, the applicant shall submit to the Community Development Department Park and Recreation Fees in the amount of \$0.50 per square foot of building area, to the satisfaction of the Parks, Recreation and Community Services Director.
14. 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.

15. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. County Traffic Fee: Prior to the issuance of a Zoning Clearance for each building permit, the applicant shall pay to the Community Development Department the County Traffic Fee for County Traffic District No. 4 in which the project is located. The fee shall be paid in accordance with City Council adopted Reciprocal Traffic Mitigation Agreement fee requirements in effect at the time of building permit application.
21. 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 Spring Road/Tierra Rejada Road Area of Contribution (AOC) Fee. The fee shall be paid in accordance with City Council adopted AOC fee requirements in effect at the time of building permit application.

22. 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.
23. 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.
24. 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 be approved in accordance with Municipal Code Chapter 17.50.
25. 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.
26. Fish and Game: Within two (2) business days after the City Council/Planning Commission adoption of a resolution approving this project, 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.
- ~~27. Crossing Guard: Prior to recordation of Final Map or prior to the issuance of a building permit, whichever occurs first, the applicant shall pay to the Community Development Department an amount to cover the costs associated with a crossing guard for five years at the then current rate, plus the pro-rata cost of direct supervision of the crossing guard location and staff's administrative costs (calculated at fifteen percent (15%) of the above costs).~~

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 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 45-foot 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 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. Loading and unloading operations are allowed only between the hours of 6:00 a.m. and 10:00 p.m. unless additional hours are approved by the City Council.
46. 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.
47. 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.
48. The applicant agrees not to protest the formation of an underground Utility Assessment District.

49. 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.
50. No noxious odors shall be generated from any use on the subject site.
51. 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.
52. 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).
53. 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.
54. 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.
55. 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.
56. 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.
57. 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

58. 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.
59. Prior to or concurrently with the submittal of the Landscaping and Irrigation Plans the specific design and location of the neighborhood identification monument sign shall be submitted for review and approval by the Community Development Director. The sign shall be installed concurrent with perimeter project wall installation.
60. Prior to the issuance of a Zoning Clearance for final building permit (occupancy) the applicant shall install front yard landscaping, including sod and an automatic irrigation system, as approved on the landscape plans.
61. 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.
62. 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.
63. All required landscape easements shall be clearly shown on the Final Map or on other recorded documents if there is no Final Map.
64. 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.

65. 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.
66. 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.
67. All landscaping shall be maintained in a healthy and thriving condition, free of weeds, litter and debris.
68. 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

69. 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.

70. 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.
71. 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.
72. 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).
73. 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.
74. 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.
75. 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.
76. 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.
77. The applicant shall post in a conspicuous location the construction hour limitation and make each construction trade aware of the construction hour limitations.

GRADING

78. 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.

79. 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

80. 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.
81. 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

82. 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.
83. 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)

84. 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.
85. 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.
86. 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

87. 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.
88. 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.
89. 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.
 90. 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.
 91. 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.
 92. 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.
 93. 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:*

- 94. 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:*

- 95. 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.
- 96. 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

97. 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').
98. 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 cross slope in any direction and shall be located within one-hundred-fifty feet (150') of the end of the access road/driveway.
99. 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.
100. When only one (1) access point is provided, the maximum length shall not exceed eight-hundred feet (800').
101. Public and private roads shall be named if serving more than four (4) parcels or as required by the Fire District.
102. Approved walkways shall be provided from all building openings to the public way or Fire District access road/driveway.
103. 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.
104. 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.
105. 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 of openings, combustible walls, or combustible roof eave lines unless protected by approved automatic sprinklers.

DEVELOPMENT REQUIREMENTS

106. 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.

107. 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 that 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 numbers(s) shall be posted adjacent to the driveway entrance on an elevated post.
108. 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.
109. 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.
110. 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.
111. 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.
112. 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.
113. 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.
114. 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 or more heads shall be supervised by a fire alarm system in accordance with Fire District requirements.
115. 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.

- 116. Prior to the issuance of a certificate of occupancy by the Building Division the applicant shall obtain all applicable Uniform Fire Code (UFC) permits.
- 117. 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".
- 118. 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.
- 119. 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:*

- 120. 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.
- 121. 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.
- 122. 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:*

- 123. 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:*

124. 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 -

E-MAIL COMMUNICATIONS FROM CITIZENS
CONCERNING HOME DEPOT APPLICATION

-----Original Message-----

From: Lisa Schopp
Sent: Thursday, July 13, 2006 10:47 AM
To: Moorpark
Subject: Home Depot Proposal

I would like to share my opinion on the subject. The change in zoning is unfair to residents who thought the type of traffic which would result from the buildings on the land would consist of daytime, weekday traffic. Our small city is becoming unnecessarily over-built. It seems we continue to try to compete with cities twice our size. Our community already has two home improvement stores, of which The Do It Center is comparable to the Home Depot. I hope mine and other resident's comments have some bearing on your decision. It amazes me some of the comments I have read from the city council. It is not always about the bottom line, we should be more concerned about protecting our small community and the benefits they bring. Thank you.

Lisa Schopp

-----Original Message-----

From: Craig Arnold
Sent: Saturday, July 08, 2006 2:22 PM
To: Moorpark
Subject: Home Depot Project

COMMENTS: We want to adamantly oppose the construction of a Home Depot or any other big box retailer behind Target. It is currently difficult enough to exit Maya Circle onto Miller Parkway. If you add this much more traffic to a main contributory with only one lane each way, it will be next to impossible, and extremely unsafe. This is a residential neighborhood and it is completely unsuited for this type of retail traffic.

Craig Arnold

-----Original Message-----

From: Isabelle Becker
Sent: Saturday, July 09, 2006 2:13 PM
To: Moorpark
Subject: Home Depot

This regards the: Proposed Home Depot at Eastern end of patriot Drive adjacent to State Route 23 Freeway Case #: (CPD) 2005-06

I am against the building of the Home Depot due to the fact that there is one in Simi Valley only a few miles away from here. There are other needs to be met by residents like a grocery store since it is time consuming and difficult to get to the other stores in town. In addition, there is a Do It Center not far that could be used by customers if they did not want to drive the few miles to Simi Valley.

Also, we have been researching Home Insurance Policies and were unable to get a quote from one company due to:

1. "The home is located near an open area, which may result in an increased risk of fire hazard".
2. "The home is located within 1,000 feet of brush".

I would think that the company would have the same problems. There have been two fire threats to Moorpark already (the latter not as bad). Home Depot carries many types of chemicals that could create a problem for the residents let alone the city if a fire hit the store.

Other concerns include:

*The focus on traffic congestion, air pollution, and noise, all of which are associated with the operation of a typical Home Depot and cannot be mitigated to a level of insignificance due to the proximity of the operation to people's homes.

*Home Depot expects many diesel truck deliveries per day from their suppliers. This will cause problems for the already congested New Los Angeles Ave. in addition to noise and air pollution (since diesel trucks are known to emit more pollutants than cars) problems.

Thank you for working with community members in seeing what is best for Moorpark.

Isabelle Becker

-----Original Message-----

From: Bob Cusick

Sent: Wednesday, July 05, 2006 11:18 AM

To: Moorpark

Subject: Regarding Home Depot Proposal in Moorpark

Dear City Leaders;

I would like to voice my concern about the possible Home Depot being considered near the corner of the 118 and Miller Parkway. I am NOT in favor of this store being built here.

My main concerns are:

- We have 2 "neighborhood" home improvement stores IN Moorpark
- We already HAVE Home Depot and Lowes and OSH and Dolt! Center within 5 mile radius
- I don't like the fact that it would be a magnet for day laborers (like by Topsy Fox on Spring!). I have children walking to the Target Center and that is a large concern for my wife and I.

Thank you for your time and consideration - and also for making it possible to provide direct feedback.

Sincerely,

Bob Cusick

-----Original Message-----

From: Brenda Duncan

Sent: Wednesday, July 05, 2006 11:09 AM

To: Moorpark

Subject: Instead of Home Depot

I recently sent an email regarding Home Depot. I would LIKE to add that we know they city needs tax revenue, we WANT the city to be prosperous, we TRY and keep our money here in Moorpark (as we love our new home town) and would PREFER to see something like the following:

a. The industrial condos that can be purchased by small businesses (we need to buy one!) b. Another professional building (we have our business in the "Moorpark Professional Building" (in quotes -- the train is TOO loud) and need to expand our offices as we are growing. c. A medical professional building (why are all the doctors and dentists in this town in strip malls? Its weird!) OR d. Family oriented, chain restaurant(s) like: Olive Garden, California Pizza Kitchen, Macaroni Grill, Chilis, etc.

Have you BEEN to Wood Ranch lately, they are ALWAYS packed! Of course, its a great restaurant -- but we find that we are often leaving the parking lot and driving to T.O. or Simi to go to something like mentioned above (e.g. - Chili's, Marie Calendars or Mimi's Cafe). Thank you!

Brenda Duncan

-----Original Message-----

From: Brenda Cusick

Sent: Wednesday, July 05, 2006 11:02 AM

To: Moorpark

Subject: Home Depot in Moorpark

I would like to voice my concern about the possible Home Depot being considered near the corner of the 118 and Miller Parkway. I am NOT in favor of this store being there. My main concerns are:

- We already HAVE 3 Home Depots or Lowes within 5 mile radius
- We have 2 smaller home improvement stores IN Moorpark
- I don't want a day laborer problem near my home, where my children walk to and from the existing Target Shopping Center

Thank you for taking this into consideration.

Sincerely,

Brenda Duncan

-----Original Message-----

From: Matt Becker

Sent: Friday, June 30, 2006 9:50 AM

To: Moorpark

Subject: Proposed Home Depot

Hello,

I would like to express my concern about the proposed Home Depot behind Target in Moorpark. I am generally opposed to it.

Several Home Depot locations in Southern California have chosen to aid and abet illegal aliens in their search for day jobs by opening lounges to facilitate their employment. While Home Depot may make a comfortable place for illegal aliens to wait and go to the restroom, they do not aid the illegal aliens to pay their taxes, nor does Home Depot pay them benefits of any sort, instead relying on taxpayers to cover medical care and such. This is irresponsible of Home Depot.

Should Home Depot be allowed to open, it must be on the condition that their location will not become the new Topsy Fox. As a good citizen and nearby home owner, I expect the city to proactively prevent those problems that will undoubtedly arise.

And let me be clear about one thing. The current pandering to illegal aliens is intolerable. If any of the proposed amnesty solutions would work, they would have worked under Reagan's amnesty plan. I will be voting against all incumbents at the state and national level in the next election. If the City of Moorpark allows my neighborhood to be invaded by those who mock our laws and sovereignty--and demand generosity--I will actively pursue the removal of all local politicians through the ballot box.

Thank you for your time,

Matt Becker
