

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

**FROM:** Barry K. Hogan, Community Development Director  
Prepared By: Joseph R. Vacca, Principal Planner *BKH/JS*

**DATE:** August 3, 2006 (CC Meeting of 08/16/2006)

**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. On July 19, 2006, the City Council opened a public hearing on this application and continued the matter to the August 16, 2006 City Council meeting, with the public hearing open.

**DISCUSSION**

A full analysis of this project is provided in the attached June 27, 2006, Planning Commission agenda report and the attached July 19, 2006, City Council agenda report. On July 19, 2006, the City Council opened the public hearing on this application and asked several questions related to the proposed use of the property with additional

questions being directed to Home Depot. The City Council requested that Home Depot prepare responses to the following questions:

- ❖ Can Home Depot provide information on the number of open, functioning and successful stores versus the number of stores that have been closed in the Southern California region with an explanation of why Home Depot has closed down any of its stores?
- ❖ Can Home Depot present tangible information on their practices as a good corporate citizen by providing examples of the types of community outreach functions and or programs that are currently operating or have been completed within neighboring communities where existing Home Depot stores are located?
- ❖ Can Home Depot present information on the number of local jobs that will be created and provide general information on salaries and benefits packages for new employees?
- ❖ Can Home Depot present their proposed security plans for this store if it is approved?
- ❖ Can Home Depot demonstrate actual data of the economic profile completed for this new store, to show why they believe this is an appropriate location to open a new store and why they feel that this store will be financially successful and not result in a vacant building?
- ❖ How much money does Home Depot anticipate making annually and how much tax revenue would the City receive based on anticipated Home Depot sales?
- ❖ Finally, the proposed Home Depot has been characterized as a blend between a traditional Home Depot and an Expo Store. Can Home Depot present information on what makes this store unique and different from the standard Home Depot store?

Home Depot will respond to these inquires at the public hearing on this request.

At the July 19<sup>th</sup> meeting, the Council also raised several questions of staff. The following bulleted items were topics or items that City Council requested clarifications on and under the bulleted items are staff's response to each of those inquires:

- Hours of operation - What are the hours of operation in the Moorpark Marketplace?

Target operates from 8:00 AM to 10:00 PM Monday through Saturday and 8:00 AM to 9:00 PM on Sunday, with extended hours during the holiday season. Denny's Restaurant is open 24-hours a day, and It's a Grind opens at 5:00 AM daily. The City did not place any conditions on the Marketplace to restrict its hours of operation. The Do-It Center in the Mission Bell Plaza opens at 7:30 AM and the City has had no complaints on issues related to their hours of operation.

Staff has adjusted Special Condition Number 25 of the proposed resolution, establishing the hours of operation for the Home Depot Store from 8:00 AM to 10:00 PM daily to be more consistent with Target's operating hours.

- Loading and unloading – What are the allowed hours of loading and deliveries for the Moorpark Marketplace and; how many dock high truck loading bays were approved with the previous Cypress Business park IPD?

City Council Resolution 2002-1952 approving the Moorpark Marketplace contains the following condition:

- Loading and Unloading Operations: Loading and unloading operations shall not be conducted between the hours of 10:00 p.m. and 6:00 a.m. unless approved by the City Council.

Standard Condition Number 44 in the proposed resolution has been adjusted to limit loading and unloading between the hours of 6:00AM and 10:00PM with the ability to have these hours further restricted by the Community Development Director if sufficient complaints are received to warrant such a change.

The 464,560 sq. ft. business park that was previously approved on this 33 acre site had a wide variety of delivery, loading and unloading opportunities including seventeen (17) dock high loading areas for semi-tractor trailers and thirty-five (35) at grade roll up door loading areas for bobtail-sized trucks. The proposed Home Depot has three (3) dock high loading bays and three (3) roll up door delivery areas, two of which are located adjacent to the garden center pedestrian entrance.

Special Condition Number 21 of the proposed resolution requires the submittal of a loading circulation plan to limit the truck delivery access to the site to occur from Los Angeles to Miller Parkway to Patriot Drive with appropriate screening of loading areas, with the plan requiring review and approval of the City Engineer and Community Development Director prior to occupancy of the building.

Staff polled the management of the Home Depot stores in neighboring communities on hours of operation, loading and loitering. The following table outlines the responses:

Address of Local Home Depot stores	Hours of Operation	Hours of Loading	Presence or occurrence of Day Laborers on-site or within the vicinity
575 Cochran St. <b>Simi Valley</b>	6AM – 10PM Mon to Sat 7AM – 9PM Sunday	24 Hours daily	None on-site or within the store's vicinity
2745 Teller Rd. <b>Thousand Oaks</b>	6AM – 10PM Mon to Sat 7AM – 9PM Sunday	24 Hours daily	None on-site or within the store's vicinity
401 W. Ventura Blvd. <b>Camarillo</b>	6AM – 10PM Mon to Sat* 7AM – 9PM Sunday* *store closes one hour earlier in the Fall and Winter seasons	24 Hours daily	None on-site or within the store's vicinity

- Loitering – Can loitering both on-site and off-site, be prohibited?

Home Depot has agreed to post no loitering signs throughout their project, to the satisfaction of the Community Development Director. Special Condition Number 29 requires the creation of a plan for the posting of no loitering signs on-site upon the approval of the Community Development Director, prior to the occupancy of the building. Furthermore, Miller Parkway currently has no stopping signs posted. Special Condition Number 30 of the proposed resolution requires the posting of “No Stopping” and “No Parking” signs along Patriot Drive and the curbs shall be required to be painted red at least 200’ in all directions beyond the beginning of the curb returns at the intersection of Patriot Drive and Miller Parkway prior to the occupancy of the building. These conditions would not allow any vehicle to legally stop and pick up a day laborer were day laborers to congregate at that location.

- Allowed Uses - What uses are allowed within the Carlsberg Specific Plan?

The Home Depot commercial retail store is 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.” The Carlsberg Specific Plan allows a wide array of uses including commercial entertainment and recreation uses such as theaters and bowling alleys, public or private educational uses, office uses, public safety uses, religious uses and offices and any other uses which the Community Development Director finds consistent with the purposes and intent of this land use category.

Specifically, on page 57 of the development standards section, letter “n” - clearly indicates Retail Sales as a permitted use. 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. There are no conditionally allowed uses in the Sub-regional retail/commercial zoning district, all allowed uses are allowed by right. This means that a future tenant can operate any of the allowed uses of the specific plan within an existing building by only obtaining an approved tenant improvement Zoning Clearance and Business Registration over the counter of the Community Development Department. A full and complete list of allowed uses from the Carlsberg Specific Plan is attached. Under the Specific Plan, a Commercial Planned Development Permit is only required for a newly proposed project and building, not for an existing building.

- Lighting – Will conditions of approval address lighting and off-site glare?

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. This change in lens will provide better shielding of light. Additionally, the lighting levels in the Moorpark Marketplace are at a higher lighting level than is now allowed by the City's lighting ordinance. 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. Special Conditions Numbers 18, 19 and 20 of the proposed resolution, require the review and approval of lighting plans, the cutoff of nighttime lighting to 50% of normal capacity and the submittal of a skylight plan to address nighttime off-site glare.

- Re-use of building – If the project is approved what will happen to the building if Home Depot closes?

If Home Depot constructs the 141,038 square foot building, staff believes there will be a variety of opportunities for adaptive re-use of the structure. First of all, the Amended Carlsberg Specific Plan allows for a very broad range of uses making it easier to accommodate a variety of tenants from light industrial to office to numerous commercial spaces. The building design already has three prominent store front access points that would lend themselves as independent store entrances. The building is basically an open shell that could be broken into multiple spaces and it has an interior height that could accommodate the construction of mezzanines within the existing building. Lastly, the building is parked sufficiently to accommodate general retail, wholesale such as furniture sales, general office and medical and dental office as well as light industrial, warehouse and distribution.

- Traffic – Will the Home Depot create more traffic than was originally analyzed in the certified Environmental Impact Report for the Amended Carlsberg Specific Plan?

According to the City's traffic consultant, Austin Foust Traffic Engineers, the certified EIR for the Amended Carlsberg Specific Plan anticipated up to 795,000 sq. ft. of commercial development within the entire SR/C/BP zone of the amended specific plan with up to **42,000** average daily trips. This zone includes the land occupied by the Moorpark Marketplace shopping center, the Village at Moorpark shopping center, and the approved business park site on which the Home Depot would be located.

- The currently approved land uses in this zone, that total 492,000 sq. ft. of commercial development and 464,560 sq. ft. of business park, would generate **30,147** average daily trips.
- The proposal to have a 141,000 sq. ft. Home Depot surrounded by a 300,140 sq. ft. business park, (smaller than currently entitled), with the 492,000 sq. ft. of commercial uses built and under construction, would result in **33,743** average daily trips.

This data demonstrates that if Home Depot is approved with a smaller business park, the anticipated average daily trips of **33,743** is well below the **42,000** average daily trips that were analyzed in the certified EIR for the Amended Carlsberg Specific Plan. Moreover, the traffic mitigations under that original EIR have been effectuated to ensure that the carrying capacities of the roadway network would be able to accommodate the existing and future land uses allowed under the Amended Carlsberg Specific Plan.

Staff determined 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; therefore, no further analysis pursuant to the California Environmental Quality Act is required.

In the proposed City Council Resolution, staff added Special Condition Number 31, which requires continued property maintenance to avoid the dumping of materials on-site, or the destruction of on-site landscaping, subject to periodic inspection of the City. If a lack of proper maintenance is discovered, then immediate compliance by the developer shall be required in curing any deficiencies discovered on-site.

The City Council has received two E-mail communications from citizens since the City Council meeting held on July 19, 2006.

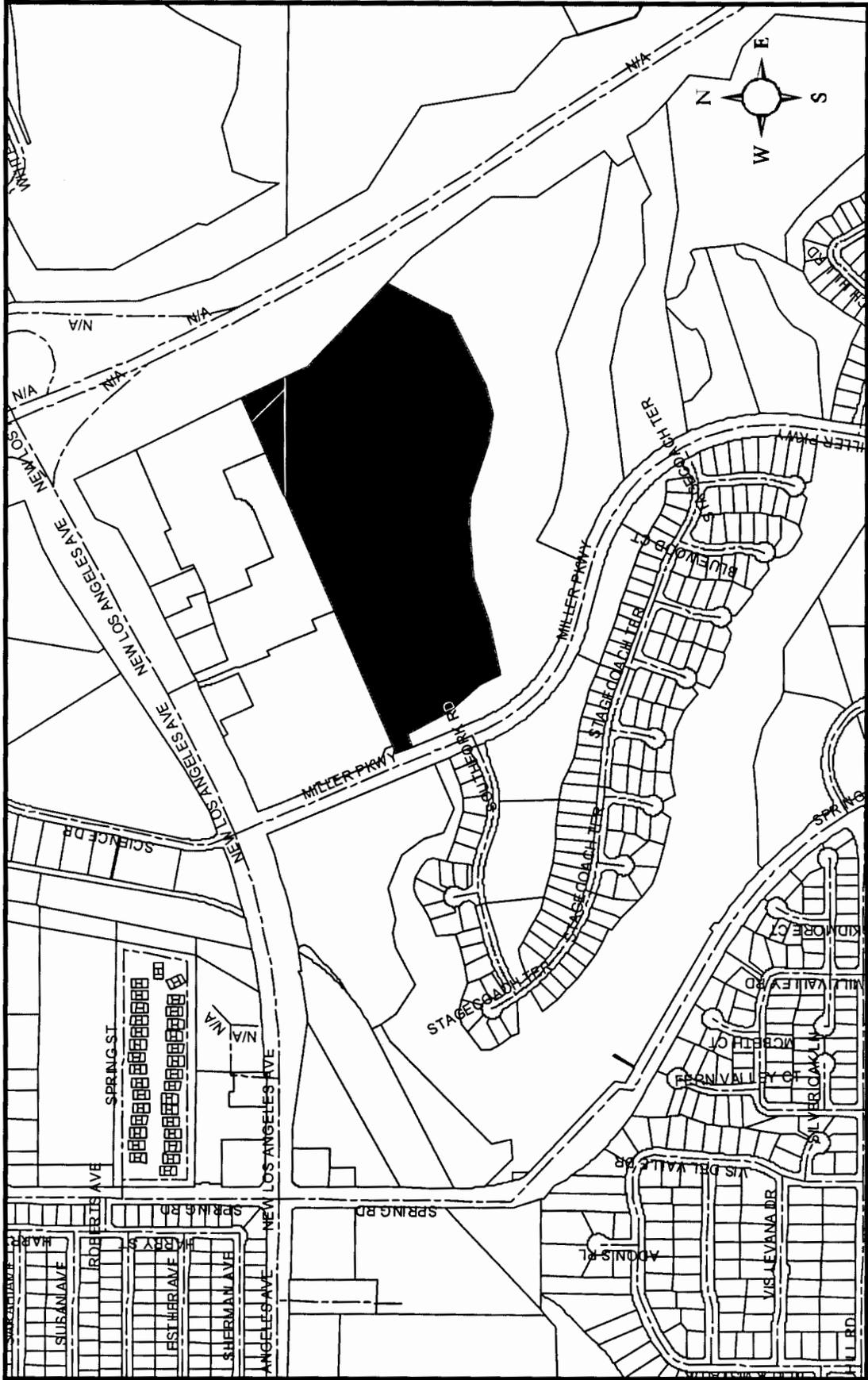
### **STAFF RECOMMENDATION**

1. Continue to take public testimony, and close the public hearing.
2. Adopt Resolution No. 2006-\_\_\_\_ concurring with the Community Development Director that all potentially significant environmental effects of this project have been analyzed adequately in an earlier Environmental Impact Report (SCH No. 92061076) and 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. Allowed uses from the Carlsberg Specific Plan
5. July 19, 2006 City Council Agenda Report **with June 27, 2006 Planning Commission Agenda Report** (without attachments)
6. Draft Resolution with Conditions of Approval

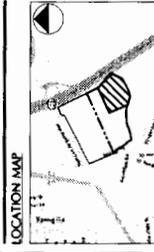
LOCATION MAP



AERIAL PHOTOGRAPH



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 3300 blinn drive suite 400  
 west cove, ca 97999  
 P: 530.977.6800 F: 530.977.6896  
 www.williamparish.com



**PROJECT INFORMATION**  
 SITE AREA 171.3 ACRES  
 THE GROSS ADDRESS 123 ACRES  
 BUILDING AREA 14,000 SF  
 HD INCLUDING VISIBLE ART (SQFT) 10,000 SF  
 GARDEN CENTER 14,000 SF  
 TOTAL HD 14,000 SF  
**PARKING COUNT SUMMARY**  
 REQUIRED BY CITY # 7,300  
 PROVIDED BY CITY # 7,300  
 GARDEN CENTER # 1,900  
 TOTAL REQUIRED 471 SPACES  
 TOTAL PROVIDED 445 / 1000 SPACES  
 PARKING STALLS ARE 9'0" WIDE BY 25' ASSE

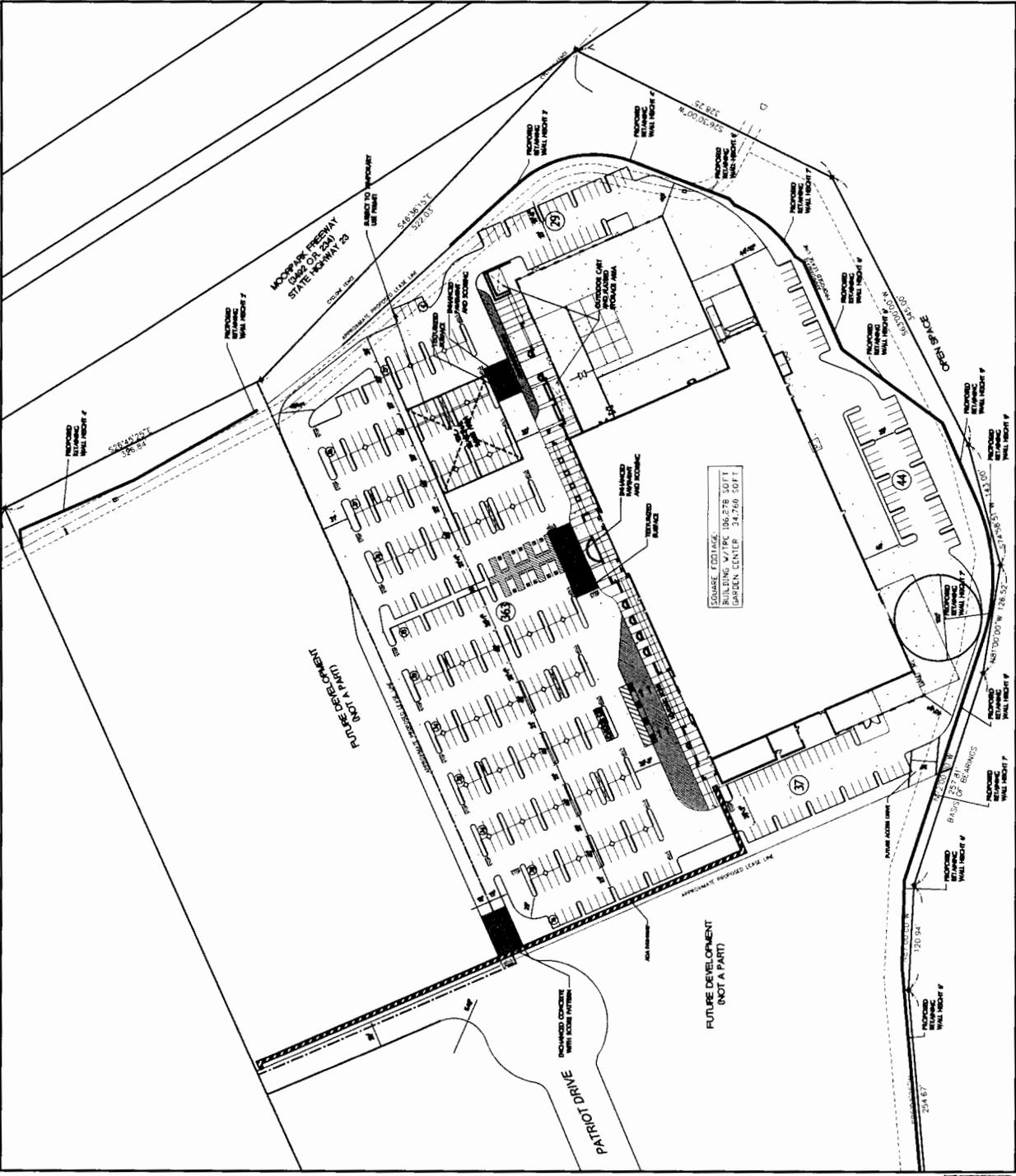
**ZONING CLASSIFICATION**  
 PD  
**PROJECT NOTES**  
 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF WEST COVE.  
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF WEST COVE.  
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF WEST COVE.

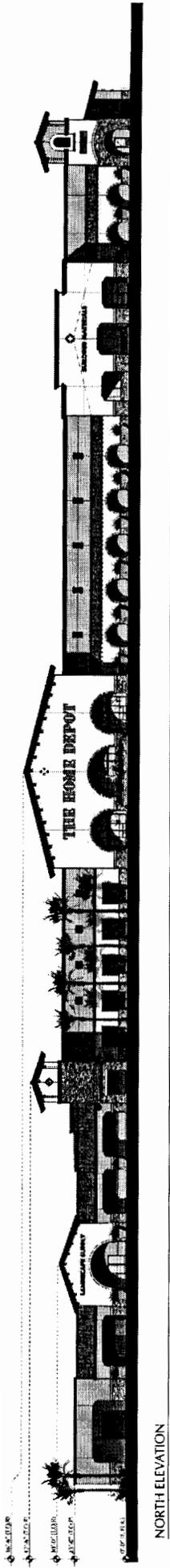
**THE HOME DEPOT MOORPARK, CA**  
 Home Depot, Inc. & Home Depot, Inc. Home Depot, Inc. & Home Depot, Inc.  
 HOME DEPOT SITE ID NUMBER 556 00572003  
 HOME DEPOT PROJECT NUMBER TR2005-TH

**DRAWING EXAMINATION RECORD**  
 DATE 05/21/09  
 SITE PLANNER A. VELAZQUEZ  
 SITE DEV. COORDINATOR H. HARRIS  
 PROJECT MANAGER C. GREENE  
 PROJECT ARCHITECT J. MCGUIRE

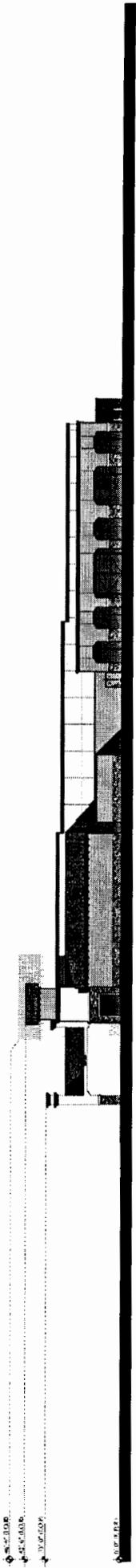


CP-12

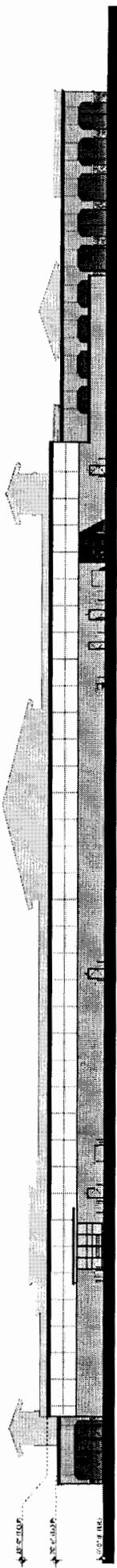




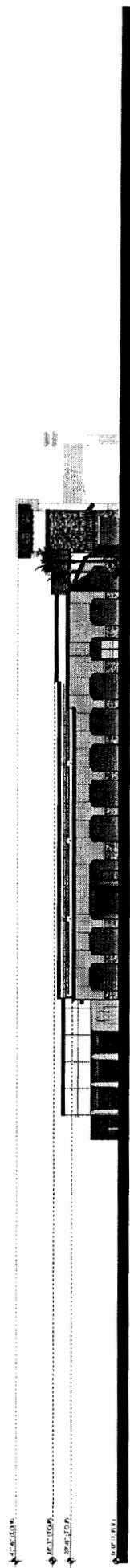
NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

Elevations

Project No.	1000 000 114	REVISED
Scale	1" = 20' 0"	
Issue Date	March 22, 2004	
Prepared By	WPK	
Checked By	WPK	
Drawn By	WPK	
Plot Date	1/14/05	

This drawing and the project it represents are the property of William Parrish Design Development Consultants, Inc. It is to be used only for the project and location specified. No other use or reproduction is permitted without the written consent of William Parrish Design Development Consultants, Inc.

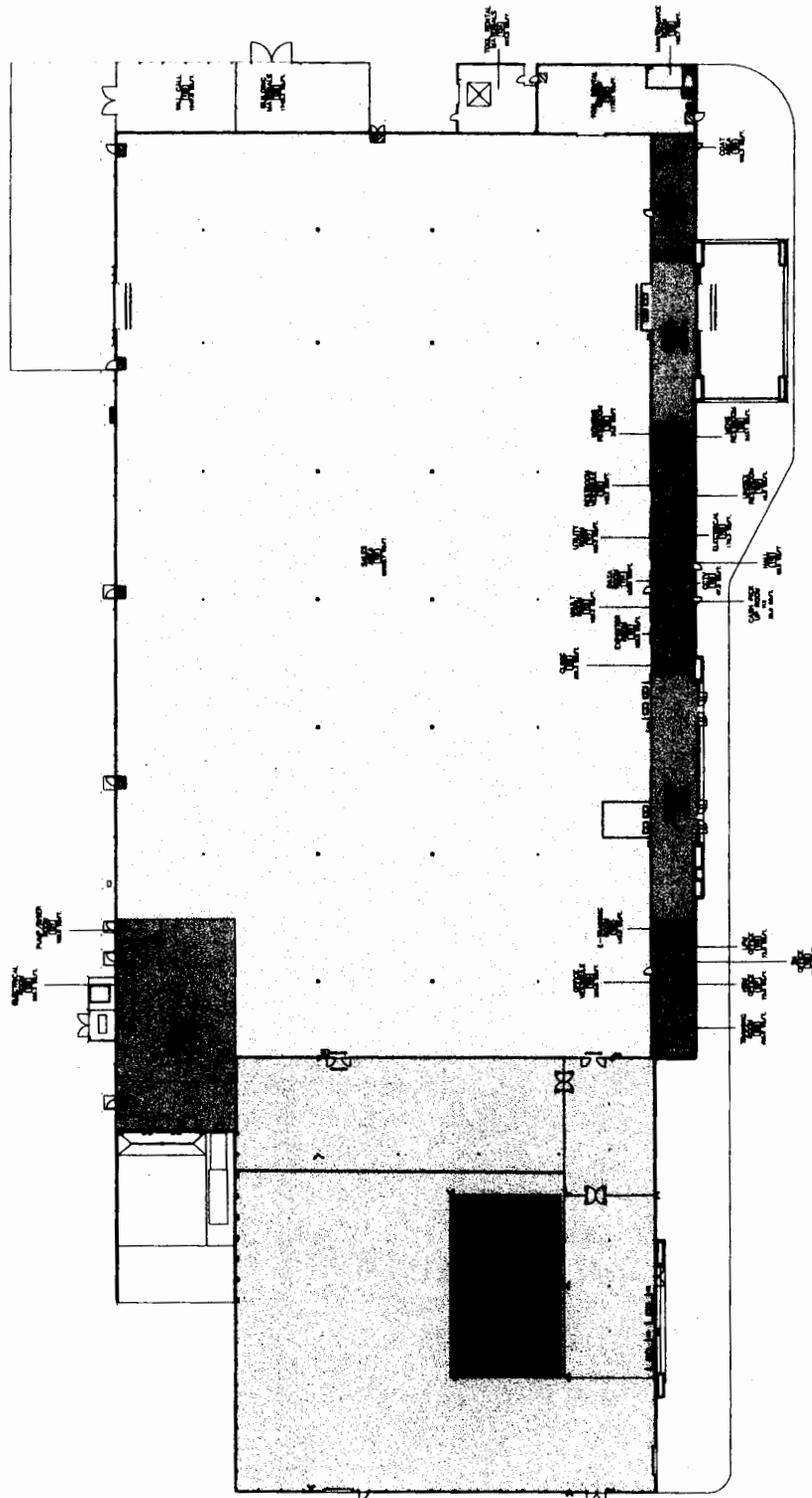
# THE HOME DEPOT

Moorpark, California



William Parrish  
Design Development  
Consultants, Inc.  
1000 Lakeside Blvd, Suite 200  
Moorpark, CA 93428  
Tel: (805) 877-1600  
Fax: (805) 877-1600  
www.wpkd.com

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**Legend**

General Merchandise Sales Area	93,485 S.F.
Outdoor Garden Center Area	34,760 S.F.
Office and Rest Areas	2,742.9 S.F.
Loading Dock and Receiving Areas	2,084.2 S.F.
Vestibule Area	3,410.9 S.F.
<b>Total Building Area with Outdoor Garden Center Area</b>	<b>137,627 S.F.</b>

William Perich  
design development  
consultants, inc.  
1000 17th Street, Suite 400  
San Francisco, CA 94109  
Tel: 415.774.8800  
Fax: 415.774.8801



# THE HOME DEPOT

California

Floor Plan

PROJECT INFO		REVISIONS	
Project No.	1702-05-05	Rev.	
Client	Home Depot	Date	
Architect	William Perich design development consultants, inc.	By	
Scale	As Shown	Check	
Sheet No.	1 of 1	Drawn	
Sheet Title	Floor Plan	Reviewed	

**F. SUB-REGIONAL RETAIL/COMMERCIAL (SR/C)**

**1. Purpose and Intent**

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.

The physical effects of permitted and conditional uses in this planning area will be limited so that negative impacts, such as noise, odor, glare, visual impacts, and other such effects that could be harmful to life or nearby property, will not be generated. All permitted and conditional uses shall be conducted entirely within a completely enclosed building, and no outdoor storage of supplies, equipment or materials shall be allowed, except for company vehicles, garden centers and other similar uses and as otherwise noted herein.

**2. Permitted Uses**

- a. Business/Commercial Services (eg., office supply stores, communication services, courier services, etc.)
- b. Civic Uses
- c. Commercial Entertainment Uses (eg., theater, meeting hall or other indoor spectator type uses)
- d. Commercial Recreation Uses (eg., miniature golf, bowling alley, commercial gym)
- e. Cultural Uses (eg., museums, art galleries)
- f. Educational Uses (eg., public or private schools, colleges or universities)
- g. Food Services, including fast-food and full-service facilities
- h. Minor Repair Service (e.g. T.V./radio repair)
- i. Office Uses (e.g. accounting, barbershop)
- j. Personal Services (eg., architectural, doctors, lawyers, real estate or other professional uses)
- k. Photographic Reproduction and Graphic Service
- l. Public Safety Uses
- m. Religious Uses/offices

- n. Retail Sales
- o. Any other use which the Director of Community Development finds consistent with the purpose and intent of this land use category

3. **Accessory Uses and Structures**

- a. Fences and walls
- b. Security and construction and storage offices, during construction
- d. Signs, per the City Zoning Ordinance and an approved Master Sign Program (see page 18).
- e. Accessory structures or uses the Director of Community Development finds to be consistent with, and subordinate to, a principal use on the same site.

4. **Site Development Standards** (AMMENDED BY ORD. 280)

- a. Height of all buildings: 35 feet (2 stories) measured from the grade of the slab
- b. Setbacks measured from property line:
  - 1) Front: 30 feet
  - 2) Side:
    - a) Adjacent to residential lot - 50 feet
    - b) Adjacent to street - 30 feet
    - c) Adjacent to alley - 5 feet
    - d) None of the above - 0 feet
  - 3) Rear:
    - a) Adjacent to Residential lot - 50 feet
    - b) Adjacent to street - 30 feet
    - c) Adjacent to alley - 5 feet
    - d) None of the above - 0 feet
- c. Parking standards: Pursuant to the City of Moorpark Zoning Code.
- d. Minimum site landscaping: 10 percent

**G. BUSINESS PARK (BP)**

**1. Purpose and Intent**

The business park designation is intended to provide for the development of a wide variety of office, light industrial/assembly, research and development and service uses, which will serve the City of Moorpark and the surrounding communities. In addition, this land use category allows a limited amount of business, commercial, and personal services that directly serve the users and employees of the business park. The business park is intended to provide a high quality business environment which will take advantage of convenient access to the Moorpark Freeway and New Los Angeles Avenue (SR 118/23).

The physical effects of permitted and conditional uses in this planning area will be limited so that negative impacts, such as noise, odor, glare, visual impacts, and other such effects that could be harmful to life or nearby property, will not be generated. All permitted and conditional uses shall be conducted entirely within a completely enclosed building, and no outdoor storage of supplies, equipment or materials shall be allowed, except for company vehicles and as otherwise noted herein.

**2. Permitted Uses**

- a. Business/Commercial Services (eg., office supply stores, communication services, courier services, etc.\*
- b. Civic uses
- c. Clinical services
- d. Food services not open to the public, ie. a cafeteria, in conjunction with the principal use.
- e. Light industrial/assembly uses
- f. Office uses
- g. Personal services (eg., architectural, doctors, lawyers, real estate or other professional uses)\*
- h. Research and development uses
- i. Service uses
- j. Warehousing and storage uses
- k. Wholesaling

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1. Any other use which the Director of Community Development finds consistent with the purpose and intent of this land use category.

\* Business, commercial and personal service uses combined shall be limited to a total of 50 percent of the gross floor area of structures in the business park.

3. **Conditional Uses (subject to a Conditional Use Permit)**

- a. Commercial recreation uses
- b. Educational uses
- c. Food services not in conjunction with the principal use.
- d. Minor automotive service
- e. Public utilities
- f. Religious uses

4. **Site Development Standards**

- a. Height of all buildings: 35 feet measured from the grade of the slab, however, if the site is to be utilized by one single user the height limit shall not exceed 50 feet measured from the grade of the slab.
- b. Setbacks measured from property line:
  - 1) Front: 20 percent of lot width or depth with a minimum of 30 feet.
  - 2) Side:
    - a) Interior: 15 percent of lot width or depth with a minimum of 30 feet
    - b) Exterior: 10 percent of lot width or depth with a minimum of 30 feet
  - 3) Rear: 15 percent of lot width or depth with a minimum of 10 feet
- c. Minimum lot size: 20,000 square feet
- d. Minimum lot width: None specified
- e. Parking standards: Pursuant to the City of Moorpark Zoning Code.
- f. Minimum site landscaping: 10 percent

g. All other applicable City codes/standards apply.

**H. OPEN SPACE (OS)**

**1. Purpose and Intent**

The open space area is intended to provide for the preservation of natural physical and visual resources in recognition of the environmental and aesthetic value of the area with private ownership.

**2. Permitted Uses (subject to Site Plan Review)**

- a. Open space
- b. Agricultural uses (subject to Conditional Use Permit approval)
- c. Pedestrian trails
- d. Nature preservation and study areas
- e. Infrastructure service facilities
- f. Structures and other uses accessory to permitted uses
- g. Utility easements
- h. Any other use which the Director of Community Development finds consistent with the purpose and intent of this land use category.

**3. Site Development Standards**

Development standards for those uses permitted shall be established by the site plan review process. When uses proposed in the Open Space land use classification are permitted in other land use classifications of the Specific Plan, the development standards in those other applicable classifications shall apply.

**I. INSTITUTIONAL (I)**

**1. Purpose and Intent**

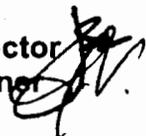
The institutional area is intended to provide for the development and maintenance of institutional uses such as a library, museum or similar uses. The physical effects of such uses will be limited so that negative impacts such as; noise, odor, glare, visual impacts, and other such effects that could be harmful to life or nearby property will not be generated.

**2. Permitted Uses**

000017

**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**

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**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

**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.

<b>GENERAL PLAN/ZONING</b>			
<b>Direction</b>	<b>General Plan</b>	<b>Zoning</b>	<b>Land Use</b>
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 7<sup>th</sup> 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-cochère 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.

Honorable Planning Commission

June 27, 2006

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**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

**000033**

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 hearings held on July 19, 2006 and August 16, 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 16<sup>th</sup> day of August, 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

000035

**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.
  - a. Deliveries to and from the store (except for retail customers in personal vehicles) shall not travel on Miller Parkway south of Patriot Drive.
  - b. This plan shall include appropriate screening of the loading areas including the use of decorative walls and / or landscaping.
  - c. This plan shall be reviewed and approved by the City Engineer and Community Development Director prior to occupancy of the building.
  - d. 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 68:00AM to 109:00PM~~ 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.
29. The applicant shall be required to prepare and implement a plan for the posting of "No Loitering" signs and the implementation of no loitering for the review and approval of the Community Development Director. All of the "No Loitering" signs shall be installed per the approved plan prior to the occupancy of the building and the program shall be operational upon the opening day.
30. The applicant shall prepare a plan to post "No Stopping" and "No Parking" signs along Patriot Drive and the curbs shall be required to be painted red at least 200' in all directions beyond the beginning of the curb returns at the intersection of Patriot Drive and Miller Parkway. The plan shall be reviewed and approved by the City Engineer and Community Development Director and all signs and red curbs shall be installed prior to the occupancy of the building.
31. The continued maintenance of the permit area and facilities shall be subject to periodic inspection by the City. The developer shall be required to cure any deficiency or defects in ground or building maintenance immediately as indicated by the City verbally in a life safety situation and, as indicated by the City within five (5) business days after written City notification.

**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.
- 20-19. 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.
- 34.33. 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 be visible from abutting street(s) shall only be allowed, if, in the judgment of the Community Development Director such change is compatible with the surrounding area. Any approval granted by the Director shall be consistent with the approved Design Guidelines (if any) for the planned development and applicable Zoning Code requirements.
44. When required by Title 15 of the Moorpark Municipal Code, rain gutters and downspout shall be provided on all sides of the structure for all structures where there is a directional roof flow. Water shall be conveyed to an appropriate

drainage system, consistent with NPDES requirements, as determined by the City Engineer.

### **OPERATIONAL REQUIREMENTS**

45. Loading and unloading operations shall be allowed only between the hours of 6:00AM and 10:00PM. ~~T-unless these hours may be further restricted upon the review and determination of the Community Development Director if sufficient complaints are received to warrant such a change~~ 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 -