

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

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

**DATE:** October 23, 2009 (CC Meeting of November 4, 2009, Public Hearing continued from October 7, 2009)

**SUBJECT:** Consider Conditional Use Permit No. 2008-05 and Industrial Planned Development No. 2008-01, a Request to Construct a New Commercial Fueling Facility Consisting of One (1) Building and Two (2) Canopies on the South Side of Princeton Avenue, East of the SR-118 Freeway Overpass on the Application of Todd Manner (Fiedler Group) for the Moorpark Redevelopment Agency

**BACKGROUND**

On August 8, 2008, Todd Manner of the Fiedler Group, submitted an application on behalf of the Moorpark Redevelopment Agency (MRA), the property owner, for Conditional Use Permit No. 2008-05 and Industrial Planned Development No. 2008-01, a request to construct a new commercial fueling facility consisting of one (1) building and two (2) canopies on the south side of Princeton Avenue, just east of the SR-118 freeway overpass. This fueling station would replace the existing Pacific Pride fueling station on High Street, currently owned by the J.E. Clark II Corporation (J.E. Clark), to allow for future redevelopment. A Disposition and Development Agreement between the J.E. Clark and the MRA is also required in association with this project and will be submitted for consideration by the MRA on a future agenda.

On August 25, 2009, the Planning Commission recommended approval of the project. On October 7, 2009, the City Council opened the public hearing and took public testimony. Several speakers commented on issues, generally regarding land use compatibility, traffic, and safety. The City Council directed staff to analyze the project further with respect to traffic volumes and safety, zoning, alternative sites and noise. The agenda item was continued with the public hearing open to November 4, 2009. The June 23, 2009 and August 25, 2009 Planning Commission agenda reports and minutes and the October 7 City Council agenda report are attached.

**DISCUSSION**

In response to the City Council's direction and community concerns raised at the October 7, 2009 City Council meeting, the following additional information is provided for the City Council's consideration:

*Traffic:* The Environmental Impact Statement for the Route 23 and 118 Freeway Gap Closure indicated that in 1988, prior to construction of the freeway overpass, Princeton Avenue (then Los Angeles Avenue and State Route 118) carried an average of approximately 22,000 vehicles per day in the area between what is now Spring Road and the SR-118 freeway, of which approximately 4,000 of the vehicles (18 percent) were trucks. Current traffic counts conducted for the City show 13,000 vehicles per day on Princeton Avenue, of which approximately 500 to 650 of the vehicles (4-5 percent) are estimated to be trucks, the vast majority of which are Class B trucks (concrete mixers, bobtails, local delivery vans, utility trucks, etc.). The overpass is now carrying 75,000 to 77,000 vehicles per day, of which approximately 4,000 of the vehicles (5.5 percent) are trucks. As noted in the previous report, Princeton Avenue is no longer a designated truck route, with trucks only allowed to use Princeton Avenue for local deliveries.

While Pacific Pride commercial cardlock stations can be found nationwide and in Canada, each station is independently owned and operated, maintaining its own accounts, with a focus primarily on serving local businesses. J.E. Clark maintains approximately 150 accounts with Moorpark addresses, which make up about 70% of the business at the High Street station. The remaining 30% of the fueling is primarily from other Ventura County accounts. J.E. Clark estimates that only about 3-5% of their customers come from businesses outside of Ventura County. Local account holders are typically independent businesses that fuel either on-road or off-road trucks as well as passenger vehicles, and include local truckers, farmers, contractors, professional businesses, the Moorpark Unified School District, and City of Moorpark. Approximately 60% of the current customers drive Class A and B trucks, while 40% drive passenger vehicles. The following table shows fueling patterns of both cars and trucks during different times of day under current and more favorable economic conditions.

<b>Time of Day</b>	<b>Current No. of Vehicles by Type</b>	<b>Current No. of Vehicles</b>	<b>% of Daily Total</b>	<b>Ideal No. of Vehicles</b>
12:00 AM – 6:00 AM	10 trucks (class A)	10 (1.7/hour)	13.3%	30 (5.0/hour)
6:00 AM – 12:00 PM	15 trucks (class A and B) 10 class C cars/pickups	25 (4.2/hour)	33.3%	75 (12.5/hour)
12:00 PM – 6:00 PM	15 trucks (class A and B) 15 class C cars/pickups	30 (5/hour)	40.0%	90 (15/hour)
6:00 PM – 12:00 AM	5 trucks (Class A) 5 class C cars/pickups	10 (1.7/hour)	13.3%	30 (5/hour)
<b>Total</b>	45 trucks 30 class C cars/pickups	75 (3.1/hour)		225 (9.4/hour)

Customers approach the High Street station from both the east and west in comparable numbers. Because most customers are local, it is expected that slightly more customers would be coming to the proposed station from the west, as the majority of the City's businesses are located west of the freeway. Once finished fueling, customers would either continue east or return west depending on daily needs. There is no reason to expect that vehicles that are currently arriving or leaving the existing station would change their traffic pattern, except for that stretch of Princeton between Spring Road and the subject site.

The City did receive a comment recommending, should the project be approved, that the fueling station not be permitted to open until the necessary Princeton Avenue street improvements are completed. Data provided by the Police Department indicates that in the last three years, between 5.2 percent and 7.4 percent of all citywide vehicle collisions occurred on Princeton Avenue between Campus Park Drive and Spring Road, as shown in the table below.

Year	Total Vehicle Collisions in Moorpark	Collisions on Princeton Avenue	% of Total Citywide Vehicle Collisions
2006	318	22	6.9%
2007	344	18	5.2%
2008	297	22	7.4%

The Princeton Avenue widening project, currently in final design and engineering, would add a painted left-turn median, bicycle lanes, and sidewalk to Princeton Avenue. Attachment 2 shows a section of the proposed design. In addition to widening, the project will straighten out the curves along Princeton, improving sight distances and overall safety. Staff has added a condition of approval as follows:

*"All Princeton Avenue street improvements from the 118/23 overpass to Condor Drive as part of City CIP Project 8012 must be completed prior to issuance of a Zoning Clearance for occupancy to the satisfaction of the City Engineer/Public Works Director and Planning Director."*

**Zoning:** Staff has researched Ventura County records and has found that the project site was part of the original Colonia Virginia subdivision in 1928. Houses were first constructed in this subdivision in the 1930's. County zoning maps from the 1960's and 1970's show that it was zoned for residential use during this time. First evidence of its designation for industrial use was in "The Moorpark Plan," a component of the Ventura County Land Use Element of the General Plan, adopted by the County in 1979. Staff has since discovered that this site was also re-zoned to M-2 on December 23, 1980 under Ventura County Ordinance 3512. The Moorpark Plan was adopted as the City's first Land Use Element of its General Plan shortly after incorporation, along with the County's zoning designations for Moorpark.

**Alternative Sites:** Staff has identified and analyzed 16 alternative sites, including the proposed project site, and the existing project site, along with other vacant sites and sites already developed with fueling stations. Sites were evaluated by their dimensions, zoning, adjacent uses, and traffic constraints. A commercial fueling station generally needs to be larger than a fueling station for passenger vehicles and light trucks due to the length of the trucks and the wider turning radius required. The minimum area required for maneuvering a fueling tanker is 100 feet by 150 feet. This does not take into account buildings, landscaping, setbacks, stormwater retention, and on-site circulation. When all this is taken into account, approximately 300 feet of frontage and one acre of area are needed for good design. Lesser frontage would work on deep lots where the fueling could be oriented at 90 degrees from the frontage road instead of parallel to it.

For any of the alternative sites to work, an owner willing to sell the property at a reasonable price is needed. The owners of the sites evaluated have not been approached to determine willingness to sell, and pricing is unknown. It should be noted that the Moorpark Redevelopment Agency recently purchased the surplus 1.98 acre Caltrans property on Los Angeles Avenue (Site No. 9 below) for a fair market value of \$1.854 million dollars, or \$936,000 per acre. The Caltrans site did not have any improvements of significant value. Some of the sites below have substantial improvements and would likely be more expensive. The table below shows the sites, lot areas, useable frontage, and the advantages and constraints of each site.

	<b>Site Location, Advantages, and Constraints</b>	<b>Total Area (in acres)</b>	<b>Useable Frontage (in feet)</b>	<b>Lot Depth (in feet)</b>
1.	<p><b>Proposed Pacific Pride Site (South side of Princeton Avenue, east of 118/23 overpass)</b>  <u>Advantages:</u> Site is owned by the Moorpark Redevelopment Agency. Size, frontage, and lot shape work. Zoned for use.  <u>Constraints:</u> Adjacent to established neighborhood. Not on a truck route.</p>	1.46	348'	175'
2.	<p><b>Existing Pacific Pride Site (South side of High Street, west of Spring Road)</b>  <u>Advantages:</u> No change  <u>Constraints:</u> Nonconforming use in the C-OT Zone. Not appropriate for downtown character. Site too small – can not accommodate landscaping, setbacks, modern facilities. Not on a truck route.</p>	.46 plus .14 on railroad ROW	200'	100' plus 30' on railroad ROW

	<b>Site Location, Advantages, and Constraints</b>	<b>Total Area (in acres)</b>	<b>Useable Frontage (in feet)</b>	<b>Lot Depth (in feet)</b>
3.	<p><b>76 Station (Southeast corner of Princeton Avenue/Spring Road)</b>  <u>Advantages:</u> Effective re-use of an existing outdated facility. Not adjacent to residential. Zoned for use.  <u>Constraints:</u> Need to purchase site. Site too small. Insufficient frontage for maneuvering. Not on a truck route. Would probably require removal of the building, reworking of canopy and driveways. Turning on to street constrained by close proximity to intersection.</p>	.52	<p>165' on Princeton Avenue            123' on Spring Road</p>	125'-140'
4.	<p><b>Campus Shell Station (Southwest corner of Campus Park Drive/Collins Drive)</b>  <u>Advantages:</u> Close to freeway. Not adjacent to residential. Size, frontage, and lot shape work. Zoned for use.  <u>Constraints:</u> Need to purchase site. Not on a truck route. Not centrally located.</p>	1.43	<p>345' on Collins Avenue            279' on Campus Park Drive</p>	160'-280'
5.	<p><b>Chevron Station (Southeast corner of Spring Road/Los Angeles Avenue)</b>  <u>Advantages:</u> On truck route. Not adjacent to residential. Zoned for use.  <u>Constraints:</u> Need to purchase site. Site too small. Right-in/right-out only from both streets causing traffic conflicts.</p>	.69	<p>168' on Los Angeles Avenue            167' on Spring Road</p>	175'
6.	<p><b>Alliance Station (Southwest corner of Moorpark Avenue/Los Angeles Avenue)</b>  <u>Advantages:</u> On truck route. Not adjacent to residential. Zoned for use.  <u>Constraints:</u> Need to purchase site. Site too small. Right-in/right-out only from Los Angeles Avenue causing traffic conflicts.</p>	.56	<p>135' on Los Angeles Avenue            176' on Moorpark Avenue</p>	180'
7.	<p><b>Shell Station (Northwest corner of Park Lane/Los Angeles Avenue)</b>  <u>Advantages:</u> On truck route. Not adjacent to residential. Zoned for use.  <u>Constraints:</u> Need to purchase site. Right-in/right-out only from Los Angeles Avenue causing traffic conflicts. Would probably require reworking of canopy and driveways.</p>	.73	<p>180' on Los Angeles Avenue            168' on Park Lane</p>	172'

	<b>Site Location, Advantages, and Constraints</b>	<b>Total Area (in acres)</b>	<b>Useable Frontage (in feet)</b>	<b>Lot Depth (in feet)</b>
<b>8.</b>	<p><b>76 Station (Southwest corner of Leta Yancy Drive/Los Angeles Avenue)</b>  <u>Advantages:</u> On truck route. Easy access to freeway. Size, frontage, and lot shape work. Not adjacent to residential. Zoned for use.  <u>Constraints:</u> Need to purchase site. Right-in/right-out only from Los Angeles Avenue causing traffic conflicts.</p>	1.25	<p>162' on Los Angeles Avenue            322' on Leta Yancy Drive</p>	332'
<b>9.</b>	<p><b>Former Caltrans Site (South side of Los Angeles Avenue between Leta Yancy Drive and Park Lane)</b>  <u>Advantages:</u> Site is owned by Moorpark Redevelopment Agency. On truck route. Size, frontage, and lot shape work due to depth of lot. Zoned for use.  <u>Constraints:</u> Mid-block. Raised medians planned. Right-in/right-out only from Los Angeles Avenue causing traffic conflicts. Adjacent to residential (across Unidos Avenue).</p>	1.98	210'	441'
<b>10.</b>	<p><b>Grand Moorpark Property (North side of Los Angeles Avenue, east of Shasta Avenue)</b>  <u>Advantages:</u> On truck route. Size, frontage, and lot shape work. Zoned for use.  <u>Constraints:</u> Need to purchase site. Mid-block. Right-in/right-out only from Los Angeles Avenue causing traffic conflicts. Adjacent to established neighborhood. Removes an opportunity for development of entitled office building. Site too large, requires subdivision, leaving awkward remnant parcel.</p>	4.01	471'	429'
<b>11.</b>	<p><b>Nicola Property (South side of Los Angeles Avenue, west of Spring Road)</b>  <u>Advantages:</u> Effective re-use of an existing outdated facility. On truck route. Zoned for use.  <u>Constraints:</u> Need to purchase site. Mid-block. Right-in/right-out only from Los Angeles Avenue causing traffic conflicts. Adjacent to future residential development.</p>	1.43	156'	419'

	<b>Site Location, Advantages, and Constraints</b>	<b>Total Area (in acres)</b>	<b>Useable Frontage (in feet)</b>	<b>Lot Depth (in feet)</b>
<b>12.</b>	<p><b>Vacant Site east of Pentair Pool Products (North side of Los Angeles Avenue, west of Gabbert Road)</b>  <u>Advantages:</u> Near truck route. Size, frontage, and lot shape work. Zoned for use. Not adjacent to residential.  <u>Constraints:</u> Need to purchase site. Access would be from frontage road developed as part of Commonwealth Studios project. Site too large, requires subdivision, leaving awkward remnant parcel.</p>	6.0	369'	753'
<b>13.</b>	<p><b>Human Services Site (East side of Spring Road, south of High Street)</b>  <u>Advantages:</u> Site is owned by City. Size, frontage, and lot shape work. Zoned for use. Not adjacent to residential.  <u>Constraints:</u> Mid-block. Right-in/right-out only from Spring Road causing traffic conflicts. Removes an opportunity for development of Human Services Center. Not on a truck route.</p>	2.49	286'	381'
<b>14.</b>	<p><b>Fairfield Inn Site (South side of White Sage Road, east of 23 Freeway)</b>  <u>Advantages:</u> Close to freeway. Zoned for use. Not adjacent to residential. Size, frontage, and lot shape work.  <u>Constraints:</u> Need to purchase site. Few other locations available for approved hotel use.</p>	2.38	354'	323'
<b>15.</b>	<p><b>Calabasas BCD Site (Northeast corner of Princeton Avenue/Condor Drive)</b>  <u>Advantages:</u> Close to freeway. Size, frontage, and lot shape work.  <u>Constraints:</u> Need to purchase site. Not on a truck route. Not properly zoned. Adjacent to existing residential neighborhood and across street from school.</p>	3.46	424' on Princeton Avenue 567' on Condor Drive	280'-465'
<b>16.</b>	<p><b>Vulcan Materials (South side of Princeton Avenue, east of Spring Road)</b>  <u>Advantages:</u> Effective re-use of an existing mothballed cement batch plant facility.  <u>Constraints:</u> Need to purchase site. Not properly zoned. Not on a truck route. Across street from existing residential neighborhood, which is considerably higher in elevation.</p>	2.82	534'	85'-280'

Noise: Noise measurements were made at the project site on October 21, 2009 in both the afternoon (between 3:30 PM and 4:00 PM) and at night (between 9:45 PM and 10:15 PM) to determine ambient noise levels. The ambient noise level during the afternoon was a consistent 64 decibels A-weighted (dBA). This background ambient noise is directly associated with nearby freeway overpass. Separately, noise generated by passing vehicles on Princeton Avenue was measured generally in a range of 64-80 dBA. The lowest daytime level was a momentary 61 dBA, while a brief peak of 85 dBA was generated by a passing motorcycle.

During the nighttime recording period, the ambient noise level at the project site was 61 dBA. Less traffic flow was noted on the freeway overpass. However, passing traffic, while more sporadic and less intense than traffic during the afternoon, continued to generate noise levels of 62-76 dBA, nearly consistent with the daytime measurements. The lowest evening level measured 59 dBA and existed only fleetingly during a momentary gap in traffic on the SR 23 overpass.

Vehicles entering and exiting the site would have a comparable noise level to that along Princeton Avenue, with large diesel trucks creating about 80dB on site. The applicant has proposed an eight (8) foot decorative block wall on the eastern boundary of the site to protect the adjacent residential neighborhood from on-site noise. To ensure the wall height is sufficient, a condition of approval has been added to the resolution as follows:

*“A minimum eight (8) foot high decorative block wall must be erected on the eastern boundary of the site. Prior to issuance of a zoning clearance for construction, the applicant must cause an acoustic study to be prepared to determine if a greater wall height is necessary to maintain acceptable noise levels in the adjacent neighborhood in accordance with the Noise Element of the General Plan and Noise Ordinance.”*

In addition, the site is large enough that a larger buffer could be created between the truck fueling area and the Virginia Colony neighborhood. The truck fueling area could be relocated approximately 80 feet farther to the west, and still have sufficient room for maneuvering of large trucks. This would create the opportunity for additional landscaping with large trees in the southeast portion of the site. With the relocation, the canopy would be over 250 feet away from the nearest house on Princeton Avenue, and the landscaped area in the southeast portion of the site could be extended to be approximately 150 feet deep. The condition already proposed in the resolution for enhanced landscaping in this area would apply to the additional area as well. The following condition has been added to the resolution:

*“Prior to the issuance of a zoning clearance for construction, the applicant shall provide revised plans to the satisfaction of the Planning Director with the truck fueling area shown not to extend any further east than the fueling area for passenger vehicles and light trucks as shown on Plan C1.0 dated 9/23/2009, and with the landscaped area in the southeast portion of the site extended to reach at least 150 feet from the eastern property line.”*

The additional three conditions proposed for this project, along with the conditions previously recommended, would ensure that the development will be attractive and will enhance the neighborhood with substantial additional landscaping. This station is not designed as a facility for long haul truckers as it does not have the necessary amenities. A restroom in the small on-site office building would not be available to customers and a convenience store is prohibited by the proposed conditions. The station is designed to primarily serve local businesses, consistent with the current customer base of the station on High Street. It should be noted that the project wall and landscaping, in addition to blocking on-site noise, would also reduce direct exposure of the Virginia Colony neighborhood to noise from traffic west of the neighborhood along Princeton Avenue. With the soundwall, landscaping, relocation of the truck fueling area, and improvements to Princeton Avenue noted above, compatibility of the use with the existing neighborhood would be strengthened.

#### **STAFF RECOMMENDATION**

1. Continue to accept public testimony and close the public hearing.
2. Adopt Resolution No. 2009-\_\_\_\_, approving Conditional Use Permit 2008-05 and Industrial Planned Development 2008-01.

#### **ATTACHMENTS:**

1. City Council Agenda Report from October 7, 2009 (without Resolution)
2. Princeton Avenue Improvement Section Drawing
3. Alternative Site Locations
4. Draft Resolution No. 2009-\_\_\_\_, with Conditions of Approval

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

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

**DATE:** September 21, 2009 (CC Meeting of October 7, 2009)

**SUBJECT:** Consider Conditional Use Permit No. 2008-05 and Industrial Planned Development No. 2008-01, a Request to Construct a New Commercial Fueling Facility Consisting of One (1) Building and Two (2) Canopies on the South Side of Princeton Avenue, East of the SR-118 Freeway Overpass on the Application of Todd Manner (Fiedler Group) for the Moorpark Redevelopment Agency

**BACKGROUND**

On August 8, 2008, Todd Manner of the Fiedler Group, submitted an application on behalf of the Moorpark Redevelopment Agency (MRA), the property owner, for Conditional Use Permit No. 2008-05 and Industrial Planned Development No. 2008-01, a request to construct a new commercial fueling facility consisting of one (1) building and two (2) canopies on the south side of Princeton Avenue, just east of the SR-118 freeway overpass. This fueling station would replace the existing Pacific Pride fueling station on High Street, currently owned by the J.E. Clark II Corporation, to allow for future redevelopment. A Disposition and Development Agreement between the J.E. Clark II Corporation and the MRA is also required in association with this project and will be submitted for consideration by the MRA on a future agenda.

On August 25, 2009, the Planning Commission adopted Resolution PC-2009-547 by a 4-0 vote, with Commissioner DiCecco absent, recommending approval of the project to the City Council. In their motion to recommend approval of this project, the Planning Commission asked that their specific comments with respect to the permitting process, potential flooding, and underground tanks be conveyed to the City Council. The June 23, 2009 and August 25, 2009 Planning Commission agenda reports and minutes are attached.

## **DISCUSSION**

At the Planning Commission meetings of June 23, 2009 and August 25, 2009, concerns were raised by the public regarding land use and safety. Ms. Tina Romero spoke in opposition to the project, reiterating concerns over pollution, noise, lighting, and traffic accidents that she had previously expressed in correspondence previously sent directly to staff (attached). Mr. Pete Lopez expressed his concerns over safety, future street improvements and flooding and presented a petition opposing construction of a commercial fueling facility (attached).

Staff has researched Ventura County records and has found that this property was part of the original Colonia Virginia subdivision in 1928. Houses were first constructed in this subdivision in the 1930's. County zoning maps from the 1960's and 1970's show that it was zoned for residential use during this time. First evidence of its designation for industrial use was in "The Moorpark Plan," a component of the Ventura County Land Use Element of the General Plan, adopted by the County in 1979. Staff was unable to determine whether or not the County re-zoned the property for industrial use to be consistent with the general plan prior to Moorpark's incorporation in 1983. The Moorpark Plan was adopted as the City's first Land Use Element shortly after incorporation, along with the County's zoning for Moorpark. The property has been designated in the Land Use Element for industrial uses since 1979. Moorpark's first City zoning map, adopted in 1988, showed this property as being zoned M-2 (Limited Industrial). The zoning of this property has not changed since that time.

As discussed in the August 25, 2009 Planning Commission agenda report, the purpose of the M-2 Limited Industrial zone is to provide suitable areas for the development of a broad range of industrial and quasi-industrial activities of a light manufacturing, processing or fabrication nature, while providing appropriate safeguards for adjoining industrial sites, nearby non-industrial properties, and the surrounding community. Service stations are allowed in the M-2 zone with a Conditional Use Permit (CUP). The CUP allows for the addition of conditions to a use to ensure that it is consistent with the general plan goals and policies and zoning regulations. The M-2 zone permits by right automobile parts and supplies, offices, and a wide variety of manufacturing and assembly uses. Uses requiring a Community Development Director approved Administrative Permit include light automobile repair, automobile or equipment rental, nurseries, restaurants, financial institutions, laboratories, veterinary offices, warehousing, and welding. Uses requiring a CUP in the M-2 zone include car washes, engine rebuilding, transmission repair, steam cleaning, automobile body repair and painting, automobile sales, building supply stores, kennels and catteries, recreational vehicle storage, cement, concrete and plaster product fabrication, distribution and transportation facilities, heavy machinery repair, and self storage warehouses.

The Planning Commission has recommended a number of conditions of approval to ensure compatibility with the adjacent residential neighborhood. These conditions include reducing on-site lighting, adding landscaping, and improving Princeton Avenue all the way to Nogales Avenue.

The applicant has expressed concern to staff regarding the timing of removal of the Giant Reed (*Arundo Donax*) and any other invasive plant species within the property boundaries. The condition, as originally proposed, required the removal of the invasive plants prior to any required dedication. There is a great deal of uncertainty in the timing of obtaining State and Federal permits for work in the Arroyo. Additionally, the City was recently informed that the Ventura County Resource Conservation District (VCRCD) is preparing a program called the Calleguas Creek Watershed *Arundo/Tamarisk* Removal Program (CCARP). This program is meant to guide stakeholders in implementing non-native invasive plant removal projects, with an emphasis on *Arundo* and *Tamarisk*. If this program is adopted, the applicant can apply to use this programmatic permit when it becomes available. Alternatively, the applicant can participate jointly with other *Arundo/Tamarisk* removal projects, or propose a different process. In light of this new information, staff recommends amending condition of approval No. 24 to read as follows:

*"Prior to final inspection, the applicant must submit a plan to the satisfaction of the Planning Director for removal of all Giant Reed (*Arundo Donax*) and any other non-native invasive plant species within the property boundaries. Said plan must include mechanisms for funding, timing, and permitting of said removal, which must occur no later than two years of obtaining necessary permits. Transfer of the floodway portion of the property to Ventura Watershed Protection District would satisfy this condition for that portion of the property."*

### **FISCAL IMPACT**

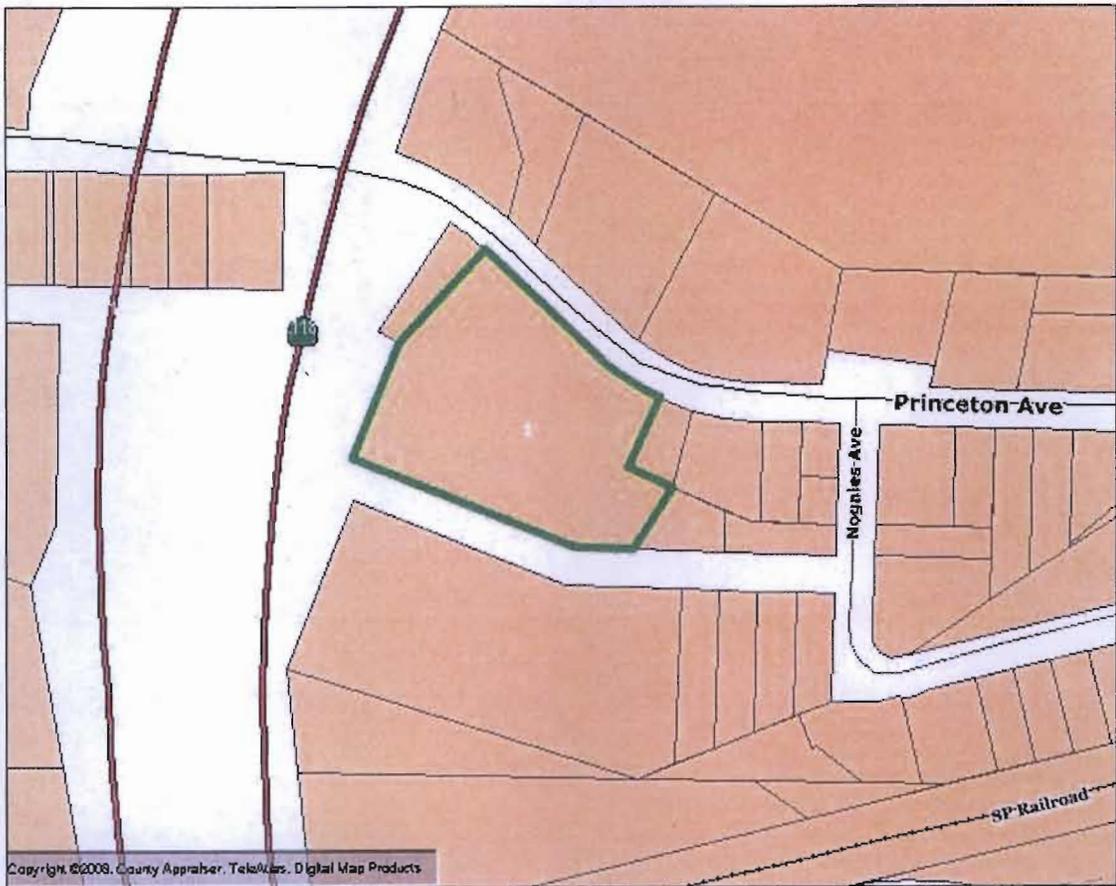
The action to be considered by the City Council is the approval of the Industrial Planned Development and Conditional Use Permit, which is not a commitment of funds. The property was purchased by the Moorpark Redevelopment Agency in 2007. A Disposition and Development Agreement (DDA) with the MRA will be required for this project. Details on the fiscal impacts of the project will be addressed in the future in the DDA report.

### **STAFF RECOMMENDATION**

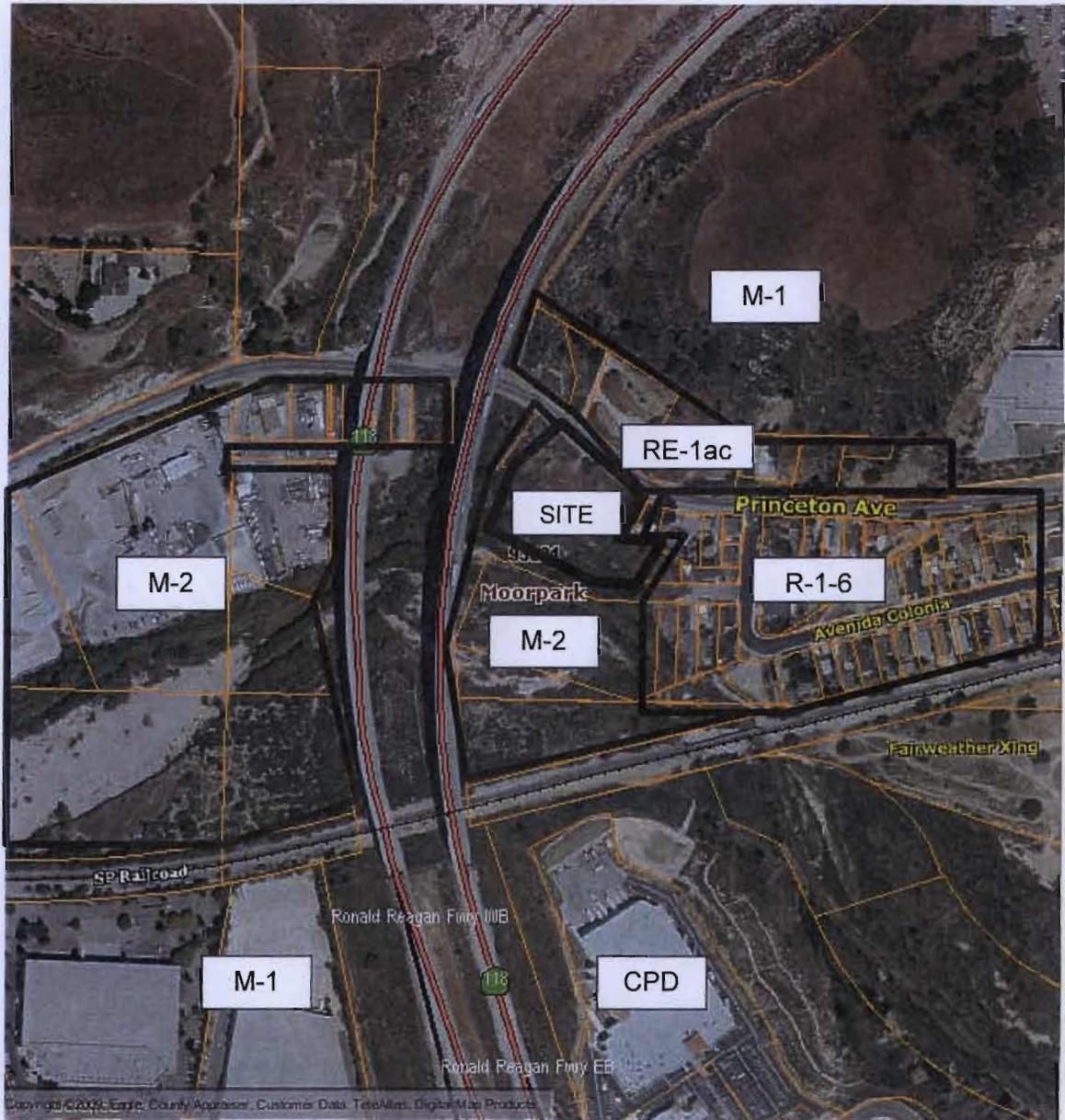
1. Open the public hearing, accept public testimony and close the public hearing.
2. Adopt Resolution No. 2009-\_\_\_\_, approving Conditional Use Permit 2008-05 and Industrial Planned Development 2008-01.

**ATTACHMENTS:**

1. Location Map
2. Aerial Photograph
3. Letter from Ms. Tina Romero
4. Petition to Oppose Construction of Commercial Fueling Facility
5. Project Exhibits: (Large Exhibits Under Separate Cover)
6. Planning Commission Agenda Report from June 23, 2009
7. Planning Commission Minutes from June 23, 2009 (Excerpt)
8. Planning Commission Agenda Report from August 25, 2009
9. Planning Commission Minutes from August 25, 2009 (Excerpt)
10. Draft Resolution No. 2009-\_\_\_\_\_, with Conditions of Approval
11. Resolution 2009-2799, Standard Conditions of Approval



## LOCATION MAP



**AERIAL PHOTOGRAPH**

July 31, 2009

RECEIVED  
AUG - 5 2009  
CITY OF MOORPARK

Community Development Department  
c/o Joseph Fiss  
City of Moorpark  
799 Moorpark Avenue  
Moorpark, CA 93021

RE: OPPOSITION TO PROPOSED COMMERCIAL FUELING FACILITY

Dear Mr. Fiss:

Recently, I spoke to you regarding my deep concern and dismay of the proposed commercial fueling facility under consideration on the South side of Princeton Avenue, East of SR 23 connector to 118 Freeway. This letter is to reaffirm my opposition of such mentioned proposal.

There are several factors to justify why this applicant should be denied the construction of this facility.

- Traffic congestion
- Excessive noise from truck traveling to and from the facility 24/7
- Decreased value of property
- Increased accidents
- Pollution endangerment to the small community
- Danger to pedestrians

The citizens of our small community are proud of their heritage. Many families settled in the "Colonia" when Moorpark was a nothing but a dirt road. My grandfather, Jose Rodriguez, sold (politely requested) his property to the State for mere dollars for the construction of the massive freeway that hovers over our property-- day and night we hear the ongoing traffic. And the view, needless to say, is not an attractive sight! We also endure the noise from the Warehouse facilities on the other side of our property due to warehouse deliveries and rubbish pick-up. And now you want to initiate yet another undesirable "attraction"!

Although, we are the "stepchildren" of the City and have been subject to unfavorable delegations in the past, i.e. High School which is "hidden" at the out skirts of our small community next to the so called Community Park, we strive to improve our homes and community. This proposal does not enhance a desirable living community. It only reinforces the continued lack of inconsideration placed upon us.

My hope is that you will consider other locations and leave our community at peace with some dignity.

Sincerely,



Tina Romero  
713 Nogales Avenue  
Moorpark, (Virginia Colony), CA 93021

copy: City Council Members

PETITION TO OPPOSE CONSTRUCTION OF COMMERCIAL FUELING FACILITY

SOUTH SIDE OF PRINCETON AVENUE, EAST OF SR23 CONNECTOR TO  
118 FREEWAY

RECEIVED

AUG 25 2009

City of Moorpark  
Community Development

SIGNED RESIDENTS AND SUPPORTERS OPPOSING PROPOSAL:

Print Name	Signature	Address
William Rodriguez	William Rodriguez	713 Nogales Ave
Evangelina Amador		14345 AVENIDA COLONIA MOORPARK CA 93021
Jesus Martinez		14345 AVENIDA COLONIA
Ramond Abierno	Ramond Abierno	14459 Escondido Ave Moorpark
Mario Rodriguez	Mario Rodriguez	137 Second St. Moorpark
Blanca Harrison	Blanca Harrison	733 Nogales Ave
Kristina Harrison		20120 Serrano Ln
JILL VIDAR		6629 Berkeley Cir.
SAMANTHA HARRISON		733 NOGALLES AVE
MICHAEL HARRISON		20120 Serrano Ln
MIKE HARRISON		733 NOGALLES
JEFF LOPEZ	Jeff Lopez	736 Nogales
Bete Lopez	Bete Lopez	14294 Princeton Ave
Brian Lopez	Brian Lopez	14294 Princeton AVE
Robert Lopez		14288 Princeton Ave
Jose G Soto	Jose G Soto	14340 Princeton Ave
ANNA SOTO		14340 Princeton Ave
Antonina Arteaga	Antonina Arteaga	14342 Princeton Ave
Elizabeth Ventura	Elizabeth Ventura	14342 Princeton AVE
Hortense Lopez	Hortense Lopez	14352 Princeton AVE
Jail Villalobos		14364 Princeton AVE
Swan Figueroa	Juan Figueroa	14364 Princeton Ave
Maria Villalobos	Maria Villalobos	14364 Princeton Ave
Jon Cure		14320 Avenida Colonia Ave
YOLANDA SIMEN	Yolanda Simen	726 Nogales Ave

**PETITION TO OPPOSE CONSTRUCTION OF COMMERCIAL FUELING FACILITY**

**SOUTH SIDE OF PRINCETON AVENUE, EAST OF SR23 CONNECTOR TO 118 FREEWAY**

SIGNED RESIDENTS AND SUPPORTERS OPPOSING PROPOSAL:

Print Name	Signature	Address
Rebecca Rodriguez	Rebecca Rodriguez	713 Nogales Ave
Lupe Gonzalez	Lupe Gonzalez	388 Sierra Ave
Maria Gonzalez	Maria Gonzalez	388 Sierra Ave
Rebecca Filipevich	Rebecca Filipevich	730 Sierra Ave
Joyan Duran	Joyan Duran	730 Sierra Ave.
Edward Duran	Edward Duran	730 Sierra Ave
Steven Duran	Steven Duran	223 Flory Ave
Juanita Jacques	Juanita Jacques	380 Roberts st.
Berita Betancourt	Berita Betancourt	380 Roberts st.
Delia Gonzalez	Delia Gonzalez	380 Roberts st
Christina Betancourt	Christina Betancourt	380 Roberts st.
Leticia Pimentel	Leticia Pimentel	14342 Avenida colonia
Juan Navarrete	Juan Navarrete	14336 colonia ave
Ruben Navarrete	Ruben Navarrete	14356 colonia ave
DOUGLAS W MAIN	Doug Main	14395 AVENIDA COLONIA
Tracy A Perez	Tracy A Perez	14395 Avenida Colonia
Shannon Burns	Shannon Burns	14395 Avenida Colonia
Charles Perez	Charles Perez	14395 Avenida Colonia
STEVEN AGUILA	Steven Aguil	14386 Avenida Colonia
Marcella Romo	Marcella Romo	14386 Avenida Colonia
Angela Aguilar	Angela Aguilar	14330 Avenida Colonia
Mike Miller	Mike Miller	14386 " "
Leonardo B.	Leonardo B	14345 Ave Colonia
Maria E	Maria Galvez	14345 Ave. Colonia
Ruben Rodriguez	Ruben Rodriguez	14395 Ave. Colonia

**PETITION TO OPPOSE CONSTRUCTION OF COMMERCIAL FUELING FACILITY**

**SOUTH SIDE OF PRINCETON AVENUE, EAST OF SR23 CONNECTOR TO  
118 FREEWAY**

**SIGNED RESIDENTS AND SUPPORTERS OPPOSING PROPOSAL:**

Print Name	Signature	Address
Christine Romo	Christine Romo	272 A Charles St.
Angel Arlene Cota	Angel Arlene Cota	14390 Avenida Colonia
Cynthia Alsop	Cynthia Alsop	14410 Avenida Colonia
Eliada Aguirre	Eliada Aguirre	14420 Ave Colonia
Delia Martinez	Delia Martinez	14421 Avenida Colonia
Alvina Hatcher	Alvina Hatcher	14430 Ave Calif
Judy Hatcher	Judy Hatcher	14430 Ave Colonia
Adam Aguirre	Adam Aguirre	14420 Avenida Colonia
Wenyan Young	Wenyan Young	14455 "
Margaret Jackson	Margaret Jackson	14376 Ave Colonia
Betty Lou Basulto	Betty Lou Basulto	14445 Avenida Colonia
Jose H. Solor	Jose H. Solor	14450 Ave Colonia
maria flores	maria flores	14450 Ave Colonia
Jubada Young	Jubada Young	14493 Virginia Colony
Josa Gutierrez	Josa Gutierrez	14493 Virginia Colony
Joani Olivera	Joani Olivera	14487 Avenida Colonia
JUAN NERIA	JUAN NERIA	14487 Avenida Colonia
Juan y Herrera	Juan y Herrera	14487 B Avenida Colonia
Emelda Ramirez	Emelda Ramirez	14348 A.V Colonia
Chen, Zhao, Xiang	Chen, Zhao, Xiang	751 Nogales Ave
David Lopez	David Lopez	Benogales Ave
Carol Mann	Carol Mann	14395 Avenida Colonia
JOHN J. AGUIRRE	JOHN J. AGUIRRE	14476 Avenida Colonia
VICTORIA Aguirre	VICTORIA Aguirre	14476 Avenida Colonia

# PETITION TO OPPOSE CONSTRUCTION OF COMMERCIAL FUELING FACILITY

## SOUTH SIDE OF PRINCETON AVENUE, EAST OF SR23 CONNECTOR TO 118 FREEWAY

SIGNED RESIDENTS AND SUPPORTERS OPPOSING PROPOSAL:

Print Name	Signature	Address
Jillian Clarke		184 Charles St.
<del>Rita Rodriguez</del> Jesus Garcia	Rita Rodriguez	137 Charles St
Claudia Gomez		712 Magnolia St
Maria Flores	MARIA FLORES	150 MAJESTIC 1015
<del>Salvador Guerrero</del> Mary A. Valerio	MARIA FLORES	639 Bond St.
JAMES WHITMAN		741 Valley Rd.
Jesse VALERIO		655 Bond St
Marcelina Valerio		621 BART ST
Pauline HERNANDEZ		146 First Street
BENJAMIN DOMINGUEZ		447 2nd St
Mary Dominguez		10784 TERNEZ DR.
Ben Dominguez		13119 E. Colandrina Street
Benita Rodriguez	BENITA RODRIGUEZ	13119 E. Colandrina Street
Michael Romero Jr.		287 Sierra Ave
Evelina O. BARRERA		287 Sierra Ave
OSCAR BARRERA		230 SIERRA AVE.
Keneth Korman		230 SIERRA AVE.
Ryoberto Barrera		281 Sierra Ave.
Roberto Gonzalez		4804 Mira Sol
Hilda Benitez		1445 WALNUT CYN RD.
<del>Paulina Castro</del> Lisandra Castro	LISANDRA CASTRO	1449 WALNUT CYN RD
Pamela Castro	PAMELA CASTRO	475 CHARLES ST
Steven J. Castro		479 Charles St. Mrpk
Antonio Castro		479 Charles St. Mrpk
		475 Charles St. Mrpk

# PETITION TO OPPOSE CONSTRUCTION OF COMMERCIAL FUELING FACILITY

## SOUTH SIDE OF PRINCETON AVENUE, EAST OF SR23 CONNECTOR TO 118 FREEWAY

SIGNED RESIDENTS AND SUPPORTERS OPPOSING PROPOSAL:

Print Name	Signature	Address
Jeremy Hempel		14388 E. Purdue St.
Jessica Benitez		1449 Walnut creek MKPK
<del>Murray Axelrod</del> MURRAY AXELROD		574 CHARLES ST
Nickolas E. Young		4359 Broadale Ave M.P
Gaurie Sibilla		2534 Rock St Sibley
<del>John P. Marriello</del> RAYNA KAYLOR		4241 Persimmon St
Rayna Kaylor		6863 Breezy Glen Dr Moorpark
Caroline June Maxwell		4241 Persimmon St. Moorpark
William Smith		763 Lucille Ct. Moorpark
PAUL SEVILLO		763 Lucille Ct. Moorpark
Mark Figueroa		670 Diablo Ave
Natasha Quattlebaum		11575 Wildflower Ct Moorpark CA
Hilda Rodriguez		7340 Walnut Canyon Rd Moorpark CA
John Cuccia		2956 Calle Grande T.O
Leslie Atkins		4293 Scholartree Ct.
Ieland & Parlee		4536 N MILLERON RD Moorpark
Jose Ramos		113 First St.
Melanie Ridgely		4175 Shock Point MKPK
MARK RIDGELY		4175 Shock Point MKPK
CARMEL FIGUEROA		670 DIABLO AV MOORPARK
Robert W. Flynn		150 LA. AVE 108 MPK.
Lance M. Goshka		17560 Goldendrake St Moorpark
ANDREW PERAZZINI		580 FOREST A
Gavin M. Beach		15155A MALDEN RD

PETITION TO OPPOSE CONSTRUCTION OF COMMERCIAL FUELING FACILITY  
SOUTHSIDE OF PRINCETON AVE, EAST OF SR23 CONNECTOR TO I18 FREEWAY  
6

Print Name	Signature	Address
Tina Arredondo	Tina Arredondo	524 Banderita
JOHN BAKER	John Baker	14886 MARQUETTE St.
Min Gu	Min Gu	14886 Marquette St
Albino Chacon	Albino Chacon	6709 LaFayette
Maricela Chacon	Maricela Chacon	6709 laFAYETTE
Laura Sanchez	Laura Sanchez	6709 laFAYETTE
Kenneth S. MacLeod	Kenneth S. MacLeod	6509 N. Amherst St, Mpk

**PROJECT EXHIBITS**

**LARGE EXHIBITS UNDER SEPARATE COVER**

**(UNDER SEPARATE COVER)**

**COPIES OF THE EXHIBITS ARE AVAILABLE  
UPON REQUEST OF THE PROJECT PLANNER**

**MOORPARK PLANNING COMMISSION  
AGENDA REPORT**

**TO:** Honorable Planning Commission

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

**DATE:** June 15, 2009 (PC Meeting of 6/23/09)

**SUBJECT:** Consider Conditional Use Permit No. 2008-05 and Industrial Planned Development No. 2008-01, a Request to Construct a New Commercial Fueling Facility Consisting of One (1) Building and Two (2) Canopies on the South Side of Princeton Avenue, East of SR-118 Freeway Overpass on the Application of Todd Manner (Fiedler Group) for the Moorpark Redevelopment Agency

**BACKGROUND**

On August 8, 2008, Todd Manner (Fiedler Group) for the Moorpark Redevelopment Agency submitted an application for Conditional Use Permit No. 2008-05 and Industrial Planned Development No. 2008-01, a request to construct a new commercial fueling facility consisting of one (1) building and two (2) canopies on the south side of Princeton Avenue, just east of the SR-118 freeway overpass. The Planning Director has determined that the mass of the canopies proposed at 2,410 square feet along with the proposed building exceed the 2,500 square foot limitation and require a planned development permit instead of an Administrative Permit. This fueling station would replace the existing Pacific Pride fueling station on High Street to allow for future redevelopment of the site.

**DISCUSSION**

**Project Setting**

**Existing Site Conditions:**

The entire site is 98,224 square feet in area. Approximately 34,800 square feet of the site is within the Arroyo Simi floodway, and is not buildable. The Arroyo Simi floodway is managed by the Ventura County Watershed Protection District, however, no easement currently exists on the site for flood control purposes. Site design issues related to flood control are discussed in the analysis section below.

The irregular shaped site is otherwise relatively flat and is slightly below the grade of Princeton Avenue.

Previous Applications:

No applications have been filed for this site.

<b>GENERAL PLAN/ZONING</b>			
<b>Direction</b>	<b>General Plan</b>	<b>Zoning</b>	<b>Land Use</b>
Site	I-2 (Medium Industrial)	M-2 (Limited Industrial)	Unimproved
North	RH (Rural High Residential)	RE-1 Ac (Rural Exclusive)	Unimproved
South	Floodway	M-2 (Limited Industrial)	Unimproved
East	M (Medium Density Residential)	R-1-6 (Single Family Residential)	Single Family Dwelling
West	Freeway Right-of-Way	Freeway Right-of-Way	Freeway Bridge Connection (Unimproved under Bridge)

General Plan and Zoning Consistency:

A commercial fueling facility is consistent with the I-2 (Medium Industrial) General Plan land use designation and is a conditionally permitted use in the M-2 (Limited Industrial) zoning designation of the site.

**Project Summary**

The proposed commercial fueling facility consists of a small office building, one canopy with four (4) gas pumps, one canopy with five (5) gas pumps, a trash enclosure, an equipment enclosure, a generator enclosure, and two (2) underground storage tanks.

**Proposed Project**

Architecture/Building Design:

The proposed building and canopies are of a contemporary style, and are proposed to be constructed of conventional on-site construction. The main building is proposed to be finished with exterior stucco and includes a clay tile roof. The canopies and accessory structures will also be roofed with clay tile. The structures are designed to be architecturally compatible with the adjacent residential uses to the east. The proposed colors are generally neutral earth tones.

The roof height for the proposed office building is thirteen (13) feet, six (6) inches. This height is consistent with the height and scale of nearby homes. The proposed canopies are 19 feet in height. This height allows for the clearance of large trucks under the canopies. The height of these structures is below the maximum allowable height of forty (40) feet allowed in the M-2 Zone.

Setbacks:

The building and canopies comply with the required front setback of thirty (30) feet. Interior setbacks for commercial buildings adjacent to residential properties are set by the Industrial Planned Development permit. In this case, the applicant is proposing a seven (7) foot setback from the small office building. This proposed setback is appropriate due to the mass of the building, and additionally, the building will provide a buffer between the residence and the gas pumps/canopies.

Circulation:

Access to and from the site is provided from Princeton Avenue, with one entrance-only driveway and one exit-only driveway. On site circulation has been designed to accommodate the turning radius of large commercial vehicles.

Parking:

<b>(Building)</b>	<b>Proposed Use (Sq. Ft.)</b>	<b>Spaces Required</b>	<b>Spaces Provided</b>
1	Office Building (400 s.f.)	1	1
2	Canopy (one pump island)	1	1
3	Canopy (three pump islands)	3	3
	<b>Total</b>	<b>5</b>	<b>5</b>

As depicted on the above table, the available parking provided meets ordinance requirements of one space per pump island plus 1 space per 300 sq. ft. of office. If necessary, there is sufficient area to accommodate additional parking spaces without redesigning the site. Prior to issuance of a building permit, Building and Safety will review the construction drawings for compliance with Americans with Disabilities Act (ADA) requirements for parking and access.

Landscaping:

This project proposes on-site parkway landscaping along Princeton Avenue and internal parking lot and boundary landscaping. The applicant has shown conceptual plant types in appropriate areas. Plants that are on the City's invasive plant list will not be approved for this site, given its proximity to the Arroyo Simi. There are several areas on site that are proposed to be paved, but serve no functional purpose to the service station. These areas, generally in the southwest and southeast corners of the site should instead be landscaped with low-maintenance plantings and trees. This would provide for additional pervious area on the site, improving drainage and reducing site discharge. This is further discussed in the analysis section below.

A Mature Tree Report has been prepared for the project. The overall site contains eight (8) trees, two (2) of which are within the development area, and one (1) of which is not large enough to be designated as a mature tree. The two trees within the development area include a Eucalyptus tree and a California Pepper tree. The valuation of these trees is \$7,720.00. The Municipal Code requires that, where trees are proposed for removal that are associated with a proposal for urban development, an appraisal of the value of said trees is to be prepared and the resulting value shall be applied to upgrading the size of tree plantings associated with the project.

A condition of approval has been added to this effect.

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

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

The applicant has proposed an underground retention basin. The City has typically discouraged this type of system on new development projects due to long-term maintenance concerns. This is discussed further in the analysis section below.

Air Quality:

According to the 2000 Ventura County Air Quality Assessment Guidelines, the proposed project will produce less than the allowable 25 pound threshold of NOX, providing a conclusion that there will be an impact on regional air quality. As is required with all commercial/industrial projects, staff incorporates a standard condition requiring a contribution to the Moorpark Traffic Systems Management Fund to off-set air pollutants, consistent with the 2000 Ventura County Air Quality Assessment Guidelines.

**ANALYSIS**

**Issues**

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

- Floodway, Drainage, and Landscaping

The floodway, drainage, and landscaping issues related to this project are interconnected. As mentioned above, the southern portion of the site is within the Arroyo Simi floodway. To ensure continuity of maintenance of this floodway, an irrevocable offer of dedication to the Ventura County Watershed Protection District (VCWPD) in a form to the satisfaction of the

City is recommended. The dedication substantially affects the shape and size of the area available for development. The remaining developable area of the site is not currently within the 100-year floodplain. Due to the adjacency to the Arroyo Simi, drainage from the site is of concern. The applicant has proposed an underground retention system topped with asphaltic paving. This type of solution is typically used in very large paved areas such as mall parking lots, and in urban infill environments, where there are few options for passive surface solutions. In this case, there are several areas on site that are proposed to be paved, but serve no functional purpose to the service station. These areas, generally in the southwest and southeast corners of the site, can be redesigned to provide passive water retention for water quality, with landscaping consisting of low-maintenance plantings and trees. This would provide for additional pervious area on the site, improving drainage while clarifying and reducing site discharge. Conditions of approval have been added to the project redesign the drainage and landscaping on site.

## **Findings**

### Planned Development Findings:

1. The site design, including structure location, size, height, setbacks, massing, scale, architectural style and colors, and landscaping, is consistent with the provisions of the general plan, any applicable specific plans, zoning ordinance, and any other applicable regulations in that all applicable standards of these regulations would be met by the proposed development and the design of the buildings;
2. The site design would not create negative impacts on or impair the utility of properties, structures or uses in the surrounding area in that the proposed uses are compatible with surrounding land uses and the circulation system provides for logical connections with Princeton Avenue; and
3. The proposed use is compatible with existing and permitted uses in the surrounding area in that the zoning anticipates this type of development and it is consistent with criteria specified in applicable City Codes.

### Conditional Use Permit Findings:

1. The proposed use is consistent with the provisions of the general plan, zoning ordinance, and any other applicable regulations in that it furthers Goal 10 of the Land Use Element of the General Plan as follows: "Goal 10: Provide for a variety of industrial uses which are located and designed in a compatible manner with surrounding land uses";
2. The proposed use is compatible with both existing and permitted land uses in the surrounding area in that the property is properly zoned and the buildings have been designed to minimize any new impacts on the surrounding area ;

3. The proposed use is compatible with the scale, visual character, and design of surrounding properties in that the colors, material and massing of the buildings have been designed to be compatible with the surrounding residential character;

4. The proposed use would not be obnoxious or harmful, or impair the utility of neighboring property or uses in that the canopies and building have been sited to mitigate impacts on the residential uses to the east; and

5. The proposed use would not be detrimental to the public health, safety, convenience, or welfare in that the canopies and building have been sited to mitigate impacts on the residential uses to the east, the Arroyo Simi, and Princeton Avenue.

### **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: May 29, 2009**

**Planning Commission Action Deadline: June 29, 2009**

**City Council Action Deadline: August 28, 2009**

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 Planning Director determines the level of review necessary for a project to comply with the California Environmental Quality Act (CEQA). Some projects may be exempt from review based upon a specific category listed in CEQA. Other projects may be exempt under a general rule that environmental review is not necessary where it can be determined that there would be no possibility of significant effect upon the environment. A project which does not qualify for an exemption requires the preparation of an Initial Study to assess the level of potential environmental impacts.

Based upon the results of an Initial Study, the Director may determine that a project will not have a significant effect upon the environment. In such a case, a Notice of Intent to Adopt a Negative Declaration or a Mitigated Negative Declaration is prepared. For many projects, a Negative Declaration or Mitigated Negative Declaration will prove to be sufficient environmental documentation. If the Director determines that a project has the potential for significant adverse impacts and adequate mitigation can not be readily identified, an Environmental Impact Report (EIR) is prepared.

The Director has reviewed this project and found it to be Categorically Exempt in accordance with Section 15332 (Class 32 – Infill Development) of the California Code of Regulations (CEQA Guidelines). No further environmental documentation is required.

**STAFF RECOMMENDATION**

1. Open the public hearing, accept public testimony and close the public hearing.
2. Adopt Resolution No. PC-2009-\_\_\_\_\_ recommending to the City Council conditional approval of Conditional Use Permit 2008-05 and Industrial Planned Development 2008-01.

**ATTACHMENTS:**

1. Location Map
2. Aerial Photograph
3. Project Exhibits: Under Separate Cover
4. Draft PC Resolution with Conditions of Approval

At the request of Chair Hamous, Mr. Geoffrion and Mr. Tapping, applicants, clarified standards and qualifications for applicants. A discussion followed regarding the grade of the driveway up to Charles Street, parking spaces, the finish grade to the sidewalk from the garage parking and how residents are screened. Mr. Geoffrion stated Moorpark residents would be given the first right to apply and would be screened first on a tiered-basis. This project would also have an on-site manager residing on the premises and would inspect the units on an annual basis or following any concerns from residents.

In response to Chair Hamous, Mr. Bobardt discussed the property being zoned for multi-family high-density, and if the City is in the process of providing additional parking for the Downtown Specific Plan area.

Chair Hamous closed the Public Hearing.

Commissioner Di Cecco made some design and site planning suggestions to the applicant, but made those suggestions optional instead of recommending them as conditions of approval. Commissioner Di Cecco suggested relocating the building northerly on the site, to create additional useable rear yard area, relocating the trash enclosure to the west, and including an additional shade structure within the front courtyard.

Vice Chair Landis requested it be noted in the record that the applicant said that they were also concerned about parking.

**MOTION:** Chair Hamous moved and Commissioner Di Cecco seconded a motion to approve staff recommendation, including adoption of Resolution No. PC-2009-546. The motion carried by voice vote 3-0, Vice Chair Landis dissenting and Commissioner Bagwell absent.

**The City Council has final approval authority for this project.**

D. Consider Conditional Use Permit 2008-05 and Industrial Planned Development 2008-01, a Request to Construct a New Commercial Fueling Facility Consisting of One (1) Building and Two (2) Canopies on the South Side of Princeton Avenue, East of SR 118 Freeway Overpass on the Application of Todd Manner (Fiedler Group) for the Moorpark Redevelopment Agency. Staff Recommendation: 1) Open the public hearing, accept public testimony and close the public hearing; 2) Adopt Resolution No. PC-2009-\_\_\_ recommending to the City Council conditional approval of Conditional Use Permit 2008-05 and Industrial Planned Development 2008-01.

Mr. Fiss presented the staff report.

Questions from the Commissioners followed regarding if the office building, canopy and columns are split-face block, and if the islands have an accidental fuel spill shut-off, and discussion regarding the proposed eight foot high block wall.

Chair Hamous opened the Public Hearing.

Todd Manner, applicant, Fiedler Group, discussed changing the allowable hours of operation from 6:00 a.m. – 10:00 p.m. to a broadening of 24 hours. One of the terms of J.E. Clark II Corporation has with Pacific Pride is to remain open 24 hours a day. He also stated he was available to answer any questions regarding the project.

A discussion followed among Commissioners and the applicant regarding how many trucks and traffic the facility would generate. Ned Clark, applicant, Vice President, J.E. Clark II Corporation discussed how the existing facility operates, lighting at the proposed facility and canopy, volume and parking of vehicles, reducing the amount of hardscape, the need to revisit turning radius and adjust the site plan, and the requirement as a franchise of Pacific Pride to remain open 24 hours.

Discussion among the Commission and staff resulted in requesting that this item be continued to August 25 and direction for staff to work with the applicant to modify the lighting and hours of operation. The applicant stated they would be open to August 25 and willing to waive time limits under the Permit Streamlining Act.

In response to Chair Hamous, Mr. Bobardt stated correspondence was received from Mr. Robert Lopez in opposition of the project. Mr. Bobardt did not summarize the letter, as it was previously distributed to the Planning Commission.

**MOTION:** Vice Chair Landis moved and Commissioner Di Cecco seconded a motion to continue the agenda item with Public Hearing open to the August 25, 2009 regular Planning Commission meeting. The motion carried by voice vote 4-0, Commissioner Bagwell absent.

**The City Council has final approval authority for this project.**

9. DISCUSSION ITEMS:

- A. Consider Scheduling of a Summer Meeting Recess to Coordinate with City Council Recess. Staff Recommendation: Direct staff to post a notice of meeting cancellation for the July 28, 2009 regular meeting.

Mr. Bobardt gave the staff report.

**MOORPARK PLANNING COMMISSION  
AGENDA REPORT**

**TO:** Honorable Planning Commission

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

**DATE:** August 17, 2009 (PC Meeting of 8/25/09, Continued from 6/23/09)

**SUBJECT:** Consider Conditional Use Permit No. 2008-05 and Industrial Planned Development No. 2008-01, a Request to Construct a New Commercial Fueling Facility Consisting of One (1) Building and Two (2) Canopies on the South Side of Princeton Avenue, East of SR-118 Freeway Overpass on the Application of Todd Manner (Fiedler Group) for the Moorpark Redevelopment Agency

**BACKGROUND/DISCUSSION**

On August 8, 2008, Todd Manner (Fiedler Group) for the Moorpark Redevelopment Agency submitted an application for Conditional Use Permit No. 2008-05 and Industrial Planned Development No. 2008-01, a request to construct a new commercial fueling facility consisting of one (1) building and two (2) canopies on the south side of Princeton Avenue, just east of the SR-118 freeway overpass.

The Planning Commission opened the public hearing and took testimony for this case on June 23, 2009. There were several speakers, mostly local neighbors, who expressed concerns about the use itself as well as potential operational, lighting, and traffic impacts the project may have on the adjacent residential neighborhood. The Planning Commission continued the agenda item to its August 25 meeting, with the public hearing open, and directed staff to work with the applicant to investigate solutions to the issues raised at the public hearing. The issues raised at the hearing and proposed solutions are addressed below.

Use:

This site is zoned M-2 for industrial uses. The purpose of the M-2 Limited Industrial zone is to provide suitable areas for the development of a broad range of industrial and quasi-industrial activities of a light manufacturing, processing or fabrication nature, while providing appropriate safeguards for adjoining industrial sites, nearby non-industrial properties, and the surrounding community. Service stations are allowed in the M-2 zone with a Conditional Use Permit (CUP). The CUP allows for the addition of conditions to a use to ensure that it is consistent with the general plan goals and policies and zoning regulations. The M-2 zone permits by right automobile parts and supplies, offices, and a wide variety of manufacturing and assembly uses. Uses requiring a Community Development Director approved Administrative Permit include light automobile repair, automobile or equipment rental, nurseries, restaurants, financial institutions, laboratories, veterinary offices, warehousing, and welding. Uses requiring a CUP in the M-2 zone include car washes, engine rebuilding, transmission repair, steam cleaning, automobile body repair and painting, automobile sales, building supply stores, kennels and catteries, recreational vehicle storage, cement, concrete and plaster product fabrication, distribution and transportation facilities, heavy machinery repair, and self storage warehouses. The proposed service station as conditioned is an appropriate use of the site. The conditions originally proposed, along with additional conditions discussed below, would ensure its consistency with the general plan and zoning.

Operational Impacts:

Two issues were raised with respect to the facility operation: size of the facility and hours of operation.

*Size* – As proposed, the commercial fueling facility consists of a small office building, a canopy with 4 gas pumps, a canopy with 5 gas pumps, a trash enclosure, an equipment enclosure, a generator enclosure, and 2 underground storage tanks. This station is intended to replace an existing station with 6 pumps on High Street to help facilitate redevelopment of the site. A condition has been added to the recommended conditions that would limit this permit to the same number of pumps and hoses being replaced, and that the station remain a private commercial fueling station, not open to the general public.

*Hours of Operation* – Initially, staff recommended restricted hours of operation from 6:00 a.m. to 10:00 p.m. on Monday through Saturday, and from 7:00 a.m. to 7:00 p.m. on Sunday. At the public hearing, the applicant indicated that their franchise agreement with Pacific Pride requires that the station be opened twenty-four hours. Staff has confirmed this with the Pacific Pride Corporation. Information provided below in the traffic/circulation discussion demonstrates relatively low evening and nighttime use. With the condition that the facility remain a private commercial fueling station, and conditions for landscape buffers, walls and lighting, the station could operate 24 hours a day without being a neighborhood nuisance.

Lighting:

The applicant's original lighting plan did not comply with the Zoning Ordinance standards for lighting. This issue is usually addressed in the condition compliance review of a project. Because of the proposed 24-hour operation, staff directed the applicant to revise the lighting plan to comply with the City's lighting ordinance, with sensitivity to the adjacent residential neighborhood. The applicant has presented a plan that reduces lighting levels, incorporates lower height bollards and light poles, and incorporates a lighting system that uses dual level controls on the canopy lights, such that, when a vehicle is not present, low level lighting is on, and when a vehicle drives up, the lighting level brightens for save fueling operation. This dual-level lighting has been added as a recommended condition of approval.

Traffic/Circulation:

The applicant has estimated their current average daily traffic to be approximately 75 vehicles per day. This number is lower than a long-term average, due to the current economic slowdown. Under more favorable economic conditions, the applicant expects average daily traffic of 225 vehicles per day. The table below, provided by the applicant, shows the breakdown of vehicle types using the existing fueling station, and the time of day that they are using it.

Time Frame	Quantity & Vehicle Class	Total Vehicles	Pctg Total	Ideal Traffic Day (vehicles)	Vehicles per hour
12am – 6 am	10 trucks (class A)	10	13%	30	5
6am – 12pm	15 trucks (class A and B) 10 class C cars/pickups	25	33%	75	12.5
12pm – 6pm	15 trucks (class A and B) 15 class C cars/pickups	30	40%	90	15
6pm – 12am	5 trucks (Class A) 5 class C cars/pickups	10	13%	30	3
		75/day		225/day	

On November 1, 2006, the City Council adopted Resolution No. 2006-2534, establishing and revising truck routes throughout the City. Princeton Avenue is not a designated truck route, and therefore trucks are currently prohibited on Princeton Avenue, except for deliveries. The City has consistently interpreted "fueling" as falling within the definition of deliveries.

In order to mitigate traffic and circulation impacts, staff has added a condition of approval restricting vehicles to enter the site from the westernmost driveway, and to exit the site from the easternmost driveway. This will reduce circulation conflicts in the area. Additionally, street improvements will be constructed as part of the project to include improvements to the southwest and southeast corners of Nogales Avenue and Princeton Avenue.

**STAFF RECOMMENDATION**

1. Continue accepting public testimony and close the public hearing.
2. Adopt Resolution No. PC-2009-\_\_\_\_ recommending to the City Council conditional approval of Conditional Use Permit 2008-05 and Industrial Planned Development 2008-01.

**ATTACHMENTS:**

1. June 23, 2009 Planning Commission Agenda Report
2. Draft PC Resolution with Conditions of Approval

**MOTION:** Vice Chair Landis moved and Commissioner Taillon seconded a motion to continue the agenda item with Public Hearing open to a date uncertain, with direction to staff to readvertise when the item is ready to be brought back to the Planning Commission. The motion carried by voice vote 4-0, Commissioner Di Cecco absent.

B. Consider Conditional Use Permit 2008-05 and Industrial Planned Development 2008-01, a Request to Construct a New Commercial Fueling Facility Consisting of One (1) Building and Two (2) Canopies on the South Side of Princeton Avenue, East of SR 118 Freeway Overpass on the Application of Todd Manner (Fiedler Group) for the Moorpark Redevelopment Agency. (Continued from June 23, 2009 Regular Meeting) Staff Recommendation: 1) Continue accepting public testimony and close the public hearing; 2) Adopt Resolution PC-2009-547 recommending to the City Council conditional approval of Conditional Use Permit 2008-05 and Industrial Planned Development 2008-01.

Mr. Fiss presented the staff report.

Questions from the Commission followed; how many homes are adjacent to the property area, whether this item renoticed, relocation of the existing JE Clark Pacific Pride from High Street to the site, if there have been any complaints with the current operation, landscaping and buffer zone between the site and Arroyo, and the requirement as a franchise of Pacific Pride to remain open 24 hours, traffic during the night and lighting at the site.

Chair Hamous opened the Public Hearing.

David Moe, applicant representative, Redevelopment Manager, Moorpark Redevelopment Agency, stated he was available to answer any questions from the Planning Commission.

A discussion followed among Commissioners and Mr. Moe regarding the current operation of the business and relocation of moving the business, and if there are any issues or concerns from the neighbors with the current business operation. Mr. Moe stated that the applicant, James Clark, would be able to address these items.

James Clark, President, J.E. Clark II Corporation, discussed the operation of the card lock business which is mostly off-road and on-road diesel use.

A discussion followed among the Commission and Mr. Clark regarding how the business is run, if the business has received any complaints, and if the use being proposed is the same use as the current site on High Street, including the same number of tanks and pumps.

Todd Manner, applicant, Fiedler Group, stated he has modified the site plan to accommodate the comments and issues from the June 23 Planning Commission meeting regarding lighting and landscaping.

A discussion followed among the Commission and Mr. Manner about the direction of the lighting and wall fixtures.

Tina Arredondo, land owner in Virginia Colony, was opposed to the project and expressed her concerns about pollution, noise, lighting, traffic, accidents that may occur, and property values in Virginia Colony.

A discussion followed among Commissioners and Ms. Arredondo about her main concerns regarding the project. Ms. Arredondo stated her main concerns are the noise, traffic and the future of the children. Ms. Arredondo also asked for clarification why an environmental study was not done.

Pete Lopez, City resident, was opposed to the project and expressed his concerns regarding safety, the improvements on Princeton Avenue in front of his residence, and that the homes will lose their quality of life. Mr. Lopez also expressed his concerns about the project being located next to a river bed and the flooding that occurred in Virginia Colony in the 1970's.

Chair Hamous closed the Public Hearing.

A discussion followed among Commissioners and staff regarding if the Watershed Protection District has been approached on this project, what are the conditions that a fueling facility has to accommodate for the 100-year flood or flood plain, who does the applicant get approval from for underground tanks, discussion regarding the EIR process, if this project qualifies for exemption per the California Environmental Act, and when the property was zoned for industrial use.

In response to the Commission, Mr. Jim Clark, applicant, J. E. Clark II, discussed the percentage of the trucks that are currently using Princeton Avenue as their ingress, the percentage of traffic that will be generated, and the percentage of large trucks that would travel on Princeton Avenue as opposed to regular car and truck traffic using the gas station.

**MOTION:** Vice Chair Landis moved and Commissioner Taillon seconded a motion to approve staff recommendation, including adoption of Resolution No. PC-2009-547 with direction to staff to provide the Honorable City Council with specific comments. The motion carried by voice vote 4-0, Commissioner Di Cecco absent.

**The City Council has final approval authority for this project.**

RESOLUTION NO. 2009-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 2008-05 AND INDUSTRIAL PLANNED DEVELOPMENT NO. 2008-01, A REQUEST TO CONSTRUCT A NEW COMMERCIAL FUELING FACILITY CONSISTING OF ONE (1) BUILDING AND TWO (2) CANOPIES, ON THE SOUTH SIDE OF PRINCETON AVENUE, JUST EAST OF THE SR-118 FREEWAY OVERPASS, ON THE APPLICATION OF TODD MANNER (FIEDLER GROUP) FOR THE MOORPARK REDEVELOPMENT AGENCY

WHEREAS, on August 25, 2009, the Planning Commission adopted Resolution No. PC-2009-547, recommending conditional approval of Conditional Use Permit No. 2008-05 and Industrial Planned Development No. 2008-01 on the application of Todd Manner (Fiedler Group) for the Moorpark Redevelopment Agency to construct a new commercial fueling facility consisting of one (1) building and two (2) canopies on the south side of Princeton Avenue, just east of the SR-118 overpass; and

WHEREAS, at a duly noticed public hearing held on October 7, 2009, the City Council considered the agenda report and any supplements thereto and any written public comments; opened the public hearing, took and considered public testimony both for and against the proposal, closed the public hearing, and reached a decision on this matter; and

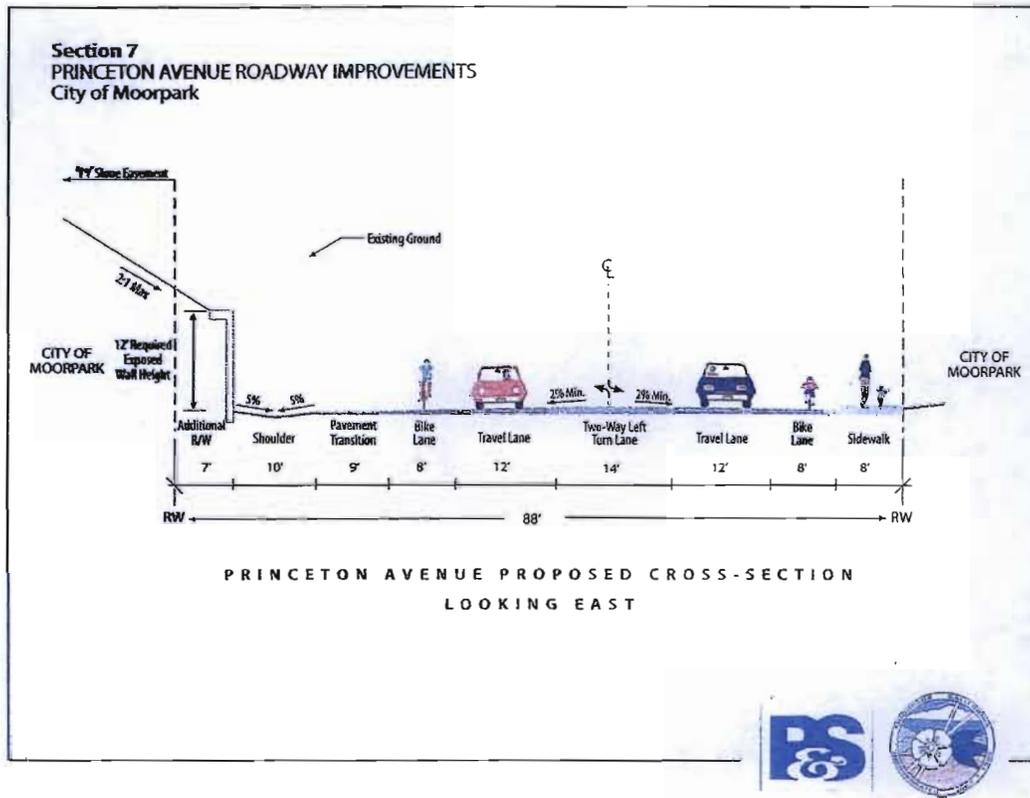
WHEREAS, the City Council concurs with the Planning Director's determination that this project is Categorical Exempt from the provisions of CEQA pursuant to Section 15332 as a Class 32 exemption for in-fill development projects.

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

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

- A. The site design, including structure location, size, height, setbacks, massing, scale, architectural style and colors, and landscaping, is consistent with the provisions of the general plan, any applicable specific plans, zoning ordinance, and any other applicable regulations in that all applicable standards of these regulations would be met by the proposed development and the design of the buildings;

# PRINCETON AVENUE IMPROVEMENT SECTION DRAWING



CC ATTACHMENT 2

# Alternative Site Location Exhibit



**CC ATTACHMENT 3**

## Proposed Project Site



## Existing Pacific Pride Site



**76 Station  
SWC Princeton Ave./Spring Rd.**



**Campus Shell  
SWC Campus Park Dr./Collins Ave.**



## Chevron Station SEC Spring Rd./Los Angeles Ave.



## Alliance Station SWC Moorpark Ave./Los Angeles Ave.



**Shell Station  
NWC Park Ln./Los Angeles Ave.**



**76 Station  
SWC Leta Yancy Dr./Los Angeles Ave.**



## Former Caltrans Site



## Grand Moorpark Site



## Nicola Property



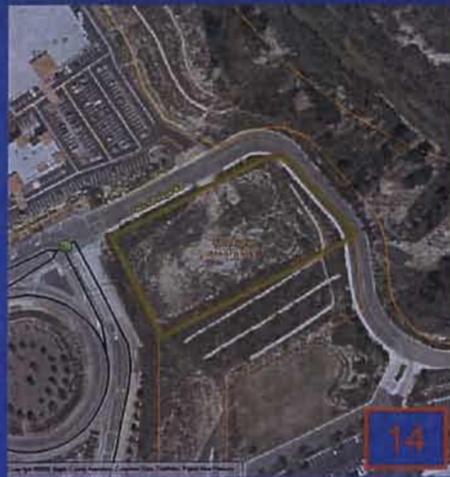
## Vacant Site Adjacent to Pentair Pools



# Human Services Center



# Fairfield Inn



## Calabasas BCD Property



## Vulcan Materials



RESOLUTION NO. 2009-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 2008-05 AND INDUSTRIAL PLANNED DEVELOPMENT NO. 2008-01, A REQUEST TO CONSTRUCT A NEW COMMERCIAL FUELING FACILITY CONSISTING OF ONE (1) BUILDING AND TWO (2) CANOPIES, ON THE SOUTH SIDE OF PRINCETON AVENUE, JUST EAST OF THE SR-118 FREEWAY OVERPASS, ON THE APPLICATION OF TODD MANNER (FIEDLER GROUP) FOR THE MOORPARK REDEVELOPMENT AGENCY

WHEREAS, on August 25, 2009, the Planning Commission adopted Resolution No. PC-2009-547, recommending conditional approval of Conditional Use Permit No. 2008-05 and Industrial Planned Development No. 2008-01 on the application of Todd Manner (Fiedler Group) for the Moorpark Redevelopment Agency to construct a new commercial fueling facility consisting of one (1) building and two (2) canopies on the south side of Princeton Avenue, just east of the SR-118 overpass; and

WHEREAS, at a duly noticed public hearing held on October 7, 2009, the City Council considered the agenda report and any supplements thereto and any written public comments; opened the public hearing, took and considered public testimony both for and against the proposal, and continued the public hearing,

WHEREAS, at a continued public hearing held on November 4, 2009, the City Council closed the public hearing and reached a decision on this matter; and

WHEREAS, the City Council concurs with the Planning Director's determination that this project is Categorically Exempt from the provisions of CEQA pursuant to Section 15332 as a Class 32 exemption for in-fill development projects.

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

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

- A. The site design, including structure location, size, height, setbacks, massing, scale, architectural style and colors, and landscaping, is consistent with the provisions of the general plan, any applicable specific plans, zoning ordinance, and any other applicable regulations in that all applicable standards of these regulations would be met by the proposed development and the design of the buildings;

- B. The site design would not create negative impacts on or impair the utility of properties, structures or uses in the surrounding area in that the proposed uses are compatible with surrounding land uses and the circulation system provides for logical connections with Princeton Avenue; and
- C. The proposed use is compatible with existing and permitted uses in the surrounding area in that the zoning anticipates this type of development and it is consistent with criteria specified in applicable City Codes.

SECTION 2.      **CONDITIONAL USE PERMIT FINDINGS:** Based upon the information set forth in the staff reports, 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 proposed use is consistent with the provisions of the general plan, zoning ordinance, and any other applicable regulations in that it furthers Goal 10 of the Land Use Element of the General Plan as follows: "Goal 10: Provide for a variety of industrial uses which are located and designed in a compatible manner with surrounding land uses";
- B. The proposed use is compatible with both existing and permitted land uses in the surrounding area in that the property is properly zoned and the buildings have been designed to minimize any new impacts on the surrounding area;
- C. The proposed use is compatible with the scale, visual character, and design of surrounding properties in that the colors, material and massing of the buildings have been designed to be compatible with the surrounding residential character;
- D. The proposed use would not be obnoxious or harmful, or impair the utility of neighboring property or uses in that the canopies and building have been sited to mitigate impacts on the residential uses to the east; and
- E. The proposed use would not be detrimental to the public health, safety, convenience, or welfare in that the canopies and building have been sited to mitigate impacts on the residential uses to the east, the Arroyo Simi, and Princeton Avenue.

SECTION 3. CITY COUNCIL APPROVAL: The City Council hereby approves Residential Planned Development Permit No. 2009-01, subject to Special and Standard Conditions of Approval attached hereto and incorporated herein as Exhibit A.

SECTION 4. 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 4<sup>th</sup> day of November, 2009.

\_\_\_\_\_  
Janice S. Parvin, Mayor

ATTEST:

\_\_\_\_\_  
Deborah S. Traffenstedt, City Clerk

Exhibit A – Standard and Special Conditions of Approval

## EXHIBIT A

### STANDARD AND SPECIAL CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT 2008-05 AND INDUSTRIAL PLANNED DEVELOPMENT 2008-01

#### STANDARD CONDITIONS

The applicant shall comply with Standard Conditions of Approval for Planned Development Permits and Conditional Use Permits as adopted by City Council Resolution No. 2009-2799 (Exhibit A and B), except as modified by the following Special Conditions of Approval. In the event of conflict between a Standard and Special Condition of Approval, the Special Condition shall apply.

#### SPECIAL CONDITIONS

1. The permittee's acceptance of this permit and/or commencement of construction and/or operations under this permit are deemed to be acceptance of all conditions of this permit.
2. The development must be in substantial conformance with the plans presented in conjunction with the application for Conditional Use Permit 2008-05 And Industrial Planned Development 2008-01, except any modifications as may be required to meet specific Building Code and Zoning Code standards or other conditions stipulated herein.
3. All Princeton Avenue street improvements from the 118/23 overpass to Condor Drive as part of City CIP Project 8012 must be completed prior to issuance of a zoning clearance for occupancy, to the satisfaction of the City Engineer/Public Works Director and Planning Director.
4. The applicant must provide color and material samples prior to issuance of a Zoning Clearance. Final colors and materials shall be subject to approval of the Planning Director.
5. Prior to occupancy, the applicant shall irrevocably offer to dedicate the street frontage on Princeton Avenue in accordance with the City's ultimate right-of-way improvements for that location to the satisfaction of the Planning Director, City Engineer/Public Works Director, and City Attorney, and be reviewed and accepted by the City Council.
6. Prior to the issuance of a zoning clearance for construction, the applicant shall provide revised plans to the satisfaction of the Planning Director with the truck fueling area shown not to extend any further east than the fueling area for passenger vehicles and light trucks as shown on Plan C1.0 dated 9/23/2009, and

- with the landscaped area in the southeast portion of the site extended to reach at least 150 feet from the eastern property line.
7. Prior to issuance of a Zoning Clearance for construction, the applicant must provide additional landscaping and drainage areas in the southeast and southwest corners of the site to the satisfaction of the Planning Director and City Engineer/Public Works Director.
  8. As part of the landscape and irrigation plan, the applicant must upgrade the size of tree plantings associated with the project by a valuation equal to or greater than \$7,720.00. Such upgrading may be in a combination of increased tree sizes and additional tree plantings and is subject to the review and approval of the Planning Director
  9. Prior to issuance of a Zoning Clearance for construction, the applicant must irrevocably offer the southern portion of the site within the Arroyo Simi floodway to the Ventura County Watershed Protection District (VCWPD) for flood control purposes in a form to the satisfaction of the City Engineer/Public Works Director and City Attorney.
  10. On-site water detention area(s) may not be so deep, or the sides so steep, as to require fencing, as determined by the Planning Director and City Engineer/Public works Director, prior to issuance of a grading permit. Underground stormwater detention is not permitted.
  11. All signage must conform to the City's sign requirements and an approved sign program. A monument sign may be constructed consistent with the sign requirements and a sign program as approved by the Planning Director.
  12. During construction, perimeter lighting must be installed at a minimum of 150 foot intervals and at height not less than fifteen (15) feet from the ground. The light source used must have a minimum light output of 2,000 lumens, be protected by a vandal resistant cover, and be lighted during the hours of darkness. Construction lighting is subject to review and approval of the Planning Director and Chief of Police.
  13. Prior to the commencement of construction, including grading, fencing not less than six (6) feet in height, which is designed to preclude human intrusion, must be installed along the perimeter boundaries of the construction site and shall be secured with chain and Fire District padlocks for emergency vehicle access. Alternatively, a uniformed security guard, licensed pursuant to Chapter 11 of the Business and Professions Code of the State, shall be utilized to continually patrol the construction site during the hours when construction work has ceased.
  14. Any exterior maintenance, cleaning, sweeping, landscape work, and refilling of fuel tanks may only be performed between 7:00 a.m. and 7:00 p.m. Monday through Saturday.

15. Final architectural and site plan design and detailing, including parking lot, landscaping and lighting design is subject to review and approval of the Planning Director.
16. The lighting plan must include a system that uses dual level controls on the canopy lights to provide low level lighting when vehicles are not present, to the satisfaction of the Planning Director.
17. Low-reflective glass must be used on all exterior walls of the building, with specific glass materials and locations provided to the satisfaction of the Planning Director.
18. The applicant shall prohibit truck parking or storage overnight in the parking lot area. Limited truck parking, when in association with a permitted use, is allowed, but in no case shall there be overnight parking.
19. Prior to the issuance of a Zoning Clearance, the applicant shall pay the project's pro-rata share of the cost of intersection improvements at Spring Road and High Street/Princeton Avenue and Spring Road and Los Angeles Avenue. The actual contribution (pro-rata share shall be based upon the additional traffic added to the intersection). The applicant's traffic engineer shall provide the City Engineer/Public Works Director a "Fair Share Analysis" of the projects added traffic for calculation of the pro-rata ("fair share") amount.
20. In conjunction with the preparation of precise grading and landscape plans, the sight distance shall be reviewed and approved at project access points per City standards.
21. The applicant shall install stop signs, stop bars, and stop legends at project access points. Signage to limit the ingress of trucks to the westerly driveway and the egress of trucks to the easterly driveway must also be provided.
22. If the use is abandoned in excess of one-hundred and eighty (180) days, the property owner shall be responsible for the removal of the underground tanks and removal of the pumps in accordance with local and state requirements.
23. No more than the same number of fuel pumps and fuel hoses that currently exist at the High Street location are allowed under this permit.
24. The facility must remain a private commercial fueling station and must not be open to the general public. Other uses on the site, such as a convenience store and/or vehicle repair are not permitted under this approval.
25. Signage, striping, and improvements, subject to the review and approval of the Planning Director and City Engineer/Public Works Director, must be provided to restrict vehicle ingress to the westernmost driveway and vehicle egress to the easternmost driveway.
26. Prior to final inspection, the applicant must submit a plan to the satisfaction of the Planning Director for removal of all Giant Reed (*Arundo Donax*) and any other

non-native invasive plant species within the property boundaries. Said plan must include mechanisms for funding, timing, and permitting of said removal, which must occur no later than two years of obtaining necessary permits. Transfer of the floodway portion of the property to Ventura Watershed Protection District would satisfy this condition for that portion of the property.

27. Prior to or concurrently with approval of a Zoning Clearance for construction the applicant shall grant the City public access easements to the Arroyo Simi for future trail and recreational purposes. The exact location of said easements will be subject to the approval of the Planning Director and the City Engineer/Public Works Director. Concurrent with the completion of the southerly block fence/wall the applicant shall install a gate in the southern project boundary fence/wall for access to the Arroyo by the public in the event that a trail or recreational facility is installed along the Arroyo. The gate shall be locked until such time as a trail or such facility is installed and access is granted.
28. A minimum eight (8) foot high decorative block wall must be erected on the eastern boundary of the site. Prior to issuance of a zoning clearance for construction, the applicant must cause an acoustic study to be prepared to determine if a greater wall height is necessary to maintain acceptable noise levels in the adjacent neighborhood in accordance with the Noise Element of the General Plan and the Noise Ordinance.

- END -