

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

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

**DATE:** April 22, 2010 (CC Meeting of 5/5/2010)

**SUBJECT:** Consider Permit Adjustment No. 1 to Commercial Planned Development No. 2006-01 and Conditional Use Permit No. 2006-07 to Allow Construction and Operation of a 112-Room Hotel on a 2.38-Acre Parcel at 14350 White Sage Road on the application of Peter Bhakta (Moorpark Hospitality)

**BACKGROUND**

On May 2, 2007, the City Council adopted Resolution No. 2007-2583 (Attachment 1), approving Commercial Planned Development No. 2006-01 and Conditional Use Permit No. 2006-07 to allow construction and operation of a 112-Room Hotel on a 2.38 Acre Parcel at 14350 White Sage Road. Two 1-year extensions have been granted administratively by the Community Development Director to May 2, 2010, consistent with Standard Condition No. 2 of Resolution No. 2007-2583. The developer has requested a Permit Adjustment to extend the timeframe of these permits. Although a Permit Adjustment is normally considered by the Community Development Director, this one involves a change to a condition approved by the City Council. Therefore, direction is sought by the City Council on this Permit Adjustment application.

**DISCUSSION**

Due to the current economic situation, the developer, Peter Bhakta (Moorpark Hospitality), has not been able to secure financing for construction of this project, although it is the developer's desire to construct and operate this facility. The developer has submitted building plans for plan check, and gone through several rounds of plan check. Additionally, the developer has finalized grading plans, and could currently obtain grading permits by submitting Mylars © to the City Engineer.

The developer has submitted a request for a Permit Adjustment (Attachment 2), requesting that Standard Condition No. 2 of Resolution No. 2007-2583 be amended to allow a three (3) year extension of this approval. Staff would recommend extending the approval by one year, with an additional year extension at the discretion of the Community Development Director. This would allow extensions up to May 2, 2012, five years after the original approval. A longer period may require updates to the colors and materials of the building, which should be the subject of a new permit application.

Staff has reviewed the original plans and conditions of approval and recommends Standard Condition No. 2 be amended to read as follows:

2. This planned development permit and conditional use permit will expire ~~one (1) year from the date of its approval on May 2, 2011~~ 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)~~ one (1) 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.

### **FISCAL IMPACT**

None.

### **STAFF RECOMMENDATION**

Direct the Community Development Director to approve Permit Adjustment No. 1 to Commercial Planned Development No. 2006-01 and Conditional Use Permit No. 2006-07, amending Standard Condition No. 2 to extend the timeframe of the permits to May 2, 2011 with a possible additional one-year extension.

Attachments:

1. Resolution No. 2007-2583
2. Permit Adjustment Request
3. Site Plan
4. Elevation

RESOLUTION NO. 2007-2583

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING COMMERCIAL PLANNED DEVELOPMENT PERMIT NO. 2006-01 AND CONDITIONAL USE PERMIT NO. 2006-07 TO ALLOW CONSTRUCTION AND OPERATION OF A 112-ROOM HOTEL ON A 2.38-ACRE PARCEL, LOCATED AT 14350 WHITE SAGE ROAD, ON THE APPLICATION OF MOORPARK HOSPITALITY, INC.

WHEREAS, on March 27, 2007, the Planning Commission adopted Resolution No. PC-2007-514, recommending conditional approval of Commercial Planned Development (CPD) Permit No. 2006-01 and Conditional Use Permit (CUP) No. 2006-07, on the application of Moorpark Hospitality, Inc., for the construction and operation of a 112-room hotel at 14350 White Sage Road; and

WHEREAS, at a duly noticed public hearing held on May 2, 2007, 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. 1995071057) that was prepared and certified for the Special Devices, Incorporated project, and that no new information or impacts that requires 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(C):

- 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, zoning ordinance, and other applicable regulations, as it meets or exceeds the Ordinance requirements and the proposed project as conditioned enhances the physical and visual image of the community.

- 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 was planned and graded to accommodate a commercial use such as a hotel.
- C. The proposed hotel is compatible with existing and permitted uses in the surrounding area as the area around the site is used, planned and zoned for commercial and industrial uses.

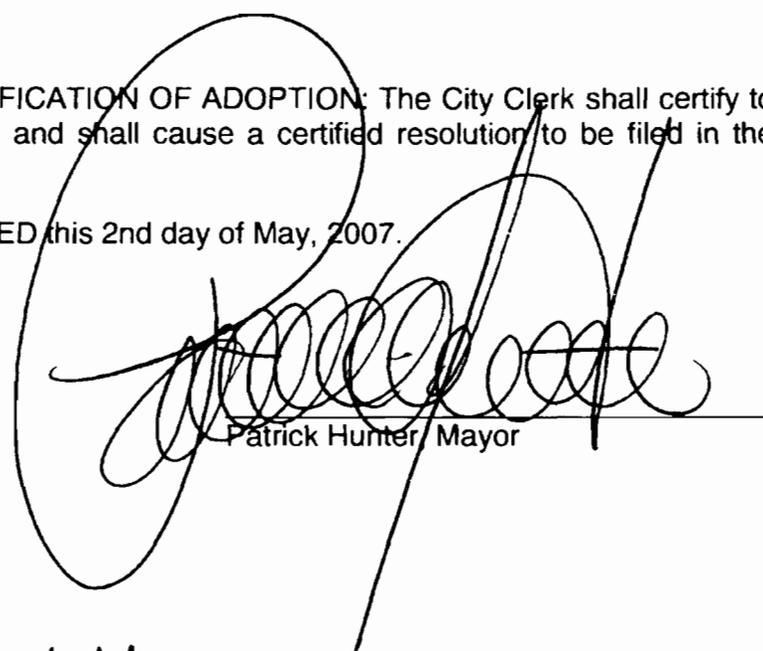
SECTION 2. **CONDITIONAL USE PERMIT FINDINGS:** Based upon the information set forth in the staff report, accompanying studies, and oral and written public testimony, the City Council makes the following findings in accordance with City of Moorpark, Municipal Code Section 17.44.040(D):

- A. The proposed use is consistent with the provisions of the general plan, zoning ordinance, and any other applicable regulations, as it meets or exceeds the Ordinance requirements and the proposed project as conditioned enhances the physical and visual image of the community.
- B. The proposed hotel is compatible with existing and permitted uses in the surrounding area as the area around the site is used, planned and zoned for commercial and industrial uses.
- C. The proposed use is compatible with the scale, visual character and design of surrounding properties in that it is in an area characterized by large commercial structures and it shares compatible Mediterranean architectural elements with newer development in the project vicinity.
- D. The hotel use would not be obnoxious or harmful, or impair the utility of neighboring property or uses in the surrounding area as the property was planned and graded to accommodate a commercial use such as a hotel, and it is isolated from residential neighborhoods in the City.
- E. The proposed hotel would not be detrimental to the public health, safety, convenience, or welfare in that would be located on a site planned and designed to accommodate a commercial use such as a hotel, has convenient freeway access and is close to the Los Angeles Avenue commercial corridor.

SECTION 3. **CITY COUNCIL APPROVAL:** The City Council hereby approves Commercial Planned Development Permit No. 2006-01 and Conditional Use Permit No. 2006-07 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 4. 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 2nd day of May, 2007.

A large, stylized handwritten signature in black ink, appearing to read "Patrick Hunter". The signature is written over a horizontal line.

Patrick Hunter, Mayor

ATTEST:

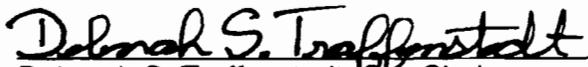
  
Deborah S. Traffenstedt, City Clerk



Exhibit A – Special and Standard Conditions of Approval – Commercial Planned Development Permit No. 2006-01 and Conditional Use Permit No. 2006-07

**EXHIBIT A**

**SPECIAL AND STANDARD CONDITIONS OF APPROVAL  
FOR COMMERCIAL PLANNED DEVELOPMENT NO. 2006-01 AND CONDITIONAL  
USE PERMIT NO. 2006-07**

**SPECIAL CONDITIONS FOR COMMERCIAL PLANNED DEVELOPMENT NO. 2006-01**

1. Clay two-piece barrel tile with variegation and exposed mortar is required for all areas of the building where tile roofing is proposed. Roof overhangs must extend beyond all walls with decorative eaves, a minimum 5/12 roof pitch must be used on all clay-tile roof elements, and dormer roof vents shall be incorporated into the design to the satisfaction of the Community Development Director.
2. Stone veneer on the façade of the first floor level must be a heavier, darker material than that used for the tower elements, and must be transitioned with a well-defined ledge stone cap from the stone veneer upward to the stucco. All stone veneered sides must include returns to the next plane, with all corners wrapped in stone without visible joints, with materials, colors, and design all to the satisfaction of the Community Development Director.
3. Colors on the various stucco planes and cornices must be distinct, but compatible. 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.
4. Roof appurtenances are limited to necessary vents, must be located on the southeast side of the building whenever possible, and must be the same color as the roofing material to the satisfaction of the Community Development Director.
5. Downspouts must not be visible from the exterior of the building.
6. Window surrounds on the first floor of the hotel must be constructed out of durable materials and may not have foam cores to the satisfaction of the Community Development Director.
7. Retaining wall faces adjacent to the SR-23 freeway and White Sage Road must be faced with a decorative veneer to the satisfaction of the Community Development Director. Matching treatment must be provided to the retaining wall surrounding the Southern California Edison electrical vault on the property along White Sage Road.
8. Retaining walls with faces interior to the site must be constructed out of colored decorative block to the satisfaction of the Community Development Director.
9. All retaining walls must incorporate graffiti-proofing as feasible to the satisfaction of the Community Development Director.

10. Enhanced landscaping is required for all areas surrounding and adjacent to the north and west retaining walls. Landscaping immediately adjacent to all retaining walls must include plant materials that would discourage access by vandals. A three-party agreement between the applicant, Caltrans, and the City is required for the applicant to install and maintain enhanced landscaping within the Caltrans right-of-way adjacent to the project site.
11. All ground mounted utility boxes must 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.
12. Any required railing at the top of retaining walls shall be decorative and a sample shall be submitted for review and approval of the Community Development Director.
13. The applicant shall provide for "White Sage Road" and Los Angeles Avenue signage at the SR-23/118 freeway off-ramps at Los Angeles Avenue to the satisfaction of the Director of Public Works/City Engineer and Caltrans.
14. The landscape plan shall incorporate specimen size trees subject to the review and approval of the Community Development Director. In the transitional area between this permit area and the adjacent open space the landscaping shall consist of city approved native trees, shrubs and groundcover to provide a blending and transition to the existing native plant material.
15. None of the prohibited plants indicated in the Provisionally Acceptable Plant List and the Invasive and Prohibited Plant List contained in the city's Landscape Guidelines shall be used in this development.
16. Prior to occupancy, the applicant shall form an Assessment District [herein "Back-Up District"] to fund future city costs, should they occur, for the maintenance of parkway, slope, freeway frontage landscaping, and drainage improvements previously maintained by a Private Responsible Party and then assumed by the City. If a Back-Up District is formed, it shall be the intent of the City to approve the required assessment each year, but to only levy that portion of the assessment necessary to recover any past city costs or any anticipated city costs for the following fiscal year. In the event the City is never required to assume the maintenance of any such improvements maintained by a Private Responsible Party, the amount of the annual assessment actually levied upon the affected properties would be minor amount, possibly zero. The City shall administer the annual renewal of the Back-Up District and any costs related to such administration shall be charged to the Fund established for such district revenues and expenses. The aforementioned backup district shall include an irrevocable access easement given to the City.
17. 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:

- Los Angeles Avenue / SR-23 on-off ramps
- Los Angeles Avenue / Miller Parkway
- Los Angeles Avenue / Spring Road
- Los Angeles Avenue / Moorpark Avenue

The amount of the fair-share contribution shall be to the satisfaction of the City Engineer/Public Works Director based on the traffic report prepared for the project and the extent of the impact to these intersections.

### **SPECIAL CONDITIONS FOR CONDITIONAL USE PERMIT NO. 2006-07**

1. Guests may not occupy any individual room for a period exceeding thirty (30) days. Records of registration must be maintained and provided for inspection as required by Chapter 5.44 of the Moorpark Municipal Code.
2. Prior to occupancy, the hotel operator and hotel owner shall provide a signed statement indicating that the operator is aware of and will comply with the provisions of Chapter 9.32 of the Moorpark Municipal Code (Social Host).
3. Any service of alcoholic beverages of any kind would be subject to a separate permit or modification of Conditional Use Permit No. 2006-07.
4. The hotel operator shall be responsible for the collection, record keeping, reporting, and remission to the City of the transient occupancy tax as required by Chapter 3.48 of the Moorpark Municipal Code.
5. Delivery trucks must have their engines shut off during deliveries. The operator of the hotel must notify all delivery companies of this restriction and post appropriate signage, to the satisfaction of the Community Development Director, indicating that idling of the delivery truck engine while loading or unloading is not permitted.

### **STANDARD CONDITIONS**

#### ***A. The following conditions are 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 and conditional use permit will 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 Community Development Director 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). All specimens shall be the property of the City of Moorpark unless the City chooses otherwise. 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 Community Development Director.

8. The applicant shall defend, indemnify and hold harmless the City and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul any approval by the City or any of its agencies, departments, commissions, agents, officers, or employees concerning this entitlement approval, which claim, action or proceeding is brought within the time period provided therefore in Government Code Section 66499.37 or other sections of state law as applicable. The City will promptly notify the applicant of any such claim, action or proceeding, and, if the City should fail to do so or should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify and hold harmless the City or its agents, officers and employees pursuant to this condition.
  - a. The City may, within its unlimited discretion, participate in the defense of any such claim, action or proceeding if both of the following occur:
    - i. The City bears its own attorney fees and costs;
    - ii. The City defends the claim, action or proceeding in good faith.
  - b. The applicant shall not be required to pay or perform any settlement of such claim, action or proceeding unless the settlement is approved by the applicant. The applicant's obligations under this condition shall apply regardless of whether a Final Map is ultimately recorded with respect to the subdivision or a building permit is issued pursuant to the planned development permit.
9. If any of the conditions or limitations of this approval are held to be invalid, that holding shall not invalidate any of the remaining conditions or limitations set forth.
10. All facilities and uses, other than those specifically requested in the application and those accessory uses allowed by the Municipal Code, are prohibited unless otherwise permitted through application for Modification consistent with the requirements of the zone and any other adopted ordinances, specific plans, landscape guidelines, or design guidelines.

#### **FEES**

11. Entitlement Processing: Prior to the issuance of any Zoning Clearance, entitlement, building permit, grading permit, or advanced grading permit the applicant shall submit to the Community Development Department all outstanding entitlement case processing fees, including all applicable city legal service fees. This payment shall be made within sixty (60) calendar days of approval of this entitlement.
12. Condition Compliance: Prior to the issuance of any Zoning Clearance, building permit, grading permit, or advanced grading permit, the applicant shall submit to the Community Development Department the Condition Compliance review deposit.
13. Capital Improvements and Facilities, and Processing: Prior to the issuance of any Zoning Clearance, the applicant shall submit to the Community Development

Department, capital improvement, development, and processing fees at the current rate in effect. Said fees include, but are not limited to building and public improvement plan checks and permits. Unless specifically exempted by City Council, the applicant is subject to all fees imposed by the City as of the issuance of the first permit for construction and such future fees imposed as determined by City in its sole discretion so long as said fee is imposed on similarly situated properties.

14. Parks: Prior to issuance of 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.
15. Tree and Landscape: Prior to or concurrently with the issuance of a building permit the Tree and Landscape Fee shall be paid to the Building and Safety Division. The fee shall be paid in accordance with City Council adopted Tree and Landscape Fee requirements in effect at the time of building permit application.
16. Fire Protection Facilities: Prior to or concurrently with the issuance of a building permit, current Fire Protection Facilities Fees shall be paid to the Building and Safety Division. The fee shall be paid in accordance with City Council adopted Fire Protection Facilities Fee requirements in effect at the time of building permit application.
17. Library Facilities: Prior to or concurrently with the issuance of a building permit the Library Facilities Fee shall be paid to the Building and Safety Division. The fee shall be paid in accordance with City Council adopted Library Facilities Fee requirements in effect at the time of building permit application.
18. Police Facilities: Prior to or concurrently with the issuance of a building permit the Police Facilities Fee shall be paid to the Building and Safety Division. The fee shall be paid in accordance with City Council adopted Police Facilities Fee requirements in effect at the time of building permit application.
19. Traffic Systems Management: Prior to the issuance of a Zoning Clearance for each building permit, the applicant shall submit to the Community Development Department the established Moorpark Traffic Systems Management (TSM) Fee for the approved development consistent with adopted city policy for calculating such fee.
20. Citywide Traffic: Prior to issuance of a Zoning Clearance for the 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 (\$36,867.00 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.

21. 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.
22. Area of Contribution: Prior to the issuance of a Zoning Clearance for the building permit, the applicant shall pay to the Community Development Department the Los Angeles Avenue 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.
23. Street Lighting Energy Costs: Prior to recordation of Final Map, or issuance of a building permit, whichever occurs first the applicant shall pay to the Community Development Department all energy costs associated with public street lighting for a period of one year from the acceptance of the street improvements.
24. Schools: Prior to issuance of a building permit, the applicant shall provide written proof to the Community Development Department that all legally mandated school impact fees applicable at the time of issuance of a building permit have been paid to the Moorpark Unified School District.
25. Art in Public Places: Prior to or concurrently with the issuance of a Zoning Clearance for building permit, the applicant shall contribute to the Art in Public Places Fund in accordance with Municipal Code Chapter 17.50. Contribution is 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 approved, constructed and maintained in accordance with Chapter 17.50.
26. Electronic Conversion: In accordance with city policy, the applicant shall submit to the Community Development Department, City Engineer/Public Works Director and the Building and Safety Division the city's electronic image conversion fee for entitlement/condition compliance documents; Final Map/ engineering improvement plans/permit documents; and building plans/permit documents, respectively.
27. Fish and Game: Within two (2) business days after the City Council/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.

28. Storm Drain Discharge Maintenance Fee: Prior to or concurrently with the issuance of a Zoning Clearance for building permit, the applicant shall pay to the Community Development Department citywide Storm Drain Discharge Maintenance Fee. The fee shall be paid in accordance with City Council adopted Storm Drain Discharge Maintenance Fee requirements in effect at the time of building permit application.

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

#### **DEVELOPMENT REQUIREMENTS**

29. Prior to the issuance of a certificate of occupancy for any building, the applicant shall submit a Master Sign Program to the Community Development Director for review and approval. The Master Sign Program shall be designed to provide comprehensive on-site sign arrangement and design consistent with the commercial center architecture and the city's Sign Ordinance requirements.
30. For all flat roofed portions of buildings, a minimum eighteen-inch (18") parapet wall above the highest point of the flat roof shall be provided on all sides
31. Skylights are prohibited unless approved through the Planned Development Permit process or as a Modification to the Planned Development Permit.
32. Exterior downspouts shall not be permitted unless designed as an integral part of the overall architecture and approved by the city as part of the planned development permit.
33. Mechanical equipment for the operation of the building shall be ground-mounted and screened to the satisfaction of the Community Development Director. The Community Development Director may approve Roof-mounted equipment, in which case, the height of roof mounted equipment (such as vents, stacks, blowers, air conditioning equipment, etc.) shall be below 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. **(This Condition Applies to Commercial/Industrial Projects)**
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/Public Works Director 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 downspouts 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/Public Works Director.

**OPERATIONAL REQUIREMENTS**

45. Loading and unloading operations are allowed only between the hours of 6:00 a.m. and 10:00 p.m. unless additional hours are approved by the City Council.
46. All uses and activities shall be conducted inside the building(s) unless otherwise authorized by the Community Development Director and consistent with applicable Zoning Code provisions.

47. Prior to the issuance of a Zoning Clearance for any use which requires handling of hazardous or potentially hazardous materials, the applicant shall provide proof that he/she has obtained the necessary permits from Ventura County Environmental Health Division. Should the Community Development Director determine that a compatibility study is required; the applicant shall apply for a Modification to the entitlement.
48. The applicant agrees not to protest the formation of an underground Utility Assessment District.
49. The continued maintenance of the subject site and facilities shall be subject to periodic inspection by the City. The Applicant and his/her successors, heirs, and assigns shall be required to remedy any defects in ground or building maintenance, as indicated by the City within five (5) days from written notification.
50. No noxious odors shall be generated from any use on the subject site.
51. The applicant and his/her successors, heirs, and assigns shall remove any graffiti within five (5) days from written notification by the City of Moorpark. All such graffiti removal shall be accomplished to the satisfaction of the Community Development Director.
52. Should continued compliance with these Conditions of Approval not be met the Community Development Director may declare the project to be out of compliance, or the Director may declare, for some other just cause, the project to be a public nuisance. The applicant shall be liable to the City for any and all costs and expenses to the City involved in thereafter abating the nuisance and in obtaining compliance with the Conditions of Approval or applicable codes. If the applicant fails to pay all city costs related to this action, the City may enact special assessment proceedings against the parcel of land upon which the nuisance existed (Municipal Code Section 1.12.080).
53. Prior to the issuance of a Zoning Clearance for tenant occupancy, the prospective tenant shall obtain a Business Registration Permit from the City of Moorpark. All contractors doing work in Moorpark shall have or obtain a current Business Registration Permit.
54. Prior to or concurrently with the issuance of a Zoning Clearance for occupancy of any of the buildings, the applicant shall request that the City Council approve a resolution to enforce Vehicle Codes on the subject property as permitted by the Vehicle Code.
55. Prior to or concurrently with the issuance of a Zoning Clearance for a grading permit, the applicant shall submit the construction phasing plan for approval by the Community Development Director and City Engineer/Public Works Director. 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/Public Works Director, and encompass all required planting areas consistent with these Conditions of Approval. Review by the city's Landscape Architect Consultant and City Engineer/Public Works Director, 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/Public Works Director 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/Public Works Director 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/Public Works Director.

70. The applicant and/or property owner shall provide verification to the City Engineer/Public Works Director 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/Public Works Director 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/Public Works Director.
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/Public Works Director, 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/Public Works Director 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/Public Works Director, for review and approval, street improvement plans prepared by a California Registered Civil Engineer, and enter into an agreement with the City of Moorpark to complete public improvements and post sufficient surety guaranteeing the construction of all improvements.
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/Public Works Director.

#### **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/Public Works Director. 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/Public Works Director 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/Public Works Director 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/Public Works Director 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 -

STATE OF CALIFORNIA                    )  
COUNTY OF VENTURA                 )     ss.  
CITY OF MOORPARK                    )

I, Deborah S. Traffenstedt, City Clerk of the City of Moorpark, California, do hereby certify under penalty of perjury that the foregoing Resolution No. 2007-2583 was adopted by the City Council of the City of Moorpark at a regular meeting held on the 2nd day of May, 2007, and that the same was adopted by the following vote:

AYES:           Councilmembers Mikos, Parvin, Van Dam, and Mayor Pro Tempore  
                  Millhouse  
NOES:           None  
ABSENT:        Mayor Hunter  
ABSTAIN:       None

WITNESS my hand and the official seal of said City this 7th day of May, 2007.

Deborah S. Traffenstedt  
Deborah S. Traffenstedt, City Clerk  
(seal)



# Moorpark Hospitality Inc.

Development  Investment  Management

17100 Pioneer Blvd,  
Suite 400  
Artesia, California 90702

Telephone: 562-402-2200  
Fax 562-402-2240  
Email [peterbhakta@verizon.net](mailto:peterbhakta@verizon.net)



RECEIVED

MAR 26 2010

CITY OF MOORPARK

Date: March 22<sup>nd</sup>, 2010

Dear Mr. Fiss,

Due to severe economic downturn and a frozen lending market since October 2008 this project has not been able to obtain the much needed financing even though 95 % construction drawings and grading plans have been completed. Standard conditions of approval and the CUP/CPD permit for the 112 room hotel project located at 14350 White Sage Road in Moorpark CA expires in May 2010. I would like to extend CPD 2006-01 and CUP 2006-07 for three more years or till May 2<sup>nd</sup>, 2013.

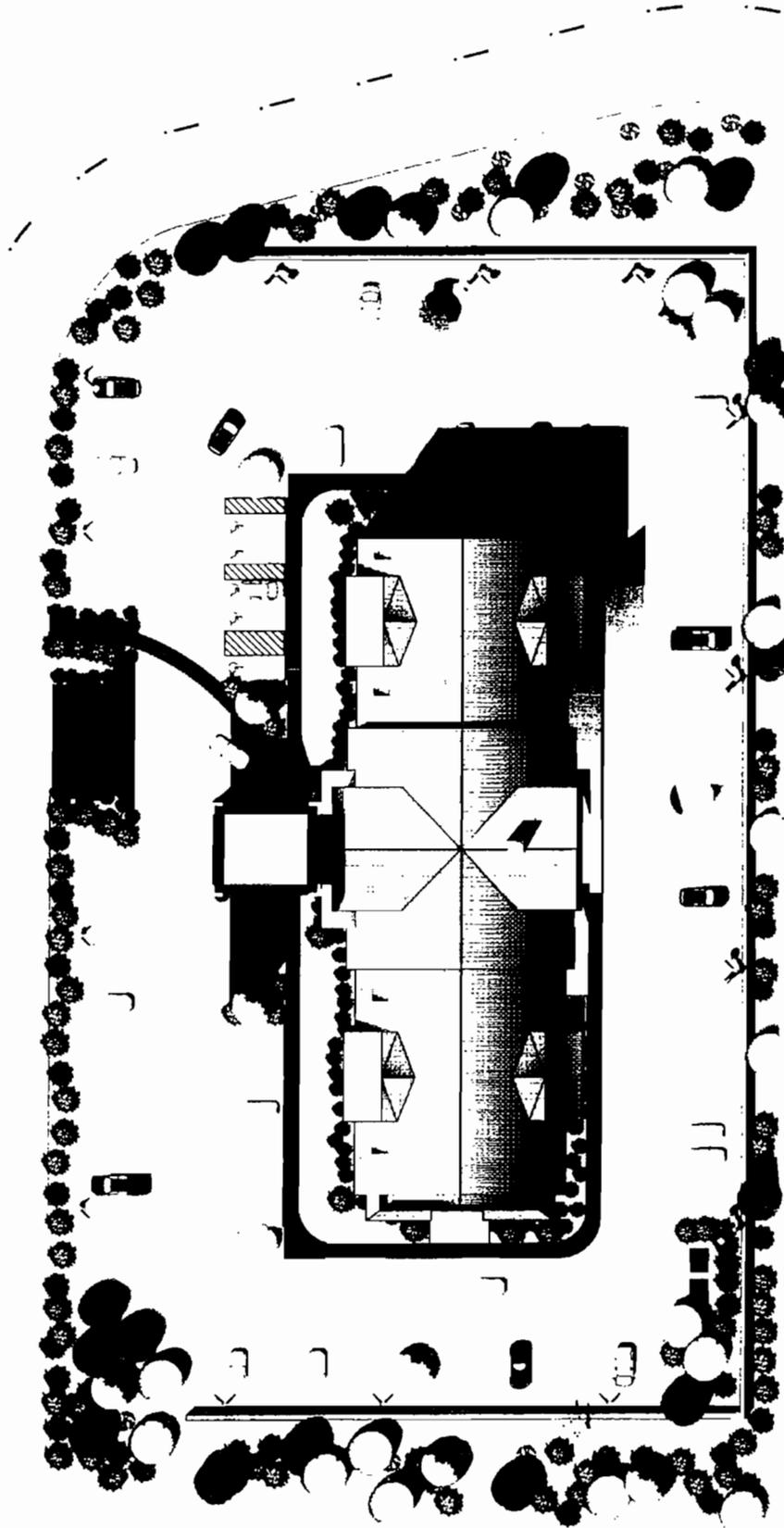
If you have any questions, please email me at [peterbhakta@verizon.net](mailto:peterbhakta@verizon.net)

Sincerely,

A handwritten signature in black ink that reads "Peter Bhakta". The signature is written in a cursive style and is enclosed in a simple rectangular box.

Peter Bhakta  
Owner / Management

White Sage Road  
New Los Angeles Avenue



Hwy. 23/118 Off Ramp  
Hwy. 23/118 Off Ramp

### CC ATTACHMENT 3



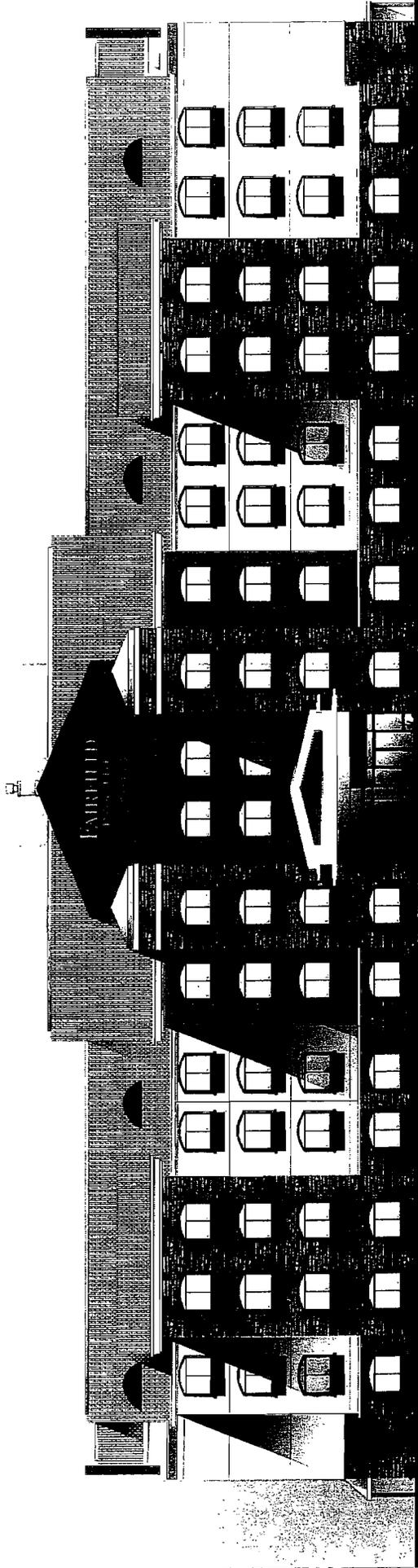
Moortpark Hospitality, Inc.  
17100 Pioneer Blvd., Suite 400  
Artesia, CA. 90702

Fairfield Inn & Suites  
Moortpark

White Sage Road  
Moortpark, CA. 93201

**4KENETIC**  
DESIGN • PLANNING • CONSTRUCTION  
MANAGEMENT





Front Elevation

# Fairfield Inn & Suites Moorpark

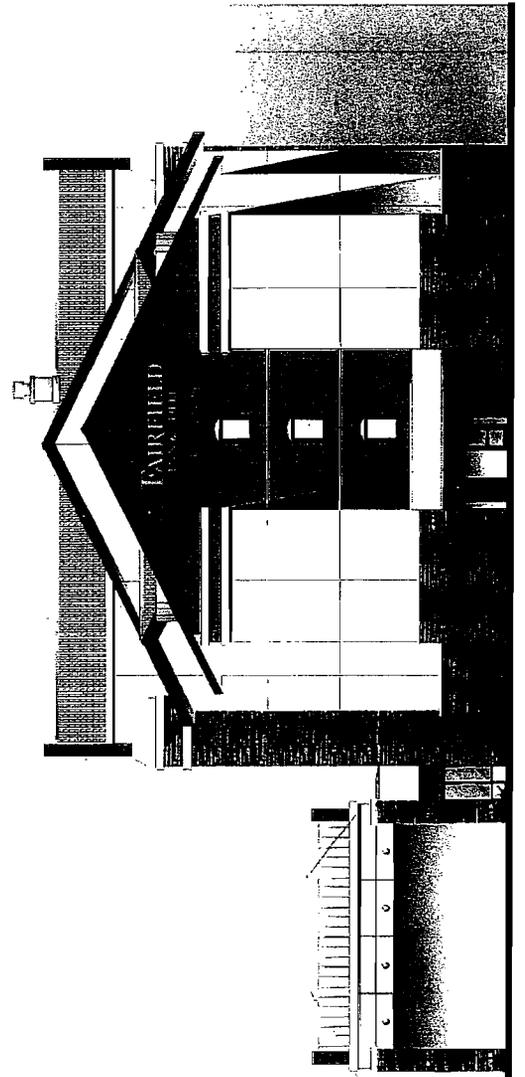
White Sage Road  
Moorpark, CA. 93201



Moorpark Hospitality, Inc.  
17100 Pioneer Blvd. Suite 400  
Artesia, CA. 90702



**4KENETIC**  
DESIGN DRAFTING SERVICES  
KEN GRAHAM



Left Side Elevation