

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

**FROM:** David A. Bobardt, Community Development Director  
Prepared By: Joseph R. Vacca, Principal Planner 

**DATE:** August 28, 2013, (Meeting of 09/4/13)

**SUBJECT:** Consider 1) Resolution Adopting a Negative Declaration; 2) Ordinance Approving Zoning Ordinance Amendment No. 2013-03 to Amend Chapters 17.12 (Establishment of Zones Boundaries and Maps) and 17.20 (Uses By Zone), and to Add Chapter 17.76 (Residential Planned Development 20 Units to the Acre [RPD-20U-N-D]), to the Moorpark Municipal Code; 3) Resolution Approving General Plan Amendment No. 2013-01; and Amendment No. 2 to Specific Plan No. 1995-01 (Downtown Specific Plan) on a 1.36 Acre Site, Located at the Southeast Corner of Moorpark Avenue and Everett Street; 4) Ordinance Approving Zone Change No. 2013-01, Approving a Zone Change of a 23.44 Acre Site, Located within the Southeastern Portion of Specific Plan 1, Hitch Ranch Specific Plan, a Zone Change of a 1.36 Acre Site, Located at the Southeast Corner of Moorpark Avenue and Everett Street; and a Zone Change of a 1.34 Acre Site, Located at the Southeastern End of Majestic Court, All to Residential Planned Development 20 Units to the Acre, (RPD20U-N-D) Zone.

**BACKGROUND/DISCUSSION**

Under state law, the City was required to prepare a Housing Element update for the 2008-2014 planning period. The City Council held a public hearing on May 16, 2012, to review the Draft Housing Element Update 2008-2014 and approved Resolution No. 2012-3105, adopting the Housing Element Update 2008-2014 as one of the mandatory elements of the City's General Plan. The goals and policies of the Housing Element are implemented through housing programs coordinated by the City's Community Development Department and the Successor Agency of the Redevelopment Agency of the City of Moorpark. There are several programs that Moorpark is required to implement to address housing needs within the community. This application is intended to implement Housing Element Program Nos. 3 and 17.

Staff initiated a Zoning Ordinance Amendment to complete the programs outlined above. On July 17, 2013, the City Council adopted Resolution No. 2013-3204 which directed staff and the Planning Commission to study, hold a public hearing and provide a recommendation to the City Council on a General Plan Amendment, a Downtown Specific Plan Amendment, a Zone Change of at least 25.8 total acres of land to Residential Planned Development 20 Units to the Acre, (RPD20U-N-D), and amendments to Title 17 (Zoning) of the Moorpark Municipal Code regarding development of a RPD20U-N-D zone, to allow development of 20 units per acre, at various locations to be determined throughout the City, on the application of the City of Moorpark, consistent with State law, the City's General Plan and other provisions of the City's Zoning Ordinance.

## **ANALYSIS**

### **General Plan Amendment No. 2013-01; Amendment No. 2 to Downtown Specific Plan and Zone Change No. 2013-01**

There are currently no vacant or underutilized sites in Moorpark with zoning that allows residential development at densities of 20 units or greater per acre, excluding density bonus. Accordingly, the City must rezone at least 25.8 acres of land to accommodate the development of 516 lower-income units at a density of 20 units per acre commensurate with the City's Regional Housing Needs Assessment, (RHNA). Housing Element Program 3, requires the City to identify parcels totaling at least 25.8 acres to be rezoned to allow multi-family residential development by-right at a density of 20 units per acre to meet the City's obligations under the RHNA for the 2008-2014 planning period. This application filed by the City, applies to three project sites, which will be rezoned to RPD20U-N-D as follows:

- Project Locations:** ➤ 23.44 acre site – southeast area of Specific Plan 1, Hitch Ranch Specific Plan, just west of the bus turnaround for Walnut Canyon School.  
*(Reflected on Location Map, Attachment 1)*
- 1.36 acre site –southeast corner of Moorpark Avenue and Everett Street, just east of City Hall. This project site is City owned.
- 1.34 acre site – southeastern end of Majestic Court, just southeast of the Fountains Apartment project. This project site is City owned.
- 26.14 total acres proposed for re-zone to RPD20U-N-D

#### **General Plan and Zoning Consistency:**

General Plan Amendment (GPA) No. 2013-01, Amendment No. 2 to Downtown Specific Plan: The GPA is proposed on the 1.36 acre site (four properties combined), located at the southeast corner of Moorpark Avenue and Everett Street, which also includes an Amendment No. 2 to Specific Plan 1995-01, (Downtown Specific Plan), to change the existing Office, Public/Institutional and Medium Density Residential general plan and specific plan land use designations of these properties to a Very High Residential general plan and specific plan land use designation on all these properties. The proposed land use designations are comparable with the combined intensities of land uses currently allowed at this site under the existing Office, Public/Institutional and Medium Density Residential general plan land use designations.

Zone Change (ZC) No. 2013-01: These three project sites were selected for a zone change to RPD20U-N-D zone because higher density residential, or more intensive development such as commercial, office or institutional land uses and developments, have always been considered appropriate at these locations based on the existing general plan and specific plan land use designations. Therefore, staff believes the General Plan Amendment, Amendment to the Downtown Specific Plan and Re-zoning of the sites are appropriate and based on the proposed development standards in the RPD20U-N-D zone.

### **Zoning Ordinance Amendment No. 2013-03**

The Housing Element, Program 17 - Efficient Project Processing R-P-D zone and Planned Development Permit Process, calls for an update to the review process for Residential Planned Development Permits. The RPD Zone designation provides flexibility in the development process to meet specific housing needs. The RPD Zone designation offers various densities that can be tailored to the lot, nature of the development, and local housing needs. The RPD Zone provides a mechanism for the development of higher-density housing (20 dwelling units per acre) in the City. In order to further reduce processing time, a Zoning Ordinance Amendment No. 2013-01 was initiated to create development standards for construction of multifamily housing on these properties and to make the following changes to the existing Planned Development Permit process for RPD20U-N-D zoned property:

- 1) Designate the Planning Commission as the final approval authority (rather than City Council); and
- 2) Modify required findings for approval to confirm that the project complies with objective development and design standards; and, would therefore be allowed "by right" by the Planning Commission when in compliance with the requirements and regulations of the RPD20U-N-D development standards.

Therefore, the project includes a Zoning Ordinance amendment to add Chapter 17.76 to the City's Zoning Ordinance to create the Residential Planned Development 20 units to the acre (RPD20U-N-D) zone to allow for development of multi-family housing as a permitted use, in accordance with objective development standards and not subject to discretionary review, generally outlined as follows:

- It creates a consistency determination process where the Planning Commission is the final decision maker on a planned development permit application, in this zone.
- It includes development standards to address minimum lot size, density, site planning, architecture, air quality, archeological and paleontological resources, grading, hydrology and storm water quality.
- It includes requirements for payment of development fees to offset potential costs of future developments; including parks, fire protection, library, police and traffic improvement fees.

The Zoning Ordinance amendment also includes conforming changes to Chapters 17.12 and 17.20 to refer to the new Zoning designation and uses permitted by Chapter 17.76.

On August 27, 2013, the Planning Commission considered and recommended to the City Council approval of the proposed GPA No. 2013-01, Amendment No. 2 to Downtown SP, ZC No 2013-01 and ZOA No. 2013-03. The attached Planning Commission staff report contains a more detailed description of the proposed amendments and changes. Upon consideration and review of the application, the Planning Commission accepted testimony from four public speakers, two of which questioned the application and the other two supporting the application. Dennis Hardgrave, representative of Hitch Ranch property owners was one of the speakers and he provided recommended language on the development standards for the setbacks. In reviewing Mr. Hardgrave's proposal, staff determined that his proposed language contained discretionary review. Therefore, staff has maintained the language originally drafted on setback development standards, because the standards can be objectively reviewed and determined to be consistent to ordinance requirements, without involving discretionary analysis. After closing the public hearing, the Planning Commission unanimously recommended approval of the application to the City Council.

The City Attorney's office has reviewed the staff reports, and draft resolutions and ordinances recommending to the City Council adoption of the Negative Declaration; and approval of General Plan Amendment No. 2013-01; Amendment No. 2 to Downtown Specific Plan and Zone Change No. 2013-01; and, the recommendation to adopt Zoning Ordinance Amendment No. 2013-03, and has determined that the changes are acceptable and do not conflict with Federal or State Law.

### **PROCESSING TIME LIMITS**

Since this is an action initiated by the City, the processing time limits 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) are not applicable.

### **ENVIRONMENTAL DETERMINATION**

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

Based upon the results of an Initial Study, the Director may determine that a project will not have a significant effect upon the environment. In such a case, a Notice of Intent to Adopt a Negative Declaration or a Mitigated Negative Declaration is prepared. For many projects,

a Negative Declaration or Mitigated Negative Declaration will prove to be sufficient environmental documentation. If the Director determines that a project has the potential for significant adverse impacts and adequate mitigation cannot be readily identified, an Environmental Impact Report (EIR) is prepared.

The Director has prepared or supervised the preparation of an Initial Study to assess the potential significant impacts of this project. Based upon the Initial Study, the Director has determined that there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment and has prepared a Negative Declaration for City Council review, consideration and adoption.

### **FISCAL IMPACT**

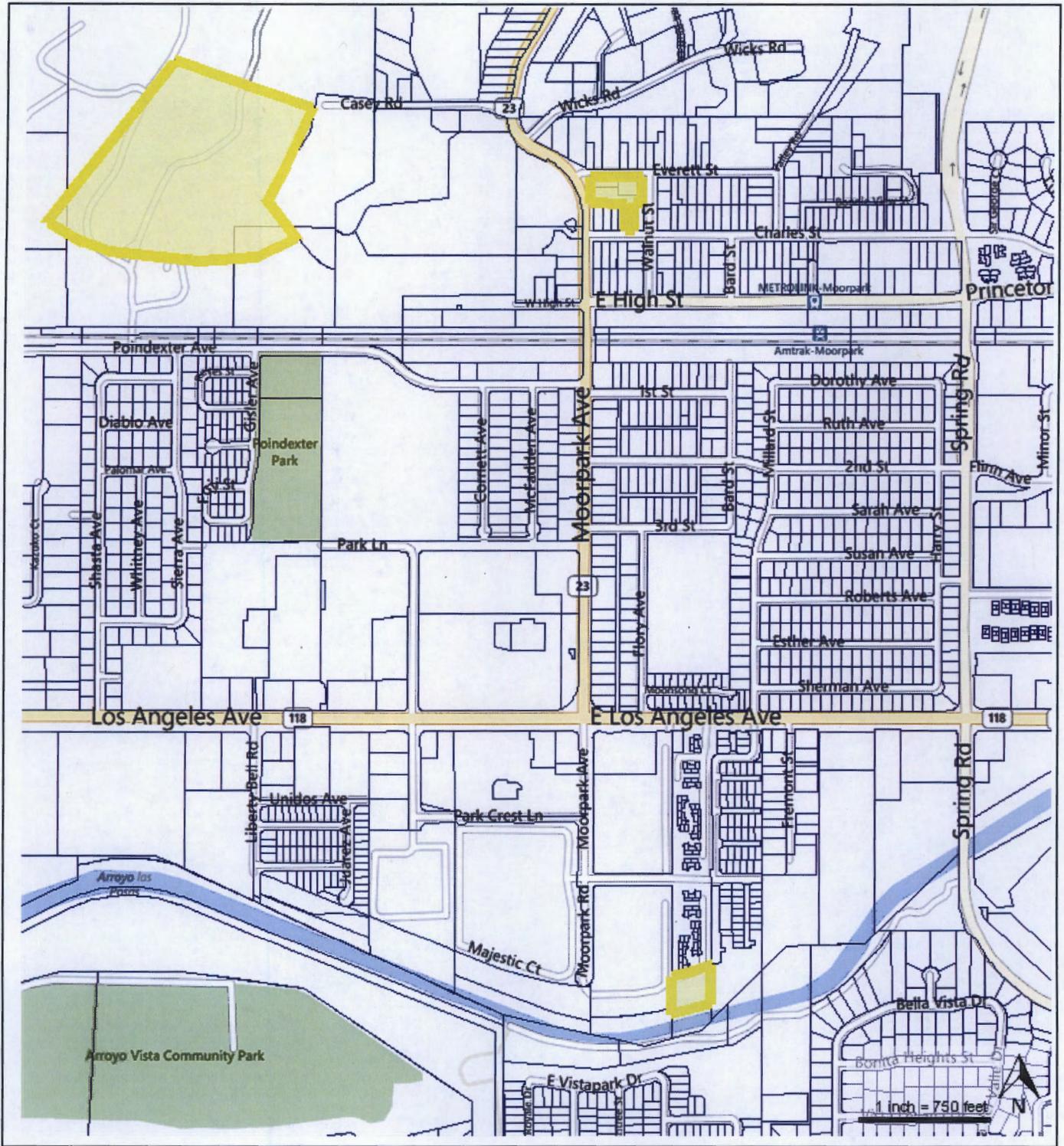
None

### **STAFF RECOMMENDATION**

1. Open the public hearing, accept public testimony and close the public hearing;
2. Adopt Resolution No. 2013-\_\_\_\_, adopting the Negative Declaration;
3. Introduce Ordinance No. \_\_\_\_\_, approving Zoning Ordinance Amendment No. 2013-03, for first reading, waive full reading, and place this ordinance on the agenda for an adjourned regular meeting to be held at 7:00 p.m on September 11, 2013 for purposes of providing second reading and adoption of the ordinance;
4. Adopt Resolution No. 2013-\_\_\_\_ approving General Plan Amendment No. 2013-01, and Amendment No. 2 to Specific Plan No. 1995-01;
5. Introduce Ordinance No. \_\_\_\_\_, approving Zoning Change No. 2013-01, for first reading, waive full reading, and place this ordinance on the agenda for an adjourned regular meeting to be held at 7:00 p.m on September 11, 2013 for purposes of providing second reading and adoption of the ordinance.

### **ATTACHMENTS:**

1. Location Map
2. Aerial Photograph
3. August 27, 2013 Planning Commission Agenda Report (Without Attachments)
4. Resolution No. 2013-\_\_\_\_, adopting the Negative Declaration
5. Ordinance No. \_\_\_\_\_, approving Zoning Ordinance Amendment No. 2013-03
6. Resolution No. 2013-\_\_\_\_ approving General Plan Amendment No. 2013-01, and Amendment No. 2 to Specific Plan No. 1995-01
7. Ordinance No. \_\_\_\_\_, approving Zoning Change No. 2013-01.
8. Zoning Map (11" x 17" copy) – Under Separate Cover



**LOCATION MAP  
PROJECT SITES SHOWN IN YELLOW**

**CC ATTACHMENT 1**



**AERIAL PHOTOGRAPH  
PROJECT SITES SHOWN IN YELLOW**

**CC ATTACHMENT 2**

## **MOORPARK PLANNING COMMISSION AGENDA REPORT**

**TO:** Honorable Planning Commission

**FROM:** David A. Bobardt, Community Development Director  
Prepared By: Joseph R. Vacca, Principal Planner

**DATE:** July 24, 2013, (Meeting of 08/27/13)

**SUBJECT:** Consider Recommending to the City Council the Approval of General Plan Amendment No. 2013-01; Amendment No. 2 to Specific Plan No. 1995-01 (Downtown Specific Plan); Zone Change No. 2013-01; and Zoning Ordinance Amendment No. 2013-03, consisting of a Zone Change of a 23.44 Acre Site, Located Within the Southeastern Portion of Specific Plan 1, Hitch Ranch Specific Plan; a General Plan Amendment and Amendment No. 2 to Specific Plan 1995-01; and a Zone Change on a 1.36 Acre Site, Located at the Southeast Corner of Moorpark Avenue and Everett Street; and a Zone Change of a 1.34 Acre Site, Located at the Southeastern End of Majestic Court. The Project Includes a Zoning Ordinance Amendment to Add Chapter 17.76 to the City's Zoning Ordinance to Create the Residential Planned Development 20 Units to the Acre, (RPD20U-N-D) Zone to Allow for Development of Multi-Family Housing as a Permitted Use in accordance with Objective Development Standards and Not Subject to Discretionary Review, to Ensure Compliance with the Adopted Housing Element, and Consistency with Federal and State Law; and Consider Recommending the Adoption of a Negative Declaration.

### **BACKGROUND/DISCUSSION**

Under state law, the City is required to prepare a Housing Element update for the 2008-2014 planning period. A Draft Housing Element was prepared and reviewed by the City Council on October 6, 2010. Following review by the City Council, the Draft Housing Element was submitted to the California Department of Housing and Community Development (HCD) for review. After a series of discussions between City staff and HCD and revisions to the draft element, on January 31, 2012, a letter was received from HCD stating that the draft element addresses statutory requirements. The Planning Commission reviewed the Draft Housing Element for the 2008-2014 planning period on March 27, 2012, and adopted PC Resolution No. 568, recommending its adoption to the City Council. The City Council held a public hearing on May 16, 2012, to review the Draft Housing Element

Update 2008-2014 and approved Resolution No. 2012-3105, adopting the Housing Element Update 2008-2014 as one of the mandatory elements of the City's General Plan. The goals and policies of the Housing Element are implemented through housing programs coordinated by the City's Community Development Department and the Successor Agency of the Redevelopment Agency of the City of Moorpark. There are several programs that Moorpark is required to implement to address housing needs within the community. The following tables provide a summary of Housing Element Program Nos. 3 and 17, and the six-year objective to implement the program, as outlined in the Housing Element; provided as follows:

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### 3. Sites to Accommodate Fair-Share Housing Needs

Vacant or underutilized sites offer opportunities for residential development and achieve lower-income housing goals, as identified by the RHNA. In the past several years, developers have initiated both the conversion of commercial sites for residential use, and the up-zoning of low-density residential sites for higher-density development. Zoning amendments have resulted in development of the Archstone project, Shea Homes Tract 5425, and the CEDC Monte Vista project. Other projects where zoning has been modified to allow for affordable housing opportunities that have not yet been built include the Pacific Communities project, the Essex apartment project, William Lyon Home 17-unit affordable project, Area Housing Authority Apartment project, and the Pardee School Site project. Other projects are under consideration.

As shown in Appendix B, the City's lower-income need is 655 units and a total of 139 new lower-income units have been built or approved since the beginning of the new planning period. Additional sites to accommodate at least 516 lower-income units are needed in order to meet RHNA requirements. While pending projects and vacant sites contain sufficient potential to accommodate this remaining need, a new RPD-20 zoning district will be established and additional sites with a minimum of 25.8 total acres will be rezoned to this designation that allows owner-occupied and multi-family rental residential development by-right at a density of 20 units/acre in order to ensure adequate capacity to accommodate the City's fair-share needs during this planning period. Rezoned sites to accommodate the remaining lower-income need will be provided in pending projects identified in Table B-2 of Appendix B, primarily in the Hitch Ranch, Chiu, and Pacific Communities projects. Zoning for these projects shall meet all the requirements of Government Code Sec. 65583.c.1., which include the following:

- Permit a minimum density of 20 units/acre.
- Permit a minimum of 16 units per site.
- Accommodate at least 50% of the units on sites designated for residential use only.

For projects that require subdivision or lot consolidation prior to development, the City will facilitate this process through expedited or concurrent processing of the required approvals. Since most affordable housing developments occur on sites of 2 to 10 acres, the City will prioritize rezoning and subdivision of sites that can accommodate developments of this size. In order to enhance the likelihood of affordable housing development in these projects, the City will take the following actions:

- Contact affordable housing builders regarding development opportunities in these projects, and convene meetings between the master developer and interested builders, if requested.
- Offer incentives and concessions for affordable housing projects such as expedited processing, reduced development standards, administrative assistance with funding applications such as Low-Income Housing Tax Credits, and fee waivers or reductions if feasible.

### Six-Year

#### Objective:

By 2012, create a new RPD-20 zoning district and rezone at least 25.8 acres of land at a density of 20 units per acre.

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**17. R-P-D Zone Designation and Planned Development Permit Process**

The R-P-D Zone designation provides flexibility in the development process to meet specific housing needs. The R-P-D Zone designation offers various densities that can be tailored to the lot, nature of the development, and local housing needs. The R-P-D Zone provides a mechanism for the development of higher-density housing (up to 20 du/ac) and can be coupled with a density bonus, financial and regulatory incentives to provide affordable housing.

In order to further reduce processing time a Zoning Code amendment will be initiated to make the following changes to the Planned Development Permit process:

- 1) Designate the Planning Commission as the final approval authority (rather than City Council); and
- 2) Modify the required findings for approval to confirming that the project complies with objective development and design standards.

**Six-Year**

**Objective:**

Continue to use the R-P-D Zone designation to encourage a variety of housing types to address local needs.

Process a Code amendment by 2012.

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Staff initiated a Zoning Ordinance Amendment to complete the programs outlined above. On July 17, 2013, the City Council adopted Resolution No. 2013-3204 which directed staff and the Planning Commission to study, hold a public hearing and provide a recommendation to the City Council on a General Plan Amendment, a Downtown Specific Plan Amendment, a Zone Change of at least 25.8 total acres of land to Residential Planned Development 20 Units to the Acre, (RPD20U-N-D), and amendments to Title 17 (Zoning) of the Moorpark Municipal Code regarding development of a RPD20U-N-D zone, to allow development of 20 units per acre, at various locations to be determined throughout the City, on the application of the City of Moorpark, consistent with State law, the City's General Plan and other provisions of the City's Zoning Ordinance.

**ANALYSIS**

There are currently no vacant or underutilized sites in Moorpark with zoning that allows residential development at densities of 20 units or greater per acre, excluding density bonus. Accordingly, the City must rezone at least 25.8 acres of land to accommodate the development of 516 lower-income units at a density of 20 units per acre commensurate with the City's Regional Housing Needs Assessment, (RHNA). Program 3 of the Housing Element requires the City to identify parcels totaling at least 25.8 acres to be rezoned to allow multi-family residential development by-right at a density of 20 units per acre to meet the City's obligations under the RHNA for the 2008-2014 planning period. This application filed by the City, applies to three project sites, which will be rezoned to RPD20U-N-D as follows:

- Project Locations:** ➤ 23.44 acre site – southeast area of Specific Plan 1, Hitch Ranch Specific Plan, just west of the bus turnaround for Walnut Canyon School.
- (Reflected on Location Map, Attachment 1)
- 1.36 acre site –southeast corner of Moorpark Avenue and Everett Street, just east of City Hall. This project site is City owned.
- 1.34 acre site – southeastern end of Majestic Court, just southeast of the Fountains Apartment project. This project site is City owned.
- 26.14 total acres proposed for re-zone to RPD20U-N-D

**Project Setting**

Existing Site Conditions:

- 23.44 acre site – southeast area of Specific Plan 1, Hitch Ranch Specific Plan, this property is vacant and consists of gently sloping terrain, covered mostly with non-native grasses and some trees.
- 1.36 acre site – southeast corner of Moorpark Avenue and Everett Street, this property had been developed with single family homes and institutional/office buildings, and is mostly vacant and consists of primarily flat terrain, covered generally with non-native grasses. There are one office and one institutional structures remaining on-site.
- 1.34 acre site – southeastern end of Majestic Court, just southeast of the Fountains Apartment project, vacant and consists of mostly flat terrain, covered mostly with non-native grasses.

<b>GENERAL PLAN/ZONING 23.44 Acre Site</b>			
<b>Direction</b>	<b>General Plan</b>	<b>Zoning</b>	<b>Land Use</b>
Site	Specific Plan 1 – Hitch Ranch Specific Plan	Agricultural Exclusive, (A-E)	<u>Vacant land</u>
North	Specific Plan 1 – Hitch Ranch Specific Plan	Agricultural Exclusive, (A-E)	<u>Vacant land</u>
South	Specific Plan 1 – Hitch Ranch Specific Plan	Agricultural Exclusive, (A-E)	<u>Vacant land</u>
East	Specific Plan 1 – Hitch Ranch Specific Plan	Agricultural Exclusive, (A-E)	<u>Vacant land</u>
West	Specific Plan 1 – Hitch Ranch Specific Plan	Agricultural Exclusive, (A-E)	<u>Vacant land</u>

General Plan and Zoning Consistency:

The proposed re-zoning of the 23.44 acre site within the southeastern portion of Specific Plan 1, Hitch Ranch Specific Plan property from Agricultural Exclusive, (Specific Plan 1), to Residential Planned Development 20 units to the acre (RPD20U-N-D) zone, (remaining within Specific Plan 1), is proposed to allow for development of multi-family housing as a permitted use and not subject to discretionary review. This proposed zoning is consistent with the intensity of land use, and with the range of residential development densities, already allowed under the existing Specific Plan 1 general plan land use designation of the property, and under the current Hitch Ranch Specific Plan area designation.

<b>GENERAL PLAN/ZONING 1.36 Acre Site</b>			
<b>Direction</b>	<b>General Plan</b>	<b>Zoning</b>	<b>Land Use</b>
Site	Office; Public/Institutional; and Medium Density Residential (4DU/AC)	Commercial Office, (CO); Institutional, (I); and Single Family Residential (R1) and Downtown Specific Plan overlay zone	<u>Vacant land, an office, and garage associated with prior Office and Institutional uses</u>
North	High Density Residential (7DU/AC) and Medium Density Residential (4DU/AC)	Residential Planned Development 7- 14 units / acre (RPD-7-14U) and R-1	<u>Vacant land and single family homes</u>
South	Office and Medium Density Residential (4DU/AC)	Commercial Office and R-1	<u>Vacant land, a dental office and single family homes</u>
East	Medium Density Residential (4DU/AC)	<u>R-1</u>	<u>Vacant land, single family home and church</u>
West	Public/Institutional	<u>Institutional</u>	<u>City Hall</u>

General Plan and Zoning Consistency:

The proposed re-zoning of the 1.36 acre site (four properties combined), located at the southeast corner of Moorpark Avenue and Everett Street, from the existing Institutional, Commercial Office and Single Family Residential zones, to Residential Planned Development 20 units to the acre (RPD20U-N-D) zone to allow for development of multi-family housing as a permitted use and not subject to discretionary review. Staff is proposing a General Plan Amendment on this project site, which also includes an Amendment No. 2 to Specific Plan 1995-01, (Downtown Specific Plan), to change the

existing Office, Public/Institutional and Medium Density Residential general plan and specific plan land use designations of these properties to a Very High Residential general plan and specific plan land use designation on all these properties. The proposed land use designations are comparable with the combined intensities of land uses currently allowed at this site under the existing Office, Public/Institutional and Medium Density Residential general plan land use designations.

<b>GENERAL PLAN/ZONING 1.34 Acre Site</b>			
<b>Direction</b>	<b>General Plan</b>	<b>Zoning</b>	<b>Land Use</b>
Site	Very High Density Residential (15DU/AC)	Residential Planned Development 15 units / acre (RPD15u)	<u>Vacant land</u>
North	Very High Density Residential (15DU/AC)	Residential Planned Development 15 units / acre (RPD15u)	<u>Condominiums</u>
South	Floodway	Residential Planned Development 15 units / acre (RPD15u)	<u>Arroyo Simi</u>
East	Very High Density Residential (15DU/AC)	Residential Planned Development 12 units / acre (RPD12u)	<u>Attached townhomes (Shea), and a stormwater quality basin</u>
West	Very High Density Residential (15DU/AC)	Residential Planned Development 15 units / acre (RPD15u)	<u>Apartments</u>

General Plan and Zoning Consistency:

The proposed zoning of the 1.34 acre site, approximately located at the southeastern end of Majestic Court property from Residential Planned Development 15 units to the acre to Residential Planned Development 20 units to the acre (RPD20U-N-D) zone to allow for development of multi-family housing as a permitted use and not subject to discretionary review, is consistent with the intensity of land use, and with the range of residential development densities, already allowed under the existing Very High Density Residential general plan land use designation of this property. This proposed zoning is consistent with the intensity of land use, and with the range of residential development densities, already

allowed under the existing very high density residential general plan land use designation of the property.

These three project sites were selected for a zone change to RPD20U-N-D zone because higher density residential, or more intensive development such as commercial, office or institutional land uses and developments, have always been considered appropriate at these locations based on the existing general plan and specific plan land use designations. Therefore, staff believes the General Plan Amendment, Amendment to the Downtown Specific Plan and Re-zoning of the sites are appropriate and based on the proposed development standards in the RPD20U-N-D zone.

### **Zoning Ordinance Amendment No. 2013-03**

The Housing Element, Program 17 - Efficient Project Processing R-P-D zone and Planned Development Permit Process, calls for an update to the review process for Residential Planned Development Permits. The RPD Zone designation provides flexibility in the development process to meet specific housing needs. The RPD Zone designation offers various densities that can be tailored to the lot, nature of the development, and local housing needs. The RPD Zone provides a mechanism for the development of higher-density housing (20 dwelling units per acre) in the City. In order to further reduce processing time, a Zoning Ordinance Amendment No. 2013-01 was initiated to create development standards for construction of multifamily housing on these properties and to make the following changes to the existing Planned Development Permit process for RPD20U-N-D zoned property:

- 1) Designate the Planning Commission as the final approval authority (rather than City Council); and
- 2) Modify required findings for approval to confirm that the project complies with objective development and design standards; and, would therefore be allowed "by right" by the Planning Commission when in compliance with the requirements and regulations of the RPD20U-N-D development standards.

Therefore, the project includes a Zoning Ordinance amendment to add Chapter 17.76 to the City's Zoning Ordinance to create the Residential Planned Development 20 units to the acre (RPD20U-N-D) zone to allow for development of multi-family housing as a permitted use, in accordance with objective development standards and not subject to discretionary review. The Zoning Ordinance amendment also includes conforming changes to Chapters 17.12 and 17.20 to refer to the new Zoning designation and uses permitted by Chapter 17.76.

#### **❖ Chapter 17.12 Establishment of Zones, Boundaries and Maps**

Under section 17.12.010., Purpose and Establishment of Zones, the recommendation is to add letter "S", to the list that establishes zones of the City, as reflected in Attachment 5, Exhibit A, as follows:

S. Residential Planned Development 20 Units Per Acre (non-discretionary) (RPD 20U-N-D) per Chapter 17.76.

❖ **Amendments to Chapter 17.20**

Moorpark Municipal Code Chapter 17.20 establishes the uses by zone in the City. The recommendation, (as reflected in Attachment 5, Exhibit A), is to amend Table 17.20.050, to add a new column labeled “RPD20U-N-D” and then to add a subparagraph (c) to paragraph 5 (Dwellings, multiple-family) to read as follows:

(c) Residential Planned Development 20 units per acre (non-discretionary planned development permit) pursuant to Chapter 17.76.

This subparagraph (c) shall be shown with the symbol “ZC” under the column RPD20U-N-D to reflect that developments in the RPD20U-N-D zone are subject to Zoning Clearance review.

❖ **Addition of Chapter 17.76 RESIDENTIAL PLANNED DEVELOPMENT 20 UNITS TO THE ACRE, (RPD 20U-N-D)**

**Proposed Purpose:**

The purpose of this proposed additional chapter is to set forth development regulations and standards, which have been established to provide criteria for the development of the properties within the RPD20U-N-D zone to allow for development of affordable multi-family housing as a permitted use and not subject to discretionary review or approval, and to provide adequate separation for light, air, safety, and open space as well as to provide an aesthetically pleasing environment in which to live, work, and recreate. Implementation of the regulations and standards set forth in this chapter are intended to ensure that future development is coordinated and consistent with the goals and policies of the downtown specific plan and the City’s General Plan, specifically the Housing Element.

The standards contained in this chapter provide for the arrangement, development, and use of multi-family residential neighborhoods, open space areas, and recreational sites. Application of these regulations and standards is intended to encourage the most appropriate use of the land, create a harmonious relationship among land uses, provide opportunities to construct affordable housing and protect the health, safety, and general welfare of the community.

**Proposed Application Procedures and Consistency Determinations:**

A Planned Development (PD) permit is required prior to initiation of uses and structures in the RPD20U-N-D zone, as specified in the proposed amendments to Chapter 17.20. A PD permit application is subject to compliance with the development standards of the RPD20U-N-D zone and shall be a permitted use not subject to discretionary review or approval if determined to be in compliance with the development standards of the

RPD20U-N-D zone. The Planning Commission shall hold at least one public meeting on any PD permit application in this zone. A PD permit shall be approved by resolution if the Planning Commission determines that:

1. The site design, including structure location, size, height, setbacks, massing, scale, architectural style and colors, and landscaping, satisfies the objective requirements of the general plan, zoning ordinance, and any other applicable ordinances, or Federal or State regulations; and
2. The project complies with the development standards in chapter 17.76.

Following the public meeting, pursuant to Section 17.44.030(B)(1), a Zoning Clearance review and approval by the Community Development Director shall be required before a building permit may be issued for any development in the RPD20U-N-D zone.

**Proposed Development Standards:**

- Minimum lot area: 0.75 (three quarters) of an acre (32,670 square feet).
- Density: 20 units per acre with a minimum of 16 units per site. Subsections (2) and (3) of Section 17.64.030(B) allowing for a density bonus exceeding the density bonus required by State law shall not apply to the RPD20U-N-D zone.
- Building Setbacks:
  - a. Front setback: Minimum landscaped setback of twenty (20) feet and architectural facade projections of up to sixteen (16) inches are allowed for non-livable spaces; with a minimum driveway depth of twenty (20) feet, as measured from front property line across area leading to enclosed parking within a garage; any two (2) adjacent lots may have the same front setback; however the third consecutive lot should vary the front setback by one (1) or more feet, as appropriate to the street and lot configuration, and to provide for variety in the streetscape.
  - b. Side setback: Minimum for a multiple-family dwelling unit on an interior lot shall be five (5) feet. Minimum for a multiple-family dwelling unit adjacent to a street is fifteen (15) feet. Minimum for a single story enclosed patio, patio cover or detached accessory structure shall be five (5) feet.
  - c. Rear setback: Minimum for a multiple-family dwelling unit is fifteen (15) feet, and second story floors, and/or architectural projections, may cantilever a maximum of eighteen (18) inches into the minimum required fifteen (15) foot setback. For single story enclosed patios or open patio covers, carports, or for detached accessory structures, the minimum required rear setback is five (5) feet.

- d. Mechanical equipment: Must be located in the rear yard with a minimum five (5) foot setback from any side or rear property line and must be screened with a decorative masonry wall or landscaping; or must be located below the lowest parapet roof so equipment will not be visible from offsite, subject to criteria under Roofs below.
- o Maximum building height:
  - a. Thirty-five (35) feet for dwelling units;
  - b. Fifteen (15) feet for a patio cover, carport or accessory structure;
  - c. Second story decks or balconies are prohibited within fifteen (15) feet of any property line.
- o Fences and Walls. Fences and walls shall comply with the provisions of this Code, with the exception that sound attenuation walls shall be constructed to a height as required by a city-approved noise study for the residential planned development permit.
- o Lighting. Lighting shall comply with Chapter 17.30 of the City of Moorpark Municipal Code.
- o Parking. Parking shall comply with Chapter 17.32 of the City of Moorpark Municipal Code.
- o Signage. Signage shall comply with Chapter 17.40 of the City of Moorpark Municipal Code.
- o Archeological Mitigation Plan. If any archeological or historical finds are uncovered during grading or excavation operations, all grading or excavation shall immediately cease in the immediate area and the find must be left untouched. The applicant, in consultation with the project paleontologist or archeologist, shall assure the preservation of the site and immediately contact the Community Development Director by phone, in writing by email or hand delivered correspondence informing the Director of the find. In the absence of the Director, the applicant shall so inform the City Manager. 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 must be approved in writing by the Community Development Director. The applicant shall pay for all costs associated with the investigation and disposition of the find.
- o Paleontological Mitigation Plan. Prior to issuance of a Zoning Clearance for a grading permit, a paleontological mitigation plan outlining procedures for paleontological data recovery must be prepared and submitted to the Community Development Director for review and approval. The development and implementation of this Plan must 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 become the property of the City of Moorpark unless the City chooses otherwise. If the City accepts ownership, the curation location may be revised. The monitoring and data recovery should include periodic inspections of excavations to recover exposed fossil materials. The cost of this data recovery is limited to the discovery of a reasonable sample of available material. The interpretation of reasonableness rests with the Community Development Director.

- Air Quality. Reactive organic compounds, Nitrogen oxides (ozone/smog precursor), and particulate matter (aerosols/dust) generated during construction operations must be minimized in accordance with the City's 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 must cease in order to minimize associated air pollutant emissions.
  
- Indemnification. 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 and any provision amendatory or supplementary thereto. 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 building permit is issued pursuant to the planned development permit.

- Clarification. All facilities and uses, other than those specifically requested in the application and approval 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.
- Recreational Amenities. Residential planned development permit areas on properties that have an average size of more than one and one half acre (65,340 square feet) shall include private recreational amenities including but not limited to the following: restrooms, swimming pool and spa, play apparatus, picnic shelter, barbecue area with seating, and multipurpose play area field. Residential planned development permit areas on properties that have an average size of less than one and one half acre (65,340 square feet) shall include private recreational amenities including but not limited to the following: play apparatus, picnic shelter, barbecue area with seating, and multipurpose play area field.
- Eaves and Window Treatments and Surrounds. The eaves and window treatments and surrounds on all sides of a structure shall match the eaves, window treatments and surrounds on the front elevation, achieving four-sided architectural compatibility with the chosen architectural style.
- Wrap-Around Front Elevation Treatment. The architectural style and treatment included along the front elevation of a unit shall continue along each side elevation until commencement of fencing or other architecturally feasible termination point, such as a chimney or window.
- Colors. The paint colors shall be earth-toned, and match the chosen architectural style. The paint treatment must be applied along all window surrounds and parapets with varying colors, and on all wall facades of all elevations until commencement of wall planes or other architecturally feasible termination point, such as a chimney or window. Identification of coating or rust-inhibitive paint must be used for all exterior metal building surfaces to prevent corrosion and release of metal contaminants into the storm drain system.
- Roofs. The roofs shall be pitched roofs covered in concrete roofing tile or equivalent with a minimum 3:12 pitch, or shall utilize decorative parapet roofing matching the chosen architectural style, that shall be no lower than the tallest roof mounted mechanical equipment. Roof-mounted equipment and other noise generation sources on-site must 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. This shall be based on a city-approved noise study for the residential planned development that shows that the current project attenuates all on-site noise generation sources to the required level or provides 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. No exterior roof access ladders are permitted.

- Durable Materials. The trim on the ground floor levels of the structures must be constructed of durable materials, (i.e. wood window trim or 1/4" minimum cementous stucco coat over foam).
- A utility room with common access to house all meters and the roof access ladder must be provided
- Outdoor facilities. Any outdoor ground level equipment, facilities or storage areas including, but not limited to loading docks, trash enclosures, cooling towers, generators, must be architecturally screened from view with masonry wall and/or landscaping. Transformers and cross connection water control devices (subject to approval by Ventura County Waterworks District No. 1), must be screened from street view with a masonry wall and/or landscaping.
- Trash disposal. Trash disposal and recycling areas must be placed in locations which will not interfere with circulation, parking or access to the building. Exterior trash areas and recycling bins must use impermeable pavement and be designed to have a cover and so that no other area drains into it. The trash areas and recycling bins must be depicted on the final construction plans and drains from the disposal and recycling areas must be connected to the sewer system.
- Grading, drainage and improvement plans and supporting reports and calculations must be prepared in accordance with the latest California Building Code as adopted by the City of Moorpark and in conformance with the latest "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 which must conform to 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).
- Grading, drainage and improvement plans and supporting reports and calculations must be prepared in accordance with the most recently approved "Engineering Policies and Standards" of the City of Moorpark, and "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 herein and above, the criteria that provide the higher level of quality and safety prevail as determined by the City Engineer and Public Works Director.

- Engineering plans must be submitted on standard City title block sheets of 24-inch by 36-inch to a standard engineering scale representative of sufficient plan clarity and workmanship.
- A 15-mile per hour speed limit must be observed within all construction areas.
- If any hazardous waste or material is encountered during the construction of this project, all work must be immediately stopped and the Ventura County Environmental Health Department, the Ventura County Fire Protection District, the Moorpark Police Department, and the Moorpark City Engineer and Public Works Director must be notified immediately. Work may not proceed until clearance has been issued by all of these agencies.
- The applicant and/or property owner shall provide verification to the City Engineer and 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. Additional cleaning may be required by the City Engineer and Public Works Director depending upon site and weather conditions.
- All paved surfaces; including, but not limited to, the parking area and aisles, drive-through lanes, on-site walkways must be maintained free of litter, debris and dirt. Walkways, parking areas and aisles and drive-through lanes must be swept, washed or vacuumed regularly. When swept or washed, litter, debris and dirt must be trapped and collected to prevent entry to the storm drain system in accordance with NPDES requirements.
- Prior to improvement plan approval, the applicant shall obtain the written approval on approved site plan exhibit sheets for the location of fire hydrants by the Ventura County Fire Prevention Division. Water and Sewer improvements plans must be submitted to Ventura County Waterworks District No. 1 for approval.
- 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 and Public Works Director.
- The applicant shall comply with Chapters 9.28, 10.04, 12.24, and 17.53 of the Moorpark Municipal Code and any provision amendatory or supplementary thereto, as a standard requirement for construction noise reduction.

- The applicant shall utilize all prudent and reasonable measures (including installation of a 6-foot high chain link fence around the construction site(s) and/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.
- The applicant shall post, in a conspicuous location, the construction hour limitations and make each construction trade aware of the construction hour limitations.
- All grading and drainage plans must be prepared by a qualified Professional Civil Engineer currently registered and in good standing in the State of California and are subject to review by the City Engineer and Public Works Director. Prior to or concurrently with the submittal of a grading plan the applicant shall submit a soils (geotechnical) report.
- Grading must conform to the standards contained in Chapter 17.38 Hillside Management of the Moorpark Municipal Code and any provision amendatory or supplementary thereto. Plans detailing the design and control (vertical and horizontal) of contoured slopes must be provided to the satisfaction of the City Engineer, Public Works Director and Community Development Director.
- Prior to the issuance of a grading permit or Final Map approval, whichever comes first, the applicant shall post sufficient surety with the City, in a form acceptable to the City Engineer and Public Works Director, guaranteeing completion of all onsite and offsite improvements required by these Conditions of Approval and/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 must be designed, bonded and constructed as a single project.
- Prior to the issuance of a grading permit or Final Map approval, whichever occurs first, the applicant shall provide written proof to the City Engineer and Public Works Director that any and all wells that may exist or have existed within the project have been properly sealed, destroyed or abandoned per Ventura County Ordinance No. 2372 or Ordinance No. 3991 and per California Department of Conservation, Division of Oil, Gas, and Geothermal Resources requirements.
- Prior to issuance of a grading permit, final approved soils and geology reports must be submitted to the City Engineer and Public Works Director. The approved final report must encompass all subsequent reports, addendums and revisions under a single cover. Where liquefaction hazard site conditions exist, an extra copy of the final report must be provided by the applicant to the City Engineer and Public Works Director and be sent by the applicant to the California Department of Conservation, Division of Mines and Geology in accordance with Public Resources Code Section 2697 within 30 days of report approval.

- Prior to issuance of the grading permit, a grading remediation plan and report must be submitted for review and approval of the City Engineer and Public Works Director. The report must evaluate all major graded slopes and open space hillsides whose performance could affect planned improvements. The slope stability analysis must be performed for both static and dynamic conditions, using an appropriate pseudo-static horizontal ground acceleration coefficient for earthquakes on faults, capable of impacting the project in accordance with standard practice as outlined in DMG Special Publication No. 117, 1997.
- Prior to issuance of the grading permit, the project geotechnical engineer shall evaluate liquefaction potential. Where liquefaction is found to be a hazard, a remediation plan with effective measures to avoid and control damage must be provided to the City Engineer and Public Works Director. During construction, measures to reduce seismic liquefaction risks shall be employed as recommended in the approved remediation plan and associated geotechnical report, such as placement of a non-liquefiable cap over the alluvium, removal of the liquefiable soils, in-situ densification, or the excavation of a shear key below the base of the liquefiable zone. Where liquefaction hazard site conditions exist, the applicant shall provide an extra copy of the final report to the City Engineer and Public Works Director and shall send a copy of the report to the California Department of Conservation, Division of Mines and Geology in accordance with Public Resources Code Section 2697 within 30 days of report approval.
- The project must comply with all NPDES requirements and the City of Moorpark standard requirements for temporary storm water diversion structures during all construction and grading.
- Prior to issuance of a grading permit, a qualified, currently registered Professional Civil Engineer in good standing in the State of California shall be retained to prepare Erosion and Sediment Control Plans in conformance with the currently issued Ventura County Municipal Storm Water NPDES Permit. These Plans shall address, but not be limited to, construction impacts and long-term operational effects on downstream environments and watersheds. The Plans must consider all relevant NPDES requirements and recommendations for the use of the best available technology and specific erosion control measures, including temporary measures during construction to minimize water quality effects to the maximum extent practicable. Prior to the issuance of an initial grading permit, review and approval by the Community Development Director and City Engineer and Public Works Director is required.
- Prior to the import or export of more than one hundred (100) truckloads or one thousand cubic yards (1,000 cu. yds.) a Haul Route Permit in conformance with the currently adopted City of Moorpark Engineering Policies and Standards is required.

- Where slopes exceeding 4 feet in height are adjacent to sidewalks, and streets, the grading plan must include a slough wall, Angelus Standard slumpstone, color or other alternative as determined by the Community Development Director, approximately 18 inches high, with curb outlet drainage to be constructed behind the back of the sidewalk to prevent debris from entering the sidewalk or street. The wall must be designed and constructed in conformance with the City's standard wall detail. All material for the construction of the wall shall be approved by the City Engineer and Public Works Director and Community Development Director. Retaining walls greater than 18 inches in height must be set back two-feet (2') from the back of the sidewalk. This two-foot (2') area must be landscaped and have no greater than a two percent (2%) cross fall slope. The slough wall and landscaping design is subject to the review and approval of the City Engineer and Public Works Director and Community Development Director.
- Grading plans must include, but not be limited to entry walls and project identification signs in accordance with City standards. Landscaping, appropriate to the entry, shall be provided that will not interfere with sight-distance or turning movement operations. The final design for the project entrance must be reviewed and approved by the Community Development Director and the City Engineer and Public Works Director.
- During grading, the project geotechnical engineer shall observe and approve all keyway excavations, removal of fill and landslide materials down to stable bedrock or in-place material, and installation of all sub-drains including their connections. All fill slope construction must be observed and tested by the project geotechnical engineer, and the density test results and reports submitted to the City Engineer and Public Works Director to be kept on file. Cuts and slopes must be observed and mapped by the project geotechnical and civil engineers who will provide any required slope modification recommendations based on the actual geologic conditions encountered during grading. Written approval from the City Engineer and Public Works Director must be obtained prior to any modification.
- Written weekly progress reports and a grading completion report must be submitted to the City Engineer and Public Works Director by the project geotechnical engineers. These reports must include the results and locations of all compaction tests, as-built plans of all landslide repairs and fill removal, including geologic mapping of the exposed geology of all excavations showing cut cross-sections and sub-drain depths and locations. The lists of excavations approved by the engineering geologist must also be submitted. Building permits will not be issued without documentation that the grading and other pertinent work has been performed in accordance with the geotechnical report criteria and applicable Grading Ordinance provisions.
- During grading, colluvial soils and landslide deposits within developed portions of the properties must be re-graded to effectively remove the potential for seismically-induced landslides in these materials. Additional buttressing, keying and installation of debris benches must be provided in transition areas between non-graded areas and

development as recommended in the final geotechnical reports by the project geotechnical engineer.

- The recommendations for site grading contained in the final geotechnical reports must be followed during grading unless modifications are submitted for approval by the engineers-of-work and specifically approved in writing by the City Engineer and Public Works Director.
- Temporary irrigation, hydroseeding and erosion control measures, approved by the Community Development Director, City Engineer and Public Works Director, must be implemented on all temporary grading. Temporary grading is defined to be any grading partially completed and any disturbance of existing natural conditions due to construction activity. These measures will apply to a temporary or permanent grading activity that remains or is anticipated to remain unfinished or undisturbed in its altered condition for a period of time greater than thirty (30) calendar days except that during the rainy season (October 1 to April 15), these measures will be implemented immediately.
- The maximum gradient for any slope must not exceed a 2:1 (horizontal:vertical) slope inclination except where special circumstances exist. In the case of special circumstances, where steeper slopes are warranted, a registered soils engineer and a licensed landscape architect will review plans and their recommendations will be subject to the review and approval of the City Engineer, Public Works Director, and the Community Development Director.
- All graded slopes steeper than 5:1 (horizontal:vertical) must have soil amendments added, irrigation systems installed and be planted in a timely manner with groundcover, trees and shrubs (consistent with the approved landscape and irrigation plans) to stabilize slopes and minimize erosion. Timely manner means that the slope soil amendments, irrigation systems and planting on each slope must commence immediately upon the completion of the grading of each slope, that the completion of slope grading will not be artificially delayed and that the slope soil amendments, irrigation systems and planting must be completed on a schedule commensurate with the grading. The planting will be to the satisfaction of the Community Development Director, City Engineer, and Public Works Director.
- Grading may occur during the rainy season from October 1 to April 15, subject to timely installation of erosion control facilities when approved in writing by the City Engineer, Public Works Director and the Community Development Director and when erosion control measures are in place. In order to start or continue grading operations between October 1 and April 15, project-specific erosion control plans that provide detailed Best Management Practices for erosion control during the rainy season must be submitted to the City Engineer and Public Works Director no later than September 1 of each year that grading is in progress. During site preparation and construction, the contractor shall minimize disturbance of natural groundcover on the project site until

such activity is required for grading and construction purposes. During the rainy season, October 1 through April 15, all graded slopes must be covered with a woven artificial covering immediately after completion of each graded slope. Grading operations must cease if the applicant fails to place effective best management measures on graded slopes immediately after construction. No slopes may be graded or otherwise created when the National Weather Service local three-day forecast for rain is twenty percent (20%), or greater, unless the applicant is prepared to cover the permanent and temporary slopes before the rain event. The artificial covering and planting will be to the satisfaction of the Community Development Director, City Engineer, and Public Works Director.

- During clearing, grading, earth moving, excavation, soil import and/or soil export operations, the applicant shall comply with the City of Moorpark standard requirements for dust control, including, but not be limited to, minimization of ground disturbance, application of water/chemicals, temporary/permanent ground cover/seeding, street sweeping, and covering loads of dirt. All clearing, grading, earth moving, excavation, soil import and/or soil export operations must cease during periods of high winds (greater than 15 mph averaged over one hour).
- Backfill of any pipe or conduit must be in four-inch (4") fully compacted layers unless otherwise specified, in writing, by the City Engineer and Public Works Director.
- Soil testing for trench compaction must be performed on all trenching and must be done not less than once every two feet (2') of lift and one-hundred lineal feet (100') of trench excavated. Test locations must be noted using true elevations and street stationing with offsets from street centerlines.
- Prior to issuance of each building permit, the project geotechnical and/or soils engineer shall submit an as-graded geotechnical report and a rough grading certification for said lot and final soils report compiling all soils reports, addendums, certifications, and testing on the project for review and approval by the City Engineer and Public Works Director.
- Prior to issuance of the first building permit, the project's engineer shall certify that the grading and improvements have been completed, as noted on the original approved plans and any subsequent change orders.
- When required by the Community Development Director and/or the City Engineer and/or Public Works Director, at least one (1) week prior to commencement of grading or construction, the applicant shall prepare a notice that grading or construction work will commence. This notice shall be posted at the site and mailed to all owners and occupants of property within five-hundred feet (500') of the exterior boundary of the project site, as shown on the latest equalized assessment roll. The notice must include current contact information for the applicant, including all persons with authority to

indicate and implement corrective action in their area of responsibility, including the name of the contact responsible for maintaining the list. The names of individuals responsible for noise and litter control, tree protection, construction traffic and vehicles, erosion control, and the twenty-four (24) hour emergency number, must be expressly identified in the notice. The notice must be re-issued with each phase of major grading and construction activity. A copy of all notices must be concurrently transmitted to the Community Development Department. The notice record for the City must be accompanied by a list of the names and addresses of the property owners notified and a map identifying the notification area.

- Consistent with the final geotechnical reports, at a minimum, the following measures must be implemented during design and construction where appropriate to minimize expansive soil effects on structures: potential foundation systems to include pier and grade beam; use of structural concrete mats and post-tensioned slabs; pad overcutting to provide uniform swell potential; and soil subgrade moisture treatment.
- Prior to issuance of building permits, chemical testing of representative building pad soils is required to determine the level of corrosion protection required for steel and concrete materials used for construction. The following measures must be implemented where appropriate to protect against corrosion:
  - use of sulfate-resistant concrete; and
  - use of protective linings to encase metallic piping buried in soils warranting such measures.
- Engineered fills must be constructed in compliance with the standards and criteria presented in the approved geotechnical report. The differential thickness of the fill under individual buildings may not be greater than ten (10) feet. These measures must be verified by construction observation and testing by the project geotechnical engineer as outlined in the final geotechnical reports and approved by the City Engineer and Public Works Director.
- Additional analysis of the predicted total and differential settlements of the major fills at each site must be performed by the project geotechnical engineer during the final design stage. Possible measures that may be required based on the settlement data include surcharging, delaying construction for a period of time before constructing on deep fills, or allowing for the predicted settlement in the design of the project components.
- Transfer of responsibility of California Registered Civil Engineer in charge for the project must be in accordance with rules and guidelines set forth pursuant to Rules of the Board for Professional Engineers and Land Surveyors, California Code of Regulations, Title 16, Division 5, Board Rule 404.1, Subsections (c) and (d), that speak to Successor Licensee and Portions of Projects.

- Applicant has full right to exercise the service of a new engineer in charge at any time during a project. When there is a change in engineer, the applicant/owner shall notify the City Engineer and Public Works Director in writing within 48 hours of such change. Said letter shall specify successor California Registered Civil Engineer and shall be stamped and signed and dated by said engineer in responsible charge and shall accept responsibility of project. The letter will be kept on file at the City.
- Prior to construction of any public improvement, the applicant shall submit to the City Engineer and 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, with sufficient surety posted to guarantee the complete construction of all improvements, except as specifically noted in these Standard Conditions or Special Conditions of Approval.
- Prior to issuance of the first building permit, all existing and proposed utilities, including electrical transmission lines less than 67Kv, must be under-grounded consistent with plans approved by the City Engineer, Public Works Director and Community Development Director. Any exceptions must be approved by the City Council.
- Above-ground obstructions in the right-of-way (utility cabinets, mailboxes, etc.) must be placed within landscaped areas when landscaped areas are part of the right-of-way improvements. When above ground obstructions are placed within the sidewalk, a minimum of five feet (5') clear sidewalk width must be provided around the obstruction. Above-ground obstructions may not be located within or on multi-purpose trails.
- Prior to final inspection of improvements, the project Registered Civil Engineer shall submit certified original "record drawing" plans with three (3) sets of paper prints and the appropriate plan revision review fees to the City Engineer and Public Works Director along with electronic files in a format satisfactory to the City Engineer and Public Works Director. These "record drawing" plans must incorporate all plan revisions and all construction deviations from the approved plans and revisions thereto. The plans must be "record drawings" on 24" X 36" Mylar® sheets (made with proper overlaps) with a City title block on each sheet. In addition, the applicant shall provide an electronic file update of the City's Master Base Map electronic file, incorporating all streets, sidewalks, street lights, traffic control facilities, street striping, signage and delineation, storm drainage facilities, water and sewer mains, lines and appurtenances and any other utility facility installed for this project.
- The street improvement plans must contain a surveyor's statement on the plans, certifying that, in accordance with Business and Professions Code 8771, all recorded monuments in the construction area will be protected in place during construction, or have been located and tied with no fewer than four (4) durable reference monuments, which will be protected in place during construction. Copies of all monument tie sheets must be submitted to the City on reproducible 3-mil polyester film.

- Prior to reduction of improvement bonds, the applicant must submit reproducible centerline tie sheets on 3-mil polyester film to the City Engineer and Public Works Director.
- All streets must conform to the latest City of Moorpark Engineering Policies and Standards using Equivalent Single Axle Loads (ESAL) for a minimum thirty (30) year term for public streets and ESAL for a twenty (20) year term on private streets. All streets must be designed and constructed to the required structural section in conformance with the latest City of Moorpark Engineering Policies and Standards. The geotechnical or soil reports must address the need for possible sub-drainage systems to prevent saturation of the pavement structural section or underlying foundation. An additional one and one-half inch (1-1/2") thick rubberized asphalt pavement must be added to the structural section for public streets. This additional pavement may not be used in determining the required structural section.
- When required by the City Engineer and Public Works Director, the applicant shall provide, for the purposes of traffic signal installation, two (2) four-inch (4") P.V.C. conduits extending across all intersections, and surfacing through "J" boxes to the satisfaction of the City Engineer and Public Works Director.
- Prior to approval of a grading plan, the applicant shall submit to the City of Moorpark for review and approval by the City Engineer and Public Works Director, drainage plans with the depiction and examination of all on-site and off-site drainage structures and hydrologic and hydraulic calculations in a bound and indexed report prepared by a California Registered Civil Engineer.
- Drainage improvements must 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 must 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 must be provided to the satisfaction of the City Engineer and Public Works Director. The applicant shall make any on-site and downstream improvements, required by the City, to support the proposed development.
- The drainage plans and calculations must analyze conditions before and after development, as well as, potential development proposed, approved, or shown in the General Plan. Quantities of water, water flow rates, major watercourses, drainage areas and patterns, diversions, collection systems, flood hazard areas, sumps, sump locations, detention and NPDES facilities and drainage courses must be addressed.

- Local residential and private streets must be designed to have at least one dry travel lane available during a 10-year frequency storm. Collector streets must be designed to have a minimum of one dry travel lane in each direction available during a 10-year frequency storm.
- All stormwater surface runoff for the development must have water quality treatment to meet the design standards for structural or treatment control BMPs per the latest issued Ventura County Municipal Storm Water NPDES Permit.
- The hydraulic grade line within any catch basin may not extend higher than nine inches (9") below the flow line grade elevation at the inlet.
- No pressure manholes for storm drains are allowed unless specifically approved in writing by the City Engineer and Public Works Director. If permitted, all storm drain lines under water pressure must have rubber gasket joints.
- All manhole frames and covers shall have a thirty inch (30") minimum diameter. This includes all access manholes to catch basins, as well as any other storm drain or NPDES structure.
- The  $Q_{50}$  storm occurrence must be contained within the street right-of-way.
- The maximum velocity in any storm drain system may not exceed twenty feet (20') per second.
- All detention and debris structures that fall under the definition of being a dam must have an open air spillway structure that directs overflows to an acceptable location to the satisfaction of the City Engineer and Public Works Director.
- Only drainage grates of a type approved by the City Engineer and Public Works Director may be used at locations accessible by pedestrian, bicycle or equestrian traffic. Drainage grates shall not be allowed in sidewalks or trails.
- To verify that the Reinforced Concrete Pipe (RCP) specified on the improvement plan is correct, the RCP delivered to project site must have the D-LOAD specified on the RCP.
- The grading plan must show distinctive lines of inundation delineating the 100-year flood level.
- All flows that have gone through flow attenuation and clarification by use of acceptable Best Management Practice Systems and are flowing within brow ditches, ribbon

gutters, storm drain channels, area drains and similar devices are to be deposited directly into the storm drain system unless an alternative has been approved by the City Engineer and Public Works Director. Storm drain and related easements outside the public right-of-way are to be privately maintained unless otherwise approved by the City Council.

- Concrete surface drainage structures exposed to the public view must be tan colored concrete, as approved by the Community Development Director, and to the extent possible must incorporate natural structure and landscape to blend in with the surrounding material.
- Prior written approval by the City Engineer and Public Works Director is required for curb outlets that provide for pad or lot drainage onto the street.
- Drainage devices for the development must include all necessary appurtenances to safely contain and convey storm flows to their final point of discharge to the satisfaction of the City Engineer and Public Works Director.
- The applicant shall demonstrate, for each building pad within the development area, that the following restrictions and protections can be put in place to the satisfaction of the City Engineer and Public Works Director:
  - Adequate protection from a one-hundred (100) year frequency storm;
  - Feasible access during a fifty (50) year frequency storm.
  - Elevation of all proposed structures within the one-hundred (100) year flood zone at least one (1') foot above the one-hundred (100) year flood level.

Hydrology calculations must be per current Ventura County Watershed Protection Agency Standards and to the satisfaction of the City Engineer and Public Works Director. Development projects within a 100 year flood zone may require a Conditional Letter of Map Revisions (CLOMR) and Letter of Map Revision (LOMR) as determined by the City Engineer and Public Works Director.

- The storm drain system must be designed with easements of adequate width for future maintenance and reconstruction of facilities, particularly facilities deeper than eight feet (8'). In addition, all facilities must have all-weather vehicular access.
- All existing public storm drain systems within the development require pre-construction and post-construction Closed Caption Television Videoing (CCTV) including identification by existing plan and station.

- Storm drain systems must be constructed per the most current Ventura County Watershed Protection District Standard Design Manual, City of Moorpark Standards and to the satisfaction of the City Engineer and Public Works Director.
- All storm drain easement widths and alignments must conform to the City of Moorpark requirements and be to the satisfaction of the City Engineer and Public Works Director. Easements must provide sufficient room for reconstruction of the storm drain systems and provide all weather access within the easement, to all manholes, inlets, outlets and any other structure that requires maintenance.
- Prior to the start of grading or any ground disturbance, the applicant shall identify a responsible person experienced in NPDES compliance who is acceptable to the City Engineer and Public Works Director. The designated NPDES person (superintendent) shall be present, on the project site Monday through Friday and on all other days when the probability of rain is forty percent (40%) or greater and prior to the start of and during all grading or clearing operations until the release of grading bonds. The superintendent shall have full authority to rent equipment and purchase materials to the extent needed to effectuate Best Management Practices. The superintendent shall be required to assume NPDES compliance during the construction of streets, storm drainage systems, all utilities, buildings and final landscaping of the site.
- Prior to the issuance of any construction/grading permit and/or the commencement of any qualifying grading or excavation, the applicant shall prepare and submit a Stormwater Pollution Control Plan (SWPCP), on the form established in the Ventura Countywide Stormwater Quality Management Program. The SWPCP must address the construction phase compliance to stormwater quality management regulations for the project. The SWPCP, improvement plans and grading plans must note that the contractor shall comply with the California Best Management Practices Construction Handbook, published by the California Stormwater Quality Association. The SWPCP must be submitted, with appropriate review deposits, for the review and approval of the City Engineer and Public Works Director. The SWPCP must identify potential pollutant sources that may affect the quality of discharges and design the use and placement of Best Management Practices (BMPs) to effectively prohibit the entry of pollutants from the construction site into the storm drain system during construction. Erosion control BMPs, which include wind erosion, dust control, and sediment source control BMPs for both active and inactive (previously disturbed) construction areas are required.
- The SWPCP must include provisions for modification of BMPs as the project progresses and as conditions warrant. The City Engineer and Public Works Director may require the first version and each subsequent revision of the SWPCP to be accompanied by a detailed project schedule that specifically identifies the type and location of construction operations for the project. The SWPCP must be developed and implemented in accordance with the latest issued Ventura Countywide Stormwater Quality Management Program, NPDES Permit, Chapter 8.52 of the Moorpark Municipal Code and any other requirements established by the City. The applicant is

responsible for ensuring that all project contractors, subcontractors, materials suppliers, tenants and tenants' contractors comply with all BMPs in the SWPCP, until such time as a notice of termination has been approved by the City Engineer and Public Works Director and accepted by the Los Angeles Regional Water Quality Control Board. The SWPCP must include schedules and procedures for onsite maintenance of earthmoving and other heavy equipment and documentation of proper disposal of used oil and other lubricants. Onsite maintenance of all equipment that can be performed offsite will not be allowed.

- Prior to the issuance of any construction/grading permit and/or the commencement of any qualifying, grading or excavation, the applicant for projects with facilities identified as subject to the State Board General Industrial and Commercial permits shall prepare and submit a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP must address post-construction compliance with stormwater quality management regulations for the project. The SWPPP, improvement plans and grading plans must note that the contractor shall comply with the latest edition of the California Best Management Practices New Development and Redevelopment Handbook, published by the California Stormwater Quality Association. The SWPPP must comply with the Ventura Countywide Stormwater Quality Management Program Land Development Guidelines, Technical Guidance Manual for Stormwater Quality Control Measures, and the Stormwater Management Program (SMP) to develop, achieve, and implement a timely, comprehensive, cost effective stormwater pollution control program to reduce pollutants to the maximum extent practicable. The SWPPP must be prepared in compliance with the form and format established in the Ventura Countywide Stormwater Quality Management Program, and submitted, with appropriate review deposits, for the review and approval of the City Engineer/Public Works Director. The proposed plan must also address all relevant NPDES requirements, maintenance measures, estimated life spans of Best Management Practices facilities, operational recommendations and recommendations for specific Best Management Practices technology, including all related costs. The use of permanent dense ground cover planting approved by the City Engineer/Public Works Director and Community Development Director is required for all graded slopes. Methods of protecting the planted slopes from damage must be identified. Proposed management efforts during the lifetime of the project must include best available technology. "Passive" and "natural" BMP drainage facilities are to be provided such that surface flows are intercepted and treated on the surface over biofilters (grassy swales), infiltration areas and other similar solutions. The use of filters, separators, clarifiers, adsorbents, adsorbents or similar "active" devices is not acceptable and may not be used without specific prior approval of the City Council. The use of biological filtering, bio-remediation, infiltration of pre-filtered stormwater and similar measures that operate without annual maintenance intervention, that are failsafe, that, when maintenance is needed, will present the need for maintenance in an obvious fashion and which will be maintainable in a cost effective and non-disruptive fashion is required. As deemed appropriate for each project, the SWPPP must establish a continuing program of monitoring, operating and maintenance to:

- a. Provide discharge quality monitoring.
  - b. Assess impacts to receiving water quality resulting from discharged waters.
  - c. Identify site pollutant sources.
  - d. Educate management, maintenance personnel and users, to obtain user awareness and compliance with NPDES goals.
  - e. Measure management program effectiveness.
  - f. Investigate and implement improved BMP strategies.
  - g. Maintain, replace and upgrade BMP facilities (establish BMP facility inspection standards and clear guidelines for maintenance and replacement).
  - h. Secure the funding, in perpetuity, to achieve items "a" through "g" above.
- 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 latest issued NPDES Construction General Permit: 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 and Public Works Director as proof of permit application. The improvement plans and grading plans shall contain the Waste Discharge Identification number for the project.
  - Engineering and geotechnical or soils reports must be provided to prove, to the satisfaction of the City Engineer and Public Works Director, that all "passive" NPDES facilities meet their intended use and design. These facilities shall meet the minimum requirements relating to water detention and clarification.
  - The applicant shall comply with Chapter 8.52 of the Moorpark Municipal Code and any provision amendatory and supplementary thereto.

**Proposed Fees Required:**

Typically, in the City requires the payment of City fees through conditions of approval or mitigation measures. The City adopts fee resolutions or ordinances to collect fees to offset the costs incurred to support development, and to ensure the health, safety and general welfare of residents and visitors. Since conditions of approval cannot be placed on projects that must be approved by right, the fees that are typically required for development of multi-family projects, in association with adopted resolutions and ordinances, have been included in the proposed ordinance, generally provided as follows:

- Entitlement Processing: Prior to the approval of any Zoning Clearance for this entitlement, the applicant shall submit to the Community Development Department all outstanding entitlement case processing fees, including all applicable City legal service fees. This payment must be made within sixty (60) calendar days after the approval of this entitlement.
- 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.
- Capital Improvements and Facilities, and Processing: Prior to the issuance of any Zoning Clearance for a building permit, the applicant shall submit to the Community Development Department, capital improvement, development, and processing fees at the current rate then in effect. Said fees include, but are not limited to building and public improvement plan checks and permits.
- Parks: Prior to the issuance of a Zoning Clearance for a building permit, the applicant shall submit to the Parks, Recreation and Community Services Department fees in accordance with City ordinances and resolutions.
- Fire Protection Facilities: Prior to the issuance of a Zoning Clearance for a building permit, current Fire Protection Facilities Fees must be paid to the Building and Safety Division in accordance with the City Council adopted Fire Protection Facilities Fee requirements in effect at the time of building permit application.
- Library Facilities: Prior to the issuance of a Zoning Clearance for a building permit, the Library Facilities Fee must be paid to the Building and Safety Division in accordance with the City Council adopted Library Facilities Fee requirements in effect at the time of building permit application.
- Police Facilities: Prior to the issuance of a Zoning Clearance for a building permit, the Police Facilities Fee must be paid to the Building and Safety Division in accordance with the City Council adopted Police Facilities Fee requirements in effect at the time of building permit application.

- Traffic Systems Management: Prior to the issuance of a Zoning Clearance for a 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.
- Intersection Improvements: Prior to the issuance of the first Zoning Clearance for a building permit, the applicant shall submit to the Community Development Department a fair-share contribution for intersection improvements relating to the project. The amount of fair-share participation will be to the satisfaction of the City Engineer and Public Works Director based on the traffic report prepared for the project and the extent of the impact to these intersections.
- Citywide Traffic: Prior to the issuance of a Zoning Clearance for a 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, based upon the effective date of approval of the entitlement consistent with adopted City policy for calculating such fee for similar projects.
- Area of Contribution: Prior to the issuance of a Zoning Clearance for a building permit, the applicant shall pay to the Community Development Department the Area of Contribution (AOC) Fee for the area in which the project is located. The fee shall be paid in accordance with the City Council adopted AOC fee requirements in effect at the time of building permit application for similar projects.
- Street Lighting Energy Costs: Prior to the issuance of a Zoning Clearance for a building permit, 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 in an amount satisfactory to the City Engineer and Public Works Director.
- Schools: Prior to the issuance of a Zoning Clearance for 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.
- Art in Public Places: Prior to the issuance of a Zoning Clearance for a building permit, the applicant shall contribute to the Art in Public Places Fund in accordance with Municipal Code Chapter 17.50 and sections amendatory or supplementary thereto. 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 must have a value corresponding to, or greater than, the contribution, and must be approved, constructed and maintained for the life of the project in accordance with the applicable provision of the Moorpark Municipal Code.

- **Electronic Conversion:** In accordance with City policy, the applicant shall submit to the Community Development Department, City Engineer and 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.
- **Crossing Guard:** Prior to the issuance of Zoning Clearance for a building permit, the applicant shall pay to the Community Development Department an amount to cover the costs associated with a crossing guard for five (5) years at the then current rate, plus the pro-rata cost of direct supervision of the crossing guard location and staff's administrative costs, calculated at fifteen percent (15%) of the above costs. This applies to residential project of ten (10) or more units.
- **Storm Drain Discharge Maintenance Fee:** Prior to the issuance of a Zoning Clearance for a building permit, the applicant shall pay to the Community Development Department the citywide Storm Drain Discharge Maintenance Fee in accordance with the City Council adopted Storm Drain Discharge Maintenance Fee requirements in effect at the time of building permit application.
- **County Traffic Impact Mitigation Fee:** Prior to the issuance of a Zoning Clearance for a building permit, the County Traffic Impact Mitigation Fee must be paid in accordance with County adopted fee requirements in effect at the time of building permit application.

The City Attorney's office has reviewed the draft PC Resolution recommending to the City Council adoption of the Negative Declaration; and approval of General Plan Amendment 2013-01 and Zone Change 2013-01 (Attachment 4); and, the draft PC Resolution recommending to the City Council adoption of the Zoning Ordinance Amendment No. 2013-03 (Attachment 5), and has determined that the changes are acceptable and do not conflict with Federal or State Law.

### **PROCESSING TIME LIMITS**

Since this is an action initiated by the City, the processing time limits 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) are not applicable.

### **ENVIRONMENTAL DETERMINATION**

In accordance with the City's environmental review procedures adopted by resolution, the Community Development Director determines the level of review necessary for a project to comply with the California Environmental Quality Act (CEQA). Some projects may be

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

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

The Director has prepared or supervised the preparation of an Initial Study to assess the potential significant impacts of this project. Based upon the Initial Study, the Director has determined that there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment and has prepared a Negative Declaration for Planning Commission review and consideration before making a recommendation on the project.

#### **STAFF RECOMMENDATION**

1. Open the public hearing, accept public testimony and close the public hearing.
2. Adopt Resolution No. PC-2013-\_\_\_\_ recommending to the City Council adoption of the Negative Declaration; and approval of General Plan Amendment No. 2013-01, Amendment No. 2 to Specific Plan No. 1995-01 and Zone Change No. 2013-01.
3. Adopt Resolution No. PC-2013-\_\_\_\_ recommending to the City Council approval of Zoning Ordinance Amendment 2013-03.

#### **ATTACHMENTS:**

1. Location Map
2. Aerial Photograph
3. Draft PC Resolution – Negative Declaration, (without original attachments), General Plan Amendment No. 2013-01, Amendment No. 2 to Specific Plan No. 1995-01 and Zone Change No. 2013-01, which contains the following:
  - Exhibit A – General Plan Amendment No. 2013-01 Map; Amendment No. 2 to SP 1995-01 Map;
  - Exhibit B – Zone Change No. 2013-01 Map; and
  - Exhibit C – Negative Declaration, (without original attachments)
4. Draft PC Resolution – Zoning Ordinance Amendment No. 2013-03, which contains the following:
  - Exhibit A – Amendments to Chapter 17.12 and Chapter 17.20; and Addition of Chapter 17.76 Residential Planned Development 20 Units to the Acre (RPD-20U-N-D) of the Municipal Code
5. Existing Zoning Map (11" x 17" copy) – Under Separate Cover

RESOLUTION NO. 2013 - \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION FOR GENERAL PLAN AMENDMENT NO. 2013-01 AND AMENDMENT NO. 2 TO SPECIFIC PLAN NO. 1995-01 (DOWNTOWN SPECIFIC PLAN) FOR A 1.36 ACRE SITE, LOCATED AT THE SOUTHEAST CORNER OF MOORPARK AVENUE AND EVERETT STREET, ON CITY OWNED PROPERTY, TO CHANGE THE LAND USE DESIGNATION TO VERY HIGH RESIDENTIAL; AND FOR ZONE CHANGE NO. 2013-01 TO REZONE THE FOLLOWING THREE SITES TO RESIDENTIAL PLANNED DEVELOPMENT 20 UNITS TO THE ACRE (RPD20U-N-D) ZONE: (1) A 23.44 ACRE SITE (LOCATED WITHIN THE SOUTHEASTERN PORTION OF SPECIFIC PLAN 1, HITCH RANCH SPECIFIC PLAN PROPERTY), (2) A 1.36 ACRE SITE (LOCATED AT THE SOUTHEAST CORNER OF MOORPARK AVENUE AND EVERETT STREET), AND (3) A 1.34 ACRE SITE (LOCATED AT THE SOUTHEASTERN END OF MAJESTIC COURT) AND FOR ZONING ORDINANCE AMENDMENT NO. 2013-03, TO AMEND CHAPTERS 17.12 (ESTABLISHMENT OF ZONES BOUNDARIES AND MAPS) AND 17.20 (USES BY ZONE), AND TO ADD CHAPTER 17.76 (RESIDENTIAL PLANNED DEVELOPMENT 20 UNITS TO THE ACRE [RPD-20U-N-D]), TO THE MOORPARK MUNICIPAL CODE TO ENSURE COMPLIANCE WITH THE ADOPTED HOUSING ELEMENT, AND CONSISTENCY WITH CHANGES IN FEDERAL AND STATE LAW

WHEREAS, on August 27, 2013, the Planning Commission adopted Resolution No. PC-2013-586, recommending that the City Council adopt a Negative Declaration for General Plan Amendment No. 2013-01 and Amendment No. 2 to Specific Plan No. 1995-01 (Downtown Specific Plan) for a 1.36 acre site located at the southeast corner of Moorpark Avenue and Everett Street, to change the existing Office, Public/Institutional and Medium Density Residential general plan and specific plan land use designations of this site to a Very High Residential general plan and specific plan land use designation; and for Zone Change No. 2013-01 to change the zoning for the following three sites to Residential Planned Development 20 units to the acre (RPD20U-N-D): (1) a 23.44 acre site, located within the southeastern portion of Specific Plan 1, Hitch Ranch Specific Plan property, currently zoned as Agricultural Exclusive; (2) a 1.36 acre site, located at the southeast corner of Moorpark Avenue and Everett Street, currently zoned as Institutional, Commercial Office and Single Family Residential; and (3) a 1.34 acre site, located at the southeastern end of Majestic Court, currently zoned as Residential Planned Development 15 units; and for Zoning Ordinance Amendment No. 2013-03, to amend Chapters 17.12 (Establishment of Zones Boundaries and Maps) and 17.20 (Uses by Zone), and to add Chapter 17.76 (Residential Planned Development 20 units to the acre [RPD-20U-N-D]), to the Moorpark Municipal Code to ensure compliance with the adopted Housing Element, and consistency with changes in Federal and State Law; and

**CC ATTACHMENT 4**

WHEREAS, at a duly noticed public hearing on September 4, 2013, the City Council considered the agenda report for General Plan Amendment No. 2013-01 and Amendment No. 2 to Specific Plan No. 1995-01 (Downtown Specific Plan), Zone Change No. 2013-01, and Zoning Ordinance Amendment No. 2013-03, 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 has read, reviewed, and considered the proposed Negative Declaration prepared for the project referenced above.

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

SECTION 1. ENVIRONMENTAL DOCUMENTATION: The City Council finds and declares as follows:

- A. The Negative Declaration and Initial Study prepared for the project are complete and have been prepared in compliance with CEQA, and City CEQA Procedures.
- B. The City Council has considered information in the environmental document in its deliberations of the project before making a decision concerning the project and the Negative Declaration.
- C. The development standards have been incorporated into the ordinance of the accompanying Zoning Ordinance Amendment No. 2013-03.
- D. The Negative Declaration reflects an independent judgment of the City Council.

SECTION 2. ADOPTION OF NEGATIVE DECLARATION: The Negative Declaration prepared in connection with General Plan Amendment No. 2013-01 and Amendment No. 2 to Specific Plan No. 1995-01 (Downtown Specific Plan), Zone Change No. 2013-01, and Zoning Ordinance Amendment No. 2013-03 is hereby adopted.

SECTION 3. CERTIFICATION OF ADOPTION: The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 4<sup>th</sup> day of September, 2013.

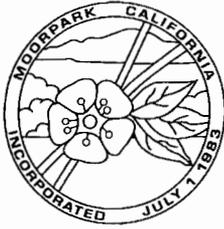
\_\_\_\_\_  
Janice Parvin, Mayor

ATTEST:

\_\_\_\_\_  
Maureen Benson, City Clerk

Attachment: Exhibit A – Negative Declaration – GPA No, 2013-01 and  
Amendment No. 2 to SP No. 1995-01, ZC No. 2013-01, and ZOA  
No. 2013-03

## EXHIBIT A



**NEGATIVE DECLARATION  
CITY OF MOORPARK  
799 MOORPARK AVENUE  
MOORPARK, CA 93021  
(805) 517-6200**

The following Negative Declaration has been prepared in accordance with the California Environmental Quality Act of 1970 as amended, the State Guidelines, and the Environmental Procedures of the City of Moorpark.

**Public Review Period:** July 26, 2013 to August 26, 2013

**Project Title/Case No.:** General Plan Amendment (GPA) No. 2013-01; Amendment No. 2 to Specific Plan No. 1995-01 (Downtown Specific Plan); Zone Change (ZC) No. 2013-01; and Zoning Ordinance Amendment No. 2013-03;

**Project Locations:** A 23.44 acre site, within the southeastern portion of Specific Plan 1, Hitch Ranch Specific Plan; a 1.36 acre site, located at the southeast corner of Moorpark Avenue and Everett Street; and a 1.34 acre site located at the southeastern end of Majestic Court. (GPA, SPA and ZC Location Maps Attached to Initial Study – Exhibit A)

**Project Description:** The application consists of a zone change of a 23.44 acre site within the Specific Plan 1, Hitch Ranch Specific Plan property, from Agricultural Exclusive zone, to Residential Planned Development 20 units to the acre, (RPD20U-N-D), zone to allow for development of multi-family housing as a permitted use and not subject to discretionary review.

A General Plan Amendment and Amendment No. 2 to Specific Plan 1995-01, (Downtown Specific Plan), on a 1.36 acre site, located at the southeast corner of Moorpark Avenue and Everett Street, on City owned property, to change the existing Office, Public/Institutional and Medium Density Residential general plan and specific plan land use designations of this site to a Very High Residential general plan and specific plan land use designation; and a zone change of this 1.36 acre site from the existing Institutional, Commercial Office and Single Family Residential zones, to Residential Planned Development 20 units to the acre, (RPD20U-N-D), zone to allow for development of multi-family housing as a permitted use and not subject to discretionary review.

Also, a zone change of a 1.34 acre site, located at the southeastern end of Majestic Court, on City owned property, from Residential Planned Development 15 units to the acre to Residential Planned Development 20 units to the acre, (RPD20U-N-D), zone to allow for development of multi-family housing as a permitted use and not subject to discretionary review.

Finally, the project includes a Zoning Ordinance amendment to add Chapter 17.76 to the City's Zoning Ordinance to create the Residential Planned Development 20 units to the acre, (RPD20U-N-D), zone to allow for development of multi-family housing as a permitted use, in accordance with objective development standards and not subject to discretionary review. The Zoning Ordinance amendment also includes conforming changes to Chapters 17.12 and 17.20 to refer to the new

Zoning designation and uses permitted by Chapter 17.76.

**Project Type:** \_\_\_\_\_ Private Project                        **X**   Public Project

**Project Applicant:**                      **City of Moorpark, 799 Moorpark Avenue, Moorpark CA 93021**

**Finding:**                                      After preparing an Initial Study for the above-referenced project, it is found that there is no substantial evidence, in light of the whole record before the City of Moorpark, that the project may have a significant effect on the environment. (Initial Study Attached)

**Responsible Agencies:**                      City of Moorpark

**Trustee Agencies:**                              None

**Attachments:**                                      Initial Study (with attachments)

**Contact Person:**                              Joseph R. Vacca  
Community Development Department  
City of Moorpark  
799 Moorpark Avenue  
Moorpark, California, 93021  
(805) 517-6236  
[jvacca@ci.moorpark.ca.us](mailto:jvacca@ci.moorpark.ca.us)



Implementation of 2008-2014 Housing Element – Programs: 3 and 17  
 GPA 2013-01; AMENDMENT 2 to SP 1995-01; ZC 2013-01; and, ZOA 2013-03

**CITY OF MOORPARK INITIAL STUDY**  
**799 MOORPARK AVENUE, MOORPARK, CA 93021 (805) 517-6200**

<b>Project Title:</b>	Implementation of 2008-2014 Housing Element – Programs: 3 and 17	<b>Case Nos.:</b>	GPA 2013-01; AMENDMENT 2 to SP 1995-01, (Downtown Specific Plan); ZC 2013-01; and, ZOA 2013-03
<b>Contact Person and Phone No.:</b>	Joseph R. Vacca, AICP Principal Planner (805) 517-6236		
<b>Name of Applicant:</b>	City of Moorpark		
<b>Address and Phone No.:</b>	799 Moorpark Avenue, Moorpark CA 93021; (805) 517-6236		
<b>Project Locations:</b>	1) 23.44 acre site –southeast area of Specific Plan 1, Hitch Ranch Specific Plan. 2) 1.36 acre site –southeast corner of Moorpark Avenue and Everett Street. 3) 1.34 acre site – southeastern end of Majestic Court, ( <i>Project sites 2 &amp; 3 City owned</i> ).		
<b>General Plan Designations:</b>	1) 23.44 acre site – Specific Plan 1 – Hitch Ranch Specific Plan. 2) 1.36 acre site – Office; Public/Institutional; and Medium Density Residential (4DU/AC). 3) 1.34 acre site – Very High Density Residential (15DU/AC).	<b>Zoning:</b>	1) 23.44 acre site – Agricultural Exclusive, (A-E). 2) 1.36 acre site – Commercial Office, (CO); Institutional, (I); and Single Family Residential (R1) and Downtown Specific Plan overlay zone. 3) 1.34 acre site – Residential Planned Development 15 units / acre (RPD15u).

**Project Description (continues on following page):**

California Government Code Section 65302(c) mandates that each city shall include a Housing Element in its General Plan. The Housing Element is required to identify and analyze existing and projected housing needs, and include statements of the City’s goals, policies, quantified objectives, and scheduled programs for the preservation, improvement, and development of housing. The City, in adopting its Housing Element, considered economic, environmental, and fiscal factors, as well as community goals as set forth in the General Plan. However, while cities generally have considerable flexibility in drafting the other elements of their General Plan, the Housing Element must comply with the detailed statutory provisions of the California Government Code, which are codified in Section 65580 et seq.

The Regional Housing Needs Assessment (RHNA), of the Housing Element, identified Moorpark’s “fair share” of the regional housing need for the planning period July 2006 through June 2014 as 1,617 units. This total includes 182 extremely-low income units, 181 very-low income units, 292 low-income units, 335 moderate-income units, and 627 above-moderate units. State law requires the City to demonstrate that its “land inventory” contains adequate sites to accommodate the various types of units that have been allocated in the RHNA.

In accordance with Government Code Section 65583 et seq., the residential density (excluding any density bonus) presumed to be adequate to facilitate development of lower-income housing in most metropolitan areas, including Moorpark, is 20 units/acre.

**Project Description, (Continued):**

There are currently no vacant or underutilized sites in Moorpark with zoning that allows residential development at densities greater than 20 units/acre, excluding density bonus. Accordingly, the City must rezone at least 25.8 acres of land to accommodate the development of 516 lower-income units at a density of 20 units/acre commensurate with the RHNA. The Housing Element - (Program 3), contains a commitment to identify parcels totaling at least 25.8 acres to be rezoned to a new RPD-20 zoning to allow multi-family residential development by-right at a density of 20 units/acre to meet the City's obligations under the RHNA for the 2008-2014 planning period. The sites to be considered for rezoning to RPD20U-N-D are as follows:

- 1) 23.44 acre site – southeast area of Specific Plan 1 – Hitch Ranch Specific Plan
  - 2) 1.36 acre site – southeast corner of Moorpark Avenue and Everett Street, (City owned).
  - 3) 1.34 acre site – southeastern end of Majestic Court, (City owned).
- 1) The proposed re-zoning of the 23.44 acre site within the southeastern portion of Specific Plan 1, Hitch Ranch Specific Plan property from Agricultural Exclusive, (Specific Plan 1), to Residential Planned Development 20 units to the acre, (RPD20U-N-D), zone, (remaining within Specific plan 1), is proposed to allow for development of multi-family housing as a permitted use and not subject to discretionary review. This proposed zoning is consistent with the intensity of land use, and with the range of residential development densities, already allowed under the existing Specific Plan 1 general plan land use designation of the property, and under the current Hitch Ranch Specific Plan area designation.
  - 2) The proposed re-zoning of the 1.36 acre site (four properties combined), located at the southeast corner of Moorpark Avenue and Everett Street, from the existing Institutional, Commercial Office and Single Family Residential zones, to Residential Planned Development 20 units to the acre, (RPD20U-N-D), zone to allow for development of multi-family housing as a permitted use and not subject to discretionary review. There is a General Plan Amendment on this project site, which also includes Amendment No. 2 to Specific Plan 1995-01, (Downtown Specific Plan), to change the existing Office, Public/Institutional and Medium Density Residential general plan and specific plan land use designations of these properties to a Very High Residential general plan and specific plan land use designation on all these properties. The proposed land use designations are comparable with the combined intensities of land uses currently allowed at this site under the existing Office, Public/Institutional and Medium Density Residential general plan land use designations.
  - 3) The proposed zoning of the 1.34 acre site, approximately located at the southeastern end of Majestic Court property from Residential Planned Development 15 units to the acre to Residential Planned Development 20 units to the acre, (RPD20U-N-D), zone to allow for development of multi-family housing as a permitted use and not subject to discretionary review, is consistent with the intensity of land use, and with the range of residential development densities, already allowed under the existing Very High Density Residential general plan land use designation of this property. This proposed zoning is consistent with the intensity of land use, and with the range of residential development densities, already allowed under the existing very high density residential general plan land use designation of the property.

Also, the Housing Element, (Program 17), Efficient Project Processing R-P-D zone and Planned Development Permit Process, calls for an update to the review process for Residential Planned Development Permits of properties in the RPD20u zone. The RPD Zone designation provides flexibility in the development process to meet specific housing needs. The RPD Zone designation offers various densities that can be tailored to the lot, nature of the development, and local housing needs. The RPD Zone provides a mechanism for the development of higher-density housing (up to 20 du/ac) and can be coupled with a density bonus, financial and regulatory incentives to provide affordable housing.

In order to further reduce processing time, a Zoning Ordinance Amendment No. 2013-01 was initiated to create development standards for construction of multifamily housing on these properties and also make the following changes to the existing Planned Development Permit process for RPD20U-N-D zoned property:

- 1) Designate the Planning Commission as the final approval authority (rather than City Council); and
- 2) Modify required findings for approval to confirming that the project complies with objective development and design standards; and, would therefore, be allowed "by right" by the Planning Commission, when in compliance with the requirements and regulations of the RPD20U-N-D development standards. Therefore, the project includes a Zoning Ordinance amendment to add Chapter 17.76 to the City's Zoning Ordinance to create the Residential Planned Development 20 units to the acre, (RPD20U-N-D), zone to allow for development of multi-family housing as a permitted use, in accordance with objective development standards and not subject to discretionary review. The Zoning Ordinance amendment also includes conforming changes to Chapters 17.12 and 17.20 to refer to the new Zoning designation and uses permitted by Chapter 17.76.

**Surrounding Land Uses and Setting:**

1) 23.44 acre site – southeastern area of Specific Plan 1 – Hitch Ranch Specific Plan:

To the west, north, east and south of the subject property is currently in the Agricultural Exclusive zone, and all property is within the Hitch Ranch Specific Plan 1 general plan land use designation area. The subject property and immediate surrounding properties are all vacant and consist of valleys and gently rolling hills.

2) 1.36 acre site – southeast corner of Moorpark Avenue and Everett Street, (City owned).

West of the site are existing urban development's consisting of the offices for City Hall, City Library, and a dental office. North of the site is vacant land, once occupied by a mix of single family homes. East and south of the site are existing urban residential neighborhoods, consisting mainly of single family homes and residential properties.

3) 1.34 acre site – southeastern end of Majestic Court, (City owned).

To the west and north of this site the properties are zoned RPD15u, and are developed with existing urban uses consisting of multi-family apartment and attached condominium units at these densities. East of the subject property is zoned RPD12u and it is currently being developed at this density with multifamily, attached town homes, (currently under construction). West, north and east of the subject property all have very high density residential 15 du/ac general plan land use designations. South of the subject property is zoned open space and is vacant and consists of the Arroyo Simi. The general plan land used designation of this area, south of the subject property is Floodway.

**Responsible and Trustee Agencies:**

none

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

*The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Less Than Significant With Mitigation," as indicated by the checklist on the following pages:*

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agricultural and Forestry Resources	<input type="checkbox"/>	Air Quality
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Geology/Soils
<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards and Hazardous Materials	<input type="checkbox"/>	Hydrology/Water Quality
<input type="checkbox"/>	Land Use/Planning	<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Noise
<input type="checkbox"/>	Population/Housing	<input type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation
<input type="checkbox"/>	Transportation/Traffic	<input type="checkbox"/>	Utilities/Service Systems	<input type="checkbox"/>	Mandatory Findings of Significance
<input checked="" type="checkbox"/>	None				

**DETERMINATION:** On the basis of this initial evaluation,

I find that the proposed project could not have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

**Prepared by:** \_\_\_\_\_

**Reviewed by:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Date:** \_\_\_\_\_

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>A. AESTHETICS – Would the project:</b>				
1) Have a substantial adverse effect on a scenic vista?	_____	_____	X	_____
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	_____	_____	_____	X
3) Substantially degrade the existing visual character or quality of the site and its surroundings?	_____	_____	X	_____
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	_____	_____	X	_____

**Response:** A1. Through 4.:

The new development is expected to occur within and adjacent to urbanized areas, mostly as in-fill. This type of development would not be expected to substantially alter the aesthetic character of the site, and in most cases would be expected to improve the aesthetic character of the surrounding neighborhoods. All developments will be required to conform to the General Plan Land Use Element, zoning regulations and development standards, and therefore would not be expected to create a negative aesthetic effect on the City's visual qualities. None of the sites identified for re-designation contain prominent ridgelines and development must comply with grading standards adopted by ordinance, including landscaping requirements. Furthermore, developments must comply with the development standards of the zoning district which address setbacks, height, and visual quality to ensure adequate health and safety. None of the sites identified for re-designation contain scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. New residential development could also create new sources of light and glare due to exterior lighting, lighting of streets and walkways, and interior lighting that could be visible from the outside. Prior to construction, each new development will be reviewed to ensure compliance with all appropriate development standards and developments must also comply with the lighting ordinance to mitigate any potential aesthetic impacts. No significant impacts are expected to occur and no mitigation measures are necessary in connection with this zoning ordinance amendment 2013-03.

**Sources:** 2008-2014 Housing Element Update (May 16, 2012), General Plan Land Use Element (1992), RPD20u Development Standards (proposed July 2013 – *attached*)

**Mitigation:** None required

**B. AGRICULTURE RESOURCES –** In determining whether impacts to agricultural resources are significant environmental effects, the City of Moorpark may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land including the Forest and Range Assessment Project and Forest Legacy Assessment project, and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board- Would the project:

1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources agency, to non-agricultural use?	_____	_____	_____	X
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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	_____	_____	_____	<u>      X      </u>
3) Conflict with existing zoning for, or cause, rezoning of, forest land (as defined in Public Resources Code section 12220 (g)), timberland (as defined by Public Resources Code section 4526) or timberland zoned Timberland Production (as defined by Government Code section 51104 (g))?	_____	_____	_____	<u>      X      </u>
4) Result in the loss of forest land or conversion of forest land to non-forest use?	_____	_____	_____	<u>      X      </u>
5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	_____	_____	_____	<u>      X      </u>

**Response:** B1. Through 5.:

New development is to occur in urbanized areas as in-fill, and a significant portion of new development would be expected to occur on land that is currently vacant and zoned for agricultural uses, and would therefore result in the conversion of open space to urban use but, none of the sites are currently used for agriculture, nor are the lands currently forested or used for foresting resources. Furthermore, none of the sites currently designated for residential development contain prime farmland, unique farmland, or farmland of statewide importance, nor are any such sites currently used for farming; and, none of the subject properties have Williamson Act contracts. Therefore no significant impacts are expected to occur and no mitigation measures are necessary in connection with this zoning ordinance amendment.

**Sources:** 2008-2014 Housing Element Update (May 16, 2012), General Plan Land Use Element (1992), RPD20u Development Standards (proposed July 2013 – *attached*), California Dep't of Conservation: Ventura County Important Farmland Map (2000).

**Mitigation:** None required

**C. AIR QUALITY** – Where available, the significant criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

1) Conflict with or obstruct implementation of the applicable air quality plan?	_____	_____	<u>      X      </u>	_____
2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	_____	_____	<u>      X      </u>	_____
3) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	_____	_____	<u>      X      </u>	_____
4) Expose sensitive receptors to substantial pollutant concentrations?	_____	_____	<u>      X      </u>	_____
5) Create objectionable odors affecting a substantial number of people?	_____	_____	<u>      X      </u>	_____

	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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**Response:** C1. Through 5.:

The Housing Element update included policies, programs and guidelines through which Moorpark can continue to meet the fair share of regional housing growth. The zone change of the subject sites and zoning ordinance amendment will not have a cumulative net increase on the intensity of use of the subject properties beyond what has already been established under the existing general plan land use designations. Therefore there will not be a cumulative net increase of any criteria pollutant for which the region is not attaining any relevant air quality standard. The development of these sites will not expose sensitive receptors to substantial pollutant concentrations nor create objectionable odors. Therefore, no further environmental review is required.

Long-term air quality impacts are those associated with the emissions produced from project-generated vehicle trips as well as from stationary sources related to the use of natural gas and electricity for heating, cooling, lighting, etc. Without specific details regarding future development, such as unit types and vehicle trips, it is not possible to accurately quantify long-term emissions. However, the amendments to land use plans and regulations called for in Program 3 (creation of a new RPD 20 zoning district and rezoning of 25.8 acres of land) would not be expected to result in long-term air quality impacts beyond those previously analyzed in the General Plan EIR since the total amount of new development under these amended regulations is expected to remain consistent with the long-term growth forecast. The proposed development standards in this RPD20U-N-D zoning district state that Reactive organic compounds, Nitrogen oxides (ozone/smog precursor), and particulate matter (aerosols/dust) generated during construction operations must be minimized in accordance with the City's 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 must cease in order to minimize associated air pollutant emissions. As part of the review process for the development of the sites, potential air quality impacts will be mitigated with collection of the payment of Air Quality fees prior to issuance of building permits, as required per Resolution No. 2006-2461, adopted by the City Council on May 17, 2006. Also, the City has adopted a green building ordinance which includes BMPs to address greenhouse gas emissions. No significant impacts would occur and no mitigation measures are necessary in connection with this project.

**Sources:** 2008-2014 Housing Element Update (May 16, 2012), General Plan Land Use Element (1992), RPD20u Development Standards (proposed July 2013 – *attached*), City of Moorpark City Council Resolution No. 2006-2461 Transportation System Management Established Minimum Fee Schedule

**Mitigation:** None required

**D. BIOLOGICAL RESOURCES – Would the project:**

- |   |       |       |       |                |
|---|-------|-------|-------|----------------|
| <p>1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</p> | _____ | _____ | _____ | _____ <b>X</b> |
| <p>2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?</p>   | _____ | _____ | _____ | _____ <b>X</b> |

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	_____	_____	_____	X
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	_____	_____	_____	X
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	_____	_____	X	_____
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	_____	_____	_____	X

Response: D1. Through 4.:

While some new development would be expected to occur in urbanized areas as in-fill where there were previous urban developments, a significant portion of new development would be expected to occur on land that is currently vacant, and would therefore result in the conversion of open space to urban use. However the 23.44 acre vacant site was completely burned in 2003 and 2006 and now consists primarily of non-native grassland, non-native trees and limited California Sage Brush. Development of the previously urban developed properties and the recently burned vacant site will not significantly impact biological resources including modifications to habitats of any species identified as sensitive or having special protective status nor will it have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. In addition, review of the sites indicates that development will not impact federally-protected wetlands nor substantially interfere with the movement of any native or migratory fish or wildlife species.

Response: D5. Through 6.:

The Moorpark Municipal Code contains tree preservation regulations, which are codified under Chapter 12.12 (Historic Trees, Native Oak Trees and Mature Trees). The ordinance defines "historic, mature and native oak trees," and specific requirements are described for protecting or mitigating their removal. Permits are required for pruning or removal of protected trees, which include historic, mature and native oak trees. All residential developments that could impact such trees will be required to comply with the provisions of this ordinance, which will reduce potential impacts to a level that is less than significant. No mitigation measures are necessary at this time.

There is no adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other local, regional, or state habitat conservation plan within areas that are to be considered for re-zoning. No mitigation measures are necessary at this time. The draft zoning ordinance amendment also does not conflict with adopted conservation local, regional or state conservation plans. As a result, no further environmental review is necessary.

Sources: 2008-2014 Housing Element Update (May 16, 2012), General Plan Land Use Element (1992), RPD20u Development Standards (proposed July 2013– *attached*), Moorpark Municipal Code Chapter 12.12: Historic Trees, Native Oak Trees and Mature Trees (1988)

Mitigation: None required

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>E. CULTURAL RESOURCES – Would the project:</b>				
1) Cause a substantial adverse change in the significance of a historic resource as defined in §15064.5?	_____	_____	_____	X
2) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	_____	_____	_____	X
3) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	_____	_____	_____	X
4) Disturb any human remains, including those interred outside of formal cemeteries?	_____	_____	_____	X

**Response:** E1. Through 4.:

While some new development is expected to occur in previously developed urbanized areas as in-fill, a significant portion of new development would be expected to occur on land that is currently vacant but, has a history of being used for dry farming and grazing. There are no known or expected cultural resources on the project site. The proposed improvements within the project area will have no adverse impact on known cultural resources and must comply with development standards, which indicate that if any archeological or historical finds are uncovered during grading or excavation operations, all grading or excavation shall immediately cease in the immediate area and the find must be left untouched. The applicant, in consultation with the project paleontologist or archeologist, shall assure the preservation of the site and immediately contact the Community Development Director by phone, in writing by email or hand delivered correspondence informing the Director of the find. In the absence of the Director, the applicant shall so inform the City Manager. 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 must be approved in writing by the Community Development Director. The applicant shall pay for all costs associated with the investigation and disposition of the find.

**Sources:** 2008-2014 Housing Element Update (May 16, 2012), General Plan Land Use Element (1992), RPD20u Development Standards (proposed July 2013– *attached*).

**Mitigation:** None required

<b>F. GEOLOGY AND SOILS – Would the project:</b>				
1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death Involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	_____	_____	_____	X
ii) Strong seismic ground shaking?	_____	_____	_____	X
iii) Seismic-related ground failure, including liquefaction?	_____	_____	_____	X
iv) Landslides?	_____	_____	_____	X
2) Result in substantial soil erosion or the loss of topsoil?	_____	_____	_____	X

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	_____	_____	_____	X
4) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	_____	_____	_____	X
5) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	_____	_____	_____	X

**Response:** F1. Through 5.:

Moorpark is located in a seismically active region containing active faults. These faults have the potential to expose people or structures to significant impacts as a result of a fault rupture and seismic ground shaking. Parts of the city may contain expansive or unstable soils that have the potential to cause structural damage. In addition, grading associated with future development could result in substantial soil erosion. Upon review of the Alquist-Priolo Earthquake Fault Zones maps for Moorpark, it was verified that the project sites are not located within any Alquist-Priolo Earthquake Fault Zone Boundary areas and are not subject to any special seismic setback requirements. While it is not possible to determine specific potential impacts related to developments at this time, some general requirements designed to minimize geological impacts will apply to all new development. These include compliance with the Alquist-Priolo Act, the Uniform Building Code, Title 24 of the California Building Code, and the standards of the Structural Engineers Association of California. Compliance with these building standards is considered the best means of reducing geologic hazards. In addition, as part of the City's planning and development process, based on existing adopted ordinances, the proposed future development projects will be required to provide site-specific geotechnical conditions to the City Engineer during plan check and prior to construction to determine appropriate construction methods to address potential hazards such as liquefaction. No significant impacts would occur and no mitigation measures are necessary in connection with this zone change and zoning ordinance amendment.

**Sources:** 2008-2014 Housing Element Update (May 16, 2012), RPD20u Development Standards (proposed July 2013– *attached*). General Plan Safety Element (2001), California Building Code (2010).

**Mitigation:** None required

**G. GREENHOUSE GAS EMISSIONS – Would the project:**

1) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	_____	_____	_____	X
2) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	_____	_____	_____	X

	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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**Response:** G1. Through 2.:

Many of the world's leading scientific experts agree that greenhouse gases (GHGs) generated by human activities affect climate by increasing the "greenhouse effect." The gases concentrate in the Earth's atmosphere and trap heat by blocking some of the long-wave energy the Earth normally radiates back into space. Human activities that produce GHGs are the burning of fossil fuels (coal, oil and natural gas for heating and electricity, gasoline and diesel for transportation); methane from landfill wastes and raising livestock, deforestation activities; and some agricultural practices. These activities are increasing the greenhouse gases in the Earth's atmosphere and could be accelerating global climate change. Long-term environmental consequences in California could potentially include a reduction in water supply from the Sierra Nevada snow pack, which could result in a reduction in imported water, and public health problems due to degraded air quality and more intense summer heat.

In 2006, Governor Schwarzenegger signed AB 32, the California Climate Solutions Act of 2006. AB 32 requires that statewide GHG emissions be reduced to 2000 levels by the year 2010, 1990 levels by the year 2020, and to 80 percent less than 1990 levels by year 2050. These reductions will be accomplished through an enforceable statewide cap on GHG emissions that will be phased in starting in 2012. To effectively implement the cap, AB 32 directs the California Air Resources Board (CARB) to develop and implement regulations to reduce statewide GHG emissions from stationary sources. AB 32 specifies that regulations adopted in response to AB 1493 should be used to address GHG emissions from vehicles. However, AB 32 also includes language stating that if the AB 1493 regulations cannot be implemented, then CARB should develop new regulations to control vehicle GHG emissions under the authorization of AB 32. AB 32 requires that CARB adopt a quantified cap on GHG emissions representing 1990 emissions levels and disclose how it arrives at the cap; institute a schedule to meet the emissions cap; and develop tracking, reporting, and enforcement mechanisms to ensure that the state achieves reductions in GHG emissions necessary to meet the cap. In 2007, CARB adopted the statewide 2020 emissions cap at 427 million metric tons (MMT) equivalent carbon dioxide (CO<sub>2</sub>e) greenhouse gas emissions. CARB estimated that 2020 'business-as-usual' emissions (meaning, emissions of greenhouse gases without consideration of climate change) would be 596 MMTCO<sub>2</sub>e; therefore, emissions will need to be reduced by 169 MMTCO<sub>2</sub>e (28 percent) statewide to meet the 2020 threshold. AB 32 also includes guidance to institute emissions reductions in an economically efficient manner and conditions to ensure that businesses and consumers are not unfairly affected by the reductions. A numerical threshold to determine the significance of greenhouse gas emissions has not been established by the City or Ventura County Air Pollution Control District.

Because development of the sites proposed for the zone change will occur in a manner that is consistent with the adopted growth forecast and the Regional Housing Needs Assessment, it would not cause an increase in greenhouse gas emissions beyond the level currently projected to occur. Therefore, no new significant impacts are anticipated and no mitigation measures are necessary at this time.

**Sources:** 2008-2014 Housing Element Update (May 16, 2012), General Plan Land Use Element (1992), RPD20u Development Standards (proposed July 2013– *attached*).

**Mitigation:** None required

**H. HAZARDS AND HAZARDOUS MATERIALS – Would the project:**

- |   |       |       |       |                |
|---|-------|-------|-------|----------------|
| 1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?   | _____ | _____ | _____ | _____ <b>X</b> |
| 2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | _____ | _____ | _____ | _____ <b>X</b> |

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3) Emit hazardous emission or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	_____	_____	_____	X
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	_____	_____	_____	X
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	_____	_____	_____	X
6) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	_____	_____	_____	X
7) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	_____	_____	_____	X
8) Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	_____	_____	_____	X

**Response:** H1. Through 8.:

The re-zoning of the subject properties will not create hazards through transporting, using, or disposing hazardous materials. Further, it will not create hazards through the reasonably foreseeable future, nor result in hazardous emissions within one-quarter mile of an existing or proposed elementary school. The approval of the zone change will not impact any identified hazardous material sites. There are no airports within the city limits, and the development of the proposed sites will not result in a safety hazard for people working or living in the city. There are no private airstrips in Moorpark, so there would not be any hazards as a result of the zone change. Further, adoption of the zone change will not impair implementation of the emergency response plan. As a result, no further environmental review is required.

**Sources:** 2008-2014 Housing Element Update (May 16, 2012), General Plan Land Use Element (1992), RPD20u Development Standards (proposed July 2013– attached).

**Mitigation:** None required

**I. HYDROLOGY AND WATER QUALITY – Would the project:**

1) Violate any water quality standards or waste discharge requirements?	_____	_____	_____	X
2) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	_____	_____	_____	X

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact X
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	_____	_____	_____	_____
4) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	_____	_____	_____	X
5) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	_____	_____	_____	X
6) Otherwise substantially degrade water quality?	_____	_____	_____	X
7) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard boundary or Flood Insurance Rate Map or other flood hazard delineation map?	_____	_____	_____	X
8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	_____	_____	_____	X
9) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	_____	_____	_____	X
10) Inundation by seiche, tsunami, or mudflow?	_____	_____	_____	X

	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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**Response: I1.:**

New development could impact water quality through runoff and wastewater discharge. However, developments will be required to comply with applicable federal, state and local water quality requirements such as the Clean Water Act and the National Pollutant Discharge Elimination System (NPDES) program. Additionally, through the City’s building permit issuance process, projects will be evaluated for potential site-specific water quality and flooding impacts and must comply with requirements of Chapter 8.52, Storm Water Quality Management, of the Moorpark Municipal Code. Development projects will be required to prepare water quality plans and/or incorporate “Best Management Practices” (BMPs) into their construction operations to reduce erosion, siltation and water pollution both during and after construction. Compliance with these regulations would be expected to reduce water quality impacts to a level that is less than significant. No mitigation measures are necessary in connection with this zone change and zoning ordinance amendment.

**Response: I2.:** Development consistent with prior land use intensity assumptions of the General Plan would not result in increased water consumption nor have the potential to deplete groundwater supplies. Additionally, new developments will not result in an increased amount of impervious surfaces beyond what has been analyzed and anticipated with build-out levels anticipated under the existing general plan land use designations. Therefore, no significant impacts would occur and no mitigation measures are necessary in connection with this project.

**Response: I3. Through 10.:** Prior to development of any new projects, potential impacts related to alteration of drainage patterns and flood hazards will be analyzed and appropriate BMPS must be complied with. In addition, existing policies require the provision of adequate storm water drainage facilities and prevent residential development within 100-year floodplains. Upon review of the Federal Emergency Management Agency, (FEMA), Flood Insurance Rate Maps for the project sites, it was verified that none of the project sites are within any of the designated 100-year floodplains. No significant impacts would occur and no mitigation measures are necessary in connection with this zone change and zoning ordinance amendment.

**Sources:** Moorpark Municipal Code Chapter 8.52, Storm Water Quality Management. 2008-2014 Housing Element Update (May 16, 2012), General Plan Land Use Element (1992), RPD20u Development Standards (proposed July 2013– *attached*). FEMA 100-year floodplain mapping.

**Mitigation:** None required

**J. LAND USE AND PLANNING – Would the project:**

1) Physically divide an established community?	_____	_____	_____	_____ <b>X</b>
2) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	_____	_____	_____	_____ <b>X</b>
3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	_____	_____	_____	_____ <b>X</b>

	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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**Response:** J1. Through 3.:

Future residential development as anticipated under the zone change and zoning ordinance amendment would be either small-scale infill/redevelopment projects or larger-scale master-planned projects on vacant land. As such, these future projects would not have the potential to divide an existing community. No significant impacts would occur and no mitigation measures are necessary in connection with this project.

New residential development will be required to comply with all applicable plans and regulations, including the General Plan, specific plan, and zoning. The Housing Element contains a commitment to rezone at least 25.8 acres of land for multi-family residential development by-right at a density of 20 units/acre. Prior to issuance of building permits for these projects, building plans will be prepared and evaluated for the projects' conformance with applicable policies and regulations. Changes in the general plan land use designation of the site and zoning will not conflict with any General Plan and zoning ordinance provisions that were adopted for the purpose of avoiding or mitigating any environmental effects. No significant impacts would occur and no mitigation measures are necessary in connection with this zoning ordinance amendment.

There is no adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other local, regional, or state habitat conservation plan within the project areas that are being considered for rezoning. None of the project sites contain environmentally sensitive habitats and all sites are intended for intensive development under the existing general plan land use designations. No impacts would occur and mitigation measures are not necessary at this time.

**Sources:** 2008-2014 Housing Element Update (May 16, 2012), General Plan Land Use Element (1992), RPD20u Development Standards (proposed July 2013– *attached*).

**Mitigation:** None required

**K. MINERAL RESOURCES – Would the project:**

- |   |       |       |       |                |
|---|-------|-------|-------|----------------|
| 1) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                | _____ | _____ | _____ | _____ <b>X</b> |
| 2) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | _____ | _____ | _____ | _____ <b>X</b> |

**Response:** K1. Through 2.:

According to the City of Moorpark General Plan, no classified or designated mineral deposits of statewide or regional significance have been identified in the city. The State Geologist has not mapped any Mineral Resource Zones in the city, and consequently the State Mining and Geology Board has not designated any regionally significant mineral resource areas in the city. However, prior to development of specific projects, potential site-specific impacts to mineral resources will be evaluated as part of the building permit issuance process and any appropriate requirements will be applied at that time. No significant impacts would occur and no mitigation measures are necessary in connection with this project.

**Sources:** 2008-2014 Housing Element Update (May 16, 2012), General Plan Land Use Element (1992), RPD20u Development Standards (proposed July 2013– *attached*).

**Mitigation:** None required

**L. NOISE – Would the project result in:**

- |   |       |       |       |                |
|---|-------|-------|-------|----------------|
| 1) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | _____ | _____ | _____ | _____ <b>X</b> |
| 2) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?   | _____ | _____ | _____ | _____ <b>X</b> |

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	_____	_____	_____	X
4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	_____	_____	_____	X
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	_____	_____	_____	X
6) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	_____	_____	_____	X

**Response:** L1. Through 4.:

Future residential developments would be expected to result in short-term construction-related noise impacts, including groundborne vibration noise that could exceed established standards. Required compliance with the City's noise regulations and restrictions on construction hours will help to mitigate these impacts. Development would also be expected to result in an incremental increase in long-term noise levels from increased vehicular traffic as well as new stationary sources of noise. As part of the building permit issuance review process, projects will be subject to site-specific analysis of potential noise impacts and any appropriate requirements will be imposed at that time. Based on Chapter 15.26 Construction Activity Restrictions, of the Moorpark Municipal Code, construction activity hours are limited to between 7:00a.m. and 7:00p.m., Monday through Saturday, and construction is not allowed on Sundays. Additionally, construction activities such as requiring staging areas, regulating haul routes and other requirements to limit noise activities are required. Chapter 17.53 Noise, of the Moorpark Municipal Code contains standards whereby allowable exterior noise limits must be complied with to control noise to preserve the health and safety for residents and ensure noise levels comply with acceptable values. No significant impacts would occur and no mitigation measures are necessary in connection with this project.

**Response:** L5. Through 6.:

There are no public airports or private airstrips located within the city. As such, future residential development would not be expected to expose people to excessive aircraft noise levels. No significant impacts would occur and no mitigation measures are necessary in connection with this project.

**Sources:** 2008-2014 Housing Element Update (May 16, 2012), General Plan Land Use Element (1992), RPD20u Development Standards (proposed July 2013– *attached*).

**Mitigation:** None required

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>M. POPULATION AND HOUSING – Would the project:</b>				
1) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	_____	_____	_____	<u>      X      </u>
2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	_____	_____	_____	<u>      X      </u>
3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	_____	_____	_____	<u>      X      </u>

**Response: M1. Through 3.:**

The level of new residential development anticipated due to this project would directly induce population growth but the growth will fall within the parameters anticipated in the existing general plan, based on the current general plan land use designations and anticipated intensities of land use associated with those designations. Furthermore, the City is required by state law to accommodate its fair share of regional housing needs, therefore this is not an adverse environmental impact under CEQA. No mitigation measures are required.

It is expected that most new residential development would occur on vacant land and therefore would not displace existing houses or people. No significant impacts would occur and no mitigation measures are required in connection with this project.

Sources: 2008-2014 Housing Element Update (May 16, 2012), General Plan Land Use Element (1992), RPD20u Development Standards (proposed July 2013– *attached*).

Mitigation: None required

**N. PUBLIC SERVICES**

1) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	_____	_____	_____	<u>      X      </u>
Police protection?	_____	_____	_____	<u>      X      </u>
Schools?	_____	_____	_____	<u>      X      </u>
Parks?	_____	_____	_____	<u>      X      </u>
Other public facilities?	_____	_____	_____	<u>      X      </u>

	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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**Response: N1.:**  
New residential development would be expected to increase the demand for public services. Approval of the zone change will result in development consistent with prior land use intensity assumptions under the existing approved general plan, and would not result in a significant increase in demand for services beyond what has been anticipated. Additionally, new developments will be required to pay Fire Protection Facilitates fees, Police Facilities Fees, Library Facility Fees and Park Fees. Therefore, no significant impacts would occur and no mitigation measures are necessary in connection with this project.

**Sources:** 2008-2014 Housing Element Update (May 16, 2012), General Plan Land Use Element (1992), RPD20u Development Standards (proposed July 2013– *attached*).

**Mitigation:** None required

**O. RECREATION**

- |  |       |       |       |                      |
|--|-------|-------|-------|----------------------|
| 1) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | _____ | _____ | _____ | _____ <b>X</b> _____ |
| 2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?                        | _____ | _____ | _____ | _____ <b>X</b> _____ |

**Response: O1. Through 2.:**  
New residential development will increase the demand for parks and other recreational facilities. As part of the building permit issuance process, all new developments will be evaluated to determine the level of demand for recreational facilities and appropriate level of fees to be paid to ensure that adequate service levels are maintained. The City of Moorpark Park Fees, that all new residential developments are required to pay, are used to acquire and/or improve park facilities, which helps to mitigate the impact of additional residents. No significant impacts would occur and no mitigation measures are necessary in connection with this project.

**Sources:** 2008-2014 Housing Element Update (May 16, 2012), General Plan Land Use Element (1992), RPD20u Development Standards (proposed July 2013– *attached*).

**Mitigation:** None required

**P. TRANSPORTATION/TRAFFIC – Would the project:**

- |   |       |       |                      |       |
|---|-------|-------|----------------------|-------|
| 1) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | _____ | _____ | _____ <b>X</b> _____ | _____ |
| 2) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?  | _____ | _____ | _____ <b>X</b> _____ | _____ |

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	_____	_____	X	_____
4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	_____	_____	X	_____
5) Result in inadequate emergency access?	_____	_____	X	_____
6) Result in inadequate parking capacity?	_____	_____	X	_____
7) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	_____	_____	X	_____

**Response:** P1. Through 7.:

New residential development anticipated in accordance with the project, would be expected to generate increased traffic on the road network and could result in hazardous road conditions, inadequate emergency access or insufficient parking. The level of new residential development anticipated on the total of 26.14 acres of re-zoned land would not be expected to have a significant effect on air traffic volume beyond the levels assumed in the regional growth forecast. No significant impacts would occur and no mitigation measures are required at this time. Prior to the issuance of building permits the RPD20U-N-D development standards require that projects within this zone submit a traffic study and pay fair share traffic fees associated with any traffic impacts relative to road capacity, design, emergency access and parking, and to ensure that safe design standards and adequate service levels are maintained. The proposed zoning ordinance amendments include measures to avoid impacts. The traffic impact fees that new residential developments are required to pay will mitigate the impact of additional traffic through funding of new road improvements. No significant impacts would occur and no mitigation measures are necessary in connection with this project.

**Sources:** 2008-2014 Housing Element Update (May 16, 2012), General Plan Land Use Element (1992), RPD20u Development Standards (proposed July 2013– *attached*).

**Mitigation:** None required

**Q. UTILITIES AND SERVICE SYSTEMS – Would the project:**

1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	_____	_____	X	_____
2) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	_____	_____	X	_____
3) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	_____	_____	X	_____
4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	_____	_____	X	_____

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
5) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	_____	_____	X	_____
6) Be served by the landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	_____	_____	X	_____
7) Comply with federal, state, and local statutes and regulations related to solid waste?	_____	_____	X	_____

**Response:** Q1. Through 7.:

New residential development would not be expected to increase the demand for utilities and service systems, including water, wastewater treatment, storm water drainage, and solid waste disposal since the project sites were previously developed as urban uses and /or are already anticipated to have the intensity of residential development associated with the zone change according to the existing intensity of uses based on existing general plan land use designations. No significant impacts would occur and no mitigation measures are necessary in connection with this project.

**Sources:** 2008-2014 Housing Element Update (May 16, 2012), General Plan Land Use Element (1992), RPD20u Development Standards (proposed July 2013– *attached*).

**Mitigation:** None required

**R. MANDATORY FINDINGS OF SIGNIFICANCE**

- |   |       |       |                      |       |
|---|-------|-------|----------------------|-------|
| <p>1) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</p> | _____ | _____ | _____ <b>X</b> _____ | _____ |
| <p>2) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effect of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and effects of probable future projects)?</p>  | _____ | _____ | _____ <b>X</b> _____ | _____ |
| <p>3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>  | _____ | _____ | _____ <b>X</b> _____ | _____ |

Response: R1.:  
 Under state law, cities are required to comply with the adopted programs of their Housing Element that, among other things, identify how the jurisdiction's fair share of regional housing growth needs will be accommodated. The City of Moorpark's fair share of the region's new housing need, as established by the Southern California Association of Governments, is 1,617 units for the period 2006-2014. The City's new housing need is distributed among various income levels. Since the City's current land use plans and zoning do not demonstrate adequate capacity to accommodate its need for lower-income households, the Housing Element includes a commitment to rezone 25.8 acres of land for multi-family residential development by-right at a density of 20 units/acre (Program 3).

Anticipated development in association with the zone change is proposed on sites currently designated for residential development, and this would not result in environmental impacts beyond those previously evaluated in the General Plan and EIR. As part of the City's building permit issuance process, each project will be evaluated prior to construction and appropriate measures will be complied with to mitigate any potential impacts. Furthermore, prior to issuance of building permits, compliance with the development standards of the proposed zoning ordinance amendments will be analyzed and appropriate standards and measures will be complied with to address any potentially significant impacts, therefore mitigation is not required.

Response: R2.:  
 As noted in Item R1., above, the Housing Element identifies a need for 1,617 new residential units during the 2006-2014 planning period and includes a commitment to rezone 25.8 acres of land for multi-family residential development. However, the development associated with the specific location of sites to be rezoned is to be completed in compliance with the development standards created for the properties in this zone which are self-mitigating. Prior to adoption of the proposed zoning ordinance amendments, appropriate development standards have been drafted which will be required to address any potentially significant impacts.

Response: R3.:  
 As noted in Items R1., and R2., above, appropriate development standards have been drafted with the proposed zoning ordinance amendments, which will be required to address any potentially significant impacts. Therefore, mitigation measures are not required to address any potentially significant impacts.

Sources: 2008-2014 Housing Element Update (May 16, 2012), General Plan Land Use Element (1992), RPD20u Development Standards (proposed July 2013– *attached*).

**Earlier Environmental Documents Used in the Preparation of this Initial Study**

City of Moorpark City Council Resolution No. 2012-3105, adopted May 16, 2012, Adopting a Negative Declaration for General Plan Amendment No. 2012-02, an Amendment to the General Plan to Adopt the 2008-2014 Housing Element Update of the City of Moorpark General Plan.

**Additional Project References Used to Prepare This Initial Study**

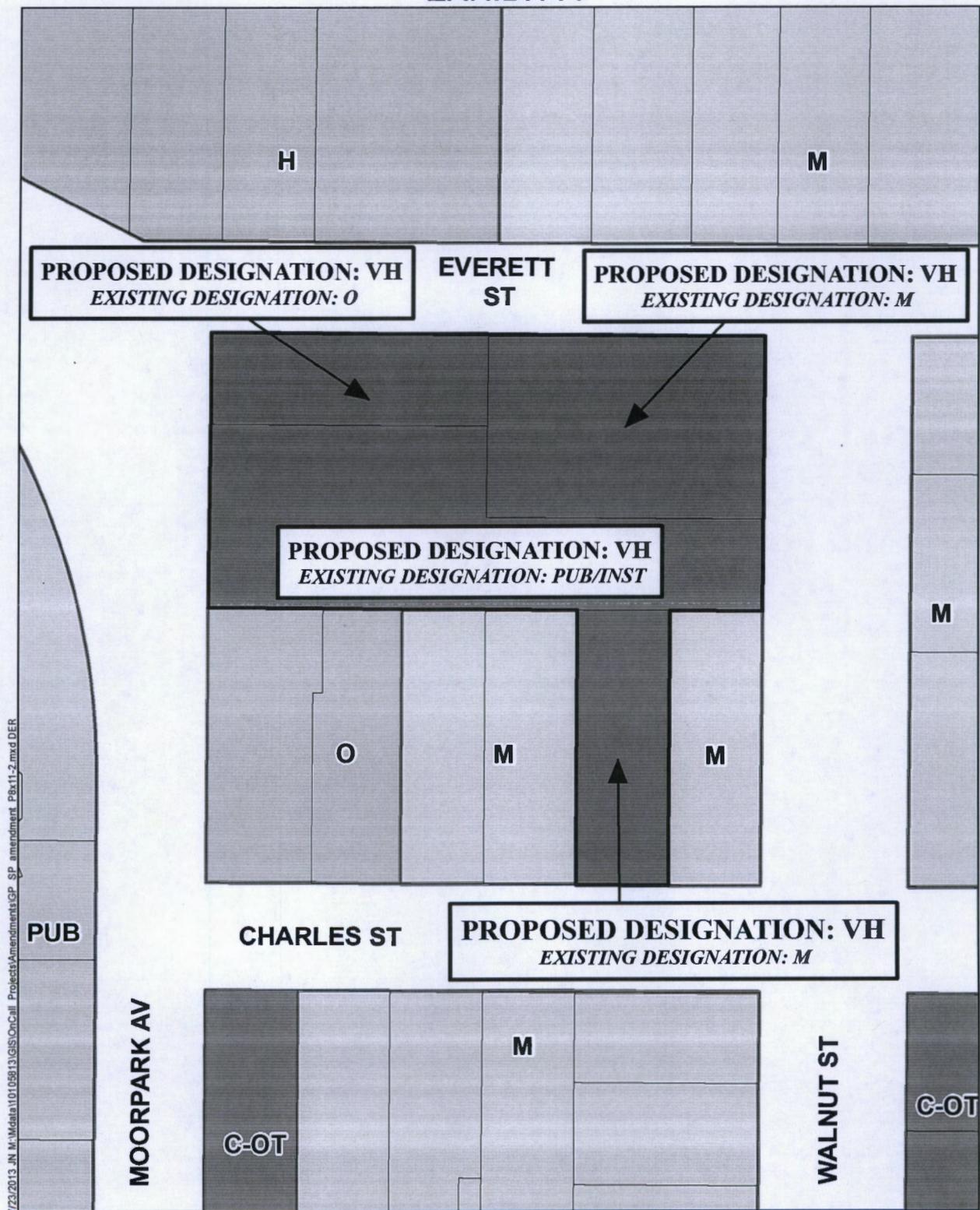
One or more of the following references were incorporated into the Initial Study by reference, and are available for review in the Community Development Office, City Hall, 799 Moorpark Avenue, Moorpark, CA 93021. Items used are referred to by number in the Response Section of the Initial Study Checklist.

1. The City of Moorpark's General Plan, as amended.
2. The Moorpark Municipal Code, as amended.
3. RPD20U-N-D Development Standards [(proposed July / August 2013)- and associated proposed General Plan Amendments and Zone Changes maps of project sites].
4. The City of Moorpark Procedures for the Implementation of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines adopted by Resolution No. 2004-2224
5. Public Resources Code Section 21000 et. seq. and California Code of Regulations, Title 14 Section 15000 et. seq.

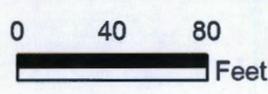
**Attachments:**

- EXHIBIT A: General Plan Amendment 2013-01 Map Amendment No. 2 to Specific Plan No. 1995-01 and Zone Change 2013-01 Map
- EXHIBIT B: DRAFT - Chapter 17.76 RESIDENTIAL PLANNED DEVELOPMENT 20 UNITS TO THE ACRE, (RPD 20U-N-D)

### EXHIBIT A



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GENERAL PLAN AMENDMENT 2013-01 MAP  
AMENDMENT No. 2 TO SPECIFIC PLAN No. 1995-01





**EXHIBIT B**

**DRAFT Chapter 17.76**

**RESIDENTIAL PLANNED DEVELOPMENT 20 UNITS TO THE ACRE (RPD 20U-N-D)**

**Sections:**

**17.76.010 Purpose.**

**17.76.020 Definitions.**

**17.76.030 General provisions.**

**17.76.040 Application Procedures and Consistency Determinations.**

**17.76.050 Development Standards.**

**17.76.060 Fees.**

**17.76.010 Purpose.**

The purpose of this chapter is to set forth development regulations and standards, which have been established to provide criteria for the development of the properties within the Residential Planned Development 20 units to the acre (RPD20U-N-D) zone to allow for development of affordable multi-family housing as a permitted use and not subject to discretionary review or approval, and to provide adequate separation for light, air, safety, and open space as well as to provide an aesthetically pleasing environment in which to live, work and recreate. Implementation of the regulations and standards set forth in this chapter are intended to ensure that future development is coordinated and consistent with the goals and policies of the downtown specific plan and the city's general plan, specifically the housing element.

The standards contained in this chapter provide for the arrangement, development, and use of multi-family residential neighborhoods, open space areas, and recreational sites. Application of these regulations and standards is intended to encourage the most appropriate use of the land, create a harmonious relationship among land uses, provide opportunities to construct affordable housing and protect the health, safety, and general welfare of the community.

**17.76.020 Definitions.**

Words and terms used in this chapter shall have the same definitions as provided in Chapter 17.08 of this Title 17.

**17.76.030 General provisions.**

A. The provisions of this chapter shall control development in the RPD20U-N-D zone and shall prevail over any conflicting provisions in other portions of the Moorpark Municipal Code.

B. All land use entitlements and permits issued within the RPD20U-N-D zoning area shall be consistent with the city's general plan, as amended.

C. The director of community development shall have the power to interpret the regulations and standards applicable to the RPD20U-N-D zone.

D. Procedures for the processing of land use entitlements for the RPD20U-N-D zone shall be the same as defined in Sections 17.44.060 and 17.76.040 of this Code.

**17.76.040 Application Procedures and Consistency Determinations.**

A. Planned Development (PD) Permit. A PD permit is required prior to initiation of uses and structures in the RPD20U-N-D zone, as specified in Chapter 17.20 of this Title. A PD permit application is subject to compliance with the development standards of the RPD20U-N-D zone and shall be a permitted use not subject to discretionary review or approval if determined to be in compliance with the development standards of the RPD20U-N-D zone. The Planning Commission shall hold at least one (1) public meeting on any PD permit application in this zone. A PD permit shall be approved by resolution if the Planning Commission determines that:

1. The site design, including structure location, size, height, setbacks, massing, scale, architectural style and colors, and landscaping, satisfies the objective requirements of the general plan, zoning ordinance, and any other applicable ordinances, or Federal or State regulations; and

2. The project complies with the development standards in this chapter 17.76.

B. The procedures for appeals and modifications of a PD permit application under this chapter shall be in accordance with the procedures set forth in chapter 17.44 of this Code.

C. A PD permit shall expire one (1) year from the date of its approval by the Planning Commission unless the use has been inaugurated by issuance of a building permit. The Community Development Director may, at his/her discretion, grant up to two (2) additional one-year extensions for use inauguration of the PD permit, if there have been no changes in the adjacent areas and if the applicant can document that he/she has worked diligently towards use inauguration during the initial period of time. The request for extension of this PD permit must be made in writing, at least thirty (30) days prior to the expiration date of the permit and must be accompanied by applicable entitlement processing deposits.

D. Zoning Clearance. Pursuant to Section 17.44.030(B)(1) of this Title, a Zoning Clearance review and approval by the Community Development Director shall be required before a building permit may be issued for any development in the RPD20U-N-D zone.

E. The failure of the owner to develop and maintain property in the RPD20U-N-D zone in compliance with this chapter, and the PD permit shall subject the owner to nuisance abatement requirements of this Code and State law. The applicant shall be liable to the City for any and all costs and expenses to the City required to abate the nuisance and obtain compliance with the project approvals 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, pursuant to Chapter 1.12 of this Code.

**17.76.050 Development Standards.**

1. Minimum lot area: 0.75 (three quarters) of an acre (32,670 square feet).
2. Density: 20 units per acre with a minimum of 16 units per site. Subsections (2) and (3) of Section 17.64.030(B) allowing for a density bonus exceeding the density bonus required by State law shall not apply to the RPD20U-N-D zone.
3. Building Setbacks:
  - a. Front setback: Minimum landscaped setback of twenty (20) feet and architectural facade projections of up to sixteen (16) inches are allowed for non-livable spaces; with a minimum driveway depth of twenty (20) feet, as measured from front property line across area leading to enclosed parking within a garage; any two (2) adjacent lots may have the same front setback; however the third consecutive lot should vary the front setback by one (1) or more feet, as appropriate to the street and lot configuration, and to provide for variety in the streetscape.
  - b. Side setback: Minimum for a multiple-family dwelling unit on an interior lot shall be five (5) feet. Minimum for a multiple-family dwelling unit adjacent to a street is fifteen (15) feet. Minimum for a single story enclosed patio, patio cover or detached accessory structure shall be five (5) feet.
  - c. Rear setback: Minimum for a multiple-family dwelling unit is fifteen (15) feet, and second story floors, and/or architectural projections, may cantilever a maximum of eighteen (18) inches into the minimum required fifteen (15) foot setback. For single story enclosed patios or open patio covers, carports, or for detached accessory structures, the minimum required rear setback is five (5) feet.
  - d. Mechanical equipment: Must be located in the rear yard with a minimum five foot setback from any side or rear property line and must be screened with a decorative masonry wall or landscaping; or must be located below the lowest parapet roof so equipment will not be visible from offsite, subject to criteria under Roofs below.
4. Maximum building height:

- a. Thirty-five (35) feet for dwelling units;
- b. Fifteen (15) feet for a patio cover, carport or accessory structure;
- c. Second story decks or balconies are prohibited within fifteen (15) feet of any property line.

5. Fences and Walls. Fences and walls shall comply with the provisions of this Code, with the exception that sound attenuation walls shall be constructed to a height as required by a city-approved noise study for the residential planned development permit.

6. Lighting. Lighting shall comply with Chapter 17.30 of the City of Moorpark Municipal Code.

7. Parking. Parking shall comply with Chapter 17.32 of the City of Moorpark Municipal Code.

8. Signage. Signage shall comply with Chapter 17.40 of the City of Moorpark Municipal Code.

9. If any archeological or historical finds are uncovered during grading or excavation operations, all grading or excavation shall immediately cease in the immediate area and the find must be left untouched. The applicant, in consultation with the project paleontologist or archeologist, shall assure the preservation of the site and immediately contact the Community Development Director by phone, in writing by email or hand delivered correspondence informing the Director of the find. In the absence of the Director, the applicant shall so inform the City Manager. 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 must be approved in writing by the Community Development Director. The applicant shall pay for all costs associated with the investigation and disposition of the find.

10. Paleontological Mitigation Plan: Prior to issuance of a Zoning Clearance for a grading permit, a paleontological mitigation plan outlining procedures for paleontological data recovery must be prepared and submitted to the Community Development Director for review and approval. The development and implementation of this Plan must 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 become the property of the City of Moorpark unless the City chooses otherwise. If the City accepts ownership, the curation location may be revised. The monitoring and data recovery should include periodic inspections of excavations to recover exposed fossil materials. The cost of this data recovery is limited to the discovery of a reasonable

sample of available material. The interpretation of reasonableness rests with the Community Development Director.

11. Reactive organic compounds, Nitrogen oxides (ozone/smog precursor), and particulate matter (aerosols/dust) generated during construction operations must be minimized in accordance with the City's 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 must cease in order to minimize associated air pollutant emissions.

12. 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 and any provision amendatory or supplementary thereto. 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 building permit is issued pursuant to the planned development permit.

13. All facilities and uses, other than those specifically requested in the application and approval 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.

14. Recreational Amenities. Residential planned development permit areas on properties that have an average size of more than one and one half acre (65,340 square feet) shall include private recreational amenities including but not limited to the following: restrooms, swimming pool and spa, play apparatus, picnic shelter, barbecue area with seating, and multipurpose play area field. Residential planned development permit areas on properties that have an average size of less than one and one half acre

(65,340 square feet) shall include private recreational amenities including but not limited to the following: play apparatus, picnic shelter, barbecue area with seating, and multipurpose play area field.

15. Eaves and Window Treatments and Surrounds. The eaves and window treatments and surrounds on all sides of a structure shall match the eaves, window treatments and surrounds on the front elevation, achieving four-sided architectural compatibility with the chosen architectural style.

16. Wrap-Around Front Elevation Treatment. The architectural style and treatment included along the front elevation of a unit shall continue along each side elevation until commencement of fencing or other architecturally feasible termination point, such as a chimney or window.

17. Colors. The paint colors shall be earth-toned, and match the chosen architectural style. The paint treatment must be applied along all window surrounds and parapets with varying colors, and on all wall facades of all elevations until commencement of wall planes or other architecturally feasible termination point, such as a chimney or window. Identification of coating or rust-inhibitive paint must be used for all exterior metal building surfaces to prevent corrosion and release of metal contaminants into the storm drain system.

18. Roofs. The roofs shall be pitched roofs covered in concrete roofing tile or equivalent with a minimum 3:12 pitch, or shall utilize decorative parapet roofing matching the chosen architectural style, that shall be no lower than the tallest roof mounted mechanical equipment. Roof-mounted equipment and other noise generation sources on-site must 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. This shall be based on a city-approved noise study for the residential planned development that shows that the current project attenuates all on-site noise generation sources to the required level or provides 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. No exterior roof access ladders are permitted.

19. Durable Materials. The trim on the ground floor levels of the structures must be constructed of durable materials, (i.e. wood window trim or 1/4" minimum cementous stucco coat over foam).

20. A utility room with common access to house all meters and the roof access ladder must be provided

21. Outdoor facilities. Any outdoor ground level equipment, facilities or storage areas including, but not limited to loading docks, trash enclosures, cooling towers, generators, must be architecturally screened from view with masonry wall and/or landscaping. Transformers and cross connection water control devices (subject to

approval by Ventura County Waterworks District No. 1), must be screened from street view with a masonry wall and/or landscaping.

22. Trash disposal. Trash disposal and recycling areas must be placed in locations which will not interfere with circulation, parking or access to the building. Exterior trash areas and recycling bins must use impermeable pavement and be designed to have a cover and so that no other area drains into it. The trash areas and recycling bins must be depicted on the final construction plans and drains from the disposal and recycling areas must be connected to the sewer system.

23. Grading, drainage and improvement plans and supporting reports and calculations must be prepared in accordance with the latest California Building Code as adopted by the City of Moorpark and in conformance with the latest "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 which must conform to 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).

24. Grading, drainage and improvement plans and supporting reports and calculations must be prepared in accordance with the most recently approved "Engineering Policies and Standards" of the City of Moorpark, and "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 herein and above, the criteria that provide the higher level of quality and safety prevail as determined by the City Engineer and Public Works Director.

25. Engineering plans must be submitted on standard City title block sheets of 24-inch by 36-inch to a standard engineering scale representative of sufficient plan clarity and workmanship.

26. A 15-mile per hour speed limit must be observed within all construction areas.

27. If any hazardous waste or material is encountered during the construction of this project, all work must be immediately stopped and the Ventura County Environmental Health Department, the Ventura County Fire Protection District, the Moorpark Police Department, and the Moorpark City Engineer and Public Works Director must be notified immediately. Work may not proceed until clearance has been issued by all of these agencies.

28. The applicant and/or property owner shall provide verification to the City Engineer and 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. Additional cleaning may be required by the City Engineer and Public Works Director depending upon site and weather conditions.

29. All paved surfaces; including, but not limited to, the parking area and aisles, drive-through lanes, on-site walkways must be maintained free of litter, debris and dirt. Walkways, parking areas and aisles and drive-through lanes must be swept, washed or vacuumed regularly. When swept or washed, litter, debris and dirt must be trapped and collected to prevent entry to the storm drain system in accordance with NPDES requirements.

30. Prior to improvement plan approval, the applicant shall obtain the written approval on approved site plan exhibit sheets for the location of fire hydrants by the Ventura County Fire Prevention Division. Water and Sewer improvements plans must be submitted to Ventura County Waterworks District No. 1 for approval.

31. 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 and Public Works Director.

32. The applicant shall comply with Chapters 9.28, 10.04, 12.24, and 17.53 of the Moorpark Municipal Code and any provision amendatory or supplementary thereto, as a standard requirement for construction noise reduction.

33. The applicant shall utilize all prudent and reasonable measures (including installation of a 6-foot high chain link fence around the construction site(s) and/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.

34. The applicant shall post, in a conspicuous location, the construction hour limitations and make each construction trade aware of the construction hour limitations.

35. All grading and drainage plans must be prepared by a qualified Professional Civil Engineer currently registered and in good standing in the State of California and are subject to review by the City Engineer and Public Works Director. Prior to or concurrently with the submittal of a grading plan the applicant shall submit a soils (geotechnical) report.

36. Grading must conform to the standards contained in Chapter 17.38 Hillside Management of the Moorpark Municipal Code and any provision amendatory or supplementary thereto. Plans detailing the design and control (vertical and horizontal) of contoured slopes must be provided to the satisfaction of the City Engineer, Public Works Director and Community Development Director.

37. Prior to the issuance of a grading permit or Final Map approval, whichever comes first, the applicant shall post sufficient surety with the City, in a form acceptable to the City Engineer and Public Works Director, guaranteeing completion of all onsite and offsite improvements required by these Conditions of Approval and/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 must be designed, bonded and constructed as a single project.

38. Prior to the issuance of a grading permit or Final Map approval, whichever occurs first, the applicant shall provide written proof to the City Engineer and Public Works Director that any and all wells that may exist or have existed within the project have been properly sealed, destroyed or abandoned per Ventura County Ordinance No. 2372 or Ordinance No. 3991 and per California Department of Conservation, Division of Oil, Gas, and Geothermal Resources requirements.

39. Prior to issuance of a grading permit, final approved soils and geology reports must be submitted to the City Engineer and Public Works Director. The approved final report must encompass all subsequent reports, addendums and revisions under a single cover. Where liquefaction hazard site conditions exist, an extra copy of the final report must be provided by the applicant to the City Engineer and Public Works Director and be sent by the applicant to the California Department of Conservation, Division of Mines and Geology in accordance with Public Resources Code Section 2697 within 30 days of report approval.

40. Prior to issuance of the grading permit, a grading remediation plan and report must be submitted for review and approval of the City Engineer and Public Works Director. The report must evaluate all major graded slopes and open space hillsides whose performance could affect planned improvements. The slope stability analysis must be performed for both static and dynamic conditions, using an appropriate pseudo-static horizontal ground acceleration coefficient for earthquakes on faults, capable of impacting the project in accordance with standard practice as outlined in DMG Special Publication No. 117, 1997.

41. Prior to issuance of the grading permit, the project geotechnical engineer shall evaluate liquefaction potential. Where liquefaction is found to be a hazard, a remediation plan with effective measures to avoid and control damage must be provided to the City Engineer and Public Works Director. During construction, measures to reduce seismic liquefaction risks shall be employed as recommended in the approved remediation plan and associated geotechnical report, such as placement of a non-liquefiable cap over the alluvium, removal of the liquefiable soils, in-situ densification, or the excavation of a shear key below the base of the liquefiable zone. Where liquefaction hazard site conditions exist, the applicant shall provide an extra copy of the final report to the City Engineer and Public Works Director and shall send a copy of the report to the California Department of Conservation, Division of Mines and Geology in

accordance with Public Resources Code Section 2697 within 30 days of report approval.

42. The project must comply with all NPDES requirements and the City of Moorpark standard requirements for temporary storm water diversion structures during all construction and grading.

43. Prior to issuance of a grading permit, a qualified, currently registered Professional Civil Engineer in good standing in the State of California shall be retained to prepare Erosion and Sediment Control Plans in conformance with the currently issued Ventura County Municipal Storm Water NPDES Permit. These Plans shall address, but not be limited to, construction impacts and long-term operational effects on downstream environments and watersheds. The Plans must consider all relevant NPDES requirements and recommendations for the use of the best available technology and specific erosion control measures, including temporary measures during construction to minimize water quality effects to the maximum extent practicable. Prior to the issuance of an initial grading permit, review and approval by the Community Development Director and City Engineer and Public Works Director is required.

44. Prior to the import or export of more than one hundred (100) truckloads or one thousand cubic yards (1,000 cu. yds.) a Haul Route Permit in conformance with the currently adopted City of Moorpark Engineering Policies and Standards is required.

45. Where slopes exceeding 4 feet in height are adjacent to sidewalks, and streets, the grading plan must include a slough wall, Angelus Standard slumpstone, color or other alternative as determined by the Community Development Director, approximately 18 inches high, with curb outlet drainage to be constructed behind the back of the sidewalk to prevent debris from entering the sidewalk or street. The wall must be designed and constructed in conformance with the City's standard wall detail. All material for the construction of the wall shall be approved by the City Engineer and Public Works Director and Community Development Director. Retaining walls greater than 18 inches in height must be set back two-feet (2') from the back of the sidewalk. This two-foot (2') area must be landscaped and have no greater than a two percent (2%) cross fall slope. The slough wall and landscaping design is subject to the review and approval of the City Engineer and Public Works Director and Community Development Director.

46. Grading plans must include, but not be limited to entry walls and project identification signs in accordance with City standards. Landscaping, appropriate to the entry, shall be provided that will not interfere with sight-distance or turning movement operations. The final design for the project entrance must be reviewed and approved by the Community Development Director and the City Engineer and Public Works Director.

47. During grading, the project geotechnical engineer shall observe and approve all keyway excavations, removal of fill and landslide materials down to stable bedrock or in-place material, and installation of all sub-drains including their

connections. All fill slope construction must be observed and tested by the project geotechnical engineer, and the density test results and reports submitted to the City Engineer and Public Works Director to be kept on file. Cuts and slopes must be observed and mapped by the project geotechnical and civil engineers who will provide any required slope modification recommendations based on the actual geologic conditions encountered during grading. Written approval from the City Engineer and Public Works Director must be obtained prior to any modification.

48. Written weekly progress reports and a grading completion report must be submitted to the City Engineer and Public Works Director by the project geotechnical engineers. These reports must include the results and locations of all compaction tests, as-built plans of all landslide repairs and fill removal, including geologic mapping of the exposed geology of all excavations showing cut cross-sections and sub-drain depths and locations. The lists of excavations approved by the engineering geologist must also be submitted. Building permits will not be issued without documentation that the grading and other pertinent work has been performed in accordance with the geotechnical report criteria and applicable Grading Ordinance provisions.

49. During grading, colluvial soils and landslide deposits within developed portions of the properties must be re-graded to effectively remove the potential for seismically-induced landslides in these materials. Additional buttressing, keying and installation of debris benches must be provided in transition areas between non-graded areas and development as recommended in the final geotechnical reports by the project geotechnical engineer.

50. The recommendations for site grading contained in the final geotechnical reports must be followed during grading unless modifications are submitted for approval by the engineers-of-work and specifically approved in writing by the City Engineer and Public Works Director.

51. Temporary irrigation, hydroseeding and erosion control measures, approved by the Community Development Director, City Engineer and Public Works Director, must be implemented on all temporary grading. Temporary grading is defined to be any grading partially completed and any disturbance of existing natural conditions due to construction activity. These measures will apply to a temporary or permanent grading activity that remains or is anticipated to remain unfinished or undisturbed in its altered condition for a period of time greater than thirty (30) calendar days except that during the rainy season (October 1 to April 15), these measures will be implemented immediately.

52. The maximum gradient for any slope must not exceed a 2:1 (horizontal:vertical) slope inclination except where special circumstances exist. In the case of special circumstances, where steeper slopes are warranted, a registered soils engineer and a licensed landscape architect will review plans and their recommendations will be subject to the review and approval of the City Engineer, Public Works Director, and the Community Development Director.

53. All graded slopes steeper than 5:1 (horizontal:vertical) must have soil amendments added, irrigation systems installed and be planted in a timely manner with groundcover, trees and shrubs (consistent with the approved landscape and irrigation plans) to stabilize slopes and minimize erosion. Timely manner means that the slope soil amendments, irrigation systems and planting on each slope must commence immediately upon the completion of the grading of each slope, that the completion of slope grading will not be artificially delayed and that the slope soil amendments, irrigation systems and planting must be completed on a schedule commensurate with the grading. The planting will be to the satisfaction of the Community Development Director, City Engineer, and Public Works Director.

54. Grading may occur during the rainy season from October 1 to April 15, subject to timely installation of erosion control facilities when approved in writing by the City Engineer, Public Works Director and the Community Development Director and when erosion control measures are in place. In order to start or continue grading operations between October 1 and April 15, project-specific erosion control plans that provide detailed Best Management Practices for erosion control during the rainy season must be submitted to the City Engineer and Public Works Director no later than September 1 of each year that grading is in progress. During site preparation and construction, the contractor shall minimize disturbance of natural groundcover on the project site until such activity is required for grading and construction purposes. During the rainy season, October 1 through April 15, all graded slopes must be covered with a woven artificial covering immediately after completion of each graded slope. Grading operations must cease if the applicant fails to place effective best management measures on graded slopes immediately after construction. No slopes may be graded or otherwise created when the National Weather Service local three-day forecast for rain is twenty percent (20%), or greater, unless the applicant is prepared to cover the permanent and temporary slopes before the rain event. The artificial covering and planting will be to the satisfaction of the Community Development Director, City Engineer, and Public Works Director.

55. During clearing, grading, earth moving, excavation, soil import and/or soil export operations, the applicant shall comply with the City of Moorpark standard requirements for dust control, including, but not be limited to, minimization of ground disturbance, application of water/chemicals, temporary/permanent ground cover/seeding, street sweeping, and covering loads of dirt. All clearing, grading, earth moving, excavation, soil import and/or soil export operations must cease during periods of high winds (greater than 15 mph averaged over one hour).

56. Backfill of any pipe or conduit must be in four-inch (4") fully compacted layers unless otherwise specified, in writing, by the City Engineer and Public Works Director.

57. Soil testing for trench compaction must be performed on all trenching and must be done not less than once every two feet (2') of lift and one-hundred lineal feet

(100') of trench excavated. Test locations must be noted using true elevations and street stationing with offsets from street centerlines.

58. Prior to issuance of each building permit, the project geotechnical and/or soils engineer shall submit an as-graded geotechnical report and a rough grading certification for said lot and final soils report compiling all soils reports, addendums, certifications, and testing on the project for review and approval by the City Engineer and Public Works Director.

59. Prior to issuance of the first building permit, the project's engineer shall certify that the grading and improvements have been completed, as noted on the original approved plans and any subsequent change orders.

60. When required by the Community Development Director and/or the City Engineer and/or Public Works Director, at least one (1) week prior to commencement of grading or construction, the applicant shall prepare a notice that grading or construction work will commence. This notice shall be posted at the site and mailed to all owners and occupants of property within five-hundred feet (500') of the exterior boundary of the project site, as shown on the latest equalized assessment roll. The notice must include current contact information for the applicant, including all persons with authority to indicate and implement corrective action in their area of responsibility, including the name of the contact responsible for maintaining the list. The names of individuals responsible for noise and litter control, tree protection, construction traffic and vehicles, erosion control, and the twenty-four (24) hour emergency number, must be expressly identified in the notice. The notice must be re-issued with each phase of major grading and construction activity. A copy of all notices must be concurrently transmitted to the Community Development Department. The notice record for the City must be accompanied by a list of the names and addresses of the property owners notified and a map identifying the notification area.

61. Consistent with the final geotechnical reports, at a minimum, the following measures must be implemented during design and construction where appropriate to minimize expansive soil effects on structures: potential foundation systems to include pier and grade beam; use of structural concrete mats and post-tensioned slabs; pad overcutting to provide uniform swell potential; and soil subgrade moisture treatment.

62. Prior to issuance of building permits, chemical testing of representative building pad soils is required to determine the level of corrosion protection required for steel and concrete materials used for construction. The following measures must be implemented where appropriate to protect against corrosion:

- use of sulfate-resistant concrete; and
- use of protective linings to encase metallic piping buried in soils warranting such measures.

63. Engineered fills must be constructed in compliance with the standards and criteria presented in the approved geotechnical report. The differential thickness of the

fill under individual buildings may not be greater than ten (10) feet. These measures must be verified by construction observation and testing by the project geotechnical engineer as outlined in the final geotechnical reports and approved by the City Engineer and Public Works Director.

64. Additional analysis of the predicted total and differential settlements of the major fills at each site must be performed by the project geotechnical engineer during the final design stage. Possible measures that may be required based on the settlement data include surcharging, delaying construction for a period of time before constructing on deep fills, or allowing for the predicted settlement in the design of the project components.

65. Transfer of responsibility of California Registered Civil Engineer in charge for the project must be in accordance with rules and guidelines set forth pursuant to Rules of the Board for Professional Engineers and Land Surveyors, California Code of Regulations, Title 16, Division 5, Board Rule 404.1, Subsections (c) and (d), that speak to Successor Licensee and Portions of Projects.

66. Applicant has full right to exercise the service of a new engineer in charge at any time during a project. When there is a change in engineer, the applicant/owner shall notify the City Engineer and Public Works Director in writing within 48 hours of such change. Said letter shall specify successor California Registered Civil Engineer and shall be stamped and signed and dated by said engineer in responsible charge and shall accept responsibility of project. The letter will be kept on file at the City.

67. Prior to construction of any public improvement, the applicant shall submit to the City Engineer and 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, with sufficient surety posted to guarantee the complete construction of all improvements, except as specifically noted in these Standard Conditions or Special Conditions of Approval.

68. Prior to issuance of the first building permit, all existing and proposed utilities, including electrical transmission lines less than 67Kv, must be under-grounded consistent with plans approved by the City Engineer, Public Works Director and Community Development Director. Any exceptions must be approved by the City Council.

69. Above-ground obstructions in the right-of-way (utility cabinets, mailboxes, etc.) must be placed within landscaped areas when landscaped areas are part of the right-of-way improvements. When above ground obstructions are placed within the sidewalk, a minimum of five feet (5') clear sidewalk width must be provided around the obstruction. Above-ground obstructions may not be located within or on multi-purpose trails.

70. Prior to final inspection of improvements, the project Registered Civil Engineer shall submit certified original "record drawing" plans with three (3) sets of paper prints and the appropriate plan revision review fees to the City Engineer and Public Works Director along with electronic files in a format satisfactory to the City Engineer and Public Works Director. These "record drawing" plans must incorporate all plan revisions and all construction deviations from the approved plans and revisions thereto. The plans must be "record drawings" on 24" X 36" Mylar® sheets (made with proper overlaps) with a City title block on each sheet. In addition, the applicant shall provide an electronic file update of the City's Master Base Map electronic file, incorporating all streets, sidewalks, street lights, traffic control facilities, street striping, signage and delineation, storm drainage facilities, water and sewer mains, lines and appurtenances and any other utility facility installed for this project.

71. The street improvement plans must contain a surveyor's statement on the plans, certifying that, in accordance with Business and Professions Code 8771, all recorded monuments in the construction area will be protected in place during construction, or have been located and tied with no fewer than four (4) durable reference monuments, which will be protected in place during construction. Copies of all monument tie sheets must be submitted to the City on reproducible 3-mil polyester film.

72. Prior to reduction of improvement bonds, the applicant must submit reproducible centerline tie sheets on 3-mil polyester film to the City Engineer and Public Works Director.

73. All streets must conform to the latest City of Moorpark Engineering Policies and Standards using Equivalent Single Axle Loads (ESAL) for a minimum thirty (30) year term for public streets and ESAL for a twenty (20) year term on private streets. All streets must be designed and constructed to the required structural section in conformance with the latest City of Moorpark Engineering Policies and Standards. The geotechnical or soil reports must address the need for possible sub-drainage systems to prevent saturation of the pavement structural section or underlying foundation. An additional one and one-half inch (1-1/2") thick rubberized asphalt pavement must be added to the structural section for public streets. This additional pavement may not be used in determining the required structural section.

74. When required by the City Engineer and Public Works Director, the applicant shall provide, for the purposes of traffic signal installation, two (2) four-inch (4") P.V.C. conduits extending across all intersections, and surfacing through "J" boxes to the satisfaction of the City Engineer and Public Works Director.

75. Prior to approval of a grading plan, the applicant shall submit to the City of Moorpark for review and approval by the City Engineer and Public Works Director, drainage plans with the depiction and examination of all on-site and off-site drainage structures and hydrologic and hydraulic calculations in a bound and indexed report prepared by a California Registered Civil Engineer.

76. Drainage improvements must 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 must 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 must be provided to the satisfaction of the City Engineer and Public Works Director. The applicant shall make any on-site and downstream improvements, required by the City, to support the proposed development.

77. The drainage plans and calculations must analyze conditions before and after development, as well as, potential development proposed, approved, or shown in the General Plan. Quantities of water, water flow rates, major watercourses, drainage areas and patterns, diversions, collection systems, flood hazard areas, sumps, sump locations, detention and NPDES facilities and drainage courses must be addressed.

78. Local residential and private streets must be designed to have at least one dry travel lane available during a 10-year frequency storm. Collector streets must be designed to have a minimum of one dry travel lane in each direction available during a 10-year frequency storm.

79. All stormwater surface runoff for the development must have water quality treatment to meet the design standards for structural or treatment control BMPs per the latest issued Ventura County Municipal Storm Water NPDES Permit.

80. The hydraulic grade line within any catch basin may not extend higher than nine inches (9") below the flow line grade elevation at the inlet.

81. No pressure manholes for storm drains are allowed unless specifically approved in writing by the City Engineer and Public Works Director. If permitted, all storm drain lines under water pressure must have rubber gasket joints.

82. All manhole frames and covers shall have a thirty-inch (30") minimum diameter. This includes all access manholes to catch basins, as well as any other storm drain or NPDES structure.

83. The Q50 storm occurrence must be contained within the street right-of-way.

84. The maximum velocity in any storm drain system may not exceed twenty feet (20') per second.

85. All detention and debris structures that fall under the definition of being a dam must have an open air spillway structure that directs overflows to an acceptable location to the satisfaction of the City Engineer and Public Works Director.

86. Only drainage grates of a type approved by the City Engineer and Public Works Director may be used at locations accessible by pedestrian, bicycle or equestrian traffic. Drainage grates shall not be allowed in sidewalks or trails.

87. To verify that the Reinforced Concrete Pipe (RCP) specified on the improvement plan is correct, the RCP delivered to project site must have the D-LOAD specified on the RCP.

88. The grading plan must show distinctive lines of inundation delineating the 100-year flood level.

89. All flows that have gone through flow attenuation and clarification by use of acceptable Best Management Practice Systems and are flowing within brow ditches, ribbon gutters, storm drain channels, area drains and similar devices are to be deposited directly into the storm drain system unless an alternative has been approved by the City Engineer and Public Works Director. Storm drain and related easements outside the public right-of-way are to be privately maintained unless otherwise approved by the City Council.

90. Concrete surface drainage structures exposed to the public view must be tan colored concrete, as approved by the Community Development Director, and to the extent possible must incorporate natural structure and landscape to blend in with the surrounding material.

91. Prior written approval by the City Engineer and Public Works Director is required for curb outlets that provide for pad or lot drainage onto the street.

92. Drainage devices for the development must include all necessary appurtenances to safely contain and convey storm flows to their final point of discharge to the satisfaction of the City Engineer and Public Works Director.

93. The applicant shall demonstrate, for each building pad within the development area, that the following restrictions and protections can be put in place to the satisfaction of the City Engineer and Public Works Director:

- Adequate protection from a one-hundred (100) year frequency storm;
- Feasible access during a fifty (50) year frequency storm.
- Elevation of all proposed structures within the one-hundred (100) year flood zone at least one (1') foot above the one-hundred (100) year flood level.

Hydrology calculations must be per current Ventura County Watershed Protection Agency Standards and to the satisfaction of the City Engineer and Public Works

Director. Development projects within a 100 year flood zone may require a Conditional Letter of Map Revisions (CLOMR) and Letter of Map Revision (LOMR) as determined by the City Engineer and Public Works Director.

94. The storm drain system must be designed with easements of adequate width for future maintenance and reconstruction of facilities, particularly facilities deeper than eight feet (8'). In addition, all facilities must have all-weather vehicular access.

95. All existing public storm drain systems within the development require pre-construction and post-construction Closed Caption Television Videoing (CCTV) including identification by existing plan and station.

96. Storm drain systems must be constructed per the most current Ventura County Watershed Protection District Standard Design Manual, City of Moorpark Standards and to the satisfaction of the City Engineer and Public Works Director.

97. All storm drain easement widths and alignments must conform to the City of Moorpark requirements and be to the satisfaction of the City Engineer and Public Works Director. Easements must provide sufficient room for reconstruction of the storm drain systems and provide all weather access within the easement, to all manholes, inlets, outlets and any other structure that requires maintenance.

98. Prior to the start of grading or any ground disturbance, the applicant shall identify a responsible person experienced in NPDES compliance who is acceptable to the City Engineer and Public Works Director. The designated NPDES person (superintendent) shall be present, on the project site Monday through Friday and on all other days when the probability of rain is forty percent (40%) or greater and prior to the start of and during all grading or clearing operations until the release of grading bonds. The superintendent shall have full authority to rent equipment and purchase materials to the extent needed to effectuate Best Management Practices. The superintendent shall be required to assume NPDES compliance during the construction of streets, storm drainage systems, all utilities, buildings and final landscaping of the site.

99. Prior to the issuance of any construction/grading permit and/or the commencement of any qualifying grading or excavation, the applicant shall prepare and submit a Stormwater Pollution Control Plan (SWPCP), on the form established in the Ventura Countywide Stormwater Quality Management Program. The SWPCP must address the construction phase compliance to stormwater quality management regulations for the project. The SWPCP, improvement plans and grading plans must note that the contractor shall comply with the California Best Management Practices Construction Handbook, published by the California Stormwater Quality Association. The SWPCP must be submitted, with appropriate review deposits, for the review and approval of the City Engineer and Public Works Director. The SWPCP must identify potential pollutant sources that may affect the quality of discharges and design the use and placement of Best Management Practices (BMPs) to effectively prohibit the entry of pollutants from the construction site into the storm drain system during construction.

Erosion control BMPs, which include wind erosion, dust control, and sediment source control BMPs for both active and inactive (previously disturbed) construction areas are required.

100. The SWPCP must include provisions for modification of BMPs as the project progresses and as conditions warrant. The City Engineer and Public Works Director may require the first version and each subsequent revision of the SWPCP to be accompanied by a detailed project schedule that specifically identifies the type and location of construction operations for the project. The SWPCP must be developed and implemented in accordance with the latest issued Ventura Countywide Stormwater Quality Management Program, NPDES Permit, Chapter 8.52 of the Moorpark Municipal Code and any other requirements established by the City. The applicant is responsible for ensuring that all project contractors, subcontractors, materials suppliers, tenants and tenants' contractors comply with all BMPs in the SWPCP, until such time as a notice of termination has been approved by the City Engineer and Public Works Director and accepted by the Los Angeles Regional Water Quality Control Board. The SWPCP must include schedules and procedures for onsite maintenance of earthmoving and other heavy equipment and documentation of proper disposal of used oil and other lubricants. Onsite maintenance of all equipment that can be performed offsite will not be allowed.

101. Prior to the issuance of any construction/grading permit and/or the commencement of any qualifying, grading or excavation, the applicant for projects with facilities identified as subject to the State Board General Industrial and Commercial permits shall prepare and submit a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP must address post-construction compliance with stormwater quality management regulations for the project. The SWPPP, improvement plans and grading plans must note that the contractor shall comply with the latest edition of the California Best Management Practices New Development and Redevelopment Handbook, published by the California Stormwater Quality Association. The SWPPP must comply with the Ventura Countywide Stormwater Quality Management Program Land Development Guidelines, Technical Guidance Manual for Stormwater Quality Control Measures, and the Stormwater Management Program (SMP) to develop, achieve, and implement a timely, comprehensive, cost effective stormwater pollution control program to reduce pollutants to the maximum extent practicable. The SWPPP must be prepared in compliance with the form and format established in the Ventura Countywide Stormwater Quality Management Program, and submitted, with appropriate review deposits, for the review and approval of the City Engineer/Public Works Director. The proposed plan must also address all relevant NPDES requirements, maintenance measures, estimated life spans of Best Management Practices facilities, operational recommendations and recommendations for specific Best Management Practices technology, including all related costs. The use of permanent dense ground cover planting approved by the City Engineer/Public Works Director and Community Development Director is required for all graded slopes. Methods of protecting the planted slopes from damage must be identified. Proposed management efforts during the lifetime of the project must include best available technology. "Passive" and "natural" BMP drainage facilities are to be provided such that surface flows are intercepted and

treated on the surface over biofilters (grassy swales), infiltration areas and other similar solutions. The use of filters, separators, clarifiers, absorbents, adsorbents or similar "active" devices is not acceptable and may not be used without specific prior approval of the City Council. The use of biological filtering, bio-remediation, infiltration of pre-filtered stormwater and similar measures that operate without annual maintenance intervention, that are failsafe, that, when maintenance is needed, will present the need for maintenance in an obvious fashion and which will be maintainable in a cost effective and non-disruptive fashion is required. As deemed appropriate for each project, the SWPPP must establish a continuing program of monitoring, operating and maintenance to:

- a. Provide discharge quality monitoring.
- b. Assess impacts to receiving water quality resulting from discharged waters.
- c. Identify site pollutant sources.
- d. Educate management, maintenance personnel and users, to obtain user awareness and compliance with NPDES goals.
- e. Measure management program effectiveness.
- f. Investigate and implement improved BMP strategies.
- g. Maintain, replace and upgrade BMP facilities (establish BMP facility inspection standards and clear guidelines for maintenance and replacement).
- h. Secure the funding, in perpetuity, to achieve items "a" through "g" above.

102. 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 latest issued NPDES Construction General Permit: 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 and Public Works Director as proof of permit application. The improvement plans and grading plans shall contain the Waste Discharge Identification number for the project.

103. Engineering and geotechnical or soils reports must be provided to prove, to the satisfaction of the City Engineer and Public Works Director, that all "passive" NPDES facilities meet their intended use and design. These facilities shall meet the minimum requirements relating to water detention and clarification.

104. The applicant shall comply with Chapter 8.52 of the Moorpark Municipal Code and any provision amendatory and supplementary thereto.

**17.76.060 Fees.**

1. Entitlement Processing: Prior to the approval of any Zoning Clearance for this entitlement, the applicant shall submit to the Community Development Department all outstanding entitlement case processing fees, including all applicable City legal service fees. This payment must be made within sixty (60) calendar days after the approval of this entitlement.

2. 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.

3. Capital Improvements and Facilities, and Processing: Prior to the issuance of any Zoning Clearance for a building permit, the applicant shall submit to the Community Development Department, capital improvement, development, and processing fees at the current rate then in effect. Said fees include, but are not limited to building and public improvement plan checks and permits.

4. Parks: Prior to the issuance of a Zoning Clearance for a building permit, the applicant shall submit to the Parks, Recreation and Community Services Department fees in accordance with City ordinances and resolutions.

5. Fire Protection Facilities: Prior to the issuance of a Zoning Clearance for a building permit, current Fire Protection Facilities Fees must be paid to the Building and Safety Division in accordance with the City Council adopted Fire Protection Facilities Fee requirements in effect at the time of building permit application.

6. Library Facilities: Prior to the issuance of a Zoning Clearance for a building permit, the Library Facilities Fee must be paid to the Building and Safety Division in accordance with the City Council adopted Library Facilities Fee requirements in effect at the time of building permit application.

7. Police Facilities: Prior to the issuance of a Zoning Clearance for a building permit, the Police Facilities Fee must be paid to the Building and Safety Division in accordance with the City Council adopted Police Facilities Fee requirements in effect at the time of building permit application.

8. Traffic Systems Management: Prior to the issuance of a Zoning Clearance for a 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.

9. Intersection Improvements: Prior to the issuance of the first Zoning Clearance for a building permit, the applicant shall submit to the Community Development Department a fair-share contribution for intersection improvements relating to the project. The amount of fair-share participation will be to the satisfaction of the City Engineer and Public Works Director based on the traffic report prepared for the project and the extent of the impact to these intersections.

10. Citywide Traffic: Prior to the issuance of a Zoning Clearance for a 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, based upon the effective date of approval of the entitlement consistent with adopted City policy for calculating such fee.

11. Area of Contribution: Prior to the issuance of a Zoning Clearance for a building permit, the applicant shall pay to the Community Development Department the Area of Contribution (AOC) Fee for the area in which the project is located. The fee shall be paid in accordance with the City Council adopted AOC fee requirements in effect at the time of building permit application.

12. Street Lighting Energy Costs: Prior to the issuance of a Zoning Clearance for a building permit, 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 in an amount satisfactory to the City Engineer and Public Works Director.

13. Schools: Prior to the issuance of a Zoning Clearance for 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.

14. Art in Public Places: Prior to the issuance of a Zoning Clearance for a building permit, the applicant shall contribute to the Art in Public Places Fund in accordance with Municipal Code Chapter 17.50 and sections amendatory or supplementary thereto. 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 must have a value corresponding to, or greater than, the contribution, and must be approved, constructed and maintained for the life of the project in accordance with the applicable provision of the Moorpark Municipal Code.

15. Electronic Conversion: In accordance with City policy, the applicant shall submit to the Community Development Department, City Engineer and 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.

16. Crossing Guard: Prior to the issuance of Zoning Clearance for a building permit, the applicant shall pay to the Community Development Department an amount to cover the costs associated with a crossing guard for five years at the then current rate, plus the pro-rata cost of direct supervision of the crossing guard location and staff's administrative costs calculated at fifteen percent (15%) of the above costs. This applies to residential project of ten (10) or more units.

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

18. County Traffic Impact Mitigation Fee: Prior to the issuance of a Zoning Clearance for a building permit, the County Traffic Impact Mitigation Fee must be paid in accordance with County adopted fee requirements in effect at the time of building permit application.

-end-

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT NO. 2013-03, TO AMEND CHAPTERS 17.12 (ESTABLISHMENT OF ZONES BOUNDARIES AND MAPS) AND 17.20 (USES BY ZONE), AND TO ADD CHAPTER 17.76 (RESIDENTIAL PLANNED DEVELOPMENT 20 UNITS TO THE ACRE [RPD-20U-N-D]), TO THE MOORPARK MUNICIPAL CODE TO ENSURE COMPLIANCE WITH THE ADOPTED HOUSING ELEMENT, AND CONSISTENCY WITH CHANGES IN FEDERAL AND STATE LAW ON THE APPLICATION OF THE CITY OF MOORPARK.

WHEREAS, at its meeting of July 17, 2013, the City Council adopted Resolution No. 2013-3204 directing the Planning Commission to consider a General Plan Amendment, a Downtown Specific Plan Amendment, a Zone Change of at least 25.8 total acres of land to Residential Planned Development (RPD) – 20U, (locations to be determined) and amendments to Title 17 (Zoning) of the Moorpark Municipal Code regarding development of a RPD-20U zone, to allow development of 20 units per acre, at various locations throughout the city, locations to be determined, on the application of the City of Moorpark, to ensure compliance with the adopted Housing Element, consistent with State law, the City's General Plan and other provisions of the City's Zoning Ordinance; and

WHEREAS, at a duly noticed public hearing on August 27, 2013, the Planning Commission considered Zoning Ordinance Amendment No. 2013-03, to amend Chapters 17.12 (Establishment of Zones Boundaries and Maps) and 17.20 (Uses by Zone), and to add Chapter 17.76 (Residential Planned Development 20 units to the acre [RPD-20U-N-D]), to the Moorpark Municipal Code to ensure compliance with the adopted Housing Element, and consistency with changes in Federal and State Law; and 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; closed the hearing; and the Planning Commission adopted Resolution No. PC-2013-587 recommending approval to the City Council of Zoning Ordinance Amendment No. 2013-03; and

WHEREAS, at a duly noticed public hearing on September 4, 2013, the City Council considered the agenda report for Zoning Ordinance Amendment No. 2013-03 and any supplements thereto and written public comments; opened and closed 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 has read, reviewed, considered and adopted a Negative Declaration prepared for the project referenced above.

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

SECTION 1. GENERAL PLAN AND SPECIFIC PLAN CONSISTENCY: The City Council finds Zoning Ordinance Amendment No. 2013-03 amending Chapters 17.12 (Establishment of Zones Boundaries and Maps) and 17.20 (Uses by Zone), and adding Chapter 17.76 (Residential Planned Development 20 Units to the acre [RPD-20U-N-D]) to the Moorpark Municipal Code to be consistent with the City of Moorpark General Plan and all adopted Specific Plans.

SECTION 2. Zoning Ordinance Amendment No. 2013-03 amending Chapters 17.12 (Establishment of Zones Boundaries and Maps) and 17.20 (Uses by Zone), and adding Chapter 17.76 (Residential Planned Development 20 Units to the acre [RPD-20U-N-D]) as shown in Exhibit "A" attached.

SECTION 3. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 4. This Ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 5. The City Clerk shall certify to the passage and adoption of this ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall publish notice of adoption in the manner required by law.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Janice Parvin, Mayor

ATTEST:

\_\_\_\_\_  
Maureen Benson, City Clerk

Attachment: Exhibit A: 17.12.010 Purpose and establishment of zones; 17.20.050 et seq.; Addition of Chapter 17.76 Residential Planned Development 20 Units to the Acre (RPD-20U-N-D)

## EXHIBIT A

### Zoning Ordinance Amendment No. 2013-03

#### Amendments to Chapter 17.12

##### 17.12.010 Purpose and establishment of zones.

In order to classify, regulate and segregate uses of lands and buildings; to regulate the height and size of buildings; to regulate the area of yards and other open spaces around buildings; and to regulate the density of population, the following classes of use zones and their subzones are established:

- A. Open space (O-S) zone;
- B. Agricultural exclusive (A-E) zone;
- C. Rural agricultural (R-A) zone;
- D. Rural exclusive (R-E) zone;
- E. Single-family estate (R-O) zone;
- F. Single-family residential (R-1) zone;
- G. Two-family residential (R-2) zone;
- H. Residential planned development (R-P-D) zone;
- I. Commercial office (C-O) zone;
- J. Neighborhood commercial (C-1) zone;
- K. General commercial (C-2) zone;
- L. Commercial planned development (C-P-D) zone;
- M. Industrial park (M-1) zone;
- N. Limited industrial (M-2) zone;
- O. Planned community (P-C) zone;
- P. Specific plan (S-P) zone;
- Q. Old town commercial (C-OT) zone;
- R. Specific plan—downtown overlay (SP-D) zone;
- S. Residential Planned Development 20 Units Per Acre (non-discretionary) (RPD 20U-N-D) per Chapter 17.76.

#### Amendments to Chapter 17.20

Table 17.20.050 is amended to add a new column labeled “RPD20U-N-D” and then to add a subparagraph (c) to paragraph 5 (Dwellings, multiple-family) to read as follows:

(c) Residential Planned Development 20 units per acre (non-discretionary planned development permit) pursuant to Chapter 17.76.

This subparagraph (c) shall be shown with the symbol “ZC” under the column RPD20U-N-D to reflect that developments in the RPD20U-N-D zone are subject to Zoning Clearance review.

## **Chapter 17.76**

### **RESIDENTIAL PLANNED DEVELOPMENT 20 UNITS TO THE ACRE (RPD 20U-N-D)**

#### **Sections:**

#### **17.76.010 Purpose.**

#### **17.76.020 Definitions.**

#### **17.76.030 General provisions.**

#### **17.76.040 Application Procedures and Consistency Determinations.**

#### **17.76.050 Development Standards.**

#### **17.76.060 Fees.**

#### **17.76.010 Purpose.**

The purpose of this chapter is to set forth development regulations and standards, which have been established to provide criteria for the development of the properties within the Residential Planned Development 20 units to the acre (RPD20U-N-D) zone to allow for development of affordable multi-family housing as a permitted use and not subject to discretionary review or approval, and to provide adequate separation for light, air, safety, and open space as well as to provide an aesthetically pleasing environment in which to live, work and recreate. Implementation of the regulations and standards set forth in this chapter are intended to ensure that future development is coordinated and consistent with the goals and policies of the downtown specific plan and the city's general plan, specifically the housing element.

The standards contained in this chapter provide for the arrangement, development, and use of multi-family residential neighborhoods, open space areas, and recreational sites. Application of these regulations and standards is intended to encourage the most appropriate use of the land, create a harmonious relationship among land uses, provide opportunities to construct affordable housing and protect the health, safety, and general welfare of the community.

#### **17.76.020 Definitions.**

Words and terms used in this chapter shall have the same definitions as provided in Chapter 17.08 of this Title 17.

#### **17.76.030 General provisions.**

A. The provisions of this chapter shall control development in the RPD20U-N-D zone and shall prevail over any conflicting provisions in other portions of the Moorpark Municipal Code.

B. All land use entitlements and permits issued within the RPD20U-N-D zoning area shall be consistent with the city's general plan, as amended.

C. The director of community development shall have the power to interpret the regulations and standards applicable to the RPD20U-N-D zone.

D. Procedures for the processing of land use entitlements for the RPD20U-N-D zone shall be the same as defined in Sections 17.44.060 and 17.76.040 of this Code.

**17.76.040 Application Procedures and Consistency Determinations.**

A. Planned Development (PD) Permit. A PD permit is required prior to initiation of uses and structures in the RPD20U-N-D zone, as specified in Chapter 17.20 of this Title. A PD permit application is subject to compliance with the development standards of the RPD20U-N-D zone and shall be a permitted use not subject to discretionary review or approval if determined to be in compliance with the development standards of the RPD20U-N-D zone. The Planning Commission shall hold at least one (1) public meeting on any PD permit application in this zone. A PD permit shall be approved by resolution if the Planning Commission determines that:

1. The site design, including structure location, size, height, setbacks, massing, scale, architectural style and colors, and landscaping, satisfies the objective requirements of the general plan, zoning ordinance, and any other applicable ordinances, or Federal or State regulations; and

2. The project complies with the development standards in this chapter 17.76.

B. The procedures for appeals and modifications of a PD permit application under this chapter shall be in accordance with the procedures set forth in chapter 17.44 of this Code.

C. A PD permit shall expire one (1) year from the date of its approval by the Planning Commission unless the use has been inaugurated by issuance of a building permit. The Community Development Director may, at his/her discretion, grant up to two (2) additional one-year extensions for use inauguration of the PD permit, if there have been no changes in the adjacent areas and if the applicant can document that he/she has worked diligently towards use inauguration during the initial period of time. The request for extension of this PD permit must be made in writing, at least thirty (30) days prior to the expiration date of the permit and must be accompanied by applicable entitlement processing deposits.

D. Zoning Clearance. Pursuant to Section 17.44.030(B)(1) of this Title, a Zoning Clearance review and approval by the Community Development Director shall

be required before a building permit may be issued for any development in the RPD20U-N-D zone.

E. The failure of the owner to develop and maintain property in the RPD20U-N-D zone in compliance with this chapter, and the PD permit shall subject the owner to nuisance abatement requirements of this Code and State law. The applicant shall be liable to the City for any and all costs and expenses to the City required to abate the nuisance and obtain compliance with the project approvals 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, pursuant to Chapter 1.12 of this Code.

**17.76.050 Development Standards.**

1. Minimum lot area: 0.75 (three quarters) of an acre (32,670 square feet).
2. Density: 20 units per acre with a minimum of 16 units per site. Subsections (2) and (3) of Section 17.64.030(B) allowing for a density bonus exceeding the density bonus required by State law shall not apply to the RPD20U-N-D zone.
3. Building Setbacks:
  - a. Front setback: Minimum landscaped setback of twenty (20) feet and architectural facade projections of up to sixteen (16) inches are allowed for non-livable spaces; with a minimum driveway depth of twenty (20) feet, as measured from front property line across area leading to enclosed parking within a garage; any two (2) adjacent lots may have the same front setback; however the third consecutive lot should vary the front setback by one (1) or more feet, as appropriate to the street and lot configuration, and to provide for variety in the streetscape.
  - b. Side setback: Minimum for a multiple-family dwelling unit on an interior lot shall be five (5) feet. Minimum for a multiple-family dwelling unit adjacent to a street is fifteen (15) feet. Minimum for a single story enclosed patio, patio cover or detached accessory structure shall be five (5) feet.
  - c. Rear setback: Minimum for a multiple-family dwelling unit is fifteen (15) feet, and second story floors, and/or architectural projections, may cantilever a maximum of eighteen (18) inches into the minimum required fifteen (15) foot setback. For single story enclosed patios or open patio covers, carports, or for detached accessory structures, the minimum required rear setback is five (5) feet.
  - d. Mechanical equipment: Must be located in the rear yard with a minimum five foot setback from any side or rear property line and must be screened with a decorative masonry wall or landscaping; or must be located below the lowest parapet roof so equipment will not be visible from offsite, subject to criteria under Roofs below.

4. Maximum building height:
  - a. Thirty-five (35) feet for dwelling units;
  - b. Fifteen (15) feet for a patio cover, carport or accessory structure;
  - c. Second story decks or balconies are prohibited within fifteen (15) feet of any property line.

5. Fences and Walls. Fences and walls shall comply with the provisions of this Code, with the exception that sound attenuation walls shall be constructed to a height as required by a city-approved noise study for the residential planned development permit.

6. Lighting. Lighting shall comply with Chapter 17.30 of the City of Moorpark Municipal Code.

7. Parking. Parking shall comply with Chapter 17.32 of the City of Moorpark Municipal Code.

8. Signage. Signage shall comply with Chapter 17.40 of the City of Moorpark Municipal Code.

9. If any archeological or historical finds are uncovered during grading or excavation operations, all grading or excavation shall immediately cease in the immediate area and the find must be left untouched. The applicant, in consultation with the project paleontologist or archeologist, shall assure the preservation of the site and immediately contact the Community Development Director by phone, in writing by email or hand delivered correspondence informing the Director of the find. In the absence of the Director, the applicant shall so inform the City Manager. 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 must be approved in writing by the Community Development Director. The applicant shall pay for all costs associated with the investigation and disposition of the find.

10. Paleontological Mitigation Plan: Prior to issuance of a Zoning Clearance for a grading permit, a paleontological mitigation plan outlining procedures for paleontological data recovery must be prepared and submitted to the Community Development Director for review and approval. The development and implementation of this Plan must 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 become the property of the City of Moorpark unless the City chooses otherwise. If the

City accepts ownership, the curation location may be revised. The monitoring and data recovery should include periodic inspections of excavations to recover exposed fossil materials. The cost of this data recovery is limited to the discovery of a reasonable sample of available material. The interpretation of reasonableness rests with the Community Development Director.

11. Reactive organic compounds, Nitrogen oxides (ozone/smog precursor), and particulate matter (aerosols/dust) generated during construction operations must be minimized in accordance with the City's 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 must cease in order to minimize associated air pollutant emissions.

12. 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 and any provision amendatory or supplementary thereto. 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 building permit is issued pursuant to the planned development permit.

13. All facilities and uses, other than those specifically requested in the application and approval 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.

14. **Recreational Amenities.** Residential planned development permit areas on properties that have an average size of more than one and one half acre (65,340 square feet) shall include private recreational amenities including but not limited to the following: restrooms, swimming pool and spa, play apparatus, picnic shelter, barbecue area with seating, and multipurpose play area field. Residential planned development permit areas on properties that have an average size of less than one and one half acre (65,340 square feet) shall include private recreational amenities including but not limited to the following: play apparatus, picnic shelter, barbecue area with seating, and multipurpose play area field.

15. **Eaves and Window Treatments and Surrounds.** The eaves and window treatments and surrounds on all sides of a structure shall match the eaves, window treatments and surrounds on the front elevation, achieving four-sided architectural compatibility with the chosen architectural style.

16. **Wrap-Around Front Elevation Treatment.** The architectural style and treatment included along the front elevation of a unit shall continue along each side elevation until commencement of fencing or other architecturally feasible termination point, such as a chimney or window.

17. **Colors.** The paint colors shall be earth-toned, and match the chosen architectural style. The paint treatment must be applied along all window surrounds and parapets with varying colors, and on all wall facades of all elevations until commencement of wall planes or other architecturally feasible termination point, such as a chimney or window. Identification of coating or rust-inhibitive paint must be used for all exterior metal building surfaces to prevent corrosion and release of metal contaminants into the storm drain system.

18. **Roofs.** The roofs shall be pitched roofs covered in concrete roofing tile or equivalent with a minimum 3:12 pitch, or shall utilize decorative parapet roofing matching the chosen architectural style, that shall be no lower than the tallest roof mounted mechanical equipment. Roof-mounted equipment and other noise generation sources on-site must 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. This shall be based on a city-approved noise study for the residential planned development that shows that the current project attenuates all on-site noise generation sources to the required level or provides 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. No exterior roof access ladders are permitted.

19. **Durable Materials.** The trim on the ground floor levels of the structures must be constructed of durable materials, (i.e. wood window trim or 1/4" minimum cementous stucco coat over foam).

20. A utility room with common access to house all meters and the roof access ladder must be provided

21. Outdoor facilities. Any outdoor ground level equipment, facilities or storage areas including, but not limited to loading docks, trash enclosures, cooling towers, generators, must be architecturally screened from view with masonry wall and/or landscaping. Transformers and cross connection water control devices (subject to approval by Ventura County Waterworks District No. 1), must be screened from street view with a masonry wall and/or landscaping.

22. Trash disposal. Trash disposal and recycling areas must be placed in locations which will not interfere with circulation, parking or access to the building. Exterior trash areas and recycling bins must use impermeable pavement and be designed to have a cover and so that no other area drains into it. The trash areas and recycling bins must be depicted on the final construction plans and drains from the disposal and recycling areas must be connected to the sewer system.

23. Grading, drainage and improvement plans and supporting reports and calculations must be prepared in accordance with the latest California Building Code as adopted by the City of Moorpark and in conformance with the latest "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 which must conform to 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).

24. Grading, drainage and improvement plans and supporting reports and calculations must be prepared in accordance with the most recently approved "Engineering Policies and Standards" of the City of Moorpark, and "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 herein and above, the criteria that provide the higher level of quality and safety prevail as determined by the City Engineer and Public Works Director.

25. Engineering plans must be submitted on standard City title block sheets of 24-inch by 36-inch to a standard engineering scale representative of sufficient plan clarity and workmanship.

26. A 15-mile per hour speed limit must be observed within all construction areas.

27. If any hazardous waste or material is encountered during the construction of this project, all work must be immediately stopped and the Ventura County Environmental Health Department, the Ventura County Fire Protection District, the Moorpark Police Department, and the Moorpark City Engineer and Public Works Director must be notified immediately. Work may not proceed until clearance has been issued by all of these agencies.

28. The applicant and/or property owner shall provide verification to the City Engineer and 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. Additional cleaning may be required by the City Engineer and Public Works Director depending upon site and weather conditions.

29. All paved surfaces; including, but not limited to, the parking area and aisles, drive-through lanes, on-site walkways must be maintained free of litter, debris and dirt. Walkways, parking areas and aisles and drive-through lanes must be swept, washed or vacuumed regularly. When swept or washed, litter, debris and dirt must be trapped and collected to prevent entry to the storm drain system in accordance with NPDES requirements.

30. Prior to improvement plan approval, the applicant shall obtain the written approval on approved site plan exhibit sheets for the location of fire hydrants by the Ventura County Fire Prevention Division. Water and Sewer improvements plans must be submitted to Ventura County Waterworks District No. 1 for approval.

31. 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 and Public Works Director.

32. The applicant shall comply with Chapters 9.28, 10.04, 12.24, and 17.53 of the Moorpark Municipal Code and any provision amendatory or supplementary thereto, as a standard requirement for construction noise reduction.

33. The applicant shall utilize all prudent and reasonable measures (including installation of a 6-foot high chain link fence around the construction site(s) and/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.

34. The applicant shall post, in a conspicuous location, the construction hour limitations and make each construction trade aware of the construction hour limitations.

35. All grading and drainage plans must be prepared by a qualified Professional Civil Engineer currently registered and in good standing in the State of California and are subject to review by the City Engineer and Public Works Director.

Prior to or concurrently with the submittal of a grading plan the applicant shall submit a soils (geotechnical) report.

36. Grading must conform to the standards contained in Chapter 17.38 Hillside Management of the Moorpark Municipal Code and any provision amendatory or supplementary thereto. Plans detailing the design and control (vertical and horizontal) of contoured slopes must be provided to the satisfaction of the City Engineer, Public Works Director and Community Development Director.

37. Prior to the issuance of a grading permit or Final Map approval, whichever comes first, the applicant shall post sufficient surety with the City, in a form acceptable to the City Engineer and Public Works Director, guaranteeing completion of all onsite and offsite improvements required by these Conditions of Approval and/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 must be designed, bonded and constructed as a single project.

38. Prior to the issuance of a grading permit or Final Map approval, whichever occurs first, the applicant shall provide written proof to the City Engineer and Public Works Director that any and all wells that may exist or have existed within the project have been properly sealed, destroyed or abandoned per Ventura County Ordinance No. 2372 or Ordinance No. 3991 and per California Department of Conservation, Division of Oil, Gas, and Geothermal Resources requirements.

39. Prior to issuance of a grading permit, final approved soils and geology reports must be submitted to the City Engineer and Public Works Director. The approved final report must encompass all subsequent reports, addendums and revisions under a single cover. Where liquefaction hazard site conditions exist, an extra copy of the final report must be provided by the applicant to the City Engineer and Public Works Director and be sent by the applicant to the California Department of Conservation, Division of Mines and Geology in accordance with Public Resources Code Section 2697 within 30 days of report approval.

40. Prior to issuance of the grading permit, a grading remediation plan and report must be submitted for review and approval of the City Engineer and Public Works Director. The report must evaluate all major graded slopes and open space hillsides whose performance could affect planned improvements. The slope stability analysis must be performed for both static and dynamic conditions, using an appropriate pseudo-static horizontal ground acceleration coefficient for earthquakes on faults, capable of impacting the project in accordance with standard practice as outlined in DMG Special Publication No. 117, 1997.

41. Prior to issuance of the grading permit, the project geotechnical engineer shall evaluate liquefaction potential. Where liquefaction is found to be a hazard, a

remediation plan with effective measures to avoid and control damage must be provided to the City Engineer and Public Works Director. During construction, measures to reduce seismic liquefaction risks shall be employed as recommended in the approved remediation plan and associated geotechnical report, such as placement of a non-liquefiable cap over the alluvium, removal of the liquefiable soils, in-situ densification, or the excavation of a shear key below the base of the liquefiable zone. Where liquefaction hazard site conditions exist, the applicant shall provide an extra copy of the final report to the City Engineer and Public Works Director and shall send a copy of the report to the California Department of Conservation, Division of Mines and Geology in accordance with Public Resources Code Section 2697 within 30 days of report approval.

42. The project must comply with all NPDES requirements and the City of Moorpark standard requirements for temporary storm water diversion structures during all construction and grading.

43. Prior to issuance of a grading permit, a qualified, currently registered Professional Civil Engineer in good standing in the State of California shall be retained to prepare Erosion and Sediment Control Plans in conformance with the currently issued Ventura County Municipal Storm Water NPDES Permit. These Plans shall address, but not be limited to, construction impacts and long-term operational effects on downstream environments and watersheds. The Plans must consider all relevant NPDES requirements and recommendations for the use of the best available technology and specific erosion control measures, including temporary measures during construction to minimize water quality effects to the maximum extent practicable. Prior to the issuance of an initial grading permit, review and approval by the Community Development Director and City Engineer and Public Works Director is required.

44. Prior to the import or export of more than one hundred (100) truckloads or one thousand cubic yards (1,000 cu. yds.) a Haul Route Permit in conformance with the currently adopted City of Moorpark Engineering Policies and Standards is required.

45. Where slopes exceeding 4 feet in height are adjacent to sidewalks, and streets, the grading plan must include a slough wall, Angelus Standard slumpstone, color or other alternative as determined by the Community Development Director, approximately 18 inches high, with curb outlet drainage to be constructed behind the back of the sidewalk to prevent debris from entering the sidewalk or street. The wall must be designed and constructed in conformance with the City's standard wall detail. All material for the construction of the wall shall be approved by the City Engineer and Public Works Director and Community Development Director. Retaining walls greater than 18 inches in height must be set back two-feet (2') from the back of the sidewalk. This two-foot (2') area must be landscaped and have no greater than a two percent (2%) cross fall slope. The slough wall and landscaping design is subject to the review and approval of the City Engineer and Public Works Director and Community Development Director.

46. Grading plans must include, but not be limited to entry walls and project identification signs in accordance with City standards. Landscaping, appropriate to the entry, shall be provided that will not interfere with sight-distance or turning movement operations. The final design for the project entrance must be reviewed and approved by the Community Development Director and the City Engineer and Public Works Director.

47. During grading, the project geotechnical engineer shall observe and approve all keyway excavations, removal of fill and landslide materials down to stable bedrock or in-place material, and installation of all sub-drains including their connections. All fill slope construction must be observed and tested by the project geotechnical engineer, and the density test results and reports submitted to the City Engineer and Public Works Director to be kept on file. Cuts and slopes must be observed and mapped by the project geotechnical and civil engineers who will provide any required slope modification recommendations based on the actual geologic conditions encountered during grading. Written approval from the City Engineer and Public Works Director must be obtained prior to any modification.

48. Written weekly progress reports and a grading completion report must be submitted to the City Engineer and Public Works Director by the project geotechnical engineers. These reports must include the results and locations of all compaction tests, as-built plans of all landslide repairs and fill removal, including geologic mapping of the exposed geology of all excavations showing cut cross-sections and sub-drain depths and locations. The lists of excavations approved by the engineering geologist must also be submitted. Building permits will not be issued without documentation that the grading and other pertinent work has been performed in accordance with the geotechnical report criteria and applicable Grading Ordinance provisions.

49. During grading, colluvial soils and landslide deposits within developed portions of the properties must be re-graded to effectively remove the potential for seismically-induced landslides in these materials. Additional buttressing, keying and installation of debris benches must be provided in transition areas between non-graded areas and development as recommended in the final geotechnical reports by the project geotechnical engineer.

50. The recommendations for site grading contained in the final geotechnical reports must be followed during grading unless modifications are submitted for approval by the engineers-of-work and specifically approved in writing by the City Engineer and Public Works Director.

51. Temporary irrigation, hydroseeding and erosion control measures, approved by the Community Development Director, City Engineer and Public Works Director, must be implemented on all temporary grading. Temporary grading is defined to be any grading partially completed and any disturbance of existing natural conditions due to construction activity. These measures will apply to a temporary or permanent

grading activity that remains or is anticipated to remain unfinished or undisturbed in its altered condition for a period of time greater than thirty (30) calendar days except that during the rainy season (October 1 to April 15), these measures will be implemented immediately.

52. The maximum gradient for any slope must not exceed a 2:1 (horizontal:vertical) slope inclination except where special circumstances exist. In the case of special circumstances, where steeper slopes are warranted, a registered soils engineer and a licensed landscape architect will review plans and their recommendations will be subject to the review and approval of the City Engineer, Public Works Director, and the Community Development Director.

53. All graded slopes steeper than 5:1 (horizontal:vertical) must have soil amendments added, irrigation systems installed and be planted in a timely manner with groundcover, trees and shrubs (consistent with the approved landscape and irrigation plans) to stabilize slopes and minimize erosion. Timely manner means that the slope soil amendments, irrigation systems and planting on each slope must commence immediately upon the completion of the grading of each slope, that the completion of slope grading will not be artificially delayed and that the slope soil amendments, irrigation systems and planting must be completed on a schedule commensurate with the grading. The planting will be to the satisfaction of the Community Development Director, City Engineer, and Public Works Director.

54. Grading may occur during the rainy season from October 1 to April 15, subject to timely installation of erosion control facilities when approved in writing by the City Engineer, Public Works Director and the Community Development Director and when erosion control measures are in place. In order to start or continue grading operations between October 1 and April 15, project-specific erosion control plans that provide detailed Best Management Practices for erosion control during the rainy season must be submitted to the City Engineer and Public Works Director no later than September 1 of each year that grading is in progress. During site preparation and construction, the contractor shall minimize disturbance of natural groundcover on the project site until such activity is required for grading and construction purposes. During the rainy season, October 1 through April 15, all graded slopes must be covered with a woven artificial covering immediately after completion of each graded slope. Grading operations must cease if the applicant fails to place effective best management measures on graded slopes immediately after construction. No slopes may be graded or otherwise created when the National Weather Service local three-day forecast for rain is twenty percent (20%), or greater, unless the applicant is prepared to cover the permanent and temporary slopes before the rain event. The artificial covering and planting will be to the satisfaction of the Community Development Director, City Engineer, and Public Works Director.

55. During clearing, grading, earth moving, excavation, soil import and/or soil export operations, the applicant shall comply with the City of Moorpark standard

requirements for dust control, including, but not be limited to, minimization of ground disturbance, application of water/chemicals, temporary/permanent ground cover/seeding, street sweeping, and covering loads of dirt. All clearing, grading, earth moving, excavation, soil import and/or soil export operations must cease during periods of high winds (greater than 15 mph averaged over one hour).

56. Backfill of any pipe or conduit must be in four-inch (4") fully compacted layers unless otherwise specified, in writing, by the City Engineer and Public Works Director.

57. Soil testing for trench compaction must be performed on all trenching and must be done not less than once every two feet (2') of lift and one-hundred lineal feet (100') of trench excavated. Test locations must be noted using true elevations and street stationing with offsets from street centerlines.

58. Prior to issuance of each building permit, the project geotechnical and/or soils engineer shall submit an as-graded geotechnical report and a rough grading certification for said lot and final soils report compiling all soils reports, addendums, certifications, and testing on the project for review and approval by the City Engineer and Public Works Director.

59. Prior to issuance of the first building permit, the project's engineer shall certify that the grading and improvements have been completed, as noted on the original approved plans and any subsequent change orders.

60. When required by the Community Development Director and/or the City Engineer and/or Public Works Director, at least one (1) week prior to commencement of grading or construction, the applicant shall prepare a notice that grading or construction work will commence. This notice shall be posted at the site and mailed to all owners and occupants of property within five-hundred feet (500') of the exterior boundary of the project site, as shown on the latest equalized assessment roll. The notice must include current contact information for the applicant, including all persons with authority to indicate and implement corrective action in their area of responsibility, including the name of the contact responsible for maintaining the list. The names of individuals responsible for noise and litter control, tree protection, construction traffic and vehicles, erosion control, and the twenty-four (24) hour emergency number, must be expressly identified in the notice. The notice must be re-issued with each phase of major grading and construction activity. A copy of all notices must be concurrently transmitted to the Community Development Department. The notice record for the City must be accompanied by a list of the names and addresses of the property owners notified and a map identifying the notification area.

61. Consistent with the final geotechnical reports, at a minimum, the following measures must be implemented during design and construction where appropriate to minimize expansive soil effects on structures: potential foundation systems to include

pier and grade beam; use of structural concrete mats and post-tensioned slabs; pad overcutting to provide uniform swell potential; and soil subgrade moisture treatment.

62. Prior to issuance of building permits, chemical testing of representative building pad soils is required to determine the level of corrosion protection required for steel and concrete materials used for construction. The following measures must be implemented where appropriate to protect against corrosion:

- use of sulfate-resistant concrete; and
- use of protective linings to encase metallic piping buried in soils warranting such measures.

63. Engineered fills must be constructed in compliance with the standards and criteria presented in the approved geotechnical report. The differential thickness of the fill under individual buildings may not be greater than ten (10) feet. These measures must be verified by construction observation and testing by the project geotechnical engineer as outlined in the final geotechnical reports and approved by the City Engineer and Public Works Director.

64. Additional analysis of the predicted total and differential settlements of the major fills at each site must be performed by the project geotechnical engineer during the final design stage. Possible measures that may be required based on the settlement data include surcharging, delaying construction for a period of time before constructing on deep fills, or allowing for the predicted settlement in the design of the project components.

65. Transfer of responsibility of California Registered Civil Engineer in charge for the project must be in accordance with rules and guidelines set forth pursuant to Rules of the Board for Professional Engineers and Land Surveyors, California Code of Regulations, Title 16, Division 5, Board Rule 404.1, Subsections (c) and (d), that speak to Successor Licensee and Portions of Projects.

66. Applicant has full right to exercise the service of a new engineer in charge at any time during a project. When there is a change in engineer, the applicant/owner shall notify the City Engineer and Public Works Director in writing within 48 hours of such change. Said letter shall specify successor California Registered Civil Engineer and shall be stamped and signed and dated by said engineer in responsible charge and shall accept responsibility of project. The letter will be kept on file at the City.

67. Prior to construction of any public improvement, the applicant shall submit to the City Engineer and 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, with sufficient surety posted to guarantee the complete construction of all improvements, except as specifically noted in these Standard Conditions or Special Conditions of Approval.

68. Prior to issuance of the first building permit, all existing and proposed utilities, including electrical transmission lines less than 67Kv, must be under-grounded consistent with plans approved by the City Engineer, Public Works Director and Community Development Director. Any exceptions must be approved by the City Council.

69. Above-ground obstructions in the right-of-way (utility cabinets, mailboxes, etc.) must be placed within landscaped areas when landscaped areas are part of the right-of-way improvements. When above ground obstructions are placed within the sidewalk, a minimum of five feet (5') clear sidewalk width must be provided around the obstruction. Above-ground obstructions may not be located within or on multi-purpose trails.

70. Prior to final inspection of improvements, the project Registered Civil Engineer shall submit certified original "record drawing" plans with three (3) sets of paper prints and the appropriate plan revision review fees to the City Engineer and Public Works Director along with electronic files in a format satisfactory to the City Engineer and Public Works Director. These "record drawing" plans must incorporate all plan revisions and all construction deviations from the approved plans and revisions thereto. The plans must be "record drawings" on 24" X 36" Mylar® sheets (made with proper overlaps) with a City title block on each sheet. In addition, the applicant shall provide an electronic file update of the City's Master Base Map electronic file, incorporating all streets, sidewalks, street lights, traffic control facilities, street striping, signage and delineation, storm drainage facilities, water and sewer mains, lines and appurtenances and any other utility facility installed for this project.

71. The street improvement plans must contain a surveyor's statement on the plans, certifying that, in accordance with Business and Professions Code 8771, all recorded monuments in the construction area will be protected in place during construction, or have been located and tied with no fewer than four (4) durable reference monuments, which will be protected in place during construction. Copies of all monument tie sheets must be submitted to the City on reproducible 3-mil polyester film.

72. Prior to reduction of improvement bonds, the applicant must submit reproducible centerline tie sheets on 3-mil polyester film to the City Engineer and Public Works Director.

73. All streets must conform to the latest City of Moorpark Engineering Policies and Standards using Equivalent Single Axle Loads (ESAL) for a minimum thirty (30) year term for public streets and ESAL for a twenty (20) year term on private streets. All streets must be designed and constructed to the required structural section in conformance with the latest City of Moorpark Engineering Policies and Standards. The geotechnical or soil reports must address the need for possible sub-drainage systems to prevent saturation of the pavement structural section or underlying foundation. An

additional one and one-half inch (1-1/2") thick rubberized asphalt pavement must be added to the structural section for public streets. This additional pavement may not be used in determining the required structural section.

74. When required by the City Engineer and Public Works Director, the applicant shall provide, for the purposes of traffic signal installation, two (2) four-inch (4") P.V.C. conduits extending across all intersections, and surfacing through "J" boxes to the satisfaction of the City Engineer and Public Works Director.

75. Prior to approval of a grading plan, the applicant shall submit to the City of Moorpark for review and approval by the City Engineer and Public Works Director, drainage plans with the depiction and examination of all on-site and off-site drainage structures and hydrologic and hydraulic calculations in a bound and indexed report prepared by a California Registered Civil Engineer.

76. Drainage improvements must 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 must 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 must be provided to the satisfaction of the City Engineer and Public Works Director. The applicant shall make any on-site and downstream improvements, required by the City, to support the proposed development.

77. The drainage plans and calculations must analyze conditions before and after development, as well as, potential development proposed, approved, or shown in the General Plan. Quantities of water, water flow rates, major watercourses, drainage areas and patterns, diversions, collection systems, flood hazard areas, sumps, sump locations, detention and NPDES facilities and drainage courses must be addressed.

78. Local residential and private streets must be designed to have at least one dry travel lane available during a 10-year frequency storm. Collector streets must be designed to have a minimum of one dry travel lane in each direction available during a 10-year frequency storm.

79. All stormwater surface runoff for the development must have water quality treatment to meet the design standards for structural or treatment control BMPs per the latest issued Ventura County Municipal Storm Water NPDES Permit.

80. The hydraulic grade line within any catch basin may not extend higher than nine inches (9") below the flow line grade elevation at the inlet.

81. No pressure manholes for storm drains are allowed unless specifically approved in writing by the City Engineer and Public Works Director. If permitted, all storm drain lines under water pressure must have rubber gasket joints.

82. All manhole frames and covers shall have a thirty-inch (30") minimum diameter. This includes all access manholes to catch basins, as well as any other storm drain or NPDES structure.

83. The Q50 storm occurrence must be contained within the street right-of-way.

84. The maximum velocity in any storm drain system may not exceed twenty feet (20') per second.

85. All detention and debris structures that fall under the definition of being a dam must have an open air spillway structure that directs overflows to an acceptable location to the satisfaction of the City Engineer and Public Works Director.

86. Only drainage grates of a type approved by the City Engineer and Public Works Director may be used at locations accessible by pedestrian, bicycle or equestrian traffic. Drainage grates shall not be allowed in sidewalks or trails.

87. To verify that the Reinforced Concrete Pipe (RCP) specified on the improvement plan is correct, the RCP delivered to project site must have the D-LOAD specified on the RCP.

88. The grading plan must show distinctive lines of inundation delineating the 100-year flood level.

89. All flows that have gone through flow attenuation and clarification by use of acceptable Best Management Practice Systems and are flowing within brow ditches, ribbon gutters, storm drain channels, area drains and similar devices are to be deposited directly into the storm drain system unless an alternative has been approved by the City Engineer and Public Works Director. Storm drain and related easements outside the public right-of-way are to be privately maintained unless otherwise approved by the City Council.

90. Concrete surface drainage structures exposed to the public view must be tan colored concrete, as approved by the Community Development Director, and to the extent possible must incorporate natural structure and landscape to blend in with the surrounding material.

91. Prior written approval by the City Engineer and Public Works Director is required for curb outlets that provide for pad or lot drainage onto the street.

92. Drainage devices for the development must include all necessary appurtenances to safely contain and convey storm flows to their final point of discharge to the satisfaction of the City Engineer and Public Works Director.

93. The applicant shall demonstrate, for each building pad within the development area, that the following restrictions and protections can be put in place to the satisfaction of the City Engineer and Public Works Director:

- Adequate protection from a one-hundred (100) year frequency storm;
- Feasible access during a fifty (50) year frequency storm.
- Elevation of all proposed structures within the one-hundred (100) year flood zone at least one (1') foot above the one-hundred (100) year flood level.

Hydrology calculations must be per current Ventura County Watershed Protection Agency Standards and to the satisfaction of the City Engineer and Public Works Director. Development projects within a 100 year flood zone may require a Conditional Letter of Map Revisions (CLOMR) and Letter of Map Revision (LOMR) as determined by the City Engineer and Public Works Director.

94. The storm drain system must be designed with easements of adequate width for future maintenance and reconstruction of facilities, particularly facilities deeper than eight feet (8'). In addition, all facilities must have all-weather vehicular access.

95. All existing public storm drain systems within the development require pre-construction and post-construction Closed Caption Television Videoing (CCTV) including identification by existing plan and station.

96. Storm drain systems must be constructed per the most current Ventura County Watershed Protection District Standard Design Manual, City of Moorpark Standards and to the satisfaction of the City Engineer and Public Works Director.

97. All storm drain easement widths and alignments must conform to the City of Moorpark requirements and be to the satisfaction of the City Engineer and Public Works Director. Easements must provide sufficient room for reconstruction of the storm drain systems and provide all weather access within the easement, to all manholes, inlets, outlets and any other structure that requires maintenance.

98. Prior to the start of grading or any ground disturbance, the applicant shall identify a responsible person experienced in NPDES compliance who is acceptable to the City Engineer and Public Works Director. The designated NPDES person (superintendent) shall be present, on the project site Monday through Friday and on all other days when the probability of rain is forty percent (40%) or greater and prior to the start of and during all grading or clearing operations until the release of grading bonds. The superintendent shall have full authority to rent equipment and purchase materials to

the extent needed to effectuate Best Management Practices. The superintendent shall be required to assume NPDES compliance during the construction of streets, storm drainage systems, all utilities, buildings and final landscaping of the site.

99. Prior to the issuance of any construction/grading permit and/or the commencement of any qualifying grading or excavation, the applicant shall prepare and submit a Stormwater Pollution Control Plan (SWPCP), on the form established in the Ventura Countywide Stormwater Quality Management Program. The SWPCP must address the construction phase compliance to stormwater quality management regulations for the project. The SWPCP, improvement plans and grading plans must note that the contractor shall comply with the California Best Management Practices Construction Handbook, published by the California Stormwater Quality Association. The SWPCP must be submitted, with appropriate review deposits, for the review and approval of the City Engineer and Public Works Director. The SWPCP must identify potential pollutant sources that may affect the quality of discharges and design the use and placement of Best Management Practices (BMPs) to effectively prohibit the entry of pollutants from the construction site into the storm drain system during construction. Erosion control BMPs, which include wind erosion, dust control, and sediment source control BMPs for both active and inactive (previously disturbed) construction areas are required.

100. The SWPCP must include provisions for modification of BMPs as the project progresses and as conditions warrant. The City Engineer and Public Works Director may require the first version and each subsequent revision of the SWPCP to be accompanied by a detailed project schedule that specifically identifies the type and location of construction operations for the project. The SWPCP must be developed and implemented in accordance with the latest issued Ventura Countywide Stormwater Quality Management Program, NPDES Permit, Chapter 8.52 of the Moorpark Municipal Code and any other requirements established by the City. The applicant is responsible for ensuring that all project contractors, subcontractors, materials suppliers, tenants and tenants' contractors comply with all BMPs in the SWPCP, until such time as a notice of termination has been approved by the City Engineer and Public Works Director and accepted by the Los Angeles Regional Water Quality Control Board. The SWPCP must include schedules and procedures for onsite maintenance of earthmoving and other heavy equipment and documentation of proper disposal of used oil and other lubricants. Onsite maintenance of all equipment that can be performed offsite will not be allowed.

101. Prior to the issuance of any construction/grading permit and/or the commencement of any qualifying, grading or excavation, the applicant for projects with facilities identified as subject to the State Board General Industrial and Commercial permits shall prepare and submit a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP must address post-construction compliance with stormwater quality management regulations for the project. The SWPPP, improvement plans and grading plans must note that the contractor shall comply with the latest edition of the California Best Management Practices New Development and Redevelopment Handbook,

published by the California Stormwater Quality Association. The SWPPP must comply with the Ventura Countywide Stormwater Quality Management Program Land Development Guidelines, Technical Guidance Manual for Stormwater Quality Control Measures, and the Stormwater Management Program (SMP) to develop, achieve, and implement a timely, comprehensive, cost effective stormwater pollution control program to reduce pollutants to the maximum extent practicable. The SWPPP must be prepared in compliance with the form and format established in the Ventura Countywide Stormwater Quality Management Program, and submitted, with appropriate review deposits, for the review and approval of the City Engineer/Public Works Director. The proposed plan must also address all relevant NPDES requirements, maintenance measures, estimated life spans of Best Management Practices facilities, operational recommendations and recommendations for specific Best Management Practices technology, including all related costs. The use of permanent dense ground cover planting approved by the City Engineer/Public Works Director and Community Development Director is required for all graded slopes. Methods of protecting the planted slopes from damage must be identified. Proposed management efforts during the lifetime of the project must include best available technology. "Passive" and "natural" BMP drainage facilities are to be provided such that surface flows are intercepted and treated on the surface over biofilters (grassy swales), infiltration areas and other similar solutions. The use of filters, separators, clarifiers, absorbents, adsorbents or similar "active" devices is not acceptable and may not be used without specific prior approval of the City Council. The use of biological filtering, bio-remediation, infiltration of pre-filtered stormwater and similar measures that operate without annual maintenance intervention, that are failsafe, that, when maintenance is needed, will present the need for maintenance in an obvious fashion and which will be maintainable in a cost effective and non-disruptive fashion is required. As deemed appropriate for each project, the SWPPP must establish a continuing program of monitoring, operating and maintenance to:

- a. Provide discharge quality monitoring.
- b. Assess impacts to receiving water quality resulting from discharged waters.
- c. Identify site pollutant sources.
- d. Educate management, maintenance personnel and users, to obtain user awareness and compliance with NPDES goals.
- e. Measure management program effectiveness.
- f. Investigate and implement improved BMP strategies.
- g. Maintain, replace and upgrade BMP facilities (establish BMP facility inspection standards and clear guidelines for maintenance and replacement).

- h. Secure the funding, in perpetuity, to achieve items “a” through “g” above.

102. 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 latest issued NPDES Construction General Permit: 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 and Public Works Director as proof of permit application. The improvement plans and grading plans shall contain the Waste Discharge Identification number for the project.

103. Engineering and geotechnical or soils reports must be provided to prove, to the satisfaction of the City Engineer and Public Works Director, that all “passive” NPDES facilities meet their intended use and design. These facilities shall meet the minimum requirements relating to water detention and clarification.

104. The applicant shall comply with Chapter 8.52 of the Moorpark Municipal Code and any provision amendatory and supplementary thereto.

#### **17.76.060 Fees.**

1. Entitlement Processing: Prior to the approval of any Zoning Clearance for this entitlement, the applicant shall submit to the Community Development Department all outstanding entitlement case processing fees, including all applicable City legal service fees. This payment must be made within sixty (60) calendar days after the approval of this entitlement.

2. 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.

3. Capital Improvements and Facilities, and Processing: Prior to the issuance of any Zoning Clearance for a building permit, the applicant shall submit to the Community Development Department, capital improvement, development, and processing fees at the current rate then in effect. Said fees include, but are not limited to building and public improvement plan checks and permits.

4. Parks: Prior to the issuance of a Zoning Clearance for a building permit, the applicant shall submit to the Parks, Recreation and Community Services Department fees in accordance with City ordinances and resolutions.

5. Fire Protection Facilities: Prior to the issuance of a Zoning Clearance for a building permit, current Fire Protection Facilities Fees must be paid to the Building and Safety Division in accordance with the City Council adopted Fire Protection Facilities Fee requirements in effect at the time of building permit application.

6. Library Facilities: Prior to the issuance of a Zoning Clearance for a building permit, the Library Facilities Fee must be paid to the Building and Safety Division in accordance with the City Council adopted Library Facilities Fee requirements in effect at the time of building permit application.

7. Police Facilities: Prior to the issuance of a Zoning Clearance for a building permit, the Police Facilities Fee must be paid to the Building and Safety Division in accordance with the City Council adopted Police Facilities Fee requirements in effect at the time of building permit application.

8. Traffic Systems Management: Prior to the issuance of a Zoning Clearance for a 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.

9. Intersection Improvements: Prior to the issuance of the first Zoning Clearance for a building permit, the applicant shall submit to the Community Development Department a fair-share contribution for intersection improvements relating to the project. The amount of fair-share participation will be to the satisfaction of the City Engineer and Public Works Director based on the traffic report prepared for the project and the extent of the impact to these intersections.

10. Citywide Traffic: Prior to the issuance of a Zoning Clearance for a 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, based upon the effective date of approval of the entitlement consistent with adopted City policy for calculating such fee.

11. Area of Contribution: Prior to the issuance of a Zoning Clearance for a building permit, the applicant shall pay to the Community Development Department the Area of Contribution (AOC) Fee for the area in which the project is located. The fee shall be paid in accordance with the City Council adopted AOC fee requirements in effect at the time of building permit application.

12. Street Lighting Energy Costs: Prior to the issuance of a Zoning Clearance for a building permit, 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 in an amount satisfactory to the City Engineer and Public Works Director.

13. Schools: Prior to the issuance of a Zoning Clearance for 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.

14. Art in Public Places: Prior to the issuance of a Zoning Clearance for a building permit, the applicant shall contribute to the Art in Public Places Fund in accordance with Municipal Code Chapter 17.50 and sections amendatory or supplementary thereto. 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 must have a value corresponding to, or greater than, the contribution, and must be approved, constructed and maintained for the life of the project in accordance with the applicable provision of the Moorpark Municipal Code.

15. Electronic Conversion: In accordance with City policy, the applicant shall submit to the Community Development Department, City Engineer and 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.

16. Crossing Guard: Prior to the issuance of Zoning Clearance for a building permit, the applicant shall pay to the Community Development Department an amount to cover the costs associated with a crossing guard for five years at the then current rate, plus the pro-rata cost of direct supervision of the crossing guard location and staff's administrative costs calculated at fifteen percent (15%) of the above costs. This applies to residential project of ten (10) or more units.

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

18. County Traffic Impact Mitigation Fee: Prior to the issuance of a Zoning Clearance for a building permit, the County Traffic Impact Mitigation Fee must be paid in accordance with County adopted fee requirements in effect at the time of building permit application.

-end-

RESOLUTION NO. 2013 - \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT NO. 2013-01 AND AMENDMENT NO. 2 TO SPECIFIC PLAN NO. 1995-01 (DOWNTOWN SPECIFIC PLAN) FOR A 1.36 ACRE SITE, LOCATED AT THE SOUTHEAST CORNER OF MOORPARK AVENUE AND EVERETT STREET, TO CHANGE THE LAND USE DESIGNATION TO VERY HIGH RESIDENTIAL, ON CITY OWNED PROPERTY, ON THE APPLICATION OF THE CITY OF MOORPARK.

WHEREAS, at its meeting of July 17, 2013, the City Council adopted Resolution No. 2013-3204 directing the Planning Commission to consider a General Plan Amendment, Amendment No. 2 to Specific Plan No. 1995-01, (Downtown Specific Plan), a Zone Change of at least 25.8 total acres of land to Residential Planned Development (RPD) – 20U, and a Zoning Ordinance Amendment to Title 17 (Zoning) of the Moorpark Municipal Code regarding development of a RPD-20U zone, to allow development of 20 units per acre, at various locations throughout the city, on the application of the City of Moorpark, to ensure compliance with the adopted Housing Element, consistent with State law, the City's General Plan and other provisions of the City's Zoning Ordinance; and

WHEREAS, on August 27, 2013, the Planning Commission adopted Resolution No. PC-2013-586 recommending approval to the City Council of General Plan Amendment No, 2013-01 and Amendment No. 2 to Specific Plan No. 1995-01 (Downtown Specific Plan) for a 1.36 acre site located at the southeast corner of Moorpark Avenue and Everett Street, to change the existing Office, Public/Institutional and Medium Density Residential general plan and specific plan land use designations of this site to a Very High Residential general plan and specific plan land use designation; and

WHEREAS, at a duly noticed public hearing on September 4, 2013, the City Council considered the agenda report for General Plan Amendment No, 2013-01 and Amendment No. 2 to Specific Plan No. 1995-01 (Downtown Specific Plan), and any supplements thereto and written public comments; opened and closed 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 has read, reviewed, and considered and adopted the Negative Declaration prepared for the project referenced above.

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

**CC ATTACHMENT 6**

SECTION 1. CITY COUNCIL APPROVAL: General Plan Amendment 2013-01 and Amendment No. 2 to Specific Plan No. 1995-01 (Downtown Specific Plan), is approved, amending the General Plan Land Use Map and Downtown Specific Plan Land Use Map as proposed in Exhibit "A" attached hereto.

SECTION 4. The effective date of General Plan Amendment No. 2013-01 shall be concurrent with the effective date of the Ordinance for Zoning Ordinance Amendment No. 2013-03 and the Ordinance for Zone Change No. 2013-01, whichever occurs last.

SECTION 5 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 4<sup>th</sup> day of September, 2013.

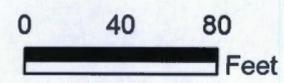
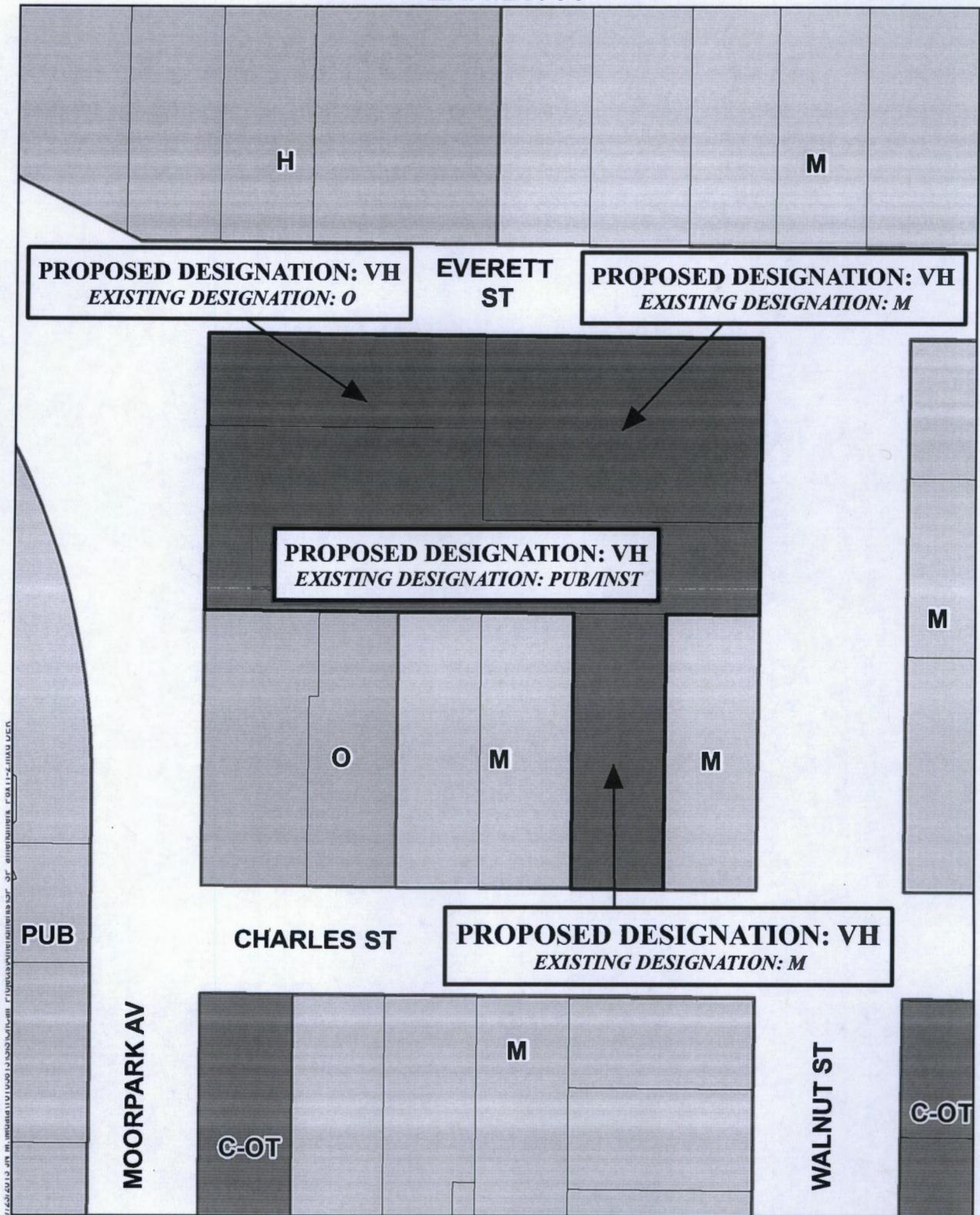
\_\_\_\_\_  
Janice Parvin, Mayor

ATTEST:

\_\_\_\_\_  
Maureen Benson, City Clerk

Attachment: Exhibit A – General Plan Amendment Map – GPA 2013-01 and Amendment No. 2 to Specific Plan No. 1995-01 (Downtown Specific Plan)

### EXHIBIT A



GENERAL PLAN AMENDMENT 2013-01 MAP  
AMENDMENT No. 2 TO SPECIFIC PLAN No. 1995-01



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING ZONE CHANGE NO. 2013-01, TO REZONE THE FOLLOWING THREE SITES TO RESIDENTIAL PLANNED DEVELOPMENT 20 UNITS TO THE ACRE (RPD20U-N-D) ZONE: (1) A 23.44 ACRE SITE (LOCATED WITHIN THE SOUTHEASTERN PORTION OF SPECIFIC PLAN 1, HITCH RANCH SPECIFIC PLAN PROPERTY), (2) A 1.36 ACRE SITE (LOCATED AT THE SOUTHEAST CORNER OF MOORPARK AVENUE AND EVERETT STREET), AND (3) A 1.34 ACRE SITE (LOCATED AT THE SOUTHEASTERN END OF MAJESTIC COURT), ON THE APPLICATION OF THE CITY OF MOORPARK.

WHEREAS, at its meeting of July 17, 2013, the City Council adopted Resolution No. 2013-3204 directing the Planning Commission to consider a General Plan Amendment, a Downtown Specific Plan Amendment, a Zone Change of at least 25.8 total acres of land to Residential Planned Development (RPD) – 20U, and amendments to Title 17 (Zoning) of the Moorpark Municipal Code regarding development of a RPD-20U zone, to allow development of 20 units per acre, at various locations throughout the city, on the application of the City of Moorpark, to ensure compliance with the adopted Housing Element, consistent with State law, the City's General Plan and other provisions of the City's Zoning Ordinance; and

WHEREAS, on August 27, 2013, the Planning Commission adopted Resolution No. PC-2013-586 recommending approval to the City Council of Zone Change No. 2013-01, for a change of zone of the following three sites to Residential Planned Development 20 units to the acre (RPD20U-N-D) zone: (1) a 23.44 acre site (located within the southeastern portion of Specific Plan 1, Hitch Ranch Specific Plan property), (2) a 1.36 acre site (located at the southeast corner of Moorpark Avenue and Everett Street), and (3) a 1.34 acre site (located at the southeastern end of Majestic Court); and

WHEREAS, at a duly noticed public hearing on September 4, 2013, the City Council considered the agenda report for Zone Change No. 2013-01 and any supplements thereto and written public comments; opened and closed the public hearing and took and considered public testimony both for and against the proposal and reached a decision on this matter; and

WHEREAS, General Plan Amendment No. 2013-01 and Amendment No. 2 to the Downtown Specific Plan were adopted for this project, changing the planned land use to Very High Density Residential (VH); and

WHEREAS, the City Council has read, reviewed, considered and adopted a Negative Declaration prepared for the project referenced above.

SECTION 1. CITY COUNCIL APPROVAL: General Plan Amendment 2013-01 and Amendment No. 2 to Specific Plan No. 1995-01 (Downtown Specific Plan), is approved, amending the General Plan Land Use Map and Downtown Specific Plan Land Use Map as proposed in Exhibit "A" attached hereto.

SECTION 4. The effective date of General Plan Amendment No. 2013-01 shall be concurrent with the effective date of the Ordinance for Zoning Ordinance Amendment No. 2013-03 and the Ordinance for Zone Change No. 2013-01, whichever occurs last.

SECTION 5 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 \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Janice Parvin, Mayor

ATTEST:

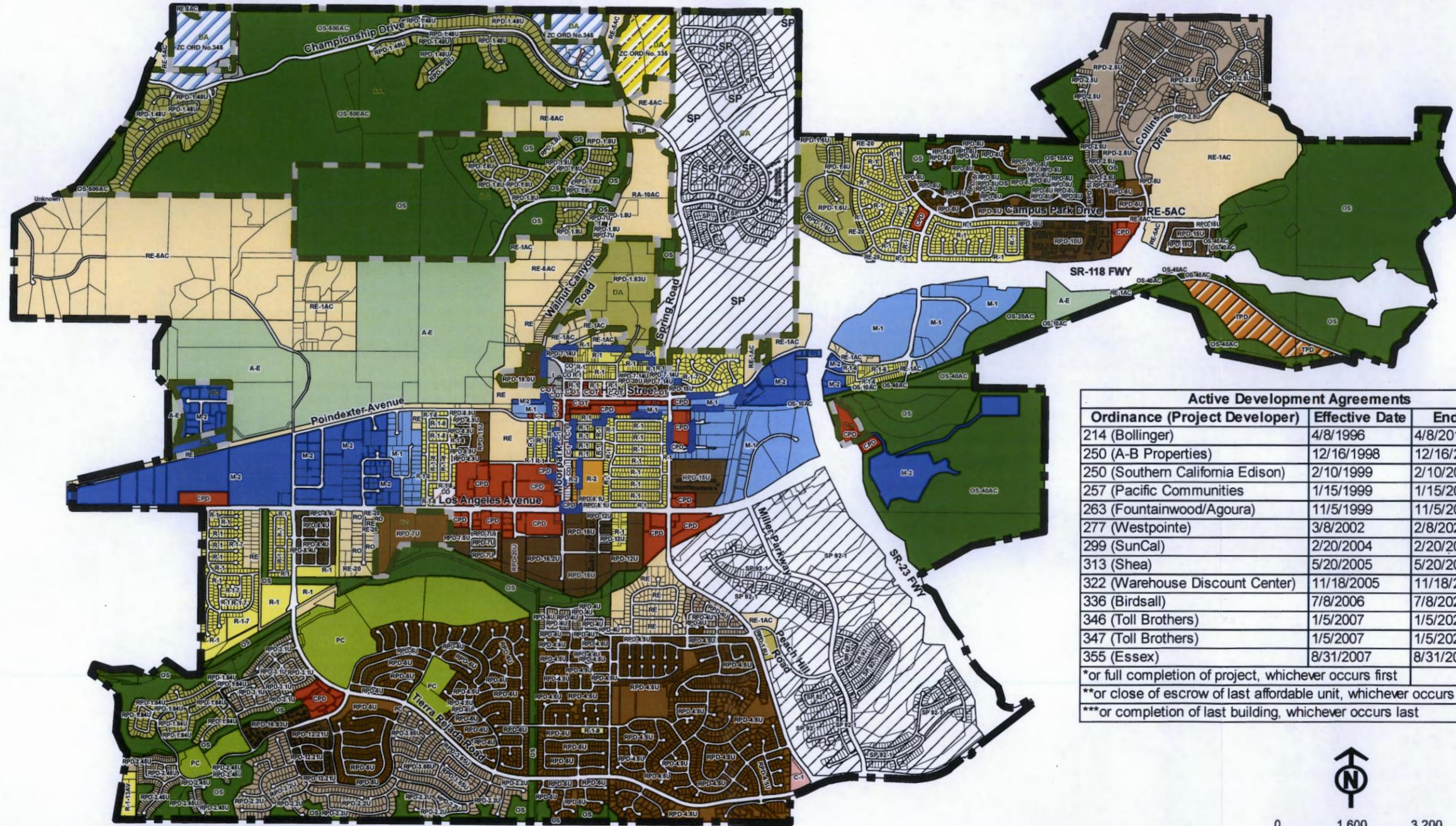
\_\_\_\_\_  
Maureen Benson, City Clerk

Attachment: Exhibit A – General Plan Amendment Map – GPA 2013-01 and Amendment No. 2 to Specific Plan No. 1995-01 (Downtown Specific Plan)



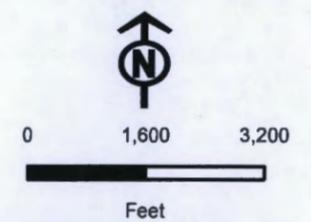


# City of Moorpark - Zoning Map



Active Development Agreements		
Ordinance (Project Developer)	Effective Date	End Date
214 (Bollinger)	4/8/1996	4/8/2016*
250 (A-B Properties)	12/16/1998	12/16/2018
250 (Southern California Edison)	2/10/1999	2/10/2019
257 (Pacific Communities)	1/15/1999	1/15/2019*
263 (Fountainwood/Agoura)	11/5/1999	11/5/2019**
277 (Westpointe)	3/8/2002	2/8/2022**
299 (SunCal)	2/20/2004	2/20/2024**
313 (Shea)	5/20/2005	5/20/2025**
322 (Warehouse Discount Center)	11/18/2005	11/18/2025
336 (Birdsall)	7/8/2006	7/8/2026**
346 (Toll Brothers)	1/5/2007	1/5/2027**
347 (Toll Brothers)	1/5/2007	1/5/2027**
355 (Essex)	8/31/2007	8/31/2014***

\*or full completion of project, whichever occurs first  
 \*\*or close of escrow of last affordable unit, whichever occurs last  
 \*\*\*or completion of last building, whichever occurs last



ZONING DESIGNATIONS											
A-E	R-1	RE	RPD-1.6U	RPD-3.1U	RPD-6.5U	RPD-10U	RPD-20U	M-2	Downtown Specific Plan	DA (Development Agreement Applicable)	Parcel Boundary
PC	R-1-6	RE-1AC	RPD-1.63U	RPD-3.65U	RPD-7U	RPD-12U	CO	I			
OS	R-1-7	RE-5AC	RPD-1.8U	RPD-4U	RPD-7-14U	RPD-12.21U	C-1	SP			
OS-10AC	R-1-8	RE-20	RPD-1.84U	RPD-4.5U	RPD-7.5U	RPD-15U	C-2	SP 92-1			
OS-20AC	R-1-9	RO	RPD-2.2U	RPD-4.6U	RPD-8.4U	RPD-16.2U	CPD	ZC ORD No. 335			
OS-40AC	R-1-13AV	R-2	RPD-2.45U	RPD-5U	RPD-8.9U	RPD-16.83U	C-OT	ZC ORD No. 345			
OS-500AC	RA-10AC	RPD-1.48U	RPD-2.5U	RPD-6U	RPD-9.1U	RPD-19.0U	M-1	TPD	City of Moorpark		

Approved by / Date	Revision
City of Moorpark September 17, 2008	

A larger and/or more detailed version of the City's General Plan and Zoning Maps is available for download at <http://www.ci.moorpark.ca.us> or for purchase at Moorpark City Hall, 799 Moorpark Avenue, Moorpark, CA 93021

Source: City of Moorpark, September 2008  
 County of Ventura, GIS data, July 2008