

ITEM 8.C.

ORDINANCE NO. 421

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 twenty (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 twenty (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 twenty (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 11th day of September, 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 twenty (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 twenty (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 (1) 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: twenty (20) units per acre with a minimum of sixteen (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 development standard.

- 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 development standard 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. 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 one quarter [1/4] inch 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 twenty-four (24) inch by thirty-six (36) inch to a standard engineering scale representative of sufficient plan clarity and workmanship.

26. A fifteen (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 six (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 development standards 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 thirty (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, or most recently adopted version.

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 thirty (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 (1,000) cubic yards a Haul Route Permit in conformance with the currently adopted City of Moorpark Engineering Policies and Standards is required.

45. Where slopes exceeding four (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 eighteen (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 (2)-feet from the back of the sidewalk. This two (2) foot 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 fifteen (15) mph averaged over one (1) hour).

56. Backfill of any pipe or conduit must be in four (4) inch 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 (2) feet of lift and one-hundred (100) lineal feet 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 (500) feet 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 forty-eight (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 development standards.

68. Prior to issuance of the first building permit, all existing and proposed utilities, including electrical transmission lines less than (sixty-seven) 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 (5) feet 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 twenty-four by thirty-six (24 X 36) inch 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 three (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 (1-1/2) inch 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 ten (10) year and one hundred (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 ten (10) year frequency storm. Collector streets must be designed to have a minimum of one dry travel lane in each direction available during a ten (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 (9) inches 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 (30) inch 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 (20) feet 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 one-hundred (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 one hundred (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 (8) feet. 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.

105. Development must comply with the most recently adopted City of Moorpark Landscape Design Standards and Guidelines, including compliance with the prohibited plants list.

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. 422

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.

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

SECTION 1. Zone Change No. 2013-01 is consistent with the General Plan as amended by General Plan Amendment No. 2013-01 and Amendment No. 2 to the Downtown Specific Plan.

SECTION 2. The Zoning Map described and referenced in Chapter 17.12 of Title 17, Zoning, of the Municipal Code of the City of Moorpark is hereby amended as shown in Exhibit "A" attached hereto.

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 11th day of September, 2013.

Janice Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Attachment: Exhibit A: Zone Change Map – Zone Change No. 2013-01

