

ITEM 8.A.

MOORPARK CITY COUNCIL AGENDA REPORT

TO: Honorable City Council

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

DATE: April 8, 2014 (CC Meeting of April 16, 2014)

SUBJECT: Consider a Resolution Approving Administrative Permit (AP) No. 2013-19 and Modification No. 4 to Industrial Planned Development (IPD) No. 93-1 to Allow a 79,042 Square-Foot Multi-Tenant Indoor Retail Operation in an Existing Building in the M-1 Zone at 709 Science Drive, and Adopting a Mitigated Negative Declaration under CEQA in Connection Therewith, on the Application of Community Marketplace (Manny Asadurian, Jr.) (Public Hearing Continued From April 2, 2014)

BACKGROUND/DISCUSSION

The applicant is requesting approval to construct and operate a multi-tenant indoor retail operation in the M-1 Zone in an existing building at 709 Science Drive. The applicant proposes a retail operation with up to 175 vendors within a "trade show" environment in 79,042 square feet of a 253,478 square-foot vacant building, that is part of a 406,534 square-foot two-building industrial planned development project.

On April 2, 2014, the City Council opened the public hearing for this project, accepted testimony, and continued the agenda item to the April 16, 2014 meeting with the public hearing open. This allowed staff to mail hearing notices to the 19 property owners within 1,000 feet of the property line who did not receive a hearing notice. Re-noticing in the paper was not necessary, and the applicant changed the date on the hearing sign on the site to reflect the date of the continued hearing.

The City Council had asked a number of questions of staff and the applicant during the public hearing on April 2, 2014. This report supplements the original staff report by addressing the issues that were raised.

Driveway Slope/Condition of Asphalt

Concerns were raised about the slope of the site's southerly (main) driveway entrance and about the condition of the parking lot. The southerly driveway leads to a rotary feature, with the public art in the center. It has a slope downward from the sidewalk to the rotary. The sidewalk slopes down in the other direction to the street, with a high point at the sidewalk. This causes vehicles with low clearance to bottom out. There are a number of scratches across the driveway entrance to indicate that bottoming out is common. This driveway would not be serving as the main entrance for customers of the Community Marketplace use. A northerly driveway will be primarily used by customers of the Community Marketplace. The northerly driveway does not have bottoming out issues. To address this, a condition has been added requiring the applicant to place a monument sign for the use at the northerly driveway. This will be reviewed under a sign permit submittal. Separately from this project, staff will work with the property owners to seek possible solutions for the southerly driveway.

With respect to the condition of the parking lot, staff inspected the parking areas that would serve the proposed Community Marketplace, and has found that some minor maintenance (filling of cracks and patching in places) is needed. The second building on the site has a small part of the driveway areas that is in poor condition. A condition of approval has been added on restoring these areas to an acceptable condition.

Prohibited Merchandise

The applicant has indicated that they are contractually prohibiting their vendors from selling "Ammunition, Bombs, Counterfeit Merchandise, Drug Paraphernalia, Fireworks, Grenades, Guns, Knives (permitted at the sole discretion of Community Marketplace Management) and Pornography." Sales and ownership of some of these products, such as counterfeit merchandise, bombs, grenades, fireworks, and drug paraphernalia are illegal, and do not need specific conditions prohibiting their sale. Guns and ammunition are considered retail sales by the Zoning Ordinance, and their sale would be at the discretion of the property manager. Sales of guns or ammunition would still have to comply with State and Federal laws.

The Zoning Ordinance currently only allows "Tobacco stores, including, but not limited to, cigarette, cigar, and smoking paraphernalia shops" in the C-2 (General Commercial) and CPD (Commercial Planned Development) Zones, and only with a Conditional Use Permit. The Community Development Director has determined that e-cigarette stores and vapor lounges are subject to an Administrative Permit. They could pose problems in this use because the ventilation system could not be separated for individual vendors. A condition has been added prohibiting vendors that sell tobacco or nicotine products, including e-cigarettes, and vapor bars.

Adult Businesses, including adult bookstores, are allowed in the M-1 Zone, however, there are certain separation requirements in the Zoning Ordinance. The Zoning Ordinance does not allow these businesses within 500 feet of any church, synagogue,

mosque or other publicly recognized place of worship. The Cornerstone Church is located at 379 Science Drive, which is less than 200 feet from this Industrial Planned Development. Therefore, adult bookstores would not be permitted on this site. A condition has been added to prohibit this use.

Sales of alcoholic beverages would be subject to a separate Administrative Permit. A condition has been added to address this. A condition has also been added requiring that 80% of the vendors be retail vendors with taxable sales, and that a maximum of 20% of the vendors may provide on-site or off-site services.

Parking Lot Landscaping

As discussed in the original report, this plan would also need to demonstrate compliance with the City's landscaping standards for parking lots. At the present time, the applicant is proposing trees in containers for landscaping in the former truck staging and loading area to avoid damage to the existing concrete pavement in this area. Although the applicant is showing more trees than would be required, the use of raised planters for required trees in a parking lot does not comply with the City's Landscape Design Standards and Guidelines, which specify diamond planters within the parking areas. Diamond planters typically have a 6-inch curb to protect the tree, which is planted in the ground.

Nonetheless, this project as proposed may qualify for a Zoning Variance given the unique site conditions of having an existing thick concrete loading area that is proposed for parking. A Variance normally requires a public hearing before the Planning Commission. In this case, a Variance hearing and decision would be elevated to the City Council, since the other permit applications are being considered by the City Council. To obtain a Variance, the applicant will be required to show that 1) there are special circumstances applicable to this property with regard to size, shape, topography, location or surroundings, such that the strict application of the zoning regulations denies them privileges enjoyed by other property owners in the vicinity and under identical zoning districts; 2) the granting of the Variance will not confer a special privilege inconsistent with the limitations upon other properties in the same vicinity and zone; 3) the strict application of the zoning regulations as they apply to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations; and 4) the granting of such Variance will not be detrimental to the public health, safety or general welfare, nor to the use, enjoyment or valuation of neighboring properties.

An estimate by the Parks and Recreation Director shows the cost of the proposed container landscaping at \$57,000. The estimated cost of providing landscaping in compliance with the City's Landscape Design Standards and Guidelines, including enhanced landscaping at the new entrance to the building and cutting of the existing concrete on site, is \$107,000. Staff would be willing to support a Variance application for the proposed container plants if the applicant provides the funds for the City to install

landscaping elsewhere in the City to achieve the same or similar effect as if the landscaping were installed on site, equivalent to the difference between the estimated cost of the container plants and the cost of strict compliance with the Landscape Design Standards and Guidelines.

A condition of approval is included in the attached resolution for the applicant to submit a landscaping plan in compliance with the City's Landscape Design Standards and Guidelines or submit an application for a Variance that is deemed complete prior to issuance of building permits. All landscaping would need to be installed in compliance with the Landscape Design Standards and Guidelines, or the Variance application would need to be decided and a surety posted with the City to guarantee the installation of the required landscaping prior to occupancy. If a Variance is obtained, all landscaping required by the Variance would need to be installed within 90 days of the decision on the Variance application.

Loitering

A condition has been added requiring signage and monitoring of the property to reduce the possibility of loitering on and around the project site.

A revised draft resolution is attached with changes to conditions from those presented on April 2, 2014 shown in legislative format. The final resolution will have the legislative format removed.

STAFF RECOMMENDATION

1. Continue to accept public testimony and close the public hearing.
2. Adopt Resolution No. 2014-____ approving Administrative Permit (AP) 2013-19 and Modification No. 4 to Industrial Planned Development (IPD) No. 93-1 and adopting a Mitigated Negative Declaration under CEQA in connection therewith.

ATTACHMENTS:

1. April 2, 2014 Agenda Report (w/o attachments)
2. Draft Resolution No. 2014-_____

of 4-2-2014
ACTION: Continued open
public hearing to 4-16-2014.

MOORPARK CITY COUNCIL
AGENDA REPORT

BY: M. Benson

TO: Honorable City Council

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

DB
JF

DATE: March 25, 2014 (CC Meeting of April 2, 2014)

SUBJECT: Consider a Resolution Approving Administrative Permit (AP) No. 2013-19 and Modification No. 4 to Industrial Planned Development (IPD) No. 93-1 to Allow a 79,042 Square-Foot Multi-Tenant Indoor Retail Operation in an Existing Building in the M-1 Zone at 709 Science Drive, and Adopting a Mitigated Negative Declaration under CEQA in Connection Therewith, on the Application of Community Marketplace (Manny Asadurian, Jr.)

BACKGROUND

On December 31, 2013 Community Marketplace submitted an application for Administrative Permit No. 2013-19 to construct and operate a multi-tenant indoor retail operation in the M-1 Zone in an existing building at 709 Science Drive. On February 11, 2014, in response to an incompleteness letter, Community Marketplace also submitted an application for Modification No. 4 to IPD No. 93-1 for the proposed use, as was required by conditions of approval on IPD 93-1 for a change of use from the mail marketing and warehouse use listed in the original application. The applicant proposes a retail operation with up to 175 vendors within a "trade show" environment in 79,042 square feet of a 253,478 square-foot vacant building, that is part of a 406,534 square-foot two-building industrial planned development project.

An Administrative Permit is required for retail sales in the M-1 zone, not to exceed twenty percent of the gross floor area of the building or IPD. It is normally decided by the Community Development Director, however in this case, the decision is elevated to the City Council for consideration, because a Modification application that requires City Council consideration is also needed for this project.

A condition in the original IPD No. 93-1 permit for this project required a modification to the permit for any use not listed in the original application. The original application was for mail marketing and warehousing. Any change that is not extensive enough to be considered a substantial or fundamental change in the approved entitlement or use relative to the permit, would not have a substantial adverse impact on surrounding properties and would not change any findings contained in the environmental documentation prepared for the permit, may be deemed a permit modification. Action on the permit modification application shall be by the decision-making body that approved the original permit by the same type of public action process and public noticing as required for the original project application.

DISCUSSION

Project Setting

Existing Site Conditions:

The site consists of two large industrial buildings on an approximately 19.6 acre site. The site has been graded as three lots, developed with two buildings. The applicant is proposing the retail use in 79,042 square feet of the northernmost 253,478 square foot building. The southernmost building is 152,786 square feet, for a total of 406,534 square feet of floor area. Access to the parking lots is from the driveway at the end of Science Drive. The parking lot is landscaped, whereas the slopes leading to the upper lot are largely natural vegetation.

Previous Applications:

Resolution No. 93-988 was adopted on October 6, 1993 for Industrial Planned Development No. 93-1 and Lot Line Adjustment No. 93-8 the application of G&S Partnership. The permit allowed the construction of a 406,534 square foot industrial planned development.

Minor Modification No. 1 to IPD 93-1 was approved by the Community Development Director on November 18, 1994. This modification removed a condition requiring that the entire building be painted with anti-graffiti paint and replaced the condition with a requirement for all graffiti to be removed within 5 days of written notification. This is consistent with the City's current graffiti ordinance.

Resolution No. 95-1141 was adopted on July 20, 1995 for Minor Modification No. 2 to IPD 93-1. This modification allowed a refund of the Art in Public Places Fee of \$40,628.00 in exchange for providing the stone and water feature which currently exists in the plaza area.

Resolution No. 2003-2138 was adopted on September 3, 2003 denying Minor Modification No. 3 to IPD 93-1, requesting seasonal outdoor storage in the parking area on an ongoing basis.

General Plan and Zoning Consistency:

The I-1 (Light Industrial) General Plan land use designation is intended to provide for a variety of light industrial uses, technical research and business office uses in a business park context. The site is zoned M-1 (Light Industrial) which allows the uses mentioned above. The M-1 zone also allows for retail sales with an Administrative Permit, when up to twenty percent of the gross floor area of the building or IPD when in an industrial complex

GENERAL PLAN/ZONING			
Direction	General Plan	Zoning	Land Use
Site	I-1 (Light Industrial)	M-1 (Industrial Park)	Vacant and Warehouse
North	I-2 (Medium Industrial)	M-2 (Limited Industrial)	SPRR Railroad and Industrial
South	C-2 (General Commercial)	CPD (Commercial Planned Development)	Moorpark Marketplace Shopping Center
East	FRWY-RW	n/a	SR-118 Freeway
West	I-1 (Light Industrial)	M-1 (Industrial Park)	Light Industrial

Project Summary

Building One	Building Two	Building Area (sq. ft.)
Office		15,319
Retail		79,042
Warehouse		159,418
	Office	7,625
	Warehouse	144,875
Misc.		255
Total		406,534

Proposed Project

Architecture:

Although the overall architecture of Building One will not change, the applicant is proposing the main retail entrance on the north side of the building. There will be an additional entrance at the front (west) side of the building, but the majority of the parking will be on the north side. The remaining portion will remain for rentable warehouse space. Changes to the doors may be required for entry and exit purposes. The

applicant is proposing to create a “storefront” entrance from one of the existing loading bays. Additionally, the applicant is proposing to enclose the loading bays that will no longer be used with spandrel glass and an architectural surround, to create the appearance of large windows. A condition of approval has been added requiring that final architectural design shall be subject to review and approval of the Community Development Director.

Circulation:

Ingress to the site is provided via driveway from Science Drive, which is accessed from Los Angeles Avenue to the south. The existing truck circulation and loading area will be striped and landscaped for retail parking and will be specifically designated. The remaining parking and loading areas will be designated for the warehouse use. A condition of approval has been added requiring that the parking plan will require review and approval by the Community Development Director.

Parking:

Proposed Use	Square Footage	Spaces Required	Spaces Proposed
<i>Building One</i>			
Office	15,319	51 (1/300)	
Retail	79,042	263 (1/300)	
Warehouse	159,418	20 (1/500 1 st 10,000) 30 (1/5,000 Remainder)	
Misc	255	1 (1/300)	
		<i>365 Required</i>	
<i>Building Two</i>			
Office	7,625	25 (1/300)	
Warehouse	144,875	20 (1/500 1 st 10,000) 27 (1/5,000 Remainder)	
		<i>72 Required</i>	
Total	406,534	437	521

The building was originally developed to accommodate a large bulk mail order company. As such, employee parking was provided, as well as a large truck staging area. The applicant is proposing to stripe and landscape the truck staging and loading area to accommodate retail customer parking.

The two buildings on the site total 406,534 square feet which would require a total of approximately 437 parking spaces. There are 521 proposed parking spaces on site, resulting in a total surplus of 84 parking spaces on the site. A final parking plan is

required for review prior to construction to ensure compliance with the Zoning Ordinance. This plan would also need to demonstrate compliance with the City's landscaping standards for parking lots. At the present time, the applicant is proposing trees in containers for landscaping in the former truck staging and loading area to avoid damage to the existing concrete pavement in this area. Detailed landscaping plans will be submitted for review by the Parks and Recreation Director and Community Development Director to determine compliance with the City's landscaping standards if the project is approved. If the proposed landscaping cannot meet the City standards for parking lot landscaping, the applicant may need to cut into the concrete to provide for necessary landscaping.

ANALYSIS

Issues

Staff analysis of the proposed project has identified the following areas for City Council consideration:

- Zoning
- Uses
- Hours of Operation
- Traffic
- Art in Public Places

Zoning:

Currently, retail sales are allowed in the M-1 and M-2 zone, subject to an Administrative Permit, but they are limited to a maximum of 20% of the gross floor area of the building or industrial complex in which they are located. At 79,042 square feet, the proposed retail sales would occupy 19.4 percent of the complex. No further retail sales would be allowed at this location, regardless of the warehouse tenants.

The retail sales need not be tied to an M-1 use. This code section allows the flexibility for tenants to have retail show rooms, or to allow a convenience store, coffee shop, or restaurant within an industrial park to provide services to employees within the area. This is not uncommon within large industrial areas. It also allows retail uses that are synergistic with industrial uses, such as flooring, plumbing or electrical supplies.

Uses:

The applicant has submitted a letter describing the intent of the proposal. The intent is to provide approximately 175 vendor spaces, consisting of small booths (10' x 10') inside the existing building for a mix of dealers of new items, arts and crafts, food, and services.

The Moorpark Municipal Code does not list a “community marketplace”, swap meet, or flea market within the use matrix. The Zoning Ordinance does, however define a swap meet as “a market operating for the sale or exchange of merchandise at retail by a number of sellers...” This definition does not pre-judge the quality of an establishment. The Municipal Code separately addresses thrift stores, secondhand shops, consignment stores and has a list of prescribed requirements for those uses.

Thrift stores, secondhand shops, consignment stores when in compliance with Chapter 5.32 are currently allowed only in the CPD, C-2, and C-OT Zones, with an Administrative Permit. The applicant is not requesting these uses as the market will be selling all new items, with the possible exception of art or antique dealers, which would be allowed. A condition is included in the draft resolution that would prohibit thrift shops, secondhand shops, and consignment stores.

Hours of Operation:

Currently, there are no restrictions to hours of operation for IPD 93-1. The applicant is proposing hours of operation from 10:00 a.m. to 6:00 p.m. Friday, Saturday, and Sunday, with extended hours on the Friday after Thanksgiving (9:00 a.m. to 8:00 p.m.), December 23rd (10:00 a.m. to 6:00 p.m.) and December 24th (10:00 a.m. to 4:00 p.m.), annually. The applicant has also requested to operate on the following Federally recognized holidays during the normal hours of operation: President’s Day, Memorial Day, Independence Day, Labor Day, and Veteran’s Day. In order to mitigate traffic impacts, a condition of approval has been added restricting the use to the days and times proposed. Any temporary change to these days or extension of hours, such as during a seasonal sale period, will require approval of a Temporary Use Permit. These restrictions will not apply to the warehouse uses on site.

Traffic:

The applicant has provided a traffic impact assessment prepared by Overland Traffic Consultants, Inc. (attached) to evaluate the traffic generated by the proposed project. The key findings of the traffic study are:

1. The intersection of Los Angeles Avenue and Science Drive / Miller Parkway currently operates at LOS A AM and late AM Peak Hour, and LOS B PM Peak Hour.
2. The existing + Community Marketplace project traffic would not create any significant traffic impacts using the thresholds adopted by the City of Moorpark (LOA A AM and late AM Peak Hour, LOS C PM Peak Hour).
3. The existing + Community Marketplace + 100 % occupancy of remaining vacant floor area project traffic would not create any significant traffic impacts using the thresholds adopted by the City of Moorpark (LOS A AM and late AM Peak Hour, LOS C PM Peak Hour).

This traffic study has been independently reviewed by Linscott, Law and Greenspan (LLG), a traffic engineering firm retained by the City at the applicant's expense. A copy of the LLG peer review is also attached. The peer review concluded that the trip generation projections are sufficiently conservative for the use. It also recommended consideration of splitting the southbound lane from Science Drive and Los Angeles Avenue into a left turn-through lane and a right turn lane, as this intersection was projected to operate at the high end of Level of Service C with full occupancy of the building by the proposed retail use and warehousing for the balance of the space. Adding a right-turn lane would require review of the design and geometry by Caltrans and may require the need for additional pavement width. Mitigation is included in the Mitigated Negative Declaration prepared for this project for the additional traffic generated by this use to contribute a fair share to intersection improvements at Los Angeles Avenue and Science Drive.

Art in Public Places:

As mentioned above, the City Council approved a resolution for a modification that allowed a refund of the Art in Public Places Fee of \$40,628.00 in exchange for providing the stone and water feature which currently exists in the plaza area. Integral to the stone and water feature was a characteristic where a large stone sphere would revolve 360 degrees in all directions on a pressurized stream of recirculated water creating the illusion of floating. At some point after the original tenant left, the water was shut off, leaving the stone sphere motionless. A condition of approval has been added requiring that, prior to occupancy, the public art must be restored to the satisfaction of the Community Development Director or an application must be submitted for Council consideration to amend the public art feature.

Findings

The following draft findings are provided for City Council consideration:

Administrative Permit Findings:

Based upon the information set forth in the staff report(s), accompanying studies, and oral and written public testimony, the City Council finds in accordance with City of Moorpark, Municipal Code Section 17.44.040, that the project complies with the Moorpark Municipal Code for a retail use in the M-1 zone in that it does not exceed twenty percent of the floor area of IPD No. 93-1 and sufficient parking is provided to meet the requirements of the Zoning Ordinance.

Modification to IPD Findings:

Based upon the information set forth in the staff report(s), accompanying studies, and oral and written public testimony, the City Council makes the following findings in accordance with City of Moorpark, Municipal Code Section 17.44.100:

A. The proposed project under Modification No. 4 to IPD No. 93-1 does not pose a substantial or fundamental change in the approved entitlement or use relative to the IPD No. 93-1 in that only minor exterior modifications are proposed to the building, and the projected trip generation of the new use is similar to that of the use originally approved as part of IPD No. 93-1.

B. The proposed project under Modification No. 4 to IPD No. 93-1 would not have a substantial adverse impact on surrounding properties in that the project trip generation is similar to that of the use originally approved as part of IPD No. 93-1 and there is sufficient on-site parking for the project.

C. A Mitigated Negative Declaration has been prepared for the proposed project under Modification No. 4 to IPD No. 93-1, demonstrating that any potential significant impacts can be mitigated.

PROCESSING TIME LIMITS

Time limits have been established for the processing of development projects under the Permit Streamlining Act (Government Code Title 7, Division 1, Chapter 4.5), the Subdivision Map Act (Government Code Title 7, Division 2), and the California Environmental Quality Act Statutes and Guidelines (Public Resources Code Division 13, and California Code of Regulations, Title 14, Chapter 3). Under the applicable provisions of these regulations, the following timelines have been established for action on this project:

Date Application Determined Complete: March 19, 2014

Planning Commission Action Deadline: N/A

City Council Action Deadline: October 5, 2014

Upon agreement by the City and Applicant, one 90-day extension can be granted to the date action must be taken on the application.

ENVIRONMENTAL DETERMINATION

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

Based upon the results of an Initial Study, the Director may determine that a project will not have a significant effect upon the environment. In such a case, a Notice of Intent to

Adopt a Negative Declaration or a Mitigated Negative Declaration is prepared. For many projects, a Negative Declaration or Mitigated Negative Declaration will prove to be sufficient environmental documentation. If the Director determines that a project has the potential for significant adverse impacts and adequate mitigation 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 **Mitigated Negative Declaration** for City Council review and consideration before making a recommendation on the project. The Mitigated Negative Declaration (Exhibit B of Draft Resolution, attached) was circulated for public review from March 11, 2014 to April 1, 2014. As of the writing of this staff report, no comments on the Mitigated Negative Declaration were received. Staff will update the City Council of any comments received during its presentation of this report at the City Council meeting.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

1. Open the public hearing, accept public testimony and close the public hearing.
2. Adopt Resolution No. 2014-____ approving Administrative Permit (AP) 2013-19 and Modification No. 4 to Industrial Planned Development (IPD) No. 93-1 and adopting a Mitigated Negative Declaration under CEQA in connection therewith.

ATTACHMENTS:

1. Location Map
2. Aerial Photograph
3. Project Exhibits (Under Separate Cover)
4. Overland Traffic Consultants Traffic Study
5. LLG Traffic Study Peer Review
6. Draft Resolution No. 2014-____

RESOLUTION NO. 2014-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING ADMINISTRATIVE PERMIT (AP) NO. 2013-19 AND MODIFICATION NO. 4 TO INDUSTRIAL PLANNED DEVELOPMENT (IPD) NO. 93-1 TO ALLOW A 79,042 SQUARE-FOOT MULTI-TENANT INDOOR RETAIL OPERATION IN AN EXISTING BUILDING IN THE M-1 ZONE AT 709 SCIENCE DRIVE, AND ADOPTING A MITIGATED NEGATIVE DECLARATION UNDER CEQA IN CONNECTION THEREWITH, ON THE APPLICATION OF COMMUNITY MARKETPLACE (MANNY ASADURIAN, JR.)

WHEREAS, on December 31, 2013 an application for Administrative Permit No. 2013-19 was submitted by Community Marketplace (Manny Asadurian, Jr.), followed by an application for Modification No. 4 to IPD No. 93-1, to construct and operate a 79,042 square-foot multi-tenant indoor retail operation in an existing building in the M-1 Zone at 709 Science Drive; and

WHEREAS, an Initial Study and Proposed Mitigated Negative Declaration were prepared for this project in compliance with the California Environmental Quality Act of 1970, as amended (CEQA) and City CEQA Procedures, and circulated for public review from March 11, 2014 to April 1, 2014; and

WHEREAS, the City Council has read, reviewed, and considered the proposed Mitigated Negative Declaration prepared for the project referenced above, together with any comments received during the public review process; and

WHEREAS, at a duly noticed public hearing held on April 2 and April 16, 2014, the City Council considered the agenda report for Administrative Permit (AP) 2013-19 and Modification No. 4 to Industrial Planned Development (IPD) No. 93-1, 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 public hearing and reached a decision on this matter.

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

SECTION 1. FINDINGS AND DECLARATIONS ON MITIGATED NEGATIVE DECLARATION: The City Council finds and declares as follows:

A. The Mitigated Negative Declaration and Initial Study prepared for this project, attached hereto as Exhibit B, are complete and have been prepared in compliance with CEQA, and City CEQA Procedures.

B. The City Council has read, reviewed, and considered the proposed Mitigated Negative Declaration prepared for the project referenced above together with any comments received during the public review process before making a decision concerning the project.

C. Based on the whole of the record before the City Council, there is no substantial evidence that the project will have a significant effect on the environment, with the incorporation of the Mitigation Measures identified in the attached Mitigated Negative Declaration as project conditions of the accompanying Industrial Planned Development and Conditional Use Permit for this project.

D. The Mitigated Negative Declaration reflects the independent judgment and analysis of the City of Moorpark as lead agency.

E. The City Council hereby designates the Office of the City Clerk as the custodian of the records constituting the record of proceedings upon which its decision has been based.

SECTION 2. ADOPTION OF MITIGATED NEGATIVE DECLARATION: The Mitigated Negative Declaration prepared in connection with Administrative Permit (AP) 2013-19 and Modification No. 4 to Industrial Planned Development (IPD) No. 93-1, attached hereto as Exhibit B, is hereby adopted.

SECTION 3. ADOPTION OF MITIGATION MONITORING AND REPORTING PROGRAM: The Mitigation Monitoring and Reporting Program, required by Section 21081.6 of CEQA and 15074 of the CEQA Guidelines, and included in the Mitigated Negative Declaration, attached hereto as Exhibit B, is hereby adopted.

SECTION 6. APPROVAL OF PERMITS: Administrative Permit No. 2013-19 and Modification No. 4 to IPD No. 93-1 are hereby approved, subject to conditions of approval in Exhibit A, attached hereto and incorporated herein.

SECTION 7. 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 16th day of April, 2014.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Exhibit A – Special Conditions of Approval
Exhibit B – Mitigated Negative Declaration

EXHIBIT A

**SPECIAL CONDITIONS OF APPROVAL FOR ADMINISTRATIVE
PERMIT (AP) NO. 2013-19 AND MODIFICATION NO. 4 TO
INDUSTRIAL PLANNED DEVELOPMENT (IPD) NO. 93-1**

1. Prior to issuance of a Zoning Clearance for construction, the applicant shall pay the City's air quality fee based on the increase in trip generation above that considered for the project approved by IPD No. 93-1.
2. Prior to issuance of a Zoning Clearance for construction, a parking plan must be submitted for review and approval by the Community Development Director. All damaged areas in the parking areas on the IPD site shall be repaired to the satisfaction of the Community Development Director prior to occupancy.
- 2.3. Detailed landscaping plans demonstrating compliance with the City's Landscape Design Standards and Guidelines must be submitted for review by the Parks and Recreation Director and Community Development Director, or a Variance application for the use of container plants in the parking areas must be submitted and deemed complete, prior to issuance of a Building Permit. All landscaping must be installed in accordance with the approved plan, or if a Variance is requested, a decision on the Variance application must be made and sufficient surety posted with the City to guarantee the installation of the required landscaping prior to occupancy, and all landscaping required by the Variance decision must be installed within 90 days of the decision.
- 3.4. Prior to issuance of a Zoning Clearance for occupancy, the public art must be restored to the satisfaction of the Community Development Director, or the property owner must submit a complete application to amend the public art feature for Council consideration.
5. All signs must be in compliance with Chapter 17.40 of the Moorpark Municipal Code (Sign Regulations). A separate sign permit application is required for all proposed signs. No off-site signs or roof signs are permitted for this use. As part of the sign permit application for the use, the applicant shall include a monument sign in a location that helps direct customers toward the northerly driveway to the satisfaction of the Community Development Director. The approved monument sign shall be installed prior to occupancy.
- 4.6. The applicant shall be required to prepare and implement a plan for the posting of "No Loitering" signs and the implementation of no loitering for the review and approval of the Community Development Director. All of the "No Loitering" signs shall be installed per the approved plan prior to the occupancy of the building and

the program shall be operational upon the opening day. The applicant shall enforce the no loitering requirement on the permit area to the maximum extent permitted by local, state and federal laws.

5-7. Hours of operation may only be between 10:00 a.m. and 6:00 p.m. Friday, Saturday, and Sunday, with extended days/hours allowed as follows:

- Friday after Thanksgiving (9:00 a.m. to 8:00 p.m.)
- December 23rd (10:00 a.m. to 6:00 p.m.)
- December 24th (10:00 a.m. to 4:00 p.m.)
- President's Day (10:00 a.m. to 6:00 p.m.)
- Memorial Day (10:00 a.m. to 6:00 p.m.)
- Independence Day (10:00 a.m. to 6:00 p.m.)
- Labor Day (10:00 a.m. to 6:00 p.m.)
- Veteran's Day (10:00 a.m. to 6:00 p.m.)

6-8. All refuse and recycling bins for the center shall be maintained in enclosures. Prior to issuance of a Zoning Clearance for occupancy, all enclosures shall be upgraded to be screened with a solid wall and decorative gate and covered with a roof, to the satisfaction of the Community Development Director.

7-9. All exterior areas of the site, including landscaping and parking areas must be maintained free of litter and debris at all times.

8-10. Administrative Permit (AP) 2013-19 and Modification No. 4 to Industrial Planned Development (IPD) No. 93-1 may be revoked or its use suspended by the City, if any of the causes listed in Section 17.44.080.B of the Zoning Code are found to apply, including if the use for which the permit was granted has not been exercised for at least twelve (12) consecutive months, has ceased to exist, or has been abandoned. The discontinuance for a period of one hundred eighty (180) or more days of a nonconforming use or a change of nonconforming use to a conforming use constitutes abandonment and termination of the nonconforming status of the use.

9-11. The City of Moorpark reserves the right to modify, suspend or revoke for cause this permit consistent with Chapter 17.44 of the Moorpark Municipal Code or as may be amended in the future.

10-12. No major architectural changes are permitted. Minor architectural changes to the building that would be authorized with a Permit Adjustment will require review and approval by the Community Development Director prior to construction.

13. All sales shall comply with all local, State, and Federal laws and regulations. Thrift stores, secondhand shops, and consignment stores, tobacco stores, e-cigarette stores, vapor bars, and adult businesses, including adult bookstores, are not permitted as part of this permit.

~~11.14.~~ Sales of alcoholic beverages, either for on-site or off-site consumption, shall be by separate permit as required by the Zoning Ordinance.

~~12.15.~~ Approval of a Business Registration permit is required for the operator and each vendor prior to initiation of sales.

~~13.16.~~ A maximum of 175 vendors are permitted. Not less than 80% of vendors shall provide taxable retail sales on site, with no more than 20% of vendors providing either on-site or off-site services to customers. A list of each vendor and map showing the location of each vendor shall be provided to the Community Development Director prior to initiation of the operation and with each change in vendor or location. In addition, the applicant shall provide the Community Development Department with the following for each vendor before that vendor is permitted to operate:

- A copy of their valid Seller's Permit issued by the State Board of Equalization.
- A letter, on business letterhead, certifying that all retail sales generated at the location will be properly reported to the State Board of Equalization as occurring within the City of Moorpark.

~~14.17.~~ All giveaways must comply with State of California Rules for Promotional Giveaways (California Business and Professions Code sections 17533.8, 17537.1.) For more information see California Department of Consumer Affairs Legal Guide U-1.

~~15.18.~~ Any raffle or similar game must comply with State of California Rules Prohibiting Lotteries (California Penal Code section 319 and following). For more information see California Department of Consumer Affairs Legal Guide U-2.

~~16.19.~~ All contests must comply with State of California Rules for Operation of Contests (Business and Professions Code sections 17539-17539.3, 17539.35). For more information see California Department of Consumer Affairs Legal Guide U-3.

~~17.20.~~ The distribution of any prizes or gifts must comply with State of California Rules on Conditional Offer of Prizes or Gifts (California Business and Professions Code section 17537) For more information see California Department of Consumer Affairs Legal Guide U-4.

~~18.21.~~ The applicant shall comply with Chapter 8.32 PROHIBITING SMOKING IN PUBLIC PLACES at all times and shall provide signs consistent with Chapter 8.32.040 to the satisfaction of the Community Development Director, prior to initiation of the uses allowed by this permit.

- | ~~19-22.~~ The approval of temporary signs, banners, flags, streamers, balloons, or other similar advertising devices are not included under this application. Temporary signs are processed under a separate permitting procedure and are subject to the requirements of Section 17.40 of the Municipal Code and the review and approval of the Community Development Director.
- | ~~20-23.~~ The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit is deemed to be acceptance of all conditions of this permit.
- | ~~21-24.~~ The development shall be in substantial conformance with the plans presented in conjunction with the application for Administrative Permit (AP) 2013-19 and Modification No. 4 to Industrial Planned Development (IPD) No. 93-1, except any modifications as may be required to meet specific Code standards or other conditions stipulated herein.
- | ~~22-25.~~ All other conditions of approval of Industrial Planned Development (IPD) No. 93-1 shall continue to apply, except as revised herein.
- | ~~23-26.~~ All necessary permits must be obtained from the Building and Safety Department and all construction shall be in compliance with the Moorpark Building Code and all other applicable regulations.
- | ~~24-27.~~ Approval of a Zoning Clearance is required prior to the issuance of building permits.
- | ~~25-28.~~ All other permit and fee requirements must be met.
- | ~~26-29.~~ If any of the conditions or limitations of this approval are held to be invalid, that holding will not invalidate any of the remaining conditions or limitations set forth.
- | ~~27-30.~~ Prior to the issuance of a Zoning Clearance for tenant occupancy, an occupancy inspection shall be completed by the Building and Safety Division.
- | ~~28-31.~~ Prior to the issuance of a Zoning Clearance for tenant occupancy, the prospective tenant shall obtain a Business Registration from the City of Moorpark. All contractors doing work in Moorpark shall have or obtain a current Business Registration.
- | ~~29-32.~~ This permit is granted or approved with the City's designated approving body retaining and reserving the right and jurisdiction to review and to modify the permit—including the conditions of approval—based on changed circumstances. Changed circumstances include, but are not limited to, major modification of the business; a change in scope, emphasis, size, or nature of the business; the expansion,

alteration, reconfiguration, or change of use; or the fact that the use is negatively impacting surrounding uses by virtue of impacts not identified at the time of application for the permit or impacts that are much greater than anticipated or disclosed at the time of application for the permit. The reservation of right to review any permit granted or approved under this chapter by the City's designated approving body is in addition to, and not in lieu of, the right of the City, its Planning Commission, City Council and designated approving body to review and revoke or modify any permit granted or approved under this chapter for any violations of the conditions imposed on such permit.

| ~~30.33.~~ The Conditions of Approval of this permit, City of Moorpark Municipal Code and adopted city policies at the time of the permit approval supersede all conflicting notations, specifications, dimensions, typical sections and the like which may be shown on plans.

| ~~31.34.~~ Conditions of this entitlement may not be interpreted as permitting or requiring any violation of law or any unlawful rules or regulations or orders of an authorized governmental agency.

| ~~32.35.~~ 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 the permit, which claim, action or proceeding is brought within the time period provided by the California Code of Civil Procedure Section 1094.6 and Government Code Section 65009 ~~therefore in Government Code Section 66499.37.~~ 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 ultimately obtained, or final occupancy is ultimately granted with respect to the permit.

| ~~33.36.~~ Prior to the issuance of a Zoning Clearance for tenant occupancy, the applicant shall submit a Developer Waste Reduction and Recycling Plan to the satisfaction of the Community Services Administrative Specialist.

| ~~34.37.~~ All mitigation measures included in the Mitigated Negative Declaration prepared for this project are incorporated as conditions of approval.

- End -

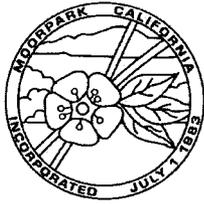


EXHIBIT B

**MITIGATED NEGATIVE DECLARATION
CITY OF MOORPARK**

**799 MOORPARK AVENUE
MOORPARK, CA 93021
(805) 517-6200**

The following Mitigated 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: March 11, 2014 to April 1, 2014

Project Title/Case No.: Administrative Permit 2013-19, Modification No. 4 to IPD No. 93-1
Community Marketplace

Project Location: 709 Science Drive. (Location Map Attached)

Project Description: A request to allow a multi-tenant indoor retail community marketplace in the M-1 Zone. (Retail sales in the M-1 and M-2 zone limited to a maximum of 20% of the gross floor area of the planned development in which it is located.) (Environmental Information Form Attached)

Project Type: Private Project Public Project

Project Applicant: Manny Asadurian
11576 Sumac Lane, Santa Rosa Valley, CA 93012
(805) 796-9983 majr747@aol.com

Finding: After preparing an Initial Study for the above-referenced project, revisions have been made by or agreed to by the applicant consistent with the mitigation measures identified in the Initial Study. With these revisions, 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: Location Map
Initial Study with Mitigation Measures

Contact Person: Joseph Fiss, Principal Planner
Community Development Department
City of Moorpark
799 Moorpark Avenue
Moorpark, California, 93021
(805) 517-6226



CITY OF MOORPARK INITIAL STUDY

799 MOORPARK AVENUE

MOORPARK, CA 93021

(805) 517-6200

Project Title: Community Marketplace	Case No.: AP No. 2013-19 and Mod. No. 4 to IPD No. 93-1
Contact Person and Phone No.: Joseph Fiss, Principal Planner (805) 517-6226	
Name of Applicant: Manny Asadurian	
Address and Phone No.: 11576 Sumac Lane, Santa Rosa Valley, CA 93012 (805) 796-9983 majr747@aol.com	

Project Location: 709 Science Drive

General Designation: Plan I-1 Light Industrial Zoning: M-1 Industrial Park

Project Description: A request to allow a multi-tenant indoor retail community marketplace in the M-1 Zone. (Retail sales in the M-1 and M-2 zone limited to a maximum of 20% of the gross floor area of the planned development in which it is located.) (Submitted 12/31/13)

Surrounding Land Uses and Setting:

North: Light Industrial (manufacturing)/Railroad Right of Way/Arroyo Simi

South: Light Industrial (warehousing)/Los Angeles Avenue/Regional Commercial

East: SR 23 Freeway

West: Light Industrial (general)

Responsible and Trustee Agencies: City of Moorpark

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 checked="" 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 checked="" type="checkbox"/>	Transportation/Traffic	<input type="checkbox"/>	Utilities/Service Systems	<input type="checkbox"/>	Mandatory Findings of Significance
<input type="checkbox"/>	None				

DETERMINATION: On the basis of this initial evaluation,

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. Mitigation measures described on the attached Exhibit 1 have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.

Prepared by: Joseph Fiss Reviewed by: David A. Roberts
 Date: 3/10/14 Date: 3/10/2014

INITIAL STUDY EXHIBIT 1:

**MITIGATED NEGATIVE DECLARATION
MITIGATION MEASURES AND
MONITORING AND REPORTING PROGRAM**

1. Hours of operation may only be between 10:00 a.m. and 6:00 p.m. Friday, Saturday, and Sunday, with extended days/hours allowed as follows:

- Friday after Thanksgiving (9:00 a.m. to 8:00 p.m.)
- December 23rd (10:00 a.m. to 6:00 p.m.)
- December 24th (10:00 a.m. to 4:00 p.m.)
- President's Day (10:00 a.m. to 6:00 p.m.)
- Memorial Day (10:00 a.m. to 6:00 p.m.)
- Independence Day (10:00 a.m. to 6:00 p.m.)
- Labor Day (10:00 a.m. to 6:00 p.m.)
- Veteran's Day (10:00 a.m. to 6:00 p.m.)

Monitoring Action: Check Hours of Operation
Timing: Ongoing and Annually as part of the Community Development Department's Annual Review of Ongoing Mitigation Measures
Responsibility: Community Development Director

2. Prior to the issuance of a building permit, the applicant shall pay to the Citywide Traffic Mitigation Fund a fair share contribution for intersection improvements at Los Angeles Avenue and Science Drive based on increased trip generation and traffic impacts above that from the previously approved use as determined by the Community Development Director and City Engineer/Public Works Director.

Monitoring Action: Receipt of payment
Timing: Prior to the issuance of a building permit
Responsibility: Community Development Director and City Engineer/Public Works Director

**AGREEMENT TO PROPOSED MITIGATION MEASURES AND
MONITORING AND REPORTING PROGRAM**

In accordance with the CEQA Guidelines Section 15070 (California Code of Regulations Title 14, Chapter 3, Article 6), this agreement must be signed prior to release of the Mitigated Negative Declaration for public review.

I, THE UNDERSIGNED PROJECT APPLICANT, HEREBY AGREE TO MODIFY THE PROJECT DESIGN, CONSTRUCTION OR OPERATION AS NECESSARY TO INCLUDE ALL OF THE ABOVE-LISTED MITIGATION MEASURES IN THE PROJECT.

Signature of Project Applicant

Date

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
A. AESTHETICS – Would the project:				
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: The existing visual quality of the site will not change with the development of this project, since the building is existing and the only change is occupancy and minor changes to some openings (truck dock loading doors). Normal commercial light sources will not have a significant impact on the area and will be evaluated and be consistent with the City's lighting ordinance. The changes to the openings will be evaluated for consistency with City standards.

Sources: Project Application 12/31/13, 2/27/14 General Plan Land Use Element (1992).

Mitigation: None

B. AGRICULTURE RESOURCES – In determining whether impacts to agricultural resources are significant environmental effects, lead agencies 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. 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 _____
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	_____	_____	_____	_____ X _____
3) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	_____	_____	_____	_____ X _____

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Response: The subject site is not located within prime farmland and is zoned for industrial use, is currently developed and The Ventura County Important Farmland Map classifies the site as "Urban and Built-Up" land.				
Sources: California Dep't of Conservation: Ventura County Important Farmland Map (2000)				
Mitigation: None				

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>

Response: Mitigation is included to limit the use to three days per week and certain holidays, thereby reducing trip generation from the proposed retail use. In addition, a Condition of Approval will be placed on the project for the applicant to contribute to the City's Transportation Systems Management (Air Quality) fund based on the change of use.
Sources: Ventura County Air Pollution Control District: Ventura County Air Quality Assessment Guidelines (2000), URBEMIS 2001
Mitigation: Hours of operation may only be between 10:00 a.m. and 6:00 p.m. Friday, Saturday, and Sunday, with extended days/hours allowed as follows: <ul style="list-style-type: none"> • Friday after Thanksgiving (9:00 a.m. to 8:00 p.m.) • December 23rd (10:00 a.m. to 6:00 p.m.) • December 24th (10:00 a.m. to 4:00 p.m.) • President's Day (10:00 a.m. to 6:00 p.m.) • Memorial Day (10:00 a.m. to 6:00 p.m.) • Independence Day (10:00 a.m. to 6:00 p.m.) • Labor Day (10:00 a.m. to 6:00 p.m.) • Veteran's Day (10:00 a.m. to 6:00 p.m.)

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
D. BIOLOGICAL RESOURCES – Would the project:				
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?	_____	_____	_____	<u> X </u>
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?	_____	_____	_____	<u> X </u>
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?	_____	_____	_____	<u> X </u>
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?	_____	_____	_____	<u> X </u>
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	_____	_____	_____	<u> X </u>
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?	_____	_____	_____	<u> X </u>

Response: The use of the existing building will not have any adverse effect on biological resources in that no major structural changes are occurring and the proposed occupancy will not create any affects to any habitats.

Sources: Project Application 12/31/13, 2/27/14, California Department of Fish and Game: Natural Diversity Data Base-Moorpark and Simi Valley Quad Sheets (1993)

Mitigation: None

E. CULTURAL RESOURCES – Would the project:

1) Cause a substantial adverse change in the significance of a historic resource as defined in §15064.5?	_____	_____	_____	<u> X </u>
2) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	_____	_____	_____	<u> X </u>
3) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	_____	_____	_____	<u> X </u>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4) Disturb any human remains, including those interred outside of formal cemeteries?	_____	_____	_____	X

Response: The use of the existing building will not have any adverse effect on cultural resources in that no major structural changes are occurring and the proposed occupancy will not create any affects to any historic or cultural resources.

Sources: Project Application 12/31/13, 2/27/14,

Mitigation: None

F. GEOLOGY AND SOILS – Would the project:

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
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: The project will have no effect upon geology or soils in that the use of the existing building will not result in any new grading or excavation.

Sources: Project Application 12/31/13, 2/27/14, General Plan Safety Element (2001)

Mitigation: None

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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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?	_____	_____	_____	<u> X </u>
2) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	_____	_____	_____	<u> X </u>

Response: The proposal will not generate additional greenhouse gas emissions that may have a significant impact on the environment in that the impacts of the proposed use are approximately the same as the prior use.

Sources: Project Application 12/31/13, 2/27/14

Mitigation: None

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?	_____	_____	_____	<u> X </u>
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?	_____	_____	_____	<u> X </u>
3) Emit hazardous emission or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	_____	_____	_____	<u> X </u>
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?	_____	_____	_____	<u> X </u>
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?	_____	_____	_____	<u> X </u>
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?	_____	_____	_____	<u> X </u>
7) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	_____	_____	_____	<u> X </u>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
8) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	_____	_____	_____	<u> X </u>

Response: No hazardous material has been identified on the site. The retail use of the existing building will not create any significant hazards to the public in that it will comply with all building and safety codes for the proposed use.

Sources: Project Application 12/31/13, 2/27/14, General Plan Safety Element (2001)

Mitigation: None

I. HYDROLOGY AND WATER QUALITY – Would the project:

1) Violate any water quality standards or waste discharge requirements?	_____	_____	_____	<u> X </u>
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)?	_____	_____	_____	<u> X </u>
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?	_____	_____	_____	<u> X </u>
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?	_____	_____	_____	<u> X </u>
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?	_____	_____	_____	<u> X </u>
6) Otherwise substantially degrade water quality?	_____	_____	_____	<u> X </u>
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?	_____	_____	_____	<u> X </u>
8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	_____	_____	_____	<u> X </u>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	_____	_____	_____	<u> X </u>
10) Inundation by seiche, tsunami, or mudflow?	_____	_____	_____	<u> X </u>

Response: The proposal will have no impact upon hydrology and water quality because the use of the existing building will not result in any new construction or modifications that would affect water quality, supplies, or drainage.

Sources: Project Application 12/31/13, 2/27/14, General Plan Safety Element (2001)

Mitigation: None

J. LAND USE AND PLANNING – Would the project:

1) Physically divide an established community?	_____	_____	_____	<u> X </u>
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?	_____	_____	_____	<u> X </u>
3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	_____	_____	_____	<u> X </u>

Response: The proposed project is consistent with the current General Plan and Zoning designations for the property. Some retail use is anticipated and is permitted in the M-1 zone.

Sources: Project Application 12/31/13, 2/27/14, General Plan Land Use Element (1992)

Mitigation: None

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?	_____	_____	_____	<u> X </u>
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?	_____	_____	_____	<u> X </u>

Response: There are no known mineral resources on site.

Sources: Project Application 12/31/13, 2/27/14, General Plan Open Space, Conservation, and Recreation Element (1986)

Mitigation: None

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	_____	_____	_____	_____X_____
2) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	_____	_____	_____	_____X_____
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: The project site is far removed from any noise-sensitive land uses. In addition, standard conditions of approval have been placed on the project to adequately address any potential noise issues.

Sources: Project Application 12/31/13, 2/27/14, General Plan Noise Element (1998)

Mitigation: None

M. POPULATION AND HOUSING – Would the project:

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)?	_____	_____	_____	_____X_____
2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	_____	_____	_____	_____X_____
3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	_____	_____	_____	_____X_____

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Response: The proposal will have no impact upon population and housing because the use of the existing building will not result in any population growth or affect housing in any way, since this is a commercial use of an existing warehouse building, serving the local population.				
Sources: Project Application 12/31/13, 2/27/14				
Mitigation: None				

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>

Response: Conditions of approval and Development fees are collected by agencies in order to alleviate potential adverse impacts on public services. The applicant is required to obtain approvals of the Fire Protection District, Waterworks District No. 1 and other applicable agencies prior to obtaining a building permit.				
Sources: Project Application 12/31/13, 2/27/14, General Plan Safety Element (2001), General Plan Open Space, Conservation, and Recreation Element (1986)				
Mitigation: None				

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?	_____	_____	_____	<u> X </u>
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?	_____	_____	_____	<u> X </u>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Response: The project will not have any effect on the City's recreation infrastructure in that it only entails commercial occupancy of an existing warehouse building.				
Sources: Project Application 12/31/13, 2/27/14, General Plan Open Space, Conservation, and Recreation Element (1986)				
Mitigation: None				

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?	_____	_____ X _____	_____	_____
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?	_____	_____	_____	_____ X _____
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: A trip generation analysis was prepared for this application. The study shows that traffic impacts from the proposal will be similar to the previous use. Adequate parking will be provided on site.
Sources: Project Application 12/31/13, 2/27/14, General Plan Circulation Element (1992), Trip Generation Analysis Prepared by Overland Traffic Consultants, Inc. 2/26/14
Mitigation: Prior to the issuance of a building permit, the applicant shall pay to the Citywide Traffic Mitigation Fund a fair share contribution for intersection improvements at Los Angeles Avenue and Science Drive based on increased trip generation and traffic impacts above that from the previously approved use as determined by the Community Development Director and City Engineer/Public Works Director.

Q. UTILITIES AND SERVICE SYSTEMS – Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	_____	_____	_____	<u> X </u>
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?	_____	_____	_____	<u> X </u>
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?	_____	_____	_____	<u> X </u>
4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	_____	_____	_____	<u> X </u>
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?	_____	_____	_____	<u> X </u>
6) Be served by the landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	_____	_____	_____	<u> X </u>
7) Comply with federal, state, and local statutes and regulations related to solid waste?	_____	_____	_____	<u> X </u>

Response: The project is required to enter into agreements and provide adequate utility and service systems prior to the issuance of a building permit for construction.

Sources: Project Application 12/31/13, 2/27/14, Ventura County Watershed Protection District: Technical Guidance Manual for Stormwater Quality Control Measures (2002)

Mitigation: None

R. MANDATORY FINDINGS OF SIGNIFICANCE

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 of prehistory?	_____	_____	_____	<u> X </u>
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)?	_____	_____	_____	<u> X </u>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact X
3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	_____	_____	_____	_____

Response: The project does not have the potential to degrade the quality of the environment, have impacts that are individually limited, but cumulatively considerable, or have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly in that the project entails only occupancy of an existing building, consistent with the City's General Plan and Zoning Code.

Sources: See below.

Earlier Environmental Documents Used in the Preparation of this Initial Study

None

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. Application and materials submitted on 12/31/13, 2/27/14.
2. The City of Moorpark's General Plan, as amended.
4. The Moorpark Municipal Code, as amended.
5. 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
6. Public Resources Code Section 21000 et. seq. and California Code of Regulations, Title 14 Section 15000 et. seq.
7. Ventura County Air Quality Assessment Guidelines, October 31, 2003.
8. Traffic Study Prepared by Overland Traffic Consultants, Inc. 2/26/14
9. Traffic Study Peer Review Prepared by Linscott, Law, and Greenspan, Engineers 3/25/2014