

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

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

DATE: April 17, 2014 (CC Meeting of 5/7/2014)

SUBJECT: Consider Permit Adjustment No. 1 to Commercial Planned Development (CPD) 2001-01 (Moorpark Marketplace) to Allow the Removal of an Architectural Feature (Arched Screen Wall) at the Food Court and Replacement of Fountain Tile at the Southeast Corner of the Site Located at 888 Los Angeles Avenue on the Application of Steve Welch for Moorpark Marketplace LLC

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BACKGROUND

On April 3, 2014 Steve Welch for Moorpark Marketplace LLC, applied for Permit Adjustment No. 1 to Commercial Planned Development (CPD) 2001-01 to allow the removal of an architectural feature (arched screen wall) and the replacement of fountain tile at the food court at the southeast corner of the site located at 888 Los Angeles Avenue. The arched screen wall is constructed over the fountain and sculpture which were approved as the project's Public Art contribution. However, the arched screen wall is not part of the Public Art as discussed below.

DISCUSSION

In 2003, the Zoning Code was amended to simplify the review process. "Minor Modifications" and "Major Modifications" were combined into a single "Modification" process. At that time, the Permit Adjustment process was also revised to apply to any change which would not alter any of the project findings and would not have any adverse impact on surrounding properties.

The Community Development Director has determined that the proposed changes would not alter any of the project findings and would qualify for a Permit Adjustment. However, even though a Permit Adjustment is normally considered by the Community Development Director, this one involves a change that is not considered "Major", but

involves more than a change to just “painting and surfaces”. Therefore, direction is sought by the City Council on this Permit Adjustment application.

On March 20, 2002, the City Council adopted Resolution No. 2002-1952 (Attachment No. 1), approving Commercial Planned Development No. 2001-01 and Vesting Tentative Map No. 5321 to allow construction of the Moorpark Marketplace shopping center. Three subsequent Minor Modifications were approved for site plan and building elevations for two drive-through restaurants, and to allow a pylon sign.

Condition of Approval 36 states “On-site Art in Public Places: Prior to Zoning Clearance for the first building permit, the Developer shall submit a proposal for onsite art as satisfaction of the total commercial center Art in Public Places Fee. The onsite art proposal shall be reviewed by the Public Art Advisory Committee, approved by the City Council and installed prior to the first building occupancy. This artwork in is lieu of paying the Art in Public Places fee of \$.10 per each square foot of building area. The artwork must have a value corresponding to or exceeding the fee as determined by the Community Development Director.

On November 6, 2002, the City Council concurred with the Art in Public Places Committee and approved the existing fountain and sculpture incorporated under the arched walls of the food court. The agenda report for this item is included as Attachment No. 2. Although the Committee discussed not having signs on the arched walls, signs were approved by the City Council in this location through consideration of a Master Sign Program. The removal of the arched walls eliminates these signs as well and would allow for conventional sign installation, consistent with the approved Master Sign Program.

The applicant is proposing to remove the arched walls, but not the Public Art. The removal of the arched walls would expose the architecture of the food court and allow for increased visibility of the businesses at this location. The architecture of the food court is of high quality and there are no negative impacts of removing the arched walls. An attractive tower feature, “Juliet” balconies, and cornices would be more visible, as would the doors and windows of the shops, creating a more inviting courtyard.

The applicant is also proposing to replace the tile within, and on the face, of the fountain because the existing tile has not aged well. The existing blue tile on the face of and inside of the fountain is proposed to be replaced with a tan-colored tile to better complement the overall design with the removal of the arches. The applicant will also be repairing the fountain.

NOTICING

Permit Adjustments do not require public notice.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Direct the Community Development Director to issue a letter approving Permit Adjustment No. 1 to CPD 2001-01, subject to conditions of approval.

ATTACHMENTS:

1. Resolution No. 2002-1952
2. 11/6/02 Agenda Report
3. Draft CDD Approval Letter
4. Project Exhibits
 - A. Site Plan
 - B. Elevations

RESOLUTION NO. 2002-1952

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING COMMERCIAL PLANNED DEVELOPMENT PERMIT NO. 2001-01 AND VESTING TENTATIVE TRACT MAP NO. 5321 FOR A SITE LOCATED SOUTH OF NEW LOS ANGELES AVENUE AND EAST OF MILLER PARKWAY (ASSESSOR PARCEL NOS. 512-0-260-015, 085 AND 105), ON THE APPLICATION OF ZELMAN RETAIL PARTNERS, INC., AND DIRECTING THE PLANNING COMMISSION TO STUDY MODIFICATIONS TO CHAPTER 17.30, LIGHTING REGULATIONS, OF TITLE 17 OF THE MUNICIPAL CODE AND/OR ORDINANCE NO. 195 RELATED TO REVISIONS TO LIGHTING STANDARDS

WHEREAS, at a duly noticed public hearing on February 27, March 6, and March 20, 2002, the City Council considered Commercial Planned Development Permit (CPD) No. 2001-01 and Vesting Tentative Tract Map No. 5321 on the application of Zelman Retail Partners, Inc. for a 357,671 square foot commercial center and subdivision of approximately twenty nine (29) net acres into eight lots for a project site located south of New Los Angeles Avenue and east of Miller Parkway (Assessor Parcel Nos. 512-0-260-015, 085 and 105); and

WHEREAS, at its meetings on February 27, March 6, and March 20, 2002, the City Council conducted a public hearing, received public testimony, and closed the public hearing on March 20, 2002.

WHEREAS, the City Council after review and consideration of the Planning Commission recommendation in Resolution No. PC-2002-420 and the information contained in the staff reports and public testimony has reached a decision on this matter.

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

SECTION 1. The environmental effects discussed in the Subsequent EIR prepared for the Amended Carlsberg Specific Plan and the environmental effects of CPD No. 2001-01 and Vesting Tentative Tract Map No. 5321 are sufficiently similar to warrant the reuse of the EIR prepared for the Amended Carlsberg Specific Plan as permitted by Section 15181 of the California Environmental Quality Act.

SECTION 2. The City Council hereby adopts the following findings:

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CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS:

1. The environmental effects discussed in the Subsequent EIR prepared for the Amended Carlsberg Specific Plan and the environmental effects of CPD No. 2001-01 and Vesting Tentative Tract Map No. 5321 are sufficiently similar to warrant the reuse of the EIR prepared for the Amended Carlsberg Specific Plan as permitted by Section 15181 of the California Environmental Quality Act.
2. In order to reduce the adverse impacts of the project, applicable mitigation measures discussed in the Environmental Impact Report for the Carlsberg Specific Plan as well as the Settlement Agreement have been incorporated into the proposed project's conditions of approval.

COMMERCIAL PLANNED DEVELOPMENT FINDINGS:

Based upon the information set forth above, it has been determined that this application with the attached conditions of approval meets the requirements of the City of Moorpark, Municipal Code Section 17.44.030 in that:

1. The proposed use is consistent with the intent and provisions of the Amended Carlsberg Specific Plan, City's General Plan, and Title 17 of the Municipal Code.
2. The proposed use is compatible with the character of the surrounding development.
3. The proposed use will not be obnoxious or harmful or impair the utility of the neighboring properties or uses.
4. The proposed use will not be detrimental to the public interest, health, safety, convenience, or welfare.
5. The proposed use is compatible with the scale, visual character and design of the surrounding properties, designed so as to enhance the physical and visual quality of the community, and the structure has design features which provide visual relief and separation between land uses of conflicting character.

SUBDIVISION MAP ACT FINDINGS

Based on the information set forth above, it is determined that the Vesting Tentative Tract Map, with imposition of the attached

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conditions, meets the requirements of California Government Code Sections 66473.5, 66474, 66474.6, and 66478.1 et seq., in that:

1. The proposed map is consistent with the applicable Amended Carlsberg Specific Plan and the City's General Plan.
2. That the design and improvements of the proposed subdivision are consistent with the applicable General and Specific Plans.
3. The site is physically suitable for the type of development proposed.
4. The site is physically suitable for the proposed density of development.
5. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage.
6. The design of the subdivision and the type of improvements are not likely to cause serious public health problems.
7. The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large, for access through, or use of the property within the proposed subdivision.
8. There will be no discharge of waste from the proposed subdivision into an existing community sewer system in violation of existing water quality control requirements under Water Code Section 13000 et seq.
9. The proposed subdivision does not contain or front upon any public waterway, river, stream, coastline, shoreline, lake, or reservoir.

SECTION 3. The City Council does hereby find that the aforementioned Commercial Planned Development and Vesting Tentative Tract Map are consistent with the City's General Plan.

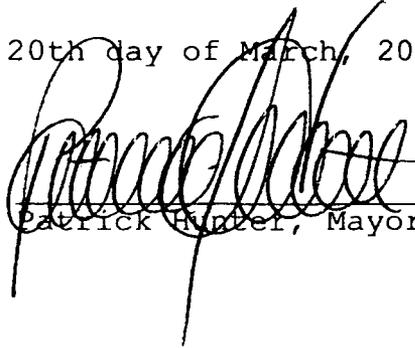
SECTION 4. The City Council approves Commercial Planned Development Permit No. 2001-01 and Vesting Tentative Tract Map No. 5321 subject to the conditions of approval in Exhibit A (Conditions of Approval), attached hereto and incorporated herein by reference.

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SECTION 5. The City Council directs the Planning Commission to study modifications to Chapter 17.30, Lighting Regulations, of Title 17 of the Municipal Code and/or Ordinance No. 195 related to lighting standards, for consideration of revisions including but not limited to increased lighting pole height, sag lens, and onsite maximum footcandle ratio.

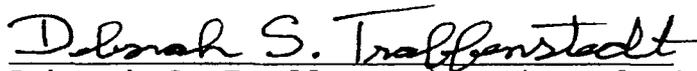
SECTION 6. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 20th day of March, 2002.



Patrick Hupzel, Mayor

ATTEST:



Deborah S. Traffenstedt, City Clerk

Exhibit A: Conditions of Approval



EXHIBIT A

CONDITIONS OF APPROVAL
FOR COMMERCIAL PLANNED DEVELOPMENT NO. 2001-01

A. DEPARTMENT OF COMMUNITY DEVELOPMENT CONDITIONS:

General Requirements:

1. Permitted Uses: This permit is granted for the land and project as identified on the entitlement application form and as shown on the approved site plan and elevations. The location of all site improvements shall be as shown on the approved site plan and elevations except or unless otherwise indicated herein in the following conditions. All proposed uses of these buildings shall be required to receive a Zoning Clearance for tenant occupancy from the Department of Community Development. The Department may determine that certain uses will require other types of entitlements or environmental assessment based on Municipal Code requirements.
2. Prohibited Alcohol Sales for Consumption On-site: On-site sale of alcoholic beverages without prior City approval is prohibited. (An Administrative Permit or Conditional Use Permit is required based on the type of alcohol sales).
3. Other Regulations: This development is subject to all applicable regulations of the City's Municipal Code, including Title 17, Zoning, and the Carlsberg Specific Plan adopted land use regulations (including the Settlement Agreement and Mutual Release dated 11/12/96), and all requirements and enactment's of Federal, State, Ventura County, City authorities, and any other governmental entities, and all such requirements and enactment's shall, by reference, become conditions of this permit.
4. Discontinuance of Use: This Commercial Planned Development Permit shall expire if the entire shopping center use is discontinued or abandoned for a period of 180 consecutive days.
5. All final construction working drawings, grading and drainage plans, site plans, building colors and materials, sign programs, and landscaping and irrigation plans (three full sets) shall be submitted to the Community Development Director for review and approval.
6. Use Inauguration: Unless the commercial center project is inaugurated (building foundation slab in place and substantial work in progress on one or more of the approved

buildings) not later than two (2) years after this permit is granted this permit shall automatically expire on that date. The Community Development Director may, at his/her discretion, grant one (1) additional one- (1) year extension for project inauguration if there have been no changes in the adjacent areas, and if Applicant can document that he/she has diligently worked towards inauguration of the project during the initial two- (2) year period. The request for extension of this entitlement must be made in writing, at least thirty (30) days prior to the expiration date of the permit.

7. Other Regulations: No conditions of this entitlement shall be interpreted as permitting or requiring any violation of law or any unlawful rules or regulations or orders of an authorized governmental agency, including the Settlement Agreement and Mutual Release dated 11/12/96). In instances where more than one set of rules apply, the stricter ones shall take precedence, except any rules that would violate the Settlement Agreement and Mutual Release.
8. Severability: If any of the conditions or limitations of this permit are held to be invalid, that holding shall not invalidate the remaining conditions or limitations set forth.
9. Permittee Defense Costs: The permittee agrees as a condition of issuance and use of this permit to defend, at his/her sole expense, any action brought against the City because of issuance (or renewal) of this permit. Permittee will reimburse the City for any court costs and/or attorney's fees which the City may be required by the court to pay as a result of any such action or in the alternative to relinquish this permit. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve permittee of his/her obligation under this condition.
10. Zoning Clearance Prior to Building Permit: Prior to issuance of each building permit for construction, a Zoning Clearance shall be obtained from the Department of Community Development. If a Developer desires, construction plans may be submitted to the Building and Safety Department prior to approval of Zoning Clearance with a City approved Hold Harmless Agreement.
11. Zoning Clearance Required for Occupancy: Prior to initial occupancy or any subsequent change of tenant occupancy, the owner of the subject building, or the owners representative shall apply for a Zoning Clearance from the Community

Development Department. The purpose of the Zoning Clearance shall be to determine if the proposed use(s) is/are compatible with the zoning and terms and conditions of the planned development permit.

12. Certificate of Occupancy Requirement: No use for which this permit is granted shall be commenced until a Certificate of Occupancy has been issued by the Building and Safety Department. In addition, no Certificate of Occupancy may be issued until all on-site improvements specified in this permit have been substantially completed. For any required improvements not fully completed, the Developer shall provide adequate surety to guarantee completion of these improvements in a form and amount approved by the City. At the discretion of the Community Development Director, said on-site improvements shall be completed within 120 days of issuance of the Certificate of Occupancy. In case of failure to comply with any term or provision of this agreement, the City Council may by resolution declare the surety forfeited. Upon completion of the required improvements to the satisfaction of the Community Development Director, the surety may be exonerated.
13. Loading and Unloading Operations: Loading and unloading operations shall not be conducted between the hours of 10:00 p.m. and 6:00 a.m. unless approved by the City Council.
14. Tenant Occupancy: Prior to the occupancy, applicable proposed uses shall be reviewed and approved by the Ventura County Environmental Health Division to ensure that the proposal will comply with all applicable State and local regulations related to storage, handling, and disposal of potentially hazardous materials, and that any required permits have been obtained. If required by the County Environmental Health Division, the Developer shall prepare a hazardous waste minimization plan.
15. Change of Ownership Notice: No later than ten (10) business days after any change of property ownership or change of lessee(s) or operator(s) of any of the subject commercial buildings, there shall be filed with the Community Development Director the name(s) and address(es) of the new owner(s), lessee(s) or operator(s). Any change in property ownership requires the additional filing of a letter from any such person(s) acknowledging and agreeing with all conditions of this permit within the ten-(10) business day period.
16. Other Uses: If in the future, any use or uses are contemplated on the site differing from that specified in

the Zoning Clearance approved for each tenant occupancy, either the permittee, owner, or each prospective tenant shall file a project description prior to the initiation of the use. A review by the Community Development Director will be conducted to determine if the proposed use is compatible with the Specific Plan and the terms and conditions of this permit, and if a Modification to the Planned Development Permit is required. A new Zoning Clearance shall be required. All applicable fees and procedures shall apply for said review.

17. Archaeological or Historical Finds: If any archeological or historical finds are uncovered during excavation operations, all grading or excavation shall cease in the immediate area, and the find left untouched. The permittee shall assure the preservation of the site; shall obtain the services of a qualified paleontologist or archaeologist, whichever is appropriate to recommend disposition of the site; and shall obtain the Community Development Director's written concurrence of the recommended disposition before resuming development. The Developer shall be liable for the costs associated with the professional investigation and disposition of the site.
18. Repair or Maintenance of Vehicles: No repair operations or maintenance of trucks or any other vehicle shall occur on site.
19. Utility Room: A utility room with common access to house all meters and the roof access ladder shall be provided. No exterior access ladder of any kind shall be permitted.
20. Utility lines: All proposed utility lines within and immediately adjacent to the project site as determined by the Community Development Director, shall be placed underground to the nearest off-site utility pole. All existing utilities shall also be undergrounded to the nearest off-site utility pole with the exception of 66 KVA or larger power lines. This requirement for undergrounding includes all above-ground power poles and other utilities on the project site as well as those along the street frontage adjacent to the project site. The Developer shall indicate in writing how this condition will be satisfied. Any above grade utility fixtures shall be placed adjacent to or within landscaped areas and screened on three sides.
21. Acceptance of Conditions: The permittee's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed to be acceptance of all conditions of this permit.

22. Utilities Assessment District: The Applicant agrees not to protest the formation of an underground Utility Assessment District.
23. Continued Maintenance: The continued maintenance of the permit area and facilities shall be subject to periodic inspection by the City. The Developer shall be required to commence to remedy any defects in ground or building maintenance, as indicated by the City within five (5) business days after written City notification.
24. Excessive Tree Pruning Prohibited: Tree pruning which consists of excessive tree trimming to limit the height and/or width of tree canopy and results in a reduction in required shade coverage for parking lot is prohibited and will be considered a violation of the project approval, and subject to code enforcement. Removal of dead trees and tree pruning to remove unhealthy branches is permitted. Tree removal requires compliance with Commercial Planned Development Permit requirements and Municipal Code tree preservation requirements.
25. Noxious Odors: No noxious odors shall be generated from any use on the subject site.
26. Uses and Activities to be Conducted Inside: All uses and activities shall be conducted inside the building(s), with the exception of the approved food court and restaurant dining patios and drive-through operations. A Temporary Use Permit is required for sidewalk and parking lot outdoor sales and other similar temporary uses.
27. Graffiti Removal: The Developer and his/her successors, heirs, and assigns shall remove any graffiti within five (5) business days from written notification by the City of Moorpark. All such graffiti removal shall be accomplished to the satisfaction of the Community Development Director.
28. Code Enforcement Costs: The Community Development Director may declare a development project that is not in compliance with the Conditions of Approval or for some other just cause, a "public nuisance." The Developer shall be liable to the City for any and all costs and expenses to the City involved in thereafter abating the nuisance and in obtaining compliance with the Conditions of Approval or applicable codes. If the Developer fails to pay all City costs related to this action, the City may enact special assessment proceedings against the parcel of land upon which the nuisance existed (Municipal Code Section 1.12.080).

29. Modification to Commercial Planned Development Permit for Pad Buildings: A Modification to Commercial Planned Development Permit No. 2001-01 is required prior to Zoning Clearance for building permit for each of the four pad buildings (Buildings 1, 2, 3, and 4 on the approved site plan) adjacent to New Los Angeles Avenue.

Prior to Zoning Clearance for Building Permit Conditions:

30. Case Processing Costs: The Applicant shall pay all applicable outstanding case processing (Planning and Engineering), and all City legal service fees prior to Community Development Department or City Engineer's Office initiation of work on Condition Compliance. In addition, the Applicant shall be required to pay a Condition Compliance deposit pursuant to the requirements of the most recently adopted Resolution Establishing Schedule of Land Development Preliminary Processing Fee Deposits and shall be required to pay all applicable outstanding condition compliance costs prior to issuance of a Zoning Clearance for building permit.
31. Prior to issuance of Zoning Clearance for building permit for each building within the project, the applicant shall pay the following fees:
- a. Park Fee: Prior to issuance of a Zoning Clearance for each building permit, the applicant shall pay the City a fee to be used for park improvements within the City of Moorpark. The amount of the fee shall be twenty-five cents (\$.25) per square foot of gross floor area.
 - b. Development Fee: Prior to issuance of Zoning Clearance for each building permit, the applicant shall pay the City a Development Fee consistent with the Settlement Agreement requirement for the Amended Carlsberg Specific Plan. The amount of the Development Fee shall be consistent with the terms of the Carlsberg Settlement Agreement.
 - c. Mitigation Fee: Prior to issuance of Zoning Clearance for each building permit, the applicant shall pay the City a "Mitigation Fee" consistent with the Settlement Agreement requirement for the Amended Carlsberg Specific Plan. The amount of the Mitigation Fee shall be consistent with the terms of the Carlsberg Settlement Agreement. Institutional uses shall pay on the same basis as commercial and industrial uses, except that institutional uses which are exempt from secured property taxes shall be exempt from the fee.

- d. Moorpark Traffic Systems Management (TSM) Fee: Prior to issuance of Zoning Clearance for each building permit, the applicant shall pay the City a TSM Fee, consistent with the Final EIR for the Carlsberg Amended Specific Plan or the formula in effect at the time the Zoning Clearance for building permit is requested, whichever fee is greater.
 - e. Prior to issuance of each building permit, a Tree and Landscape Fee of five cents (\$.05) per square foot of pad space shall be paid pursuant to Ordinance No. 102.
32. Submittal of Landscape Plans: Prior to issuance of a Zoning Clearance for building permit, a complete landscape plan (3 sets), together with specifications and a maintenance program shall be prepared by a State Licensed Landscape Architect in accordance with the Ventura County Guide to Landscape Plans, or City Guidelines in effect at the time of landscape plan submittal, and shall be submitted to the Community Development Director for review and approval. The landscape plan shall include planting and irrigation specifications for all onsite landscaping including around the perimeter of the site, manufactured slopes over three (3) feet in height, at driveway entrances including medians, within constructed parking areas, and surrounding building areas to be developed in the first phase of construction. The purpose of the landscaping shall be to control erosion, prevent aesthetic impacts to adjacent property owners and improve the aesthetic appearance of the commercial center, mitigate the visual impacts of all manufactured slopes three (3) feet or more in height, screen views of parked vehicles, screen and enhance the visual appearance of walls, prevent graffiti, and to replace mature trees lost as a result of construction.

The final landscape plan shall also be in substantial conformance with the conceptual landscape plan approved by the City Council, including as amended by conditions of approval. The final landscape plan submitted by the Developer must be approved by the Community Development Director prior to any installation of landscaping or irrigation improvements and prior to any occupancy approval. The Developer shall bear the cost of the landscape plan review, installation of the landscaping and irrigation system, and of final landscape inspection. The landscaping and planting plan submitted for review and approval shall be accompanied by a deposit as specified by the City of Moorpark. Additional funds may subsequently need to be deposited to cover all landscape plan check and inspection

fees. The landscaping shall be approved by the Community Development Director and be installed and receive final inspection prior to recordation of the map or building occupancy as determined by the Community Development Director. All landscaped areas shall have an irrigation system. The City's landscape architect shall certify in writing that the landscape and irrigation system was installed in accordance with the approved Landscape and Irrigation Plans. The final landscape plans shall include landscaping specifications, planting details, and design specifications consistent with the following requirements:

- a. The permittee shall provide for additional enhanced landscaping equal to or greater than the cost of any trees to be removed as determined by the Community Development Director. Additional trees, which form a canopy, shall be provided to shade parking, driveway areas and other areas as determined by the Community Development Director. The landscape plan shall also incorporate extensive tree landscaping including specimen size trees as approved by the Community Development Director and Caltrans along New Los Angeles Avenue onsite and within the Caltrans right-of-way, within the project site boundary adjacent to the State Route 23 Freeway, within the project site boundary along Miller Parkway, and elsewhere within the project boundary as otherwise determined by the Community Development Director to enhance the visual appearance of the commercial project and screen equipment, parking and loading areas.
- b. The landscape plan shall include the final design of all sidewalks, barrier walls, streetscape elements, urban landscaping and pedestrian paths within the project limits.
- c. Plant species utilized shall predominantly consist of drought tolerant, low water using species.
- d. Landscaping at site entrances and exits and any intersection within the parking lot shall not block or screen the view of a seated driver from another moving vehicle or pedestrian.
- e. Plantings in and adjacent to parking areas shall be contained within raised planters surrounded by six-inch high concrete curbs.
- f. Landscaping shall be designed to not entirely obstruct the view of any exterior door or window from the street.

- g. Trees shall not be placed directly under any overhead lighting, which could cause a loss of light at ground level.
- h. Backflow preventers, transformers, or other exposed above ground utilities shall be shown on the landscape plan(s) and shall be screened with landscaping and/or a wall.
- i. A 50 percent shade coverage shall be provided within all open parking areas. Shade coverage is described as the maximum mid-day shaded area defined by a selected specimen tree at 50 percent maturity.
- j. A sufficiently dense tree-planting plan emphasizing tall growing trees and/or shrubs shall be designed. Fifty (50) percent of all trees shall be a minimum of 24-inch box size in order to provide screening in a five- (5) to seven- (7) year time period. All other trees shall be a minimum 15-gallon in size. Recommendations regarding planting incorporated into the environmental document shall be incorporated into the screening plan as determined necessary by the Community Development Director.
- k. Irrigation shall be provided for all permanent landscaping, as identified in the approved landscape plan. The Developer shall be responsible for maintaining the irrigation system and all landscaping. The Developer shall replace any dead plants and make any necessary repairs to the irrigation system consistent with the landscape plan approved for the development.
- l. Elevations of proposed hardscape treatment (such as the building entrance, window and door treatments) shall be submitted with the final construction plans.
- m. Any conflicts between light standard locations and tree locations in the parking lot shall be resolved to the satisfaction of the Community Development Director.
- n. A phasing plan shall be submitted and approved by the Community Development Director for landscaping of the commercial center. The first phase of landscaping shall include but not be limited to all onsite landscaping around the perimeter of the site, at driveway entrances including medians, within constructed parking areas and pedestrian walkway areas, and surrounding any building areas to be developed in the first phase of construction. All areas of the site

not proposed for construction in the first phase shall include interim groundcover landscaping and irrigation to the satisfaction of the Community Development Director to ensure an attractive appearance for the commercial center until buildout occurs. Separate final landscape and irrigation plans may be submitted for landscaping required around buildings that will be constructed in a later phase of development, with the exception of any landscaping required in pedestrian walkway areas.

- o. Additional planting within the sidewalk areas adjacent to parking lots shall be provided.
 - p. Prior to final landscape inspection, the areas to be landscaped, as shown on the landscape and irrigation plans and per the approved phasing plan, shall be landscaped and irrigation system installed. The City's landscape architect shall certify in writing that the landscape and irrigation system was installed in accordance with the approved landscape and irrigation plans, as determined by the Community Development Director.
33. The Developer shall be responsible for executing an amended agreement with Caltrans for installation and maintenance of the required landscaping and irrigation (which is subject to Caltrans approval) within the Caltrans right-of-way along New Los Angeles Avenue.
34. Offer of Dedication for Landscape Maintenance: Prior to issuance of a Zoning Clearance for building permit, the Developer shall provide an irrevocable offer of an easement to the City for maintaining all landscaping of the site adjacent to New Los Angeles Avenue and Miller Parkway. The area referred to shall be all landscaped portions of the required setback area adjacent to the public right-of-way along the street frontage of Miller Parkway. The Developer shall be responsible for maintenance of the aforementioned area as well as the landscaping within the public right-of-way adjacent to the project along Miller Parkway and New Los Angeles Avenue. If the City at its discretion determines the landscape maintenance to be unsatisfactory in any of the aforementioned areas, the City may assume responsibility at the owner's expense for any or all of the aforementioned areas. The City assumption of maintenance responsibility would only occur after code enforcement efforts have been unsuccessful, including notice and opportunity given to property owner to cure landscape maintenance deficiencies.

The total cost of maintenance for the areas noted above shall be borne by the Developer. The City may at its discretion place the aforementioned areas in a Landscape Maintenance Assessment District. The Developer shall record a covenant or comply with other requirements as determined by the Community Development Director and Public Works Director to effectuate the formation of such District in the future.

35. The Building Plans or Site Plan, and Elevations shall be revised to reflect the following:
- a. The transformer and cross connection water control devices shall be shown on the site plan and landscaping and irrigation plan and screened from street view with masonry wall and/or landscaping as determined by the Community Development Director.
 - b. All fences and walls shall be shown on the site plan and landscaping and irrigation plan.
 - c. Bicycle racks or storage facilities shall be provided on-site as determined by the Community Development Director prior to first occupancy approval.
 - d. All required loading areas and turning radius shall be depicted on the site plan. A 45-foot turning radius shall be provided for loading zones consistent with the AASHO WB-50 design vehicle.
 - e. Elevations of proposed hardscape treatment (such as the building entrance, window and door treatment) shall be submitted with the final construction plans.
 - f. Cart storage areas shall be located in the parking lot area. The design of all parking lot cart storage facilities are subject to the review and approval of the Community Development Director.
 - g. If exterior cart storage is requested adjacent to a retail use, a screened cart storage wall/landscaped planter shall be provided near the building, and five (5) foot minimum pedestrian walkways shall be maintained, subject to the review and approval of the Community Development Director.
 - h. Decorative integral colored, stamped or sawcut concrete, subject to the review and approval of the Community Development Director and City Engineer, shall be provided outside of the public right-of-way at the northerly driveway entrance along Miller Parkway, at the entrance to the center north of "A" Street and west

of Building A (Target), and at the New Los Angeles Avenue driveway entrance outside the Caltrans right-of-way.

- i. Loading docks shall be screened to the satisfaction of the Community Development Director, which screening may include but is not limited to landscaping and walls. Screen walls are required for Building A (Target), Building B, and Building C1. A screen wall and gate or roll-up door is required for Building F.
- j. Landscaped planters, decorative landscape pots and other hardscape enhancements shall be installed in front of all commercial buildings to the satisfaction of the Community Development Director and consistent with colored exhibits presented to the City Council during the public hearing process.
- k. The size of all parking stalls and overhangs shall be in compliance with Chapter 17.32 of the Municipal Code (9' by 20') and the approved site plan.
- l. The eastern slope retaining wall (east of Buildings E and F) shall be constructed of wheat colored split-face masonry material and shall include vine plantings at ten (10) foot intervals, subject to the review and approval of the Community Development Director.
- m. The property line wall located along the southerly property line shall be constructed with wheat colored split-face block and shall include a wall cap and pilasters. The wall is subject to the review and approval of the Community Development Director.
- n. The applicant shall be eligible for reimbursement of one-half of the cost of construction of the wall from the developer of the southerly business park property, prior to issuance of Zoning Clearance for the first building permit for that property. The City and applicant shall enter into an agreement whereby the City agrees to condition the developer of the referenced undeveloped business park property to the extent such reimbursement is legally enforceable. The City Attorney shall prepare the reimbursement agreement, and the applicant shall be responsible for all actual, documented City Attorney and other City costs for preparation and enforcement of the agreement. Applicant shall pay all legal, engineering, and administrative costs incurred by the City to impose and/or enforce said agreement or at applicant's

- discretion shall waive its eligibility for reimbursement.
- o. Pedestrian access to the site from the corner of Los Angeles Avenue and Miller Parkway shall be provided and incorporated into the final design of the project if handicapped access requirements can be achieved.
 - p. Exterior finish system on Building A (Target) may be changed to a textured elastomeric finish (Manufacturer TK Products) to be applied over the concrete tilt-up building structure.
 - q. Projecting colonnade elements on the front of Building A (Target) are not required to have a roof. These colonnade elements may be open to the sky with heavy timber beams connecting from above the columns back to the building.
 - r. The sidewalk along the west side of Building A (Target) may be installed as standard gray concrete. All walkways in front of buildings are to remain as enhanced hardscape consistent with the site plan.
 - s. The corner of Miller Parkway and New Los Angeles Avenue is required to have an enhanced landscape and monumentation treatment. Landscape berming shall be combined with a stone veneered low wall containing the Moorpark Marketplace identity sign crafted out of cut metal. Additional specimen trees, shrubs and annual color will complete the corner statement. Low accent lighting will also be incorporated.
 - t. The New Los Angeles Avenue entry driveway landscape is required to be modified to include the Moorpark Marketplace identity signage and share a consistent theme with the corner statement at Miller Parkway and New Los Angeles Avenue, if permitted by Caltrans.
36. On-site Art in Public Places: Prior to Zoning Clearance for the first building permit, the Developer shall submit a proposal for onsite art as satisfaction of the total commercial center Art in Public Places Fee. The onsite art proposal shall be reviewed by the Public Art Advisory Committee, approved by the City Council, and installed prior to the first building occupancy. This artwork is in lieu of paying the Art in Public Places fee of \$.10 per each square foot of building area. The artwork must have a value corresponding to or exceeding the fee as determined by the Community Development Director.

37. Sign Program: Prior to the issuance of the first Zoning Clearance for building permit, a Master Sign Program for the entire project site shall be submitted to the City Council for review and approval. The Master Sign Program shall be designed to provide for a uniform on-site sign arrangement and design and shall be consistent with the requirements of the Carlsberg Specific Plan.
 - a. All proposed signs shall conform to the approved Master Sign Program, prior to the issuance of a sign permit by the Community Development Director or his/her designee.
 - b. No off-site signs shall be permitted unless approved by the City Council as part of a Master Sign Program.
 - c. Identification wall signs on the south sides of buildings shall not be permitted; however, wall signs on the west side of Building A (Target) and the north side of Building K (Kohl's) and Building F (Linens & Things) may be considered.
38. Parapet Wall Requirement: Roof design and construction shall include a minimum 18-inch extension of the parapet wall above the highest point of a flat roof area around all sides of any flat roof areas.
39. Skylights: Skylights to be permitted on a limited and acceptable basis as determined by the Community Development Director. Skylights shall be low profile and designed to provide an acceptable aesthetic appearance.
40. Lighting Plan: For all exterior lighting, a lighting plan shall be prepared by an electrical engineer registered in the State of California and submitted to the Department of Community Development with the required deposit for review and approval. The lighting plan shall achieve the following objectives: avoid interference with reasonable use of adjoining properties; minimize on-site and off-site glare; provide adequate on-site lighting; limit electroliers height; provide structures which are compatible with the total design of the proposed facility and minimize energy consumption. Ornamental lighting fixtures to complement the architectural style of the buildings are required on the buildings as well as in the parking lot area as determined by the Community Development Director and the conceptual lighting plan. Lighting fixtures shall be placed such that tree canopies for mature trees will not interfere with lighting. Light poles within the parking lot area shall be located on cement bases no higher than six (6") inches above the finished grade. When possible, light poles shall be located within proposed landscaped areas. All lighting

shall be consistent with Chapter 17.30 of the Zoning Code (Lighting Regulations), unless superceded by the Carlsberg Specific Plan lighting development standards, and the lighting plan shall, at a minimum, include the following:

- a. A photometric plan showing a point-by-point foot candle layout to extend a minimum of twenty (20') feet outside the property lines. Layout plan to be based on a ten (10') foot grid center. Down lighting and accent, landscape and building lighting shall be employed throughout the project. The maximum height of fixture, type of fixture, and foot-candle ratio shall be approved by the Community Development Director consistent with the zoning requirements for the project site at the time of the first Zoning Clearance for building permit.
 - b. Fixtures must possess sharp cut-off qualities with a maximum of one (1) foot-candle illumination at or beyond property lines.
 - c. Energy efficient lighting devices shall be provided.
 - d. The minimum-to-maximum footcandle illumination ratio shall be consistent with the zoning requirements at the time of the first Zoning Clearance for building permit.
 - e. No light shall be emitted above the 90 degree or horizontal plane.
 - f. Lighting devices in the parking lot shall be shielded and directed downward to avoid light and glare on neighboring properties.
 - g. Lighting devices shall be high enough as to prohibit anyone on the ground from tampering with them unless tamper proof fixtures are approved by the Community Development Director. All exterior lighting devices shall be protected by weather and breakage resistant covers.
 - h. Lighting at all exterior doors shall be illuminated with a minimum maintained two (2) foot-candles at ground level.
 - i. Prior to the issuance of the first Zoning Clearance for building permit, a copy of the lighting plans shall be submitted to the Police Department for review of exterior lighting for crime prevention recommendations.
41. Location of Property Line Walls: All property line walls shall be no further than one inch from the property line.

42. Downspouts: No downspouts shall be permitted on the exterior of any building.
43. Roof Mounted Equipment: Roof mounted equipment is permitted, subject to approval of roof equipment screening to the satisfaction of the Community Development Director and consistent with the approved project elevations. No roof mounted equipment (vents, stacks, blowers, air conditioning equipment, etc.) may extend above any parapet wall, unless screened on all four sides by view obscuring material that is an integral design element of the building. Prior to the issuance of a Zoning Clearance for building permit, the final design and materials for the roof screen and location of any roof-mounted equipment must be approved by the Community Development Director. All screening shall be tall enough to block all onsite ground level views as well as those from the surrounding public streets (not including State Route 23) and shall be maintained during the life of the permit. Construction material shall match the color and material used in the construction of the buildings. Colors, materials and building appendages (such as mechanical equipment on the roof, etc.) of the proposed building shall be compatible with the existing building and adjacent development and non-reflective in nature.
44. Exterior Ground Level Equipment: Any outdoor ground level equipment and storage (such as loading docks, cooling towers, generators, etc.) shall be screened from view by a masonry wall or landscaping, the design of which shall be approved by the Community Development Director. The wall shall be constructed of materials and colors consistent with architectural design of the main building.
45. Building Materials and Colors: All exterior building materials and paint colors shall be reviewed by the Community Development Director prior to Zoning Clearance for each building permit for consistency with the materials and colors approved by the City Council at the time of Commercial Planned Development Permit approval.
46. Noise Generation Sources: All roof-mounted equipment and other noise generation sources on-site shall be attenuated to 45 decibels (dBA) at the property line, or to the ambient noise level at the property line measured at the time of the occupant request. Prior to the issuance of a Zoning Clearance for initial occupancy or any subsequent occupancy, the Community Development Director may request that a noise study be submitted for review and approval which demonstrates that all on-site noise generation sources will

be mitigated to the required level. All required noise studies must be prepared by a licensed acoustical engineer in accordance with accepted engineering standards.

47. Striping of Spaces: The striping of parking spaces and loading bays shall be maintained so that it remains clearly visible during the life of the development.
48. Parking Lot Surface: All parking areas shall be surfaced with asphalt or concrete and shall include adequate provisions for drainage, striping and appropriate wheel blocks, curbs, or posts in parking areas adjacent to landscaped areas. All parking and loading areas shall be maintained at all times to insure safe access and use by employees, public agencies and service vehicles.
49. Disposal Areas on Site Plan: All trash disposal and recycling areas shall be provided in a location which will not interfere with circulation, parking or access to the building. The final design and location of the trash enclosures shall be subject to review of the Community Development Director prior to the issuance of a Zoning Clearance for building permit. Trash areas and recycling bins shall be depicted on the final construction plans, the size of which shall be approved by the Community Development Director and the City's solid waste management staff. All trash disposal and recycling areas shall be designed in accordance with the following requirements:
 - a. Rubbish disposal areas shall include adequate, accessible and convenient areas for collecting and loading recyclable materials. The dimensions of the recycling area shall accommodate containers consistent with current methods of collection in the area in which the project is located.
 - b. Adequate number of bins or containers shall be provided to allow for the collection and loading of recyclable materials generated by the development. For commercial (general, office, or retail), developments, space allotment for two (2) three cubic yard bins (107" x 84" or 168" x 53.5"), or a space allotment for one (1) 40 cubic yard bin (288" x 120") and one (1) 3 cubic yard bin (84" x 53.5"). The intended use for this space is to hold two side-by-side 3 cubic yard containers (one for refuse, one for recyclables), or one (1) 40 cubic yard bin for refuse and one (1) 3 cubic yard bin for recyclables. The dimensions provided apply to the space available when the gate is fully open.

- c. The design of the disposal area enclosures shall be architecturally consistent with the development and compatible with the surrounding area as approved by the Community Development Director.
- d. Each disposal area enclosure shall be screened with a six-foot (6') high solid masonry wall enclosure and six-foot (6') high gates and shall be designed with cane bolts to secure the gates when in the open position.
- e. Disposal area enclosures shall have a roof so as to be protected from weather conditions, which might render collected recyclable materials unmarketable.
- f. Driveways or travel aisles shall provide unobstructed access for collection vehicles and personnel, and provide the minimum vertical clearance of 30 feet, or other specified clearance required by the collection methods and vehicles utilized by the hauler.
- g. A sign, approved by the Community Development Director, clearly identifying all recycling and solid waste collection and loading areas, and the materials accepted therein shall be posted adjacent to all points of access to the recycling areas.
- h. Refuse disposal areas shall not be located in any area required by the Municipal Code to be constructed or maintained as unencumbered, according to fire and other applicable building and/or public safety laws.
- i. Recycling area(s) shall be located so they are convenient and adjacent to regular refuse collection areas.
- j. Space allocation for rubbish and recycling enclosures shall be designed in a manner that complies with the equal access requirements of Title 24 and the American Disabilities Act.
- k. The enclosure shall have a separate indirect pedestrian access way, which does not require doors or gates.
- l. Prior to Zoning Clearance for Building Permit, the City Engineer will review the design plan for compliance with National Pollution Discharge Elimination System (NPDES) requirements.
- m. All litter/waste material shall be kept in leak proof containers. The area shall be paved with impermeable material. No other area shall drain onto these areas including rainwater. There shall be no drain connected

from the trash enclosure area to the storm drain system. However, the drain from the trash enclosure shall be connected to the sanitary sewer and have an automatic seal that shall preclude any escape of gases or liquids from the sewer connection.

50. The franchised refuse hauler designated to service this location will be determined prior to construction.
51. Other requirements related to refuse disposal and recycling include:
 - a. Prior to issuance of an Occupancy Permit for each building, a Waste Reduction and Recycling Plan shall be submitted to the City's solid waste management staff and the Community Development Department for review and approval prior to occupancy of the building. The plan shall include a designated building manager, who is responsible for initiating on-site waste materials recycling programs.
 - b. The building manager or designee will conduct a routine waste management education program on-site to alert employees to any new developments or requirements for solid waste management. This measure shall be coordinated through the City's Solid Waste Management staff.

Prior to Issuance of Occupancy Conditions:

52. Business Registration: Prior to the issuance of a Zoning Clearance for tenant occupancy, the prospective tenant shall obtain a Business Registration Permit from the City of Moorpark.
53. APCD Review of Uses: Prior to occupancy, Ventura County, Air Pollution Control District (APCD) shall review all applicable uses to ensure compliance with the California Health and Safety Code (Section 65850.5 et seq.) regarding the use, storage and disposition of hazardous materials. Final Certificate of Occupancy shall be withheld until compliance with these provisions from the Ventura County, Air Pollution Control District is provided.
54. Enforcement of Vehicle Codes: Prior to Occupancy of any of the buildings, the Developer shall request that the City Council approve a resolution to enforce Vehicle Codes on the subject property as permitted by Vehicle Code Section 21107.7.
55. Image Conversion of Plans: Prior to occupancy, the subdivider shall will pay a fee to the City Clerk's Department to scan building permit file, landscape, public improvement, site plans and other plans as determined

necessary by the Community Development Director into the City's electronic imaging system.

B. CITY ENGINEER CONDITIONS:

56. All conditions of Vesting Tentative Tract Map No. 5321 shall apply to Commercial Planned Development No. 2001-01.

C. FIRE DEPARTMENT CONDITIONS:

57. All driveways shall have a minimum vertical clearance of 13 feet 6 inches (13'6").
58. An on-site access road width of 25 feet shall be maintained.
59. The access road shall be of sufficient width to allow for a 40-foot outside turning radius at all turns in the road.
60. Approved turnaround areas for fire apparatus shall be provided when dead-end Fire Department access roads/driveways exceed 150 feet. Turnaround areas shall not exceed a 2.5% cross slope in any direction and shall be located within 150 feet on the end of the access road/driveway.
61. The access/driveway shall be extended to within 150 feet of all portions of the exterior walls of the first story of any building and shall be in accordance with Fire District access standards. Where the access roadway cannot be provided, approved fire protection system or systems shall be installed as required and acceptable to the Fire District.
62. Two (2) means of ingress/egress shall be provided to the development in accordance with Fire District access standards.
63. Prior to combustible construction, an all weather access road/driveway suitable for use by a 20-ton Fire District vehicle shall be installed.
64. Prior to construction, the Developer shall submit two (2) site plans to the Fire District for the review and approval of the location of fire lanes. The fire lanes shall be posted "NO PARKING FIRE LANE" in accordance with California Vehicle Code, Section 22500.1 and the Uniform Fire Code prior to occupancy. All signs and/or fire lane markings shall be within recorded access easements.
65. Approved walkways shall be provided from all building openings to the public way or fire department access road/driveway.

66. Address numbers, a minimum of 4 inches (4") high, shall be installed prior to occupancy, shall be of contrasting color to the background, and shall be readily visible at night. Brass or gold plated numbers shall not be used. Where structures are set back more than 150 feet (150') from the street, larger numbers will be required so that they are distinguishable from the street. In the event the structure(s) is(are) not visible from the street, the address number(s) shall be posted adjacent to the driveway entrance on an elevated post.
67. A plan shall be submitted to the Fire District for review indicating the method by which this center will be identified by address numbers.
68. Prior to approval of the first Zoning Clearance for building permit, the Developer shall submit plans to the Fire District for placement of the fire hydrants. On plans, existing hydrants within 300 feet of the development and the type of hydrant, number and size of outlets shall be shown.
69. Fire hydrant(s) shall be provided in accordance with current adopted edition of the Uniform Fire Code, Appendix 111-B and adopted amendments. On-site fire hydrants may be required as determined by the Fire District.
70. Fire hydrants, if required, shall be installed and in service prior to combustible construction and shall conform to the minimum standard of the Moorpark Water Works Manual.
 - a. Each hydrant shall be a 6-inch wet barrel design and shall have two (2) 4-inch and one (1) 2-1/2 inch outlet(s).
 - b. The required fire flow shall be achieved at no less than 20-psi residual pressure.
 - c. Fire hydrants shall be spaced 300 feet on center and so located that no structure will be farther than 150 feet from any one hydrant.
 - d. Fire hydrants shall be set back in from the curb face 24 inches on center.
 - e. No obstructions including walls, tree, light and sign posts, meter, shall be placed within three (3) feet of any hydrant.
 - f. A concrete pad shall be installed extending eighteen (18) inches out from the fire hydrant.
 - g. Ground clearance to the lowest operating nut shall be between eighteen (18) to twenty-four (24) inches.

71. The minimum fire flow required shall be determined as specified by the current edition of the Uniform Fire Code Appendix III-A and adopted Amendments. Given the present plans and information, the required fire flow is approximately 4,000 gallons per minute at 20 psi four hour duration. A minimum flow of 1,500 gallons per minute shall be provided from any one hydrant. The Developer shall verify that the water purveyor can provide the required volume and duration at the project prior to obtaining a building permit.
72. Prior to occupancy of any structure, blue reflective hydrant location markers shall be placed on the access roads in accordance with Fire District standards. If the final asphalt cap is not in place at time of occupancy, hydrant location markers shall be installed and shall be replaced when the final asphalt cap is completed.
73. Any structure greater than 5,000 square feet and/or 5 miles from a fire station shall be provided with an automatic fire sprinkler system in accordance with current VCFPD Ordinance.
74. Plans for all fire protection systems (sprinklers, dry chemical, hood systems, etc.) shall be submitted, with payment for plan check to the Fire District for review and approval prior to installation. Note: Fire sprinkler systems with 100 or more heads shall be supervised by a fire alarm system in accordance with Fire District requirements.
75. Plans for any fire alarm system shall be submitted, with payment for plan check, to the Fire District for review and approval prior to installation.
76. Building plans of all A,E,I,H,R-1 or R-2 occupancies shall be submitted, with plan check, to the Fire District for review and approval prior to installation.
77. Commercial trash dumpsters and containers with an individual capacity of 1.5 cubic yards or greater shall not be stored or placed within 5 feet of openings, combustible walls, or combustible roof eave lines unless protected by approved automatic sprinklers.
78. Developer shall submit a phasing plan to the Fire Department for review and approval prior to construction.
79. Developer and/or tenant shall obtain all applicable Uniform Fire Code (UFC) permits prior to occupancy or use of any system or item requiring an UFC permit.

80. Developer shall obtain VCFD Form No. 126 "Requirements for Construction" prior to obtaining a building permit for any new construction or additions to existing structures.
81. Portions of this development may be in a Hazardous Watershed Fire Area and those structures shall meet hazardous fire area building code requirements.
82. A fire alarm system shall be installed on all buildings in accordance with California Building and Safety Code requirements.
83. Plans for water systems supplying fire hydrants and/or fire sprinkler systems and not located within a water purveyor's easement, shall be submitted to the Fire District for review and approval prior to installation.
84. Fire extinguishers shall be installed in accordance with National Fire Protection Association Pamphlet #10. The placement of extinguishers shall be subject to review and approval by the Fire District.
85. All grass or brush exposing any structure(s) to fire hazards shall be cleared for a distance of 100 feet prior to framing, according to the Ventura County Fire Protection Ordinance.

D. VENTURA COUNTY WATERWORKS DISTRICT NO. 1 CONDITION:

86. In addition to the District's questionnaire, the Developer shall comply with the applicable provisions of the District's standard procedures for obtaining domestic water and sewer services for Developer's projects within the District. The project shall have a master meter with RP backflow device in each of the two tie-in points within the public right-of-way. The project may also need to have a separate service line or fire protection.

E. VENTURA COUNTY FLOOD CONTROL DISTRICT CONDITION:

87. The project shall control and manage storm runoff to prevent any potential impacts downstream which might arise from the effect of the development.

F. POLICE DEPARTMENT CONDITIONS:

88. Exterior access ladders are not permitted. There shall not be any easy exterior access to the roof area, i.e. ladders, trees, high walls, etc.
89. Prior to issuance of a Zoning Clearance for building permit, all new construction shall comply with public safety measures as determined necessary by the Moorpark Police Department.

G. MOORPARK UNIFIED SCHOOL DISTRICT CONDITION:

90. If applicable, prior to the issuance of each Building Permit, the applicant shall pay all school assessment fees levied by the Moorpark Unified School District.

H. BUILDING & SAFETY DEPARTMENT CONDITIONS:

91. Use of Asbestos: No asbestos pipe or construction materials shall be used.
92. Unconditional Will-Serve Letter: Prior to the issuance of a Building Permit, an "Unconditional Will Serve Letter" for water and sewer service will be obtained from the Ventura County Waterworks District No. 1.

CONDITIONS OF APPROVAL
FOR VESTING TENTATIVE TRACT MAP NO. 5321

A. DEPARTMENT OF COMMUNITY DEVELOPMENT CONDITIONS:

1. Application of City Ordinances/Policies: The conditions of approval of this Vesting Tentative Tract Map and all provisions of the Subdivision Map Act, City of Moorpark Municipal Ordinance and adopted City policies supersede all conflicting notations, specifications, dimensions, typical sections and the like which may be shown on said map. Within 30 business days following City Council approval of Vesting Tentative Tract Map No. 5321, the Developer shall submit a conforming Vesting Tentative Tract Map that complies with all conditions of approval, provisions of the Subdivision Map Act, City of Moorpark Municipal Ordinance and adopted City policies, to the satisfaction of the City Engineer and Community Development Director.
2. Acceptance of Conditions: Recordation of this subdivision shall be deemed to be acceptance by the subdivider and his/her heirs, assigns, and successors of the conditions of this Map. A notation, which references conditions of approval, shall be included on the Final Map in a format acceptable to the Community Development Director.
3. Expiration of Map: This Vesting Tentative Tract Map shall expire three (3) years from the date of its approval. The Community Development Director may, at his/her discretion, grant up to two (2) additional one (1) year extensions for map recordation if applicant can document that he/she has diligently worked towards map recordation during the initial period of time. The request for extension of this entitlement shall be made in writing, at least thirty (30) days prior to the expiration date of the map.
4. Hold Harmless: The subdivider 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 subdivision, which claim, action or proceeding is brought within the time period provided therefore in Government Code Section 66499.37. The City will promptly notify the subdivider 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 subdivider 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 subdivider shall not be required to pay or perform any settlement of such claim, action or proceeding unless the subdivider approves the settlement. The subdivider's obligations under this condition shall apply regardless of whether a Final Map or Parcel Map is ultimately recorded with respect to the subdivision.
5. Severability: If any of the conditions or limitations of this approval are held to be invalid, that holding shall not invalidate any of the remaining conditions or limitations set forth.
 6. Computer Aided Mapping System: The Map shall be submitted in accordance with County Ordinance No. 3982 entitled "An Ordinance of the Ventura County Board of Supervisors Requiring New Subdivision Records to be Included in the County's Computer-Aided Mapping System and Establishing Related Fees."
 7. Image Conversion of Plans: Prior to recordation, the subdivider shall pay a fee to the City Clerk's Department to scan the final map and other improvement plans as required by the Community Development Director into the City's electronic imaging system.
 8. Outstanding Case Processing Costs: Prior to application for grading permit and submittal of a final map for plan check, the Developer shall pay all project related outstanding case processing (Planning and Engineering), and all project related City legal service fees. The Developer, permittee, or successors in interest shall also submit to the Department of Community Development a fee to cover costs incurred by the City for Condition Compliance review for a final map.
 9. Recordation of Operation and Easement Agreement: Prior to Final Map approval, Developer shall submit for review by City Attorney, Community Development Director and City Engineer an Operation and Easement Agreement for the

purposes of ensuring uniformity and consistency of maintenance of parking, landscaping and lighting, National Pollutant Discharge Elimination System requirements, and reciprocal access and parking within all VTTM 5321 lots and maintenance of landscaping within the Caltrans right-of-way along New Los Angeles Avenue. The Operation and Easement Agreement shall be recorded concurrently with Final Map recordation.

B. CITY ENGINEER CONDITIONS:

10. The Developer shall post sufficient surety guaranteeing completion of all on and off-site civil and landscaping site improvements within the development and offsite improvements required by the conditions as described herein (i.e. grading, street improvements, storm drain improvements, landscaping, fencing, bridges, etc.) or which require removal (i.e., access improvements, landscaping, fencing, bridges, etc.) in a form acceptable to the City. Onsite lighting facilities need not be bonded.
11. The Developer shall indicate in writing to the City the disposition of any wells that may exist within the project. If any wells are proposed to be abandoned, or if they are abandoned and have not been properly sealed, they must be destroyed or abandoned per Ventura County Ordinance No. 2372 or Ordinance No.3991 and per Division of Oil and Gas requirements. Permits for any well reuse (if applicable) shall conform to Reuse Permit procedures administered by the County Water Resources Development Department.
12. Prior to any work being conducted within any State, County, or City right of way, the Developer shall obtain all necessary encroachment permits from the appropriate Agencies. Copies of these approved permits shall be provided to the City Engineer.
13. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Ventura County Environmental Health Department, the Fire Department, the Sheriff's Department, and the City Construction Observer shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.
14. The Developer shall utilize all prudent and reasonable measures (including installation of a 6-foot high chain link fence around the construction sites or provision of a full time licensed security guard) to prevent unauthorized

persons from entering the work site at any time and to protect the public from accidents and injury.

Final Map Conditions:

15. The Subdivider shall submit to the Department of Community Development and the City Engineer for review a current title report, which clearly identifies all interested parties and lenders included within the limits of the subdivision as well as any easements that affect the subdivision.
16. Any mapping that requires review and approval by the County of Ventura shall be concurrently submitted to the City Engineer for review and approval. Subdivider shall be responsible for all associated fees and review costs.
17. A final tract map prepared by a California Registered Engineer meeting all of the provisions of the Subdivision Map Act shall be submitted for review by the City Engineer.
18. The Final Map shall contain an irrevocable offer of dedication of the shaded easement areas shown on the tentative map. Additionally an easement for public service, public transit, reciprocal access to the lot laying to the south of the development and mutual access between each lot created by the land division shall be provided on the final map. The areas offered for dedication and the easement shall provide feasible physical access to the lot laying to the south of the development and between each lot created by the land division to the satisfaction of the City Engineer. All said easements shall be provided to the satisfaction of the City Engineer, City Attorney and Community Development Director. The reciprocal easement between the commercial and industrial parcel shall be provided at the area of the 28-foot wide emergency vehicle access opening south of the C-2 retail building.
19. The land division shall make provisions to provide easements for extensions of all utilities and access requirements, including maintenance and construction. Easements for access and circulation shall be designated as private streets.
20. Any lot-to-lot drainage easements and secondary drainage easement shall be delineated on the final map. Assurance in the form of an agreement shall be provided to the City that these easements shall be adequately maintained by property owners to safely convey storm water flows. Said agreement shall be submitted to the City Engineer for review and approval and shall include provisions for the owners association to maintain any private storm drain or National Pollution Discharge Elimination System, hereinafter NPDES

system not maintained by a City Assessment District and shall be a durable agreement that is binding upon each future property owner of each lot.

21. The Subdivider shall offer to dedicate to the City of Moorpark street and public service easements, as required, by the City Engineer.
22. On the Final Map, the Subdivider shall offer to dedicate access easements to the City of Moorpark over all private streets to provide access for all governmental agencies providing public safety, health and welfare.
23. On the Final Map, the Subdivider shall offer to dedicate to the City of Moorpark all right-of-way for public streets.
24. Prior to submittal of the Final Map to the City for review and prior to approval, the Subdivider shall transmit by certified mail a copy of the conditionally approved Tentative Map together with a copy of Section 66436 of the State Subdivision Map Act to each public entity or public utility that is an easement holder of recorded. Written evidence of compliance shall be submitted to the City Engineer.

Grading Conditions:

25. The City Manager is authorized to sign an early grading agreement on behalf of City to allow grading of the Project prior to City Council approval of a final subdivision map. Said early grading agreement shall be consistent with the conditions of approval for Tract 5321 and CPD No. 2001-01 and contingent on City Engineer and Community Development Director acceptance of a Performance Bond in a form and amount satisfactory to them to guarantee implementation of the erosion control plan and completion of the grading and construction of on-site and off-site improvements, with the exception of on-site lighting. In the case of failure to comply with the terms and conditions of the early grading agreement, the City Council may declare the surety forfeited.
26. The Developer shall submit grading and improvement plans prepared by a California Registered Civil Engineer to the City Engineer for review and shall gain the City Engineer's approval of said plans prior to issuance of any permit for the project. The Developer shall enter into an agreement with the City of Moorpark to complete all grading, drainage and off-site improvements and shall post sufficient surety guaranteeing completion of all improvements except onsite lighting.

27. Requests for grading permits shall be granted in accordance with the approved CPD 2001-01, as required by these conditions and local ordinances.
28. The Conceptual Grading Plan for CPD 2001-01 indicates a soil import in excess of 10,000 cubic yards. The developer shall submit an application, with appropriate fees and deposits, to the City Engineer for review and shall gain the City Engineer's approval prior to issuance of the haul route encroachment permit. Approval of the Haul Route Permit shall require the following:
 - a. The haul route permit application shall be completed in its entirety including information indicating maximum quantity of dirt to be hauled. The haul shall be conducted only as permitted and no soil shall be transported to or from any site, via any route, during any time, or by any means except as specified in the permit.
 - b. The haul trucks shall enter the City from the east from the State Route 23 and New Los Angeles Avenue interchange and proceed westerly to Miller Parkway, thence southerly along Miller Parkway to "A" Street, thence into the site. Empty haul trucks shall retrace the haul route.
 - c. The haul route permit application shall indicate the name of the dirt hauling company; the contractors state license number; the contractors City license number; proof of insurance per the City's requirements; the supervisor in charge, including work address, daytime work telephone numbers, a 24-hour availability number and the number of days to complete the haul.
 - d. The haul route permit application shall specify the starting and completion dates. No changes to the approved haul route, times and dates of operation, dust control, signage or traffic control shall be made without approval of the City Engineer and Community Development Director.
 - e. The developer shall procure a City Encroachment permit and post a cash bond in the amount of \$500 per day for each day of operations approved by the City Engineer. The deposit shall be for payment of any costs incurred by the City related to the haul including but not necessarily limited to damage remediation, street cleaning, administration, inspection and monitoring of the permit. Upon certification by the City Engineer that the haul operation is completed and that, all

damages to the City facilities and all costs to the City and its agents and contractors have been paid; the unused portion of the deposit shall be refunded. Should the costs to the City exceed the deposit amount, the Developer hauling the soil shall cease all work operations and deposit additional funds with the City, in an amount determined by the City Engineer, within 10 days of written demand by the City.

- f. The haul permit shall be subject to revocation or revisions by the City. A copy of the permit shall be available for review on the site at all times. The truck trip counts and yardage hauled shall be tallied as the trucks enter the import site. A true copy of the tally sheets shall be delivered to the City Engineer, or his/her designee, at the end of each working day that the hauling occurs.
- g. The haul operation shall provide traffic control to the satisfaction of the City Engineer.
- h. Hauling operations shall be conducted only on weekdays (Monday through Friday) and during daylight hours and only between the hours of 9:00 AM and 4:00 PM on school days and between the hours of 8:00 AM and 5:00 PM on non-school days (school holidays or vacation periods).
- i. Appropriate traffic warning signs and devices and a flagger shall be provided at the entrances to the public way. The flagging operation shall be directed to controlling the entrance of the trucks used to haul the soil on and off the public street. Disruption of traffic on public streets due to the haul operation shall be reduced to the maximum extent practical.
- j. All portions of the haul route and intersecting streets within 500 feet of the haul route shall be swept continuously during haul operations. No less than two street sweepers shall be in operation over the portions of the haul route within City jurisdiction during haul operations and for 30 minutes after the haul operation hours.
- k. Haul operations shall be suspended on rain days. The suspension shall continue until soils on the import site have dried sufficiently that the haul truck tires do not pick up the soils.
- l. The soil shall be wetted to optimum moisture (ASTM D-1557) before loading. Each haul truck shall have all soil cleared from surfaces outside the bed before

traveling on a public street. The tires of the haul trucks shall be cleaned of adhering soil before traveling on any public street. The soil may be covered by tarps during the haul as an alternative to wetting the soil to optimum moisture.

- m. On-site haul routes and soil moisture conditioning measures shall be such to eliminate tracking or blowing soil onto public streets or adjoining property from the loading, hauling, dumping or distributing portions of the operation. Onsite operations shall be coordinated to avoid passage of haul trucks over wet soils that might adhere to the tires of the haul units.
 - n. The haul permit shall be signed by both the hauling company and the Developer and shall bind both to the conditions of the permit.
29. All development areas and lots shall be designed and graded so that surface drainage is directed to acceptable locations or natural or improved drainage courses as approved by the City Engineer. Altered drainage methods and patterns onto adjacent properties shall not be allowed without mitigation.
30. ROC, NOx and dust during construction grading shall be suppressed by the following activities:
- a. The fuel injection of all diesel engines used in construction equipment shall be retarded two degrees from the manufacturer's recommendation.
 - b. All diesel engines used in construction equipment shall use high-pressure injectors.
 - c. All diesel engines used in construction equipment shall use reformulated diesel fuel.
 - d. Construction grading shall be discontinued on days forecasted for first stage ozone alerts (concentration of 0.20 ppm) as indicated at the Ventura County APCD air quality monitoring station closest to the City of Moorpark. Grading and excavation operations shall not resume until the first stage smog alert expires.
 - e. All clearing and grading activities shall cease during periods of high winds (i.e., greater than 15 miles per hour averaged over one hour) to prevent excessive amounts of fugitive dust.
 - f. All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.

- g. All active portions of the site shall be either periodically watered or treated with environmentally safe dust suppressants to prevent excessive amounts of dust.
 - h. Facilities shall be constructed and operated in accordance with the Rules and Regulations of the Ventura County Air Pollution Control District.
 - i. Large scale construction vehicles and trucks exiting the project site during the mass grading period shall be required to have tire wash-downs to minimize the dispersion of dust onto local streets.
31. Grading may occur during the rainy season from October 1st to April 15th subject to approval by the City Engineer and timely installation of erosion control facilities. With the exception of work to effectuate best management practices for erosion control, no construction of any description shall occur during said rainy season unless a revised storm water pollution prevention plan that reflects the construction status of the site has been approved by the City Engineer. Erosion control measures shall be in place and functional between October 1st and April 15th. During each year that the project is under construction, revised storm water pollution prevention plans shall be submitted to the City Engineer for review and shall gain the City Engineer's approval no later than September 1st of each year from the start of grading or clearing operations to the time of grading bond release.
32. 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 grading operations, the Developer shall employ a full-time superintendent, whose responsibilities will include, without limitation, NPDES compliance. Upon City Engineer's determination that the NPDES compliance effort is unsatisfactory, the developer shall designate an NPDES superintendent who shall have no other duties than NPDES compliance. The superintendent responsible for NPDES compliance shall:
- a. Have full authority and responsibility to attain NPDES compliance.
 - b. Have full authority to hire personnel, bind the developer in contracts, rent equipment and purchase materials to the extent needed to effectuate BMP's.

- c. Provide proof to the City Engineer and satisfactory completion of courses, satisfactory to the City Engineer, totaling no less than eight (8) hours directed specifically to NPDES compliance and effective use of BMP's.
 - d. Be present, on the project site Monday through Friday and on all other days when the probability of rain is forty percent (40%) or higher and prior to the start of and during all grading or clearing operations until the release of grading bonds.
33. During clearing, grading, earth moving or excavation operations the developer shall maintain regular watering operations to control dust. Additionally, the following measures shall apply:
- a. Water all site access roads and material excavated or graded on or off-site to prevent excessive amounts of dust. Watering shall occur a minimum of at least two times daily, preferably in the late morning and after the completion of work for the day. Additional watering for dust control shall occur as directed by the City. The grading plan shall indicate the number of water trucks that shall be available for dust control at each phase of grading.
 - b. Cease all clearing, grading, earth moving, or excavation operations during periods of high winds (greater than 15 mph averaged over one hour). The contractor shall maintain contact with the Air Pollution Control District (APCD) meteorologist for current information about average wind speeds.
 - c. Water or securely cover all material transported off-site and on-site to prevent excessive amounts of dust.
 - d. Keep all grading and construction equipment on or near the site, until these activities are completed.
 - e. The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive dust generation.
 - f. Wash off heavy-duty construction vehicles before they leave the site.
34. After clearing, grading, earth moving, or excavation operations, and during construction activities, fugitive dust emissions shall be controlled using the following procedures:

- a. When directed by the City Engineer, the Developer shall take all measures necessary to control wind erosion and its contribution to local particulate levels.
 - b. Periodically, or as directed by the City Engineer, sweep public streets in the vicinity of the site to remove silt (i.e., fine earth material transported from the site by wind, vehicular activities, water runoff, etc.), which may have accumulated from construction activities.
35. During smog season (May-October) the City shall order that construction cease during Stage III alerts to minimize the number of vehicles and equipment operating, lower ozone levels and protect equipment operators from excessive smog levels. The City, at its discretion, may also limit construction during Stage II alerts.
36. Temporary erosion control measures shall be used during the construction process to minimize water quality effects. Specific measures to be applied shall be identified in the project storm water pollution prevention plan. The following water quality assurance techniques shall be included, but not limited to the following, as required by Ventura Countywide Storm Water Quality Management Program, NPDES Permit No. CAS004002:
- a. Minimize removal of existing vegetation.
 - b. Protect exposed soil from wind and rain.
 - c. Incorporate silt fencing, berms, and dikes to protect storm drain inlets and drainage courses.
 - d. Rough grade contours to reduce flow concentrations and velocities to the extent possible.
 - e. Divert runoff from graded areas, using straw bale, earth, and sandbag dikes.
 - f. Phase the grading to minimize soil exposure during the October through April rainy season.
 - g. Install sediment traps or basins.
 - h. Maintain and monitor erosion/sediment controls.
37. To minimize the water quality effects of permanent erosion sources, the following design features shall be incorporated into the project-grading plan to the satisfaction of the City Engineer. The features shall comply with Best Management Practices features including, but not limited to the following:

- a. Drainage swales, subsurface drains, slope drains, storm drain inlet/outlet protection, and sediment traps.
 - b. Check dams to reduce flow velocities.
 - c. Temporary and permanent vegetation, including grass-lined swales.
 - d. Design of drainage courses and storm drain outlets to reduce scour.
 - e. Stabilized construction entrances.
 - f. Training in best management practices for every supervisor on the project, including all contractors and their subcontractors.
38. The developer shall prepare a storm water pollution prevention plan to address construction impacts from the project on downstream facilities, environments and watersheds. A qualified Civil Engineer shall prepare this plan. The proposed plan shall also address all relevant NPDES requirements and recommendations for the use of best available technology. The storm water pollution prevention plan shall be submitted to the City Engineer for review and shall gain the City Engineer's approval prior to issuance of grading permits for mass grading.
39. The developer shall prepare a storm water pollution prevention plan to address long term operational impacts from the project on downstream facilities, environments and watersheds. A qualified Civil Engineer shall prepare this plan. The proposed plan shall 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. The use of permanent dense ground cover planting approved by the City Engineer shall be required for all graded slopes. Methods of protecting the planted slopes from damage shall be included. Proposed management efforts during the lifetime of the project shall include best available technology. The avoidance of the use of mechanical stormwater treatment facilities such as clarifiers, separators, filters, absorbents, adsorbents or similar patented devices is strongly encouraged. Should there be no alternative to their use, the Developer shall permanently indemnify the City from all liability or costs that it may incur through use or maintenance failure, in a form approved by the City Attorney, City Engineer, and City Manager at their discretion. The use of biological filtering, bio-remediation, infiltration of prefiltered

storm water 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. The storm water pollution prevention plan shall be submitted to the City Engineer for review and shall gain the City Engineer's approval prior to issuance of grading permits for mass grading.

40. The following mitigation measures shall be implemented during all construction activities throughout build out of the project to minimize the impacts of project-related noise in the vicinity of the proposed project site:
- a. Construction activities shall be limited to between the following hours: a) 7:00 a.m. to 7 p.m. Monday through Friday, and b) 9:00 a.m. to 6:00 p.m. Saturday. Construction work on Saturdays shall require pre-approval by the City Engineer and payment of a premium for City inspection services and may be further restricted or prohibited should the City receive complaints from adjacent property owners. No construction work shall be done on Sundays and City observed holidays pursuant to Section 15.26.010 of the Municipal Code.
 - b. Truck noise from hauling operations shall be minimized through establishing hauling routes that avoid residential areas and requiring that "Jake Brakes" not be used along the haul route within the City. The hauling plan shall be identified as part of the grading plan and shall be approved by the City Engineer.
 - c. The Developer shall ensure that construction equipment is fitted with modern sound-reduction equipment.
 - d. Stationary noise sources that exceed 70 dBA of continuous noise generation (at 50 feet) shall be shielded with temporary barriers if existing residences are within 350 feet of the noise source.
 - e. Designated parking areas for construction worker vehicles and for materials storage and assembly shall be provided. These areas shall be set back as far as possible from or otherwise shielded from existing surrounding rural residential neighborhoods.
 - f. Property owners and residents located within 600 feet of the project site, shall be notified in writing on a monthly basis of construction schedules involving major

grading, including when clearing and grading is to begin. The project developer shall notify adjacent residents and property owners by Certified Mail-Return Receipt Requested of the starting date for removal of vegetation and commencement of site grading. The content of this required communication shall be approved by the City Engineer in advance of its mailing and the return receipts, evidencing United States mail delivery, shall be provided to the Engineering Department.

41. The Developer shall submit to the City of Moorpark for review and approval, a rough grading plan, consistent with the approved Tentative Map, prepared by a California Registered Civil Engineer, shall enter into an agreement with the City of Moorpark to complete all on-site and off-site public improvements and shall post sufficient surety guaranteeing the construction of all public improvements.
42. The final grading plan shall meet all UBC and City of Moorpark standards including slope setback requirements at lot lines, streets and adjacent to offsite lots.
43. Concurrent with submittal of the rough grading plan a Storm Water Pollution Prevention Plan shall be submitted to the City for review and approval by the City Engineer. The design shall include measures for irrigation and hydroseeding on all graded areas when required by the City Engineer. Reclaimed water shall be used for dust control during grading, if available from Ventura County Waterworks District No. 1.
44. The entire site shall be graded to within 0.25 feet of ultimate grade at the same time. Pads shall be graded, planted and landscaped to the satisfaction of the Community Development Director and City Engineer.
45. The maximum gradient for any slope shall not exceed a 2:1 slope.
46. All permanently graded slopes shall be planted with groundcover, trees and shrubs that shall stabilize slopes and minimize erosion or alternative measures to the satisfaction of the Community Development Director and the City Engineer.
47. So as to reduce debris from entering sidewalk and streets, the approved grading plan shall show a slough wall, approximately 18 inches high, with curb outlet drainage to be constructed behind the back of the sidewalk where slopes exceeding 4 feet in height are adjacent to sidewalk. The

Developer shall use the City's standard slough wall detail during the design and construction. The City Engineer and Community Development Director shall approve all material for the construction of the wall.

48. Backfill of any pipe or conduit shall be in 4" fully compacted layers unless otherwise specified by the City Engineer.
49. Soil testing for trench compaction shall be performed on all trenching and shall be done not less than once every 2 feet of lift and 100 lineal feet of trench excavation.
50. Observe a 15-mile per hour speed limit for the construction area.

Geotechnical/Geology Conditions:

51. The Developer shall submit to the City of Moorpark for review and approval, a detailed Geotechnical Engineering report certified by a California Registered Civil Engineer. The geotechnical engineering report shall include an investigation with regard to liquefaction, expansive soils, and seismic safety. The Developer shall also provide a report that discusses the contents of the soils as to the presence or absence of any hazardous waste or other contaminants in the soils. Note: Review of the geotechnical engineering report(s) by the City's Geotechnical Engineer shall be required. The Developer shall reimburse the City for all costs including the City's administrative fee for this review.
52. All recommendations included in the approved geotechnical engineering report shall be implemented during project design, grading, and construction in accordance with the approved project. The City's geotechnical consultant shall review all plans for conformance with the soils engineer's recommendations. Prior to the commencement of grading plan check, the Developer's geotechnical engineer shall sign the plans confirming that the grading plans incorporate the recommendations of the approved soils report(s).

Street Requirements:

53. The Developer shall submit to the City of Moorpark for review and approval, plans for street improvements as shown on the tentative map, those required by these conditions and full width on and off site improvements to the street which lays on the southerly line of the development, from Miller Parkway to a point approximately 400 feet east of Miller Parkway. The street improvement plans shall be prepared by a

California Registered Civil Engineer and the Developer shall enter into an agreement with the City of Moorpark to complete public improvements and shall post sufficient surety guaranteeing the construction of all improvements. Public streets shall conform to City of Moorpark requirements or the California Department of Transportation Standards (most recent version), as deemed applicable and including all applicable ADA requirements.

54. The street right-of-way improvements shall include adequate pavement for vehicle turnouts into the project, controlled access exiting the project, in addition to concrete curb and gutter, parkways, new streetlights, and street signing to the satisfaction of the City Engineer. The City Engineer and the Community Development Director shall approve all driveway sizes, locations and configurations. The Developer shall acquire and dedicate any additional right-of-way necessary to make all of the required improvements.
55. All streets shall conform to the design requirements of the Ventura County Road Standards (most recent revision), unless noted otherwise in these conditions of approval. The street Improvements shall be to the satisfaction of the City Engineer and as follows:
 - a. Miller Parkway (from a point 100' south of the extension of the south line of the project to the south right-of-way line of Los Angeles Avenue)
 - i. Miller Parkway approaching New Los Angeles Avenue: The existing raised center median shall remain and Developer shall maintain existing widths of all lanes, sidewalks and parkways. Provide a 1½-inch thick asphalt rubber hot mix overlay. The center medians shall be trimmed back, if necessary, to accommodate the ADA ramp alignments.
 - ii. Miller Parkway at the intersection with the southerly access roadway (herein designated as "A" Street): This intersection shall be fully signalized and all curb-return radii and raised medians shall accommodate turning requirements for a California semi trailer truck. The extent of improvements along "A" Street, in order to restrict vehicular ingress and egress movements, shall be coordinated with the development of the parcel southerly of this project. Construct loop detector circuits and activate "A" Street signals to the satisfaction of the City Engineer.

iii. For ingress and egress at the driveway between "A" Street and New Los Angeles Avenue: The Developer shall provide 12-foot wide travel right in and right out only lanes.

b. New Los Angeles Avenue:

i. The Developer shall submit to Caltrans for review and approval, street improvement plans prepared by a California Registered Civil Engineer and shall post sufficient surety guaranteeing the construction of the improvements. Concurrent submittals shall be made to the City Engineer for review. A copy of all final approved Caltrans permits shall be forwarded to the City Engineer. An encroachment permit shall be obtained from Caltrans prior to construction of any proposed roadway or other improvements within their right-of-way. Any additional right-of-way required to implement the approved design for this work in their right-of-way, including slope easements for future grading, shall be acquired by the Developer and dedicated to the State in a manner acceptable to Caltrans and the City Engineer. All required dedications shall be illustrated on the Final Map. Proof of encroachment or other non-City permits and bonds shall be provided to the City Engineer prior to the start of any grading or construction activities.

ii. New Los Angeles Avenue along the project boundary: The Developer shall provide a signalized intersection at the northerly entrance to the project site and provide plans and permits approved by Caltrans. The left-turn pocket into the project shall be a minimum of 260 feet or longer if approved by Caltrans plus appropriate transitions.

iii. New Los Angeles Avenue Eastbound Lanes along the project boundary: The Developer shall provide plans and permits approved by Caltrans for improvements to New Los Angeles Avenue eastbound lanes along the project boundary. The plans shall provide for four 12-foot wide eastbound lanes to 250 feet east of the easterly curb return of New Los Angeles Avenue and the driveway entrance into the project from Los Angeles Avenue with a 90-to-1 taper east of that point, one 8-foot wide bike

lane and one 12-foot wide deceleration lane into the project entrance, which shall be 460 feet long plus appropriate transitions (bike lane to be 4-foot wide adjacent to right-turn lane). Lane widths shall also include such additional widths as may be appropriate or required by City and Caltrans.

- iv. New Los Angeles Avenue Westbound Lanes along the project boundary: The Developer shall provide plans and permits approved by Caltrans. The plans shall provide for three 12-foot wide through lanes, one 12-foot wide left-turn lane into the development driveway on New Los Angeles Avenue and one 8-foot wide bike lane adjacent to through lanes and 4-foot wide adjacent to turn lane. The median shall be 12 feet minimum in width with no less than 28 feet in width shadowing the left-turn pockets. At the intersection with Science Drive/Miller Parkway, Developer shall provide two 12-foot wide left-turn only lanes and reconstruct interfering portions of existing improvements as is necessary. Lane widths shall also include such additional widths as may be appropriate or required by City and Caltrans.

c. "A" Street:

- i. "A" Street shall be a minimum of 52 feet in width and two 12-foot wide travel lanes shall be provided in each direction. A raised median with a minimum width of 4 feet and a 12-foot wide shadow for the left-turn lane shall be provided along the portion of "A" Street to be constructed by the developer. Construction of "A" Street will extend a minimum of 400 feet into the site from the centerline of Miller Parkway to the satisfaction of the City Engineer and Fire Protection District.

d. Driveway Entrances into the Project:

- i. All proposed project entrances shall be aligned as near to perpendicular to the project boundary lines as possible. Where this is not possible, the sum of the differences of the curb return delta angles from 90 degrees, shall not exceed 10 degrees.
- ii. All curb return radii shall accommodate turning requirements for a California semi-trailer truck.

- iii. The northerly entrance at New Los Angeles Avenue shall provide for two 12-foot wide entrance lanes, two 12-foot wide left-turn egress lanes, one 12-foot wide right-turn only lane and a 4-foot wide median from New Los Angeles Avenue to a point approximately 200 feet to the south.
 - iv. The access driveway connection to "A" Street southwest of Building A shall be completed to the satisfaction of the City Engineer.
 - v. The driveway entrance at the driveway between "A" Street and New Los Angeles Avenue shall be a minimum of 30 feet wide and provide two 12-foot wide travel lanes and a minimum 4-foot wide median. Curb return radii shall be 45-feet.
- e. All Streets: The structural section for all public streets shall be designed for a 50-year life. The top asphalt course of all newly constructed public streets shall consist of no less than 1½ inch of asphalt rubber hot mix.
56. Street lights shall be provided on the improvement plans per Ventura County Standards and as approved by the City Engineer. The Developer shall pay all energy costs associated with public street lighting for a period of one year from the acceptance of the street improvements.
57. In accordance with Business and Professions Code 8771, the street improvement plans shall provide for a surveyors statement on the plans certifying that all recorded monuments in the construction area have been located and tied out or shall be protected in place during construction.
58. The Developer shall submit wall and landscaping plans showing that provisions have been taken to provide for and maintain proper sight distances. The plans shall be required with the site grading plans for the review by, and to the satisfaction of the City Engineer.
59. Monuments shall meet the City of Moorpark, County of Ventura Standards and shall be to the satisfaction of the City Engineer. All street centerline intersections shall be monumented.
60. Pedestrian facilities shall meet all City and ADA requirements, and shall be safe and visible from vehicle and pedestrian traffic along all streets.

61. The Developer shall dedicate vehicular access rights to the City of Moorpark along New Los Angeles Avenue and Miller Parkway.
62. Prior to recordation of final maps, proposed street names shall be submitted to the Fire District's Communications Center for review and approval. Street name signs shall be installed in conjunction with the road improvements. The type of sign shall be in accordance with Plate F-4 of the Ventura County Road Standards.

Mitigation of Traffic Impacts:

63. Prior to the issuance of a Zoning Clearance for building permit, the Developer shall pay the City a TSM Fee, consistent with the Final EIR for the Carlsberg Amended Specific Plan or the formula in effect at the time the Zoning Clearance for building permit is requested, whichever fee is greater.
64. Developer shall participate in intersection improvements for Los Angeles Avenue/Spring Road. The level of participation shall be to the requirements of the City Council Resolution No. 94-1061. Prior to final map approval, a traffic report shall be provided by the Developer that shall determine the extent of the impact to this intersection.
65. As a condition of the issuance of a building permit for each commercial use, the developer shall be required to pay City the Tierra Rejada/Spring Road Area of Contribution (AOC) Fee. The AOC Fee shall be the dollar amount in effect at the time of the payment of the fee. Institutional uses shall pay on the same basis as commercial uses, except that institutional uses which are exempt from secured property taxes shall be exempt from the fee.

Drainage Requirements:

66. The Developer shall submit to the City of Moorpark for review and approval, drainage plans; hydrologic and hydraulic calculations prepared by a California Registered Civil Engineer; shall enter into an agreement with the City of Moorpark to complete public improvements and shall post sufficient surety guaranteeing the construction of all improvements. The plans shall depict all on-site and off-site drainage structures required by the City. The drainage plans and calculations shall demonstrate that the following conditions shall be satisfied before and after development:
 - a. Quantities of water, water flow rates, major watercourses, drainage areas and patterns, diversions,

collection systems, flood hazard areas, sumps, sump locations, detention facilities, and drainage courses. Hydrology shall be per the current Ventura County Flood Control Standards except as follows:

- i. All storm drains shall carry a 50-year frequency storm;
 - ii. All catch basins shall carry a 50-year storm;
 - iii. All catch basins in a sump condition shall be sized such that depth of water at intake shall equal the depth of the approach flows;
 - iv. All culverts shall carry a 100-year frequency storm.
- b. "Passive" Best Management Practices drainage facilities shall be provided such that surface flows are intercepted and treated on the surface over biofilters (grassy swales), infiltration areas and other similar solutions. Should there be no feasible alternative to the use of mechanical treatment facilities, Developer shall provide a vehicle to permanently indemnify the City from all liability or costs that it may incur through use or maintenance failure.
- c. Under a 50-year frequency storm collector streets shall have a minimum of one dry travel lane in each direction.
- d. Drainage to adjacent parcels or the Public Right-of-Way shall not be increased or concentrated by this development. All drainage measures necessary to mitigate storm water flows including onsite detention shall be provided to the satisfaction of the City Engineer.
- e. Drainage grates shall not be used in any public right-of-way, private right-of-way or in any location accessible to pedestrians.
- f. All flows that have gone through flow attenuation and clarification by use of acceptable BMP systems and are flowing within brow ditches, ribbon gutters, storm drain channels, area drains and similar devices shall be deposited directly into the storm drain system and shall be restricted from entering streets. If necessary, the storm drain system shall be extended to accept these flows. Both storm drains and easements outside the public right-of-way shall be privately maintained. Drainage for the development shall be

designed and installed with all necessary appurtenances to safely contain and convey storm flows to their final point of discharge, subject to review and approval of the City Engineer. Downstream storm drain systems may lack capacity. Developer shall demonstrate, to the satisfaction of the City Engineer, downstream facilities shall not be adversely impacted.

- g. Developer shall demonstrate that developed storm water runoff shall not exceed pre-developed runoff.
67. The Developer shall demonstrate for each building pad area that the following restrictions and protections shall be put in place to the satisfaction of the City Engineer:
- a. Adequate protection from a 100-year frequency storm.
 - b. Feasible access during a 50-year frequency storm.
 - c. Hydrology calculations shall be per current Ventura County Flood Control Standards.
68. Development shall be undertaken in accordance with conditions and requirements of the Ventura Countywide Storm water Quality Management Program, NPDES Permit No. CAS004002.
69. Landscaped areas shall be designed with efficient irrigation to reduce runoff and promote surface filtration and minimize the use of fertilizers and pesticides, which can contribute to urban runoff pollution. Parking and associated drive areas with 5 or more spaces shall be designed to minimize degradation of storm water quality. Best Management Practices landscaped areas for infiltration and biological remediation or approved equals, shall be installed to intercept and effectively prohibit pollutants from discharging to the storm drain system. The design shall be submitted to the City Engineer for review and approval prior to the issuance of a building permit.
70. All structures proposed within the 100-year flood zone shall be elevated at least one foot above the 100-year flood level.
71. The Developer shall provide for all necessary on-site and off-site storm drain facilities required by the City to accommodate upstream and on-site flows. Facilities, as conceptually approved by the City, shall be delineated on the final drainage plans. Either on-site detention basins or storm water acceptance deeds from off-site property owners shall be specified and provided on the plans.

72. The Developer shall demonstrate and certify to the satisfaction of the City Engineer that all existing storm drain culverts within the site shall perform in an acceptable manner based on their intended design and the proposed increase/decrease of loading conditions, introduction of surface water within subsurface areas that may affect the culvert and proposed construction. This especially includes cast-in-place concrete pipe (CIPP).
73. The Developer shall provide engineering reports that existing detention and other storm drain facilities that were previously designed to include this site meet current requirements.
74. Prior to approval of plans for NPDES Facilities, the Developer shall provide to the satisfaction of the City Engineer, engineering and geotechnical reports to prove, , that all NPDES facilities meet their intended use and design. These facilities shall meet the minimum requirements relating to water retention and clarification.
75. The design of the storm drain system shall provide for adequate width easements for future maintenance and reconstruction of facilities particularly those facilities that are deeper than 8 feet. In addition all facilities shall have all-weather vehicular access. This design shall be to the satisfaction of the City Engineer.

National Pollutant Discharge Elimination System (NPDES) Requirements:

76. Prior to the issuance of any construction/grading permit and/or the commencement of any clearing, grading or excavation, the Developer shall submit a Storm Water Pollution Control Plan (SWPCP) to the satisfaction of the City Engineer.
77. The SWPCP shall be developed and implemented in accordance with requirements of the Ventura Countywide Storm Water Quality Management Program, NPDES Permit No. CAS004002.
78. The SWPCP shall identify potential pollutant sources that may affect the quality of discharges to storm water and shall include the design and placement of recommended Best Management Practices (BMPs) to effectively prohibit the entry of pollutants from the construction site into the storm drain system.
79. Improvement plans shall note that the contractor shall comply to the "California Storm Water Best Management Practice Handbooks."

80. Prior to the issuance of any construction/grading permit and/or the commencement of any clearing, grading or excavation, the Developer shall also submit a Notice of Intent (NOI) to the California State Water Resources Control Board, Storm Water Permit Unit in accordance with the NPDES Construction General Permit (No. CASQ00002): Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activities). The Developer shall comply with all requirements of this General Permit including preparation of a Storm Water Pollution Prevention Plan (SWPPP).
81. The Developer shall obtain a permit from the State Water Resources Control Board for "All storm water discharges associated with a construction activity where clearing, grading, and excavation results in land disturbances of five or more acres." The Developer shall submit a copy of the Notice of Intent (NOI) to the City Engineers office as proof of permit application.
82. The Developer shall also comply with NPDES objectives as outlined in the "Storm Water Pollution Control Guidelines for Construction Sites."
83. Prior to Final Map approval, Developer shall provide facilities to comply with NPDES requirements. Runoff from developed areas shall be diverted to detention basins, "passive-devices" or other passive Best Management Practices (BMP's) to the satisfaction of the City Engineer. A California registered civil engineer shall propose and design these devices as part of the drainage improvement plans for the project. Provisions shall be made by the Developer to provide for maintenance in perpetuity.
84. Prior to City issuance of the initial grading permit, the Developer shall obtain all necessary NPDES related permits. The grading permits issued for the development shall require Developer to provide schedules and procedures for onsite maintenance of earthmoving and other heavy equipment and documentation of proper disposal of used oil and other lubricants. The onsite maintenance of all equipment that can be performed offsite shall not be allowed.
85. The project construction plans shall state that the Developer shall comply with the "California Storm Water Best Management Practice Handbooks" - Best Management Practices (BMPs) applicable to the development and to the satisfaction of the City Engineer. Said requirements shall include the following:

- a. All onsite storm drain inlets shall be labeled "Don't Dump Drains to Arroyo."
 - b. No outdoor vehicle maintenance shall be allowed.
 - c. The entire project site and any off-site improvement areas shall be maintenance free of litter and debris.
 - d. All onsite storm drains shall be cleaned, using approved methods, at least twice a year, once immediately prior to October 1, the rainy season, and once in January. Water flushing is not an approved method for cleaning.
 - e. All sidewalks, walkways, and parking areas shall be swept regularly to prevent the accumulation of litter and debris from entering the storm drain. No cleaning agent shall be discharged into a storm drain system. If any cleaning agent or degreaser is used, wash water shall not be discharged to the storm drain but shall be discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review and approval of the County Waterworks District No. 1.
 - f. The City shall require that "passive" devices and BMP's be used to comply with NPDES water quality requirements. The Developer shall provide the City with a Maintenance Program for such devices. The Operation and Easement Agreement shall include a requirement that the Developer/Property Owner(s) shall maintain, in perpetuity, such devices in a manner consistent with specific requirements to be detailed within the Maintenance Program.
86. The underground sediment removal system shown on the section labeled "underground NPDES Detail" and on the plan view of the tentative map shall be relocated to prevent soil moisture increase at or near existing storm drains.

Utilities:

87. Utilities, facilities and services for CPD 2001-01 shall be extended and/or constructed in conjunction with its phased development by the Developer as the project proceeds. Any work within the City right-of-way shall require an encroachment permit.
88. All existing, relocated and new utilities shall be placed underground.

Acquisition of Easements and Right of Way:

89. Any right-of-way acquisition necessary to complete the required improvements shall be acquired by the Developer at his/her expense. If any of the improvements which the Developer is required to construct or install are to be constructed or installed upon land in which the Developer does not have title or interest sufficient for such purposes, the Developer shall do all of the following at least 60 days prior to the filing of any Phase of the Final Map for approval pursuant to Governmental Code Section 66457.
- a. Notify the City of Moorpark (hereinafter "City") in writing that the Developer wishes the City to acquire an interest in the land, which is sufficient for the purposes as provided in Governmental Code Section 66462.5.
 - b. Upon written direction of the City supply the City with:
 - i. A legal description of the interest to be acquired.
 - ii. A map or diagram of the interest to be acquired sufficient to satisfy the requirements of subdivision (e) of Section 1250.310 of the Code of Civil procedure.
 - iii. A current appraisal report prepared by an appraiser approved by the City which expresses an opinion as to the fair market value of the interest to be acquired.
 - iv. A current Litigation Guarantee Report.
 - c. Enter into an agreement with the City, guaranteed by such cash deposits or other security as the City may require, pursuant to which the Developer shall pay all of the City's cost (including, without limitation, attorney's fees and overhead expenses) of acquiring such an interest in the land.

Additional Prior To Final Map Conditions:

90. All areas to be maintained in common shall be incorporated into a common owner's organization as determined acceptable by the City.
91. Prior to recordation of the Final Map, the Developer shall prepare an agreement which indemnifies and holds harmless the City of Moorpark and its agents from future claims which

may result from any landslide, subsidence or other adverse geologic conditions that may occur at this site.

Prior To Zoning Clearance For Grading Conditions:

92. All conditions required prior to Zoning Clearance Approval shall be complied with.
93. Developer shall obtain approval from the Planning and Engineering Department for all structures and walls in excess of 6 feet in height.
94. The Developer shall post sufficient surety guaranteeing completion of all improvements (i.e., grading, street improvements, storm drain improvements, landscaping, fencing, bridges, etc.) or which require removal (i.e., access ways, temporary debris basins, etc.) in a form acceptable to the City. The surety shall include provisions for all site improvements within the development and other off-site improvements required by the conditions as described herein.

Prior To Zoning Clearance For Building Permit Conditions:

95. As-Graded geotechnical report and rough grading certification shall be submitted to and approved by the City Engineer and Geotechnical Engineer.
96. Prior to Zoning Clearance, the Developer shall make a special contribution to the City representing the Developer's pro-rata share of the cost of improvements at Los Angeles Avenue/Moorpark Avenue (\$165,000). The actual contribution (pro-rata share shall be based upon the additional traffic added to the intersection. The Developer's traffic engineer shall provide the City Engineer a "Fair Share Analysis" of the projects added traffic for calculation of the pro-rata ("fair share") amount.

Prior To Zoning Clearance For Occupancy Conditions:

97. A final grading certification shall be submitted to and approved by the City Engineer.
98. All permanent NPDES Best Management Practices facilities shall be operational.

Prior To Acceptance Of Public Improvements And Bond Exoneration Conditions:

99. Reproducible centerline tie sheets shall be submitted to the City Engineer's office.

100. The Developer shall file for a time extension with the City Engineer's office at least six weeks in advance of expiration of the agreement to construct subdivision improvements. The fees required shall be in conformance with the applicable ordinance section.
101. All surety guaranteeing the public improvements shall remain in place for one year following public acceptance by the City. Any surety that is in effect three years after Zoning Clearance approval or issuance of the first building permit shall be increased an amount equal to or greater than the consumers price index (Los Angeles/Long Beach SMSA) for a period since original issuance of the surety and shall be increased in like manner each year thereafter.
102. Original "as built" plans shall be certified by the Developer's civil engineer and submitted with two sets of blue prints to the City Engineer's office. Although grading plans may have been submitted for checking and construction on sheets larger than 22" X 36", they must be resubmitted as "as built" in a series of 22" X 36" mylars (made with proper overlaps) with a title block on each sheet. Submission of "as built" plans is required before a final inspection shall be scheduled. Electronic files shall be submitted for all improvement plans in a format to the satisfaction of the City Engineer. In addition, Developer shall provide an electronic file update on the City's Master Base Map electronic file, incorporating all storm drainage, water and sewer mains, lines and appurtenances and any other utility facility available for this project.

Monitoring:

103. The Developer shall certify to the satisfaction of the City Engineer that the recommendations in the reports are adhered to prior to the issuance of a grading permit.
104. Prior to Zoning Clearance and/or occupancy, the Department of Community Development and the City Engineer shall ensure that the conditions have been satisfied.
105. The following shall be included in the requirements for the permitted use of the property. The City shall periodically review the site for conformance. Repeated violations of these requirements shall be cause of revocation of the permit use.
 - a. All property areas shall be maintained free of litter/debris.
 - b. All on-site storm drains shall be 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.

- c. Parking lots and drive-throughs shall be maintained free of litter/debris. Sidewalks, parking lots and drive-throughs shall be swept regularly to prevent the accumulation of litter and debris. When swept or washed, debris shall be trapped and collected to prevent entry to the storm drain system. No cleaning agent shall be discharged to the storm drain. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash water shall be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the wastewater treatment plant receiving the discharge.
- d. All exterior metal building surfaces, including roofing, shall be coated or sealed with rust inhibitive paint to prevent corrosion and release of metal contaminants into the storm drain system.
- e. Landscaping shall be properly maintained with efficient irrigation to reduce runoff and promote surface filtration and minimize the use of fertilizers and pesticides which can contribute to urban runoff pollution.
- f. Trash enclosures and/or recycling area(s) shall be covered. All litter/waste material shall be kept in leak proof containers. The area shall be paved with impermeable material. No other area shall drain onto these areas including rainwater. There shall be no drain connected from the trash enclosure area to the storm drain system. However, the drain from the trash enclosure shall be connected to the sanitary sewer and have an automatic seal that shall preclude any escape of gases or liquids from the sewer connection.

On-site Improvement Conditions:

- 106. On-site private streets, aisles, parking areas, curb, gutter sidewalk, drainage facilities and all other civil facilities shall be designed and constructed in accordance with the requirements for public streets and public facilities.

Grading and Improvement Construction Prior to Recording Final Map:

- 107. Developer, at its sole cost and expense, may construct those improvements related to grading, storm drains, water,

streets, landscaping, erosion and sedimentation control, sewer, and dry utilities shown on the approved Plans (hereinafter referenced as "Improvements"). Developer shall conform to all conditions of grading and construction (prior to and during) as approved with VTTM 5321 and this Agreement. The extent of improvements for, and the boundary of, the Project shall be subject to the review and written approval of the City Engineer and the Community Development Director. The improvement requirements are described as follows:

- a. Grading (as shown on drawing numbers to be determined).
 - b. Erosion control measures (as shown on drawing numbers to be determined) as well as all other best management plan measures that are, or may be, required under the requirements of the Ventura County Municipal Storm Water NPDES Permit (Board Order No. 00-108; NPDES Permit No. CAS004002).
 - c. Street Improvement Plans sheets (as shown on drawing numbers to be determined).
 - d. Storm drain plans (as shown on drawing numbers to be determined).
 - e. Completion of:
 - i. The grading and improvements (as shown on drawing numbers to be determined).
 - ii. The conditions of approval of Vesting Tentative Tract Map No. 5321.
 - iii. The requirements and conditions of all other city, County, State and all other public or private agency approvals and permits that pertain to said tract.
108. No clearing, grading, erosion control or installation of temporary or permanent irrigation, landscape, hardscape or related structures or construction of improvements of sewer, water, storm drain, streets, or dry utilities shall occur until the City Engineer and the Community Development Director provide written concurrence that all requirements have been fulfilled for the phase of construction under consideration.
109. Developer shall pay all plan check and inspection fees, case processing fees and deposits per the City's fee/deposit schedule in effect at the time that review is provided by the City. Developer shall also process and obtain City, County, State and all other public or private agency

approvals and permits for any work to be performed within their respective properties or areas of interest. City approval of the Plans does not warrant that other public agency requirements or standards have been met. It is the Developer's responsibility to satisfy all requirements of, and to obtain the written approval for each phase from all public agencies having jurisdiction and to provide verification to the City Engineer and the Community Development Director of such prior to commencement of the work allowed by this Agreement.

Changes In Plans for Early Grading and Improvement Construction:

110. All the Improvements shall be constructed in accordance with the Plans as noted previously on these conditions, all applicable City standards and regulations, all applicable conditions required for VTTM 5321 and all accepted construction practices, as determined by the City Engineer, without exception. Developer warrants that the Plans, as originally submitted by Developer, accomplish the work covered by this Agreement. Developer shall complete all work performed under this Agreement in accordance with the Plans.
111. Should the Plans prove to be inadequate in any respect, as determined by City in its sole discretion, then Developer shall make such changes as are necessary to ensure, to the satisfaction of the City Engineer, that such Improvements are performed in accordance with said City standards and regulations in effect at the time of construction of the improvements of VTTM 5321, said accepted construction practices, and approved Conditions of VTTM 5321.

Surety Bonds:

112. Prior to commencement of any phase of work under this Agreement, Developer shall furnish to City valid and sufficient bonds, executed by a corporation authorized to transact business in the State of California on forms approved by City and with Developer as principal, for the completion and maintenance of the Improvements in accordance with this Agreement. The Developer shall file with the City, security for the faithful performance of the Improvements to be constructed by Developer and separate security (except for grading and monuments) for payment of laborers and materialsmen who furnish labor or materials to those improvements. Each security shall be good and sufficient on forms approved by the City. Should any surety become insufficient in the opinion of the City, Developer shall increase said surety, in an amount satisfactory to

City, within ten (10) days after receiving written notice from City, which notice can be given at any time by City.

113. Without notice and until exonerated by the City Council, each surety shall be renewed on a yearly basis and shall be increased in an amount equivalent to the increase, if any, in the Consumer Price Index - All Urban Consumers - Greater Los Angeles Area for the twelve (12) months that end three (3) months prior to the month in which the bond is renewed. All of the obligations of Developer under this Agreement shall be met to the satisfaction of City prior to exoneration of all of the bonds. All premiums and costs related to provision of the bonds required by this Agreement shall be the responsibility of Developer.

Time for Completion:

114. Developer shall complete the Improvements no later than two years after start of work, but in no event prior to first occupancy. All Improvements shall be completed to City's satisfaction prior to City acceptance and reduction/exoneration of sureties. All Improvements shall be completed to the City's satisfaction prior to City acceptance and reduction/exoneration of sureties.

Final Inspection:

115. The City Engineer or his/her duly authorized representative, upon request of Developer, shall inspect the Improvements. As the City determines Improvements have been constructed in accordance with the provisions of this Agreement, City shall accept the Improvements as complete.
116. Developer agrees to pay for all inspection services performed on behalf of City and for the consulting soils engineer and geologist hired by the City. Developer agrees that no final inspection will be made by the City Engineer until City receives full payment for all related City inspection services, consulting soils engineer and geologist services together with the cost of the time incurred by the City Engineer, City Attorney, Public Works Director, and other City staff in connection therewith.

Protection Of Project Site:

117. At all times during the construction of Improvements, Developer shall take all such precautions as may be necessary to limit access to the site to authorized persons only and to protect the site from all members of the public and protect all public and adjacent private property from debris and damage.

Guarantee Of Improvements:

118. Developer shall guarantee against defective plans, labor and materials for a period of one year following City acceptance of the Improvements as complete.
119. In the event any of the Improvements are determined to be defective within the time provided herein, Developer shall repair, replace, or reconstruct the defect without delay and without cost or expense to City and shall pay all City costs for plan check, inspection and the City's Administrative Costs related to this requirement within thirty (30) days after receipt of City's invoice. Should Developer fail to act promptly or in accordance with the requirements of this paragraph, or should the exigencies of the situation require that repair, replacement or reconstruction work be performed before Developer can be notified, City may, at its option, make or cause to be made the necessary repair, replacement or reconstruction. Developer and its surety shall be obligated to pay City for the actual cost of such work together with the City's Administrative Costs.
120. Developer shall keep accurate records on a set of blue lined prints of all City approved additions to and deletions from the work, and of all changes in location, elevation and character of the work, not otherwise shown or noted on the Plan. Prior to the City's inspection and acceptance of the Improvements, Developer shall transfer this information to a final set of record drawings and deliver them to the City Engineer for final approval and retention.
121. Prior to commencement of any work under this Agreement, Developer shall file with the City Engineer a written statement signed by the Developer and each public utility serving VTTM 5321 stating that the Developer has made all arrangements required and necessary to provide the public utility service to VTTM 5321. For purposes of this paragraph, the term "public utility" shall include, but not necessarily be limited to, a company providing natural gas, water, sewer, electricity, telephone and cable television.
122. In the event that the Developer fails to perform any obligations hereunder, Developer agrees to pay all costs and expenses incurred by City in securing performance of such obligations, in addition to cost of any resulting legal action and reasonable attorney's fees.
123. City may serve written notice upon Developer and Developer's surety of any breach of any portion of these conditions of approval for this tract map regarding grading and

construction of improvements prior to recording a final map for this tract and the default of Developer if any of the following occur:

- a. Developer refuses or fails to prosecute the Work, or any severable part thereof, with such diligence as will insure its completion within the time specified
 - b. Developer fails to complete said work within the required time
 - c. Developer is adjudged a bankrupt
 - d. Developer makes a general assignment for the benefit of Developer's creditors
 - e. A receiver is appointed in the event of Developer's insolvency
 - f. Developer, or any of Developer's officers, agents, servants or employees violates any of the provisions of this Agreement.
124. In the event notice is given as specified within these conditions regarding grading and construction of improvements prior to recording a final map for this tract, Developer's surety shall have the duty to take over and complete the Improvements in accordance with all of the provisions of this Agreement; provided, however, that if the surety, within five (5) days after delivery to of such notice, does not give City written notice of its intention to so take over and complete the Improvements or does not commence the performance thereof within twenty (20) days after notice to City of such election, City may take over the Work and prosecute the Improvements to completion, by contract or by any other method City may deem advisable. In such event, City, without any liability for so doing, may take possession of, and utilize in completing the Improvements, such materials, tools, equipment and other property belonging to Developer as may be on the site of the Work necessary therefore. Developer and its surety shall be obligated to pay City the actual cost of such work together with the City's Administrative Costs. The rights of City provided by this paragraph are in addition to and cumulative to any and all other rights of City as provided by law or equity, and any election by City to proceed pursuant to the provisions noted within these conditions herein shall not be construed as being in lieu of any other such rights.
125. No waiver of any provision of the condtions of approval regarding grading and construction of improvements prior to recording a final map for this tract shall be deemed, or

shall constitute, a waiver of any other provision, whether or not similar; nor shall any such waiver constitute a continuing or subsequent waiver of the same provision. No waiver shall be binding, unless executed in writing by the party making the waiver.

126. Unless otherwise changed, notices required to be given to Surety Company shall be addressed to the Surety on file with the City at the time they are accepted by the City.

C. FIRE DEPARTMENT CONDITIONS:

127. Prior to recordation of any final maps, including Final Map waivers, the Developer shall submit two copies of the map to the Fire Prevention District for approval.
128. A copy of all recorded maps shall be provided to the Fire Prevention District within seven (7) days of recordation of said map.

D. COUNTY OF VENTURA WATERWORK'S DISTRICT CONDITION:

129. The Developer shall comply with the standard procedures for obtaining domestic water and sewer services for Developer's projects within the District and comply with the applicable provisions of the District Rules and Regulations.

Resolution No. 2002-1952
Commercial Planned Development Permit No. 2001-01
Vesting Tentative Tract Map No. 5321
Zelman Retail Partners, Inc.
Page 64

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

I, Deborah S. Traffenstedt, City Clerk of the City of Moorpark, California, do hereby certify under penalty of perjury that the foregoing Resolution No. 2002-1952 was adopted by the City Council of the City of Moorpark at a regular meeting held on the 20th day of March, 2002, and that the same was adopted by the following vote:

AYES: Councilmembers Harper, Mikos, and Wozniak
NOES: Councilmember Millhouse and Mayor Hunter
ABSENT: None
ABSTAIN: None

WITNESS my hand and the official seal of said City this 1st day of May, 2002.

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



MOORPARK CITY COUNCIL
AGENDA REPORT

11-6-2002
Approved staff rec.
w/ amendments to project
design 4-C Millhouse abstain
BY: *Marcia Benson*

TO: The Honorable City Council

FROM: Mary K. Lindley, Director of Community Services 

DATE: October 15, 2002 (CC Meeting of November 6)

SUBJECT: Consider Art In Public Places Project For
Moorpark Marketplace (CPD 2001-01)

BACKGROUND

As a condition of the Commercial Planned Development Permit, CPD 2001-01, for Tract 5321, Moorpark Marketplace, the developer (Zelman) was required to prepare and install a public art project on-site. The approved art project must be completed prior to the issuance of the first building occupancy. If the City and developer had agreed to an in-lieu in place of an art project, the fee would have equaled \$35,767 based on 357,671 square feet of building space.

DISCUSSION

The City's Art in Public Places Committee met on September 9, 2002, to review the Zelman art project. The Committee is comprised of: two Councilmembers, Clint Harper and Keith Millhouse; one Parks and Recreation Commissioner, Sandra Thompson; and two members-at-large, Mary Schwabauer and Jay Moore. Staff members in attendance included Barry Hogan, Director of Community Development, and Mary Lindley, Director of Community Services.

The art project submitted by Zelman consists of a rectangular fountain of approximately 42 feet in length and a little over 10 feet in width. The fountain is incorporated under the arched walls of the food court arcade. The center of the fountain consists of a long row of water jets and the walls of the arcade will have vine-like plants growing up the face.

The Arts in Public Places Committee members had various comments. Most liked the concept of a fountain. The consensus of the Committee was that a bronze statue of a child sitting on the fountain's seat wall would enhance its visual appeal. Additionally, the Committee felt that landscaping was needed along the front of the fountain from the parking lot side to enhance its look and discourage children from attempting to access the fountain. The Committee also requested that the water spray from the fountain be of varied height, that underwater lights be added to illuminate the water spray, and features be incorporated in the fountain's seat walls to discourage skateboarders.

At its meeting on October 9, the City Council indicated that it wanted to see the store signs removed from the arcade wall over the fountain. The changes requested by the Committee and Council have been made and the developer has submitted a new set of plans, which were provided to the Council under separate cover.

STAFF RECOMMENDATION

Approve Zelman's (CPD 2001-01) Art In Public Places project as submitted.



CITY OF MOORPARK

COMMUNITY DEVELOPMENT DEPARTMENT | 799 Moorpark Avenue, Moorpark, California 93021
Main City Phone Number (805) 517-6200 | Fax (805) 532-2540 | www.moorparkca.gov

May __, 2014

Steve Welch
7750 Burnett Avenue
Van Nuys, CA 91405

Subject: Permit Adjustment No. 1 To Commercial Planned Development (CPD) 2001-01 (Moorpark Marketplace) to Allow the Removal of an Architectural Feature (Arched Screen Wall) and Replacement of Fountain Tile at the Food Court at the Southeast Corner of the Site Located at 888 Los Angeles Avenue on the Application of Steve Welch for Moorpark Marketplace LLC

Dear Mr. Welch:

We have completed our review of your request for a Permit Adjustment to allow the removal of an architectural feature (arched screen wall) and replacement of fountain tile at the food court at the southeast corner of the Moorpark Marketplace. Any change which would not alter any of the findings pursuant to this title, nor any findings contained in the environmental document prepared for the permit and would not have any adverse impact on surrounding properties, may be deemed a Permit Adjustment and acted upon by the Community Development Director or designee without a hearing.

Findings Pursuant to Title 17, Chapter 17.44 of the Municipal Code:

1. The revisions referenced above will not alter any of the findings of the original approval of Commercial Planned Development 2001-01.
2. The proposed revisions will not alter any of the findings in the environmental document prepared for Commercial Planned Development 2001-01 and will have no adverse impacts on the environment.
3. The proposed revisions will not have any adverse impact on surrounding properties.
4. The requested Permit Adjustment application meets the submittal criteria set forth in the Municipal Code.

Approval of Application

The Community Development Director has determined, based upon a review of the proposed project, a review of Commercial Planned Development 2001-01, the requirements of the Zoning Ordinance and the above findings that this request for a Permit Adjustment is hereby APPROVED subject to the following conditions:

CC ATTACHMENT 3

1. 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.
2. 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.
3. 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.
4. 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. 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.
5. If any of the conditions or limitations of this approval are held to be invalid, that holding shall not invalidate any of the remaining conditions or limitations set forth.
6. All necessary permits shall be obtained from the Building and Safety Division and all construction shall be in compliance with the Moorpark Building Code and all other applicable regulations.
7. 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.
8. All contractors doing work in Moorpark shall have or obtain a current Business Registration.

9. Prior to the issuance of a Zoning Clearance for construction or demolition, the applicant shall submit a Construction and Demolition Materials Management Plan form to the satisfaction of the Public Works Senior Management Analyst.
10. A separate sign permit application is required for all proposed signs; all signs must be consistent with any approved master sign program for the shopping center, which is subject to the review and approval of the Community Development Director.
11. All exterior materials and colors must be consistent with the approved plans and specifications approved for the project under this permit adjustment and on file with the Community Development Department.
12. The applicant shall provide a sample of the proposed tile color and for review and approval by the Community Development Director, prior to issuance of a Zoning Clearance for a building permit.
13. Outdoor lighting is subject to review and approval by the Community Development Director and must comply with Chapter 17.30 of the Zoning Code. All fixtures must have a full-cutoff design to avoid glare impacts.
14. All Conditions of Approval for Commercial Planned Development 2001-01 are incorporated by reference in this approval letter and shall continue to apply unless specifically modified by this permit.
15. The Permit Adjustment No. 1 to Commercial Planned Development 2001-01 approval will expire one (1) year from the effective date, if construction with a valid Building Permit has not commenced within that time.

Please contact Joseph Fiss, Principal Planner, at (805) 517-6226, if you have any further questions.

Sincerely,

David A. Bobardt
Community Development Director

c: Honorable City Council
Honorable Planning Commission
Steven Kueny, City Manager
Building and Safety Division
Case File (PA No. 1 to CPD No. 2001-01)
Chron

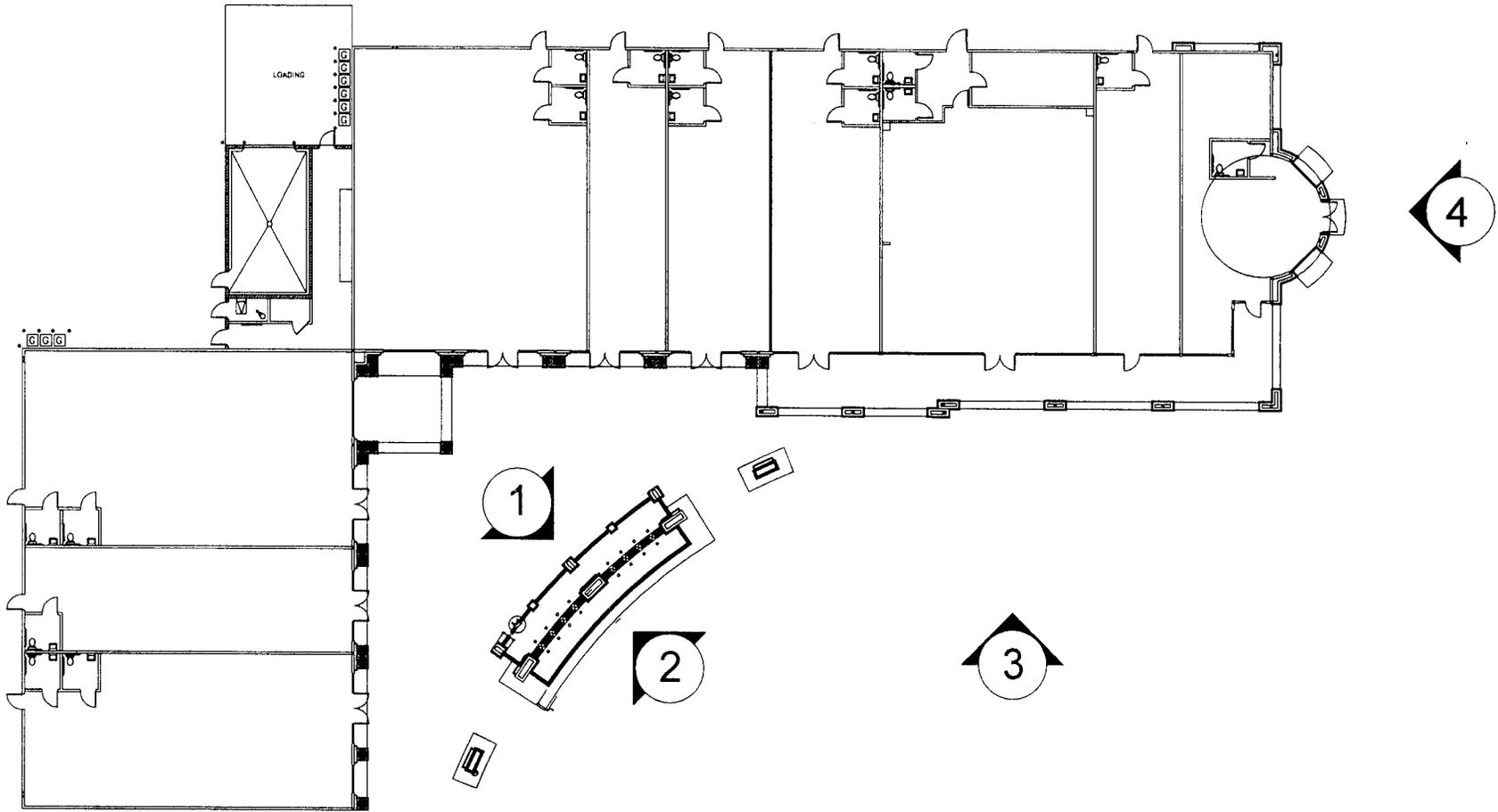
MOORPARK MARKETPLACE

FOOD COURT RENOVATION PROJECT

BUILDING "D"

888 NEW LOS ANGELES AVENUE

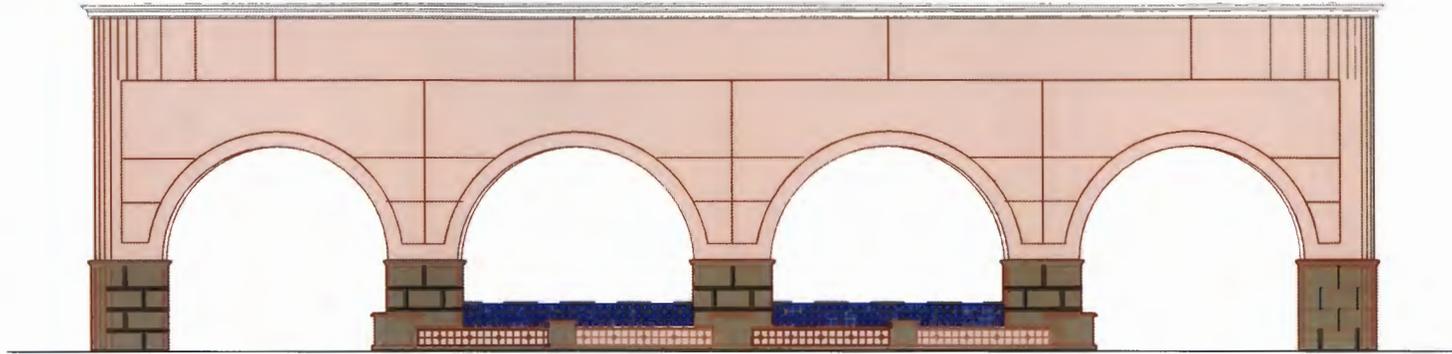
MOORPARK, CA. 93021



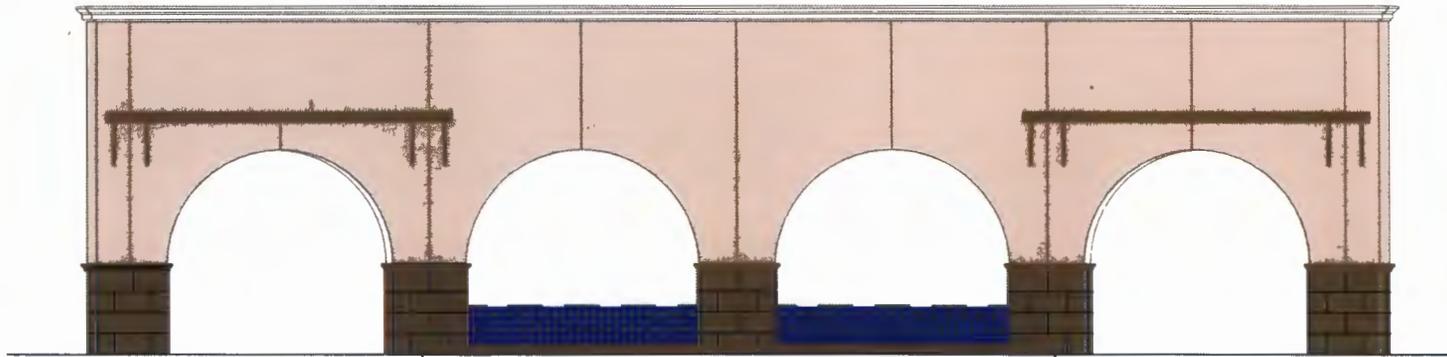
○ BUILDING D1 - FLOOR PLAN



MOORPARK MARKETPLACE
 FOOD COURT RENOVATION PROJECT
 BUILDING "D"
 888 NEW LOS ANGELES AVENUE
 MOORPARK, CA. 93021

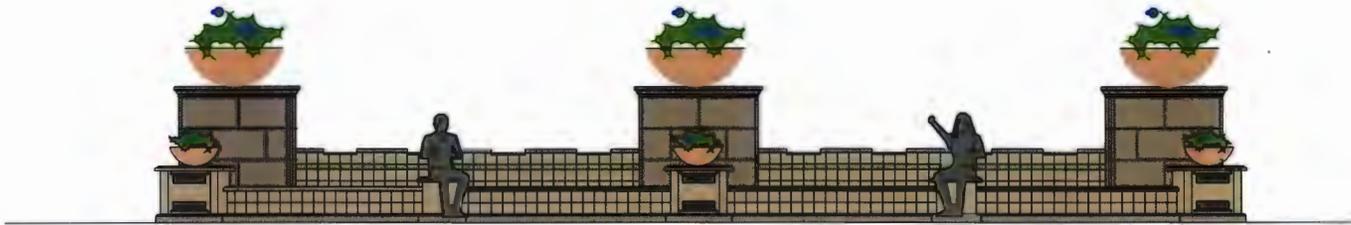


1 NORTH ELEVATION (EXISTING)



2 SOUTH ELEVATION (EXISTING)

MOORPARK MARKETPLACE
FOOD COURT RENOVATION PROJECT
BUILDING "D"
888 NEW LOS ANGELES AVENUE
MOORPARK, CA. 93021



① NORTH ELEVATION (PROPOSED)



② SOUTH ELEVATION (PROPOSED)

MOORPARK MARKETPLACE
FOOD COURT RENOVATION PROJECT
BUILDING "D"
888 NEW LOS ANGELES AVENUE
MOORPARK, CA. 93021



4 BUILDING D1 - WEST ELEVATION (PROPOSED)



3 BUILDING D1 - NORTH ELEVATION (PROPOSED)

MOORPARK MARKETPLACE
FOOD COURT RENOVATION PROJECT
BUILDING "D"
888 NEW LOS ANGELES AVENUE
MOORPARK, CA. 93021