

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

**FROM:** David A. Bobardt, Community Development Director  
Prepared by Joseph Fiss, Planning Manager



**DATE:** March 12, 2015 (CC Meeting of 3/18/2015)

**SUBJECT:** Consider Permit Adjustment No. 1 to Commercial Planned Development No. 97-1 and Conditional Use Permit No. 97-2, A Permit Adjustment to Allow Site Plan Modifications, Including Relocation of Car Wash Vacuums, Removal of a Water Feature, Replacement of a Monument Sign, Refurbishment of Perimeter Landscaping, and Conversion of a Lube and Oil Bay to an Auto Detailing Bay at an Existing Service Station Located at 550 Los Angeles Avenue

**BACKGROUND**

On November 20, 1997, the City Council adopted Resolution No. 97-1409 (Attachment 1), approving Commercial Planned Development No. 97-1 and Conditional Use Permit No. 97-2 to allow construction and operation of a service station with a car wash and oil change operation. This facility has been in continuous operation since construction. The developer has requested a Permit Adjustment to allow site plan modifications, including relocation of car wash vacuums, removal of a water feature, replacement of a monument sign, refurbishment of perimeter landscaping, and conversion of a lube and oil bay to an auto detailing bay. Although a Permit Adjustment is normally considered by the Community Development Director, this one involves several changes to the design originally approved by the City Council, along with a condition that provides for contribution to a property line wall with an adjacent property instead of actual construction of the wall. Therefore, direction is sought by the City Council on this Permit Adjustment application.

**DISCUSSION**

Due to changes in the car wash and service station industry, the owner is proposing to change the operation of the car wash from a full service to a self-serve car wash. In

addition, the owner is proposing to change the oil change area to a car detail area, remove the non-functioning water feature, and refurbish the perimeter landscaping.

As part of the changes to the car wash operation, the applicant is proposing to relocate the vacuum hoses to the southern boundary of the site, and to make them "self-service". By relocating these noise sources to an area adjacent to a residential zone, this triggers the requirement of the Moorpark Municipal Code for sound attenuation. Section 17.24.040 F of the Zoning Code, states "Where a commercial or industrial development abuts property in any residential zone, a masonry wall or equivalent noise attenuation structure, a minimum of eight (8) feet in height from the highest finished grade at the property line shall be erected and maintained between such uses and the residential zone. In addition, fifteen (15) gallon or larger trees, no less than twenty (20) feet on center, and shrubbery shall be installed and maintained along the project side of the wall in a minimum five (5) foot wide, raised landscaped planter to provide a dense landscape screen."

Although this is required for projects adjacent to residential zones, whether or not developed, there is an unusual situation in this case. Due to its adjacency to the Arroyo Simi, future grade elevations for the proposed residential project are not yet known, but expected to be 3-4 feet higher than the grade of the service station. This could create a situation where, if built to code, a new sound attenuation wall could be rendered useless and have to be demolished to allow construction of a retaining wall for the adjacent residential property.

Recommended Condition of Approval No. 1 in the attached draft decision letter would obligate the applicant to comply with this code requirement in a functionally equivalent manner. In lieu of providing a masonry wall or equivalent noise attenuation structure, a minimum of 8 feet in height, with landscaping, staff is proposing a condition that requires the applicant to maintain the existing wall, and be obligated to pay 50% of the cost of an 8 foot high decorative sound wall at the time the owner of the property to the south obtains a building permit for such wall. A surety will be required to be held by the City to ensure payment. A 10-year limit is placed on this obligation to ensure closure. This condition shall only apply to the sound attenuation wall, whereas the landscaping requirements shall still be required.

In addition to the vacuum unit relocation, the applicant is proposing to remove a water feature at the corner of Leta Yancy Road and Los Angeles Avenue. This water feature was not required as public art, and the applicant has indicated increasing difficulty in maintaining this feature. With the Permit Adjustment, it would be replaced with landscape planting. Staff is supportive of this change as landscape planting could better enhance the visual appearance of this site. There are two additional water features that are not planned to be removed. One is located on the north side of the building and the other is located on the east side of the building. These water features are proposed to be repaired and functioning as a part of the remodel.

Plans have not yet been submitted for a new monument sign. A standard condition on the draft Permit Adjustment approval letter would make this sign subject to a separate sign permit to be reviewed by staff.

**FISCAL IMPACT**

None.

**STAFF RECOMMENDATION**

Authorize the Community Development Director to approve Permit Adjustment No. 1 to Commercial Planned Development No. 97-1 and Conditional Use Permit No. 97-2.

Attachments:

1. Draft Permit Adjustment Approval Letter
2. Aerial Photograph



# 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

March \_\_, 2015

John Newton (for Moorpark 76 Station)  
159 Moonsong Court  
Moorpark, CA 93021

**SUBJECT: Permit Adjustment No. 1 to Commercial Planned Development No. 97-1 and Conditional Use Permit No. 97-2, A Permit Adjustment to Allow Site Plan Modifications, Including Relocation of Car Wash Vacuums, Removal of a Water Feature, Replacement of a Monument Sign, Refurbishment of Perimeter Landscaping, and Conversion of a Lube and Oil Bay to an Auto Detailing Bay at an Existing Service Station Located at 550 Los Angeles Avenue**

Dear Mr. Newton:

We have completed our review of your request for Permit Adjustment No. 1 to Commercial Planned Development No. 97-1 and Conditional Use Permit No. 97-2. 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 No. 97-1 and Conditional Use Permit No. 97-2.
2. The proposed revisions will not alter any of the findings in the environmental document prepared for Commercial Planned Development No. 97-1 and Conditional Use Permit No. 97-2 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.

## CC ATTACHMENT 1

### Approval of Application

The Community Development Director has determined, based upon a review of the proposed project, a review of Commercial Planned Development No. 97-1 and Conditional Use Permit No. 97-2, 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:

1. Because grade elevations have not been established for future development along the southern boundary of this site, the applicant shall comply with Moorpark Municipal Code Section 17.24.040 F. (Masonry Walls and Landscape Screens) in a functionally equivalent manner. In lieu of providing a minimum 8-foot high masonry wall along the southerly property line, the following is required: The applicant shall maintain the existing masonry wall at the southerly property line, and contribute 50% to the cost of providing a new 8-foot high decorative masonry wall along this property line at the time of building permit issuance for the new wall, provided that a building permit for this wall is obtained by the owner of the property to the south of this project site within 10 years of the date of this decision letter (March \_\_, 2015). Prior to issuance of a Zoning Clearance for installation of the relocated vacuum station under this Permit Adjustment, the applicant shall provide a surety in favor of the City for 50% of the cost of an 8-foot high decorative masonry wall. Such surety shall be provided in a form and amount subject to review and approval of the City Attorney, City Engineer/Public Works Director and Community Development Director. The surety shall be held by the City until payment of 50% of the cost of providing a new 8-foot high decorative masonry wall is made to the owner of the property to the south, or 10 years from the date of this decision letter (March \_\_, 2025), whichever comes first. The applicant shall be responsible for 50% of the cost of the wall at the time of construction regardless of the amount of the surety.
2. Prior to issuance of a Zoning Clearance for installation of the relocated vacuum station under this Permit Adjustment, the applicant shall provide detailed specifications regarding the type and location of the proposed vacuums for review and approval by the Community Development Director to ensure compliance with the City's noise standards. Vacuum units at the vacuum station shall include shut-off mechanisms to avoid continuous noise.
3. Within 45 days of approval of this Permit Adjustment (May \_\_, 2015), the applicant shall submit to the Community Development Director for review and approval, with the required deposit, three full sets of Landscaping and Irrigation Plans prepared by a licensed landscape architect and drawn on a plan that reflects final grading configuration, in conformance with the City of Moorpark Landscape Standards and Guidelines, policies and NPDES requirements; including, but not limited to, all specifications and details and a maintenance plan. Fences and walls must be shown on the Landscape and Irrigation Plans, including connection, at the applicant's expense, of property line walls with existing fences and or walls on any adjacent residential, commercial or industrial properties. The plan must demonstrate proper vehicle sight distances subject to the review of the City Engineer and Public Works

Director and in accordance with the Zoning Code, and encompass all required planting areas consistent with these Conditions of Approval. Review by the City's Landscape Architect Consultant and City Engineer and Public Works Director, and approval by the Community Development Director prior to issuance of a Zoning Clearance for building permit, is required.

4. Within 90 days of approval of this Permit Adjustment (June \_\_, 2015), The applicant shall install all landscaping and irrigation on approved plans, including 15 gallon or larger trees, no less than 20 feet on center, and shrubbery along the southern side of the site in a minimum 5 foot wide, raised landscaped planter to provide a dense landscape screen to the satisfaction of the Parks and Recreation Director and Community Development Director.
5. The permit is granted for the land and project as identified on the entitlement application for a Permit Adjustment and as shown on the attached, approved plans. The location and design of all site improvements shall be as shown on the approved plot plans and elevations, except or unless indicated otherwise by conditions within this letter.
6. All Conditions of Approval for Commercial Planned Development No. 97-1 and Conditional Use Permit No. 97-2 are incorporated by reference in this approval letter and shall continue to apply unless specifically modified by this permit.
7. The applicant shall at all times comply with Chapter 8.14 (Graffiti) of the Moorpark Municipal Code.
8. All exterior materials and colors shall be subject to review and approval of the Community Development Director.
9. 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.
10. The development shall be in substantial conformance with the plans presented in conjunction with the application for Permit Adjustment No. 1 to Commercial Planned Development No. 97-1 and Conditional Use Permit No. 97-2, except any modifications as may be required to meet specific Code standards or other conditions stipulated herein.
11. All other conditions of approval of Planned Development No. 966 shall continue to apply, except as revised herein.
12. All necessary permits must be obtained from the Building and Safety Department and all construction shall be in compliance with the Moorpark Building Code and all other applicable regulations.
13. Approval of a Zoning Clearance is required prior to the issuance of building permits.

14. All other permit and fee requirements must be met.
15. 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.
16. Prior to the issuance of a Zoning Clearance for tenant occupancy, an occupancy inspection shall be completed by the Building and Safety Department.
17. Prior to the issuance of a Zoning Clearance for tenant occupancy, the prospective tenant shall obtain a Business Registration from the City of Moorpark. All contractors doing work in Moorpark shall have or obtain a current Business Registration.
18. This permit is granted or approved with the City's designated approving body retaining and reserving the right and jurisdiction to review and to modify the permit—including the conditions of approval—based on changed circumstances. Changed circumstances include, but are not limited to, major modification of the business; a change in scope, emphasis, size, or nature of the business; the expansion, alteration, reconfiguration, or change of use; or the fact that the use is negatively impacting surrounding uses by virtue of impacts not identified at the time of application for the conditional use permit or impacts that are much greater than anticipated or disclosed at the time of application for the conditional use permit. The reservation of right to review any permit granted or approved under this chapter by the City's designated approving body is in addition to, and not in lieu of, the right of the City, its Planning Commission, City Council and designated approving body to review and revoke or modify any permit granted or approved under this chapter for any violations of the conditions imposed on such permit.
19. 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.
20. 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.
21. 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.

22. 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.

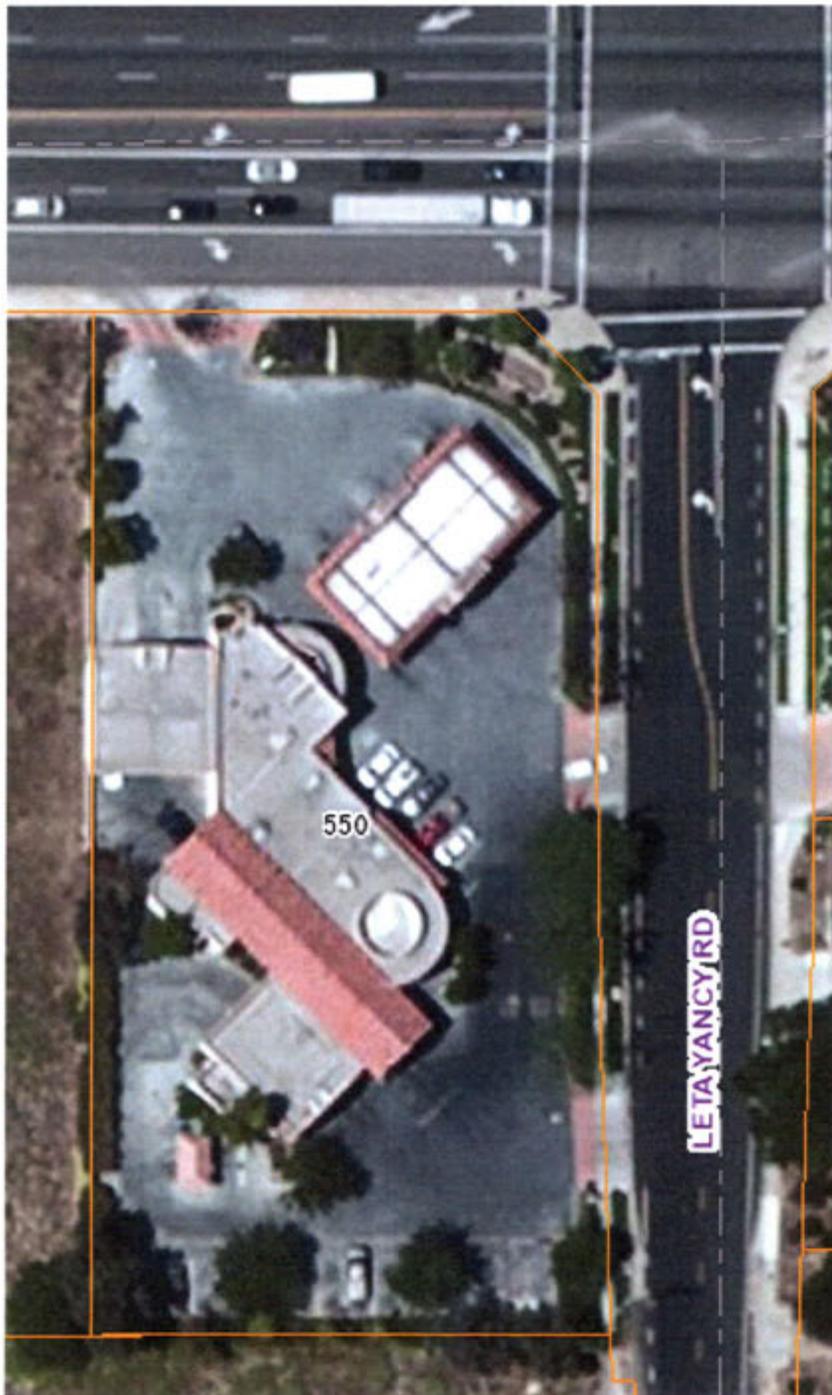
The approved Permit Adjustment No. 1 to Commercial Planned Development No. 97-1 and Conditional Use Permit No. 97-2 becomes effective ten (10) business days from the date of this letter, unless an appeal is filed in writing. The Permit Adjustment No. 1 to Commercial Planned Development No. 97-1 and Conditional Use Permit No. 97-2 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, Planning Manager, at (805) 517-6226, if you have any further questions.

Respectfully,

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. 97-1 and CUP No. 97-2  
Chron



## AERIAL PHOTOGRAPH

## CC ATTACHMENT 2