

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

**FROM:** David A. Bobardt, Planning Director *DB*  
Prepared By: Joseph Fiss, Principal Planner

**DATE:** August 30, 2007 (CC Special Meeting of 9/12/2007)

**SUBJECT:** Consider Commercial Planned Development Permit No. 2007-01 and Tentative Tract Map No. 5743; to Allow Construction of a Medical Office Building with Twenty-Four (24) Medical Services Condominiums, Located on the South Side of Peach Hill Road, East of Spring Road, on the Application of Peach Hill Medical Plaza LLC (Larry Greene)

**BACKGROUND**

On March 9, 2007 an application was filed by Peach Hill Medical Plaza LLC (Larry Greene) for a Commercial Planned Development Permit and Tentative Tract Map to allow construction of an approximately 36,000 square foot medical office condominium building on 2.78 acres on the south side of Peach Hill Road between Spring Road and Miller Parkway. On July 24, 2007, the Planning Commission adopted Resolution PC-2007-521, recommending approval of the project to the City Council.

**DISCUSSION**

A full analysis of this project is provided in the attached July 24, 2007 Planning Commission agenda report. The Planning Commission's discussion focused on site layout, landscaping, architectural details, roof material, and development fees. The Planning Commission recommended approval of the overall architectural design, but directed the applicant to work with staff on the roof material prior to the City Council hearing. A gray-tone standing-seam metal roof was proposed for this building

This project is within the "Institutional" portion of Carlsberg Specific Plan (Specific Plan 92-1), approved on September 7, 1994. The Specific Plan contains architectural design guidelines that address building design and materials, including roof materials and

colors. Concrete or clay tile roofs of earth-tone colors are required by the Specific Plan for buildings in the Institutional designation. Metal roofs and colors other than earth-tone are expressly prohibited. Special Condition No. 14, as recommended to the Planning Commission, called for a clay tile roof, consistent with material required for commercial buildings citywide. After discussing the roofing material with the project architect (following up on the Planning Commission direction), staff now recommends that concrete roofing material be allowed if flat tiles are used, and that clay roofing material be required if "s" or barrel tiles are used. This would provide consistency with the Specific Plan, while allowing the architect greater design flexibility. Condition No. 14 has been updated in the attached draft resolution to reflect this change in recommendation.

The applicant has requested further staff evaluation of the applicability of Special Conditions of Approval Nos. 23 and 24, which require development fees and mitigation fees respectively pursuant to the Settlement Agreement for the Amended Carlsberg Specific Plan. These conditions are as follows:

23. 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.
24. 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. 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.

These are consistent with conditions for two recent commercial and industrial projects within the Carlsberg Specific Plan. The Settlement Agreement states that development fees would not apply to institutional uses. However, as the proposed use is a medical office, the development fees would be required. Furthermore, the Settlement Agreement requires the mitigation fee for all uses except property-tax exempt institutional uses. Therefore, the mitigation fee would also be required.

Two other conditions were removed from the Council's draft resolution as they were specific to other projects and not applicable to this project. These included a condition for intersection improvements related to a recent shopping center project on Los Angeles Avenue, and a condition for extension of utilities related to a phased industrial planned development. A special condition was added to both the Commercial Planned Development Permit and Tentative Tract conditions requiring that the conditions, covenants, and restrictions for this condominium project restrict use of the building to health services as permitted by the Amended Carlsberg Specific Plan. The applicant has already indicated that such a restriction would be placed on future uses. A standard condition was also added to the Commercial Planned Development Permit that County traffic impact mitigation fees be paid.

**STAFF RECOMMENDATION**

1. Open the public hearing, accept public testimony and close the public hearing.
2. Adopt Resolution No. 2007-\_\_\_\_ approving Commercial Planned Development Permit No. 2007-01 and Tentative Tract No. 5743.

**ATTACHMENTS:**

1. Location Map
2. Aerial Photograph
3. Project Exhibits (under separate cover)
  - A. Site Plan/Tentative Tract Map 5743
  - B. First Floor Plan
  - C. Elevations
4. Planning Commission Agenda Report (w/o attachments)
5. Draft Resolution with Conditions of Approval



↑  
NORTH

**LOCATION MAP  
CC ATTACHMENT 1**

**SOUTH SIDE OF PEACH HILL ROAD,  
EAST OF SPRING ROAD**



**AERIAL PHOTOGRAPH  
CC ATTACHMENT 2**

**SOUTH SIDE OF PEACH HILL ROAD,  
EAST OF SPRING ROAD**

**Projects Exhibits**  
**(Provided Under Separate Cover)**

**A. Site Plan/Tentative Tract Map No. 5743**

**B. First Floor Plan**

**C. Elevations**

**CC ATTACHMENT 3**

**000012**

**MOORPARK PLANNING COMMISSION  
AGENDA REPORT**

**TO:** Honorable Planning Commission

**FROM:** David A. Bobardt, Planning Director  
Prepared by Joseph Fiss, Principal Planner



**DATE:** July 17, 2007 (PC Meeting of 7/24/07)

**SUBJECT:** Consider Commercial Planned Development Permit No. 2007-01 and Tentative Tract Map No. 5743; to Allow Construction of a Proposed Medical Plaza to Include Twenty-Four (24) Medical Services Condominiums for Uses Such As Outpatient Surgery Center, MRI Diagnostic Services, Rehabilitation and Laboratory Services, and Urgent Care; Located on the South Side of Peach Hill Road, East of Spring Road; on the Application of Peach Hill Medical Plaza LLC (Larry Greene)

**BACKGROUND**

On March 9, 2007 an application was filed by Peach Hill Medical Plaza LLC (Larry Greene) for a Commercial Planned Development Permit and Tentative Tract Map to allow construction of an approximately 36,000 square foot medical condominium building on 2.78 acres on the south side of Peach Hill Road between Spring Road and Miller Parkway.

**DISCUSSION**

**Project Setting**

Existing Site Conditions:

The 2.78 acre site is located on the south side of Peach Hill Road, east of Spring Road, between the Moorpark Presbyterian Church on the west and the Pinecrest Elementary School on the east.

Previous Applications:

On June 16, 1999, the City Council adopted Resolution No. 99-1623, approving Commercial Planned Development (CPD) No. 98-2 for a 38-bed residential dementia care facility on the application of the Damone Group. This facility was never built and the entitlement expired.

The zoning of the property (Sub-Regional Retail/Commercial/Business Park) was previously established as part of the Amended Carlsberg Specific Plan (Specific Plan 92-1), approved on September 7, 1994. On September 21, 1994, the City Council adopted regulations in the Zoning Ordinance for the Amended Carlsberg Specific Plan area, ensuring that future development proceeds in a coordinated manner consistent with the goals and policies of the Amended Carlsberg Specific Plan and the City of Moorpark General Plan. The standards apply to development of all residential, business park, commercial, institutional and open space areas. On December 20, 1995, the City Council approved Tentative Tract Map Nos. 4973 and 4974 consisting of large lots which define areas for development currently proposed for subdivision. Tract No. 4974 is for the southern portion of the Amended Carlsberg Specific Plan.

<b>GENERAL PLAN/ZONING</b>			
<b>Direction</b>	<b>General Plan</b>	<b>Zoning</b>	<b>Land Use</b>
Site	Specific Plan	Carlsberg Specific Plan (Institutional)	Unimproved
North	Medium Density Residential	Residential Planned Development	Church
South	Specific Plan	Carlsberg Specific Plan (Institutional)	Private Elementary School
East	Specific Plan	Carlsberg Specific Plan (Middle School)	Middle School
West	Medium Density Residential	Residential Planned Development	Residential

General Plan and Zoning Consistency:

On June 20, 2007, the City Council concurred with the interpretation of the Community Development Director that permitted land uses in the "Institutional" area of the Carlsberg Specific Plan under Ordinance No. 195 includes such uses as medical offices, x-ray centers, urgent care centers, medical laboratories, magnetic resonance imaging laboratories, and pharmacies. The proposed uses are consistent with this interpretation.

**Project Summary**

The applicant is proposing the construction of an approximately 36,000 square foot medical condominium building on a 2.78 acre lot within the Carlsberg Specific Plan area. The proposed subdivision of Lot 3 of Tract No. 4974 will create twenty-four (24) condominium offices with common parking, corridors, lobbies, and other facilities. A property owners association with Covenants, Conditions and Restrictions will be established.

## **Proposed Project**

### Architecture:

The proposed architecture is of a contemporary style, with a stucco exterior and a standing seam metal roof. Cedar accent siding and metal store fronts and trellises accent the building. The colors of the building are natural greens and browns, with a grey roof. With the exception of the roof material, the style, colors, and material take cues from the surrounding buildings and complement them without replicating them. Staff has carefully evaluated the use of a metal roof in this context and determined that its use is not appropriate, given the surrounding institutional and residential buildings. A condition has been added to require a clay tile roof that matches the architectural style of the building, subject to the review and approval of the Planning Director. The rear elevation of the building will be highly visible from Spring Road and the homes to the west, in the Peach Hill and surrounding area. The architect has designed the trash and loading area so that they will not be visible from Spring Road. Staff has worked with the architect on minor modifications to the building, which are discussed in the analysis section of this report.

### Setbacks:

The building has been sited to the rear of the lot, providing for landscaping and parking on the Peach Hill Road frontage. The use of the Commercial Planned Development process allows for flexibility in design standards to encourage better use of land and improved design and site planning. A typical front landscaped setback for this type of building is twenty (20) to thirty (30) feet. In this case, the parking lot has been designed such that there is a twenty foot (20') front setback to edge of the pavement; however, the two foot (2') parking overhang encroaches into the front setback. In order to mitigate this encroachment and to provide enhanced landscape along the Peach Hill Road Frontage, a condition has been added, requiring additional landscaped diamonds within the parking lot in this area. This, combined with the slope landscaping to the north and south of the building, will provide for enhanced landscaped areas, consistent with the goals of the Commercial Planned Development process.

### Circulation and Parking:

The proposed on-site circulation, parking, and loading area are appropriate for a medical services building. One driveway from Peach Hill Road provides entry and exiting to the parking lot, which is divided into two "looped" sections. The main entrance to the building is easily accessible from any parking space and there are adequate sidewalks to accommodate passenger loading and unloading. Since this is not a hospital with an emergency room, it is not anticipated that ambulances will be delivering patients to this location. Paratransit vans may occasionally bring patients for appointments; however these vehicles would typically pull up to the front of the building to discharge passengers, just as they would when transporting passengers to any other facility. Paratransit vans may also park in accessible parking spaces if necessary. A pedestrian stairway is proposed to allow shared parking with the Presbyterian Church to the north. Since this

building proposes, and the Church has, code required parking on site, the shared use of the pedestrian stairway is not subject to any zoning requirements, easements, or conditions of approval. Any such use is subject to a private agreement between the owners of the two properties. Under equal access requirements, an adjacent accessible ramp may be required if the stairway is built. If this is required, a Permit Adjustment would be required to ensure that slope landscaping issues are addressed.

Building Square Footage	Required Parking @ 1/300	Standard Parking Spaces	Accessible Parking Spaces	Total Parking Spaces Provided
36,157	121	116	5	121

Traffic:

The applicant has provided a Traffic Impact Study for the project. According to the study, this project is anticipated to generate approximately 1,306 trip-ends per day, based upon the standards of the Institute of Traffic Engineers (ITE). The study analyzed the impacts to the intersections of Spring Road/Los Angeles Avenue, Miller Parkway at Los Angeles Avenue and Tierra Rejada Road, and Moorpark Avenue/Los Angeles Avenue, based upon the projects trip generation, trip distribution, existing arterial highway and local street systems. With or without the project, these intersections are projected to operate at unacceptable levels during peak hours. Traffic impact fees have been included as conditions of approval to address project related traffic impacts.

Landscaping:

The lot consists of an existing rough graded pad which has been cleared. There is a slope on the south side of the lot which contains several Tristania Trees, two Acacias, and miscellaneous shrubs. A retaining wall is proposed between the eastern property line and the parking lot. The remaining slope, and the existing slope to the north will be required to be landscaped in a manner consistent with the surrounding buildings while at the same time providing adequate drainage, slope support and erosion control. Landscaping consistent with the City's Landscape Guidelines will be required in the parking lot and all setback areas. The slope area adjacent to this property is jointly owned and maintained by Pinecrest School and the subject property. In the past the maintenance of this slope area has been inconsistent with those areas along Spring Road that are maintained by the landscape maintenance district. This will be further addressed in the analysis section of this report.

Site Improvements and National Pollution Discharge Elimination Standards Requirements (NPDES):

The City Engineer has conditioned the project to provide for all necessary on-site and off-site storm drain improvements including the imposition of National Pollution Discharge Elimination System (NPDES) requirements. "Passive" Best Management Practices Drainage Facilities are required to be provided so that surface flows are intercepted and

treated on the surface over biofilters (grassy swales), infiltration areas and other similar solutions.

Air Quality:

According to the 2000 Ventura County Air Quality Assessment Guidelines, the proposed project will produce 11.38 pounds of NOX per day, which is below the allowable 25 pound per day threshold, providing a conclusion that there will not be an impact on regional air quality. However, as is required with all projects, staff incorporates a standard condition requiring a minimum contribution to the Moorpark Traffic Systems Management Fund.

**ANALYSIS**

**Issues**

Staff analysis of the proposed project has identified the following areas for Planning Commission consideration in their recommendation to the City Council:

As mentioned above, certain architectural modifications are in order, as follows:

- West (Rear) Elevation
- Parapets
- Balconies
- Seat Wall
- Spring Road Slope Landscaping and Maintenance

West (Rear) Elevation:

The west elevation of the building will be highly visible from Spring Road and the adjacent Peach Hill neighborhood. This elevation should be enhanced with the same strong visual details as the east (front) elevation of the building. From the elevation drawings, this elevation appears well detailed, however, a condition of approval will be added to ensure that careful attention is paid to the detailing, subject to the approval of the Planning Director. Additionally, as with all new commercial buildings, no external drains, scuppers, ladders or other similar appurtenances will be allowed. Utility meters, transformers and standpipes must be painted to match the building where appropriate, and must be obscured from view by walls or landscaping. Reflective glass windows and storefronts are not permitted.

Parapets:

The design of the building provides for pitched roofs with a large equipment well behind a parapet. The vertical portion of the parapet extending behind the pitched roof is incongruous with the horizontal design of the building. Although it is required that equipment be no higher than the parapet, this can be accomplished by increasing the pitch of the roof, or deepening the equipment well. A condition of approval has been added to this effect.

Balconies:

Staff encourages the use of balconies because they can be used to provide for a respite from an office environment. Potted plants can be placed on the balconies to provide natural visual interest where there would otherwise only be a structure. The applicant has proposed balconies with a tubular steel railing, which is a fairly "cold" element on an otherwise "warm" building. The use of open tubular steel also does not screen things like outdoor furniture, which may not be consistent with the nature of the building. Staff has added a condition requiring that the stucco wall be extended to the top of the balcony rail, replacing the tubular steel. The condition has been worded to allow other design options, subject to the approval of the Planning Director. This allows the applicant additional design flexibility for the choice of materials.

Seat Wall:

It has become increasingly important to balance a sense of place with "defensible spaces". The applicant has proposed seat walls at the front and rear entrances of the building. These walls, although pleasant when used properly, can be damaged by improper recreational use, including skateboarding and bicycling. In order to discourage improper use, staff has added a condition requiring decorative anti-skateboard devices at several points along the seat wall. There are many different devices that can be used to creatively enhance the seating area in a manner that respects the integrity of design of the building.

Spring Road Slope Landscaping and Maintenance:

When the Carlsberg Specific Plan was approved the slope area along Spring Road adjacent to the subject property and to Pinecrest School was not added to the landscape maintenance district. This was an oversight and should be corrected. Maintenance of this slope area has been inconsistent over the years. A special condition of approval has been added which will require the applicant to work with the City to have this slope area maintained by a landscape maintenance district.

**Findings**

Subdivision Findings:

- A. The proposed map is consistent with the Amended Carlsberg Specific Plan, the City of Moorpark General Plan, and the Zoning Ordinance in that the City Council concurred with the interpretation of the Community Development Director that permitted land uses in the "Institutional" area of the Carlsberg Specific Plan under Ordinance No. 195 includes such uses as medical offices, x-ray centers, urgent care centers, medical laboratories, magnetic resonance imaging laboratories, and pharmacies.
- B. The design and improvements of the proposed subdivision are consistent with the City of Moorpark General Plan.

- C. The site is physically suitable for the type of development proposed in that the site can be engineered to allow for all required utilities to be brought to the site, adequate ingress and egress can be obtained, and the site can be provided with public and emergency services.
- D. The site is physically suitable for the proposed density of development, in that all City Development standards would be met by the proposed project.
- E. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage, in that all potential impacts would be mitigated through project design or conditions.
- F. The design of the subdivision and the type of improvements are not likely to cause serious public health problems, in that adequate sanitation is both feasible and required as a condition of this development.
- G. 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, in that full access to and from Peach Hill Road has been incorporated in the design of this project.
- H. 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.
- I. The proposed subdivision does not front upon a public waterway as defined in California Government Code Section 66478.1 et seq.

Planned Development Findings:

- A. The site design, including structure location, size, height, setbacks, massing, scale, architectural style and colors, and landscaping, is consistent with the provisions of the general plan, any applicable specific plans, zoning ordinance, and any other applicable regulations;
- B. The site design would not create negative impacts on or impair the utility of properties, structures or uses in the surrounding area; and
- C. The proposed uses are compatible with existing and permitted uses in the surrounding area.

**PROCESSING TIME LIMITS**

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

of these regulations, the following timelines have been established for action on this project:

**Date Application Determined Complete: June 21, 2007**  
**Planning Commission Action Deadline: Not Applicable**  
**City Council Action Deadline: September 19, 2007**

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

### **ENVIRONMENTAL DETERMINATION**

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

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

The Director has reviewed this project and found it to be Categorically Exempt in accordance with Section 15332 (Class 32) of the California Code of Regulations (CEQA Guidelines) as an infill development project. No further environmental documentation is required.

### **STAFF RECOMMENDATION**

1. Open the public hearing, accept public testimony and close the public hearing.
2. Adopt Resolution No. PC-2007-\_\_\_\_ recommending to the City Council conditional approval of Commercial Planned Development Permit No. 2007-01 and Tentative Tract No. 5743.

Honorable Planning Commission

July 24, 2007

Page 9

ATTACHMENTS:

1. Location Map
2. Aerial Photograph
3. Project Exhibits (under separate cover)
  - A. Site Plan/Tentative Tract Map 5743
  - B. First Floor Plan
  - C. Elevations
4. Draft PC Resolution with Conditions of Approval

000021

RESOLUTION NO. 2007-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING COMMERCIAL PLANNED DEVELOPMENT PERMIT NO. 2007-01 AND TENTATIVE TRACT MAP NO. 5743; TO ALLOW CONSTRUCTION OF A PROPOSED MEDICAL OFFICE BUILDING WITH TWENTY FOUR (24) CONDOMINIUMS FOR HEALTH SERVICES USES, LOCATED ON THE SOUTH SIDE OF PEACH HILL ROAD, EAST OF SPRING ROAD, ON THE APPLICATION OF PEACH HILL MEDICAL PLAZA LLC (LARRY GREENE)

WHEREAS, on June 20, 2007, the City Council determined that the multiple medical service uses proposed as part of Commercial Planned Development Permit No. 2007-01 would be consistent with the health services and hospital uses listed as permitted uses in the institutional area of the amended Carlsberg Specific Plan; and

WHEREAS, on July 24, 2007, the Planning Commission adopted Resolution No. PC-2007-521, recommending conditional approval of Commercial Planned Development Permit No. 2007-01 and Tentative Tract Map No. 5743 on the application of Peach Hill Medical Plaza LLC (Larry Greene) for a proposed medical office building with twenty four (24) condominiums for health services uses, located on the south side of Peach Hill Road, east of Spring Road; and

WHEREAS, at a duly noticed public hearing held on September 12, 2007, the City Council considered the agenda report and any supplements thereto and any written public comments; opened the public hearing, took and considered public testimony both for and against the proposal, closed the public hearing, and reached a decision on this matter; and

WHEREAS, the City Council concurs with the Community Development Director's determination that this project is Categorically Exempt from the provisions of CEQA pursuant to Section 15332 as a Class 32 exemption for in-fill development projects.

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

SECTION 1. PLANNED DEVELOPMENT FINDINGS: Based upon the information set forth in the staff report(s), accompanying studies, and oral and written public testimony, the City Council makes the following findings in accordance with City of Moorpark, Municipal Code Section 17.44.030:

- A. The site design, including structure location, size, height, setbacks, massing, scale, architectural style and colors, and landscaping, subject to the project conditions of approval, is consistent with the provisions of the General Plan, the Amended Carlsberg Specific Plan, Zoning Ordinance, and any other applicable regulations;
- B. The site design, subject to the project conditions of approval, would not create negative impacts on or impair the utility of properties, structures or uses in the surrounding area; and
- C. The proposed uses are compatible with existing and permitted uses in the surrounding area.

SECTION 2. SUBDIVISION MAP ACT FINDINGS: Based on the information set forth in the staff report(s) and accompanying maps and studies the City Council has determined that the Tentative Tract Map, with imposition of the attached special and standard conditions of approval, meets the requirements of California Government Code Sections 66473.5, 66474, 66474.6, and 66478.1 et seq., in that:

- A. The proposed map is consistent with the Amended Carlsberg Specific Plan, the City of Moorpark General Plan, and the Zoning Ordinance in that the City Council concurred with the interpretation of the Planning Director that permitted land uses in the "Institutional" area of the Carlsberg Specific Plan under Ordinance No. 195 includes such uses as medical offices, x-ray centers, urgent care centers, medical laboratories, magnetic resonance imaging laboratories, and pharmacies.
- B. The design and improvements of the proposed subdivision are consistent with the City of Moorpark General Plan.
- C. The site is physically suitable for the type of development proposed in that the site can be engineered to allow for all required utilities to be brought to the site, adequate ingress and egress can be obtained, and the site can be provided with public and emergency services.
- D. The site is physically suitable for the proposed density of development, in that all City Development standards would be met by the proposed project.
- E. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage, in that all potential impacts would be mitigated through project design or conditions.
- F. The design of the subdivision and the type of improvements are not likely to cause serious public health problems, in that adequate sanitation is both feasible and required as a condition of this development.
- G. 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, in that full access to and from Peach Hill Road has been incorporated in the design of this project.

- H. 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.
- I. The proposed subdivision does not front upon a public waterway as defined in California Government Code Section 66478.1 et seq.

SECTION 3. CITY COUNCIL APPROVAL: The City Council hereby approves Commercial Planned Development Permit No. 2007-01 and Tentative Tract Map No. 5743, subject to Special and Standard Conditions of Approval attached hereto and incorporated herein as Exhibit A.

SECTION 4. 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 12<sup>th</sup> day of September, 2007.

\_\_\_\_\_  
Patrick Hunter, Mayor

ATTEST:

\_\_\_\_\_  
Deborah S. Traffenstedt, City Clerk

Attachment:

Exhibit A – Special and Standard Conditions of Approval for Commercial Planned Development Permit No. 2007-01 and Tentative Tract Map No. 5743

**EXHIBIT A**

**SPECIAL AND STANDARD CONDITIONS OF APPROVAL  
FOR COMMERCIAL PLANNED DEVELOPMENT (CPD) PERMIT NO. 2007-01  
AND TENTATIVE TRACT MAP NO. 5743**

**SPECIAL CONDITIONS OF APPROVAL FOR CPD PERMIT NO. 2007-01**

1. The landscape plan must incorporate specimen size trees and other substantial features subject to the review and approval of the Planning Director, with enhanced landscaping west of the building. Where feasible, the applicant shall use native California trees in the landscaping of the project. Specific tree type, species, size and location shall be to the satisfaction of the Planning Director. None of the prohibited plants indicated in the Provisionally Acceptable Plant List and the Invasive and Prohibited Plant List contained in the City's Landscape Guidelines may be used in this development
2. All landscaping and irrigation must be installed prior to occupancy.
3. Lighting fixtures must be architecturally compatible with the buildings and landscaping. Security and parking lot lighting shall not be attached to the buildings.
4. Visible roof ladders, equipment, vents, exterior drains and scuppers are not permitted.
5. Ground-mounted utility boxes and equipment must be screened with landscaping subject to the review and approval of the Planning Director.
6. All gas, electric, water and any other utility meters or boxes must be screened to the degree allowable by the utility companies, and subject to the review and approval of the Planning Director.
7. All signage must conform to the City's sign requirements and an approved sign program. A monument sign may be constructed consistent with the sign requirements and a sign program as approved by the Planning Director.
8. Prior to the occupancy of the building, the applicant shall form an Assessment District [herein "Back-Up District"] to fund future City costs, should they occur, for the maintenance of parkway landscaping on all public street frontages, median landscaping or drainage improvements previously maintained by a Private Responsible Party and then assumed by the City. If a Back-Up District is formed, it shall be the intent of the City to approve the required assessment each year, but to only levy that portion of the assessment necessary to recover any past City costs or any anticipated City costs for the following fiscal year. In the event the City is never required to assume the maintenance of any such improvements maintained by a Private Responsible Party, the amount of the annual assessment actually levied upon the affected properties would be minor amount, possibly zero. The City shall administer the annual renewal of the Back-Up

District and any costs related to such administration shall be charged to the Fund established for such district revenues and expenses. The aforementioned backup district may include the landscape setbacks including an irrevocable access easement given to the City.

9. During construction, perimeter lighting must be installed at a minimum of 150 foot intervals and at height not less than fifteen (15) feet from the ground. The light source used must have a minimum light output of 2,000 lumens, be protected by a vandal resistant cover, and be lighted during the hours of darkness. Construction lighting is subject to review and approval of the Planning Director and Chief of Police.
10. Prior to the commencement of construction, including grading, fencing not less than six (6) feet in height, which is designed to preclude human intrusion, must be installed along the perimeter boundaries of the construction site and shall be secured with chain and Fire District padlocks for emergency vehicle access. Alternatively, a uniformed security guard, licensed pursuant to Chapter 11 of the Business and Professions Code of the State, shall be utilized to continually patrol the construction site during the hours when construction work has ceased.
11. On-site water detention area(s) may not be so deep, or the sides so steep, as to require fencing, as determined by the Planning Director and City Engineer, prior to issuance of a grading permit.
12. No specific hours of operation are established for the uses in this project; however, the Planning Director shall have the authority to establish hours of operation through a Permit Adjustment when in his/her opinion limits on hours of operations are necessary to maintain compatibility with the adjacent residential uses. Any exterior maintenance, cleaning, sweeping and landscape work may only be performed between 7:00 a.m. and 7:00 p.m. Monday through Saturday.
13. Loading and unloading operations are allowed only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Fridays. More restrictive hours for loading and unloading may be imposed by the Planning Director if there are noise and other issues that make the loading and unloading incompatible with the adjacent residential uses. Idling of trucks while loading or unloading is prohibited.
14. Final architectural and site plan design and detailing, including parking lot, landscaping and lighting design is subject to review and approval of the Planning Director. The roof material must be of a clay tile material if an "s" tile or barrel tile is used and concrete or clay tile if a flat tile is used, with the specific tile design and color subject to the review and approval of the Planning Director to be consistent with the Amended Carlsberg Specific Plan design guidelines.
15. Non-reflective glass must be used on all exterior walls of the building, with specific glass locations to the satisfaction of the Planning Director.
16. The applicant shall prohibit truck parking or storage overnight in the parking lot area. Limited truck parking, when in association with a permitted use, is allowed, but in no case shall there be overnight parking.

17. Prior to the issuance of a building permit for a building, the applicant shall submit a fencing/wall plan for review and approval of the Planning Director for the walls/fencing of the east, north and west perimeters of the property.
18. The applicant shall submit all of the proposed colors, materials and building finish textures for review and approval to the satisfaction of the Planning Director prior to the issuance of building permits.
19. Prior to the issuance of a grading permit, the applicant shall submit a final hardscape plan to include the treatment of the decorative hardscape areas with integral color and texture at all predominate pedestrian areas, and prominent drive aisles.
20. Prior to installation of hardscape and building materials, a field check and approval by the Planning Director is required.
21. Air conditioning handling units may be no higher than the lowest parapet on the roof and must be painted the same color as the roofing material. There may not be any piping, visible roof ladders, equipment, vents, exterior drains and scuppers or any other exposed equipment on the roof.
22. The applicant shall install additional landscaped diamonds within the parking lot along the Peach Hill Road Frontage subject to the review and approval of the Planning Director.
23. 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.
24. 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. 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.
25. The applicant 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 applicant to determine the extent of the impact to this intersection.
26. Prior to Zoning Clearance, the applicant shall make a special contribution to the City representing the project's pro-rata share of the cost of improvements at Los Angeles Avenue/Moorpark Avenue. The actual contribution (pro-rata share shall be based upon the additional traffic added to the intersection). The applicant'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, with the final amount to be determined by the City Engineer.

27. In conjunction with the preparation of precise grading and landscape plans, the sight distance shall be reviewed and approved at project access points per City standards.
28. The applicant shall install stop signs, stop bars, and stop legends at project access points.
29. The west (rear) elevation shall be enhanced with the same strong visual details as the east (front) elevation of the building, subject to the review and approval of the Planning Director.
30. The parapet extending beyond the pitched roof must be redesigned, either by increasing the pitch of the roof, or deepening the equipment well, to eliminate the visibility of the parapet behind the pitched roof, subject to the review and approval of the Planning Director.
31. The stucco wall must be extended to the top of the balcony rail, replacing the tubular steel. The developer may propose other design options, subject to the review and approval of the Planning Director.
32. The applicant shall provide decorative anti-skateboard devices at several points along the seat wall subject to the review and approval of the Planning Director.
33. The access/driveway must be extended to be within 150 feet of all portions of the exterior walls of the story of the building and must be in compliance with Ventura County Fire Protection District standards. Where the access roadway cannot be provided, approved fire protection system or systems must be installed as required and acceptable to the Fire District.
34. Prior to the issuance of a certificate of occupancy of the building, the applicant shall form an Assessment District for the maintenance of the Spring Road slope adjacent to this property.
35. Prior to issuance of a building permit, a restriction must be recorded to limit uses of the site to health services as permitted by the Amended Carlsberg Specific Plan with language to be reviewed and approved by the Planning Director and City Attorney prior to recordation.

**STANDARD CONDITIONS FOR CPD PERMIT NO. 2007-01**

**A. *The following conditions shall be required of all projects:***

**GENERAL REQUIREMENTS**

1. Within thirty (30) calendar days of approval of this entitlement, the applicant shall sign and return to the Planning Division an Affidavit of Agreement and Notice of Entitlement Permit Conditions of Approval, indicating that the applicant has read and agrees to meet all Conditions of Approval of this entitlement. The Affidavit of Agreement/Notice shall include a legal description of the subject property, and have the appropriate notary acknowledgement suitable for recordation.
2. This planned development permit shall expire one (1) year from the date of its approval unless the use has been inaugurated by issuance of a building permit for construction. The Planning Director may, at his/her discretion, grant up to two (2) additional one-year extensions for use inauguration of the development permit, if there have been no changes in the adjacent areas and if the applicant can document that he/she has diligently worked towards use inauguration during the initial period of time. The request for extension of this planned development permit shall be made in writing, at least thirty (30) days prior to the expiration date of the permit and shall be accompanied by applicable entitlement processing deposits.
3. The Conditions of Approval of this entitlement and all provisions of the Subdivision Map Act, City of Moorpark Municipal Code and adopted City policies at the time of the entitlement approval, supersede all conflicting notations, specifications, dimensions, typical sections and the like which may be shown on said Map and/or plans.
4. Conditions of this entitlement shall not be interpreted as permitting or requiring any violation of law or any unlawful rules or regulations or orders of an authorized governmental agency.
5. If a Mitigation Monitoring Report and Program (MMRP) has been adopted, all mitigation measures required as part of an approved Mitigation Monitoring Report and Program (MMRP) for this project are hereby adopted and included as requirements of this entitlement. Where conflict or duplication between the MMRP and the Conditions of Approval occurs the Planning Director shall determine compliance based on the measure is the strictest or provides the most favorable outcome for the City.
6. If any archeological or historical finds are uncovered during grading or excavation operations, all grading or excavation shall cease in the immediate area and the find shall be left untouched. The applicant shall assure the preservation of the site and immediately contact the Planning Director informing the Director of the find. The applicant shall be required to obtain the services of a qualified

paleontologist or archeologist, whichever is appropriate to recommend disposition of the site. The paleontologist or archeologist selected shall be approved by the Planning Director. The applicant shall pay for all costs associated with the investigation and disposition of the find.

7. Paleontological Mitigation Plan: If required by the Planning Director, prior to issuance of a Zoning Clearance for a grading permit, a paleontological mitigation plan outlining procedures for paleontological data recovery shall be prepared and submitted to the Planning Director for review and approval. The development and implementation of this Plan shall include consultations with the Applicant's engineering geologist as well as a requirement that the curation of all specimens recovered under any scenario will be through the Los Angeles County Museum of Natural History (LACMNH), that unless a written directive is issued by the City of Moorpark within thirty (30) days of receipt of a report on the resources found all specimens will remain the property of LACMNH, and subject to their discretion. The monitoring and data recovery should include periodic inspections of excavations to recover exposed fossil materials. The cost of this data recovery shall be limited to the discovery of a reasonable sample of available material. The interpretation of reasonableness shall rest with the Planning Director.
8. The applicant shall defend, indemnify and hold harmless the City and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul any approval by the City or any of its agencies, departments, commissions, agents, officers, or employees concerning this entitlement approval, which claim, action or proceeding is brought within the time period provided therefore in Government Code Section 66499.37 or other sections of state law as applicable. 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 Final Map is ultimately recorded with respect to the subdivision or a building permit is issued pursuant to the planned development permit.
9. 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.

10. All facilities and uses, other than those specifically requested in the application and those accessory uses allowed by the Municipal Code, are prohibited unless otherwise permitted through application for Modification consistent with the requirements of the zone and any other adopted ordinances, specific plans, landscape guidelines, or design guidelines.

## **FEES**

11. Entitlement Processing: Prior to the issuance of any Zoning Clearance, entitlement, building permit, grading permit, or advanced grading permit the applicant shall submit to the Community Development Department all outstanding entitlement case processing fees, including all applicable City legal service fees. This payment shall be made within sixty (60) calendar days of approval of this entitlement.
12. Condition Compliance: Prior to the issuance of any Zoning Clearance, building permit, grading permit, or advanced grading permit, the applicant shall submit to the Community Development Department the Condition Compliance review deposit.
13. Capital Improvements and Facilities, and Processing: Prior to the issuance of any Zoning Clearance, the applicant shall submit to the Community Development Department, capital improvement, development, and processing fees at the current rate in effect. Said fees include, but are not limited to building and public improvement plan checks and permits. Unless specifically exempted by City Council, the applicant is subject to all fees imposed by the City as of the issuance of the first permit for construction and such future fees imposed as determined by City in its sole discretion so long as said fee is imposed on similarly situated properties.
14. Parks: Prior to issuance of a Zoning Clearance for a building permit, the applicant shall submit to the Community Development Department Park and Recreation Fees of \$0.50 per square foot of building area.
15. Tree and Landscape: Prior to or concurrently with the issuance of a building permit the Tree and Landscape Fee shall be paid to the Building and Safety Division. The fee shall be paid in accordance with City Council adopted Tree and Landscape Fee requirements in effect at the time of building permit application.
16. Fire Protection Facilities: Prior to or concurrently with the issuance of a building permit, current Fire Protection Facilities Fees shall be paid to the Building and Safety Division. The fee shall be paid in accordance with City Council adopted Fire Protection Facilities Fee requirements in effect at the time of building permit application.
17. Library Facilities: Prior to or concurrently with the issuance of a building permit the Library Facilities Fee shall be paid to the Building and Safety Division. The fee shall be paid in accordance with City Council adopted Library Facilities Fee requirements in effect at the time of building permit application.

18. Police Facilities: Prior to or concurrently with the issuance of a building permit the Police Facilities Fee shall be paid to the Building and Safety Division. The fee shall be paid in accordance with City Council adopted Police Facilities Fee requirements in effect at the time of building permit application.
19. Traffic Systems Management: Prior to the issuance of a Zoning Clearance for each building permit, the applicant shall submit to the Community Development Department the established Moorpark Traffic Systems Management (TSM) Fee for the approved development consistent with adopted City policy for calculating such fee.
20. Citywide Traffic: Prior to issuance of a Zoning Clearance for each building permit, the applicant shall submit to the Community Development Department the Citywide Traffic Fee. The fee shall be calculated per dwelling unit for residential projects, or by use for commercial and industrial projects, based upon the effective date of approval of the entitlement. Commencing on the first of the year of this approval, and annually thereafter, the fee (\$29,700.00 per acre) shall be increased to reflect the change in the Caltrans Highway Bid Price (OR Engineering News Record Construction Index) for the twelve (12) month period available on December 31 of the preceding year ("annual indexing"). In the event there is a decrease in the referenced Index for any annual indexing, the current amount of the fee shall remain until such time as the next subsequent annual indexing which results in an increase. In the event the Bid Price Index referred to above in this condition is discontinued or revised, such successor index with which it is replaced shall be used in order to obtain substantially the same result as would otherwise have been obtained if the Bid Price Index had not been discontinued or revised.
21. County Traffic Fee: Prior to the issuance of a Zoning Clearance for each building permit, the applicant shall pay to the Community Development Department the County Traffic Fee for County Traffic District No. 4 in which the project is located. The fee shall be paid in accordance with City Council adopted Reciprocal Traffic Mitigation Agreement fee requirements in effect at the time of building permit application.
22. Area of Contribution: Prior to the issuance of a Zoning Clearance for each building permit, the applicant shall pay to the Community Development Department the Area of Contribution (AOC) Fee for the area in which the project is located. The fee shall be paid in accordance with City Council adopted AOC fee requirements in effect at the time of building permit application.
23. Street Lighting Energy Costs: Prior to recordation of Final Map, or issuance of a building permit, whichever occurs first the applicant shall pay to the Community Development Department all energy costs associated with public street lighting for a period of one year from the acceptance of the street improvements.
24. Schools: Prior to issuance of building permits for each building, the applicant shall provide written proof to the Community Development Department that all

legally mandated school impact fees applicable at the time of issuance of a building permit have been paid to the Moorpark Unified School District.

25. Art in Public Places: Prior to or concurrently with the issuance of a Zoning Clearance for building permit, the applicant shall contribute to the Art in Public Places Fund in the amount of one percent (1%) of the building valuation, to be submitted to the Community Development Department. If the applicant is required to provide a public art project on or off-site in lieu of contributing to the Art in Public Places Fund the art work shall have a value corresponding to or greater than the contribution, and shall be constructed prior to Final Occupancy of the first building. All art shall require approval by the Arts Committee prior to construction.
26. Electronic Conversion: In accordance with City policy, the applicant shall submit to the Community Development Department, City Engineer and the Building and Safety Division the City's electronic image conversion fee for entitlement/condition compliance documents; Final Map/ engineering improvement plans/permit documents; and building plans/permit documents, respectively.
27. Fish and Game: Within two (2) business days after the City Council adoption of a resolution approving this project, if the City Council action includes adoption of a Negative Declaration or Environmental Impact Report, the applicant shall submit to the City of Moorpark two separate checks for Negative Declaration or Environmental Impact Report, and Administrative Fee, both made payable to the County of Ventura, in compliance with Assembly Bill 3158 for the management and protection of Statewide Fish and Wildlife Trust Resources. Pursuant to Public Resources Code Section 21089, and Fish and Game Code Section 711.4, the project is not operative, vested or final until the filing fees are paid.
28. Storm Drain Discharge Maintenance Fee: Prior to or concurrently with the issuance of a Zoning Clearance for building permit, the applicant shall pay to the Community Development Department citywide Storm Drain Discharge Maintenance Fee. The fee shall be paid in accordance with City Council adopted Storm Drain Discharge Maintenance Fee requirements in effect at the time of building permit application.

**B. *Please contact the PLANNING DIVISION for compliance with the following conditions:***

#### **DEVELOPMENT REQUIREMENTS**

29. Prior to the issuance of a certificate of occupancy for any building, the applicant shall submit a Master Sign Program to the Planning Director for review and approval. The Master Sign Program shall be designed to provide comprehensive on-site sign arrangement and design consistent with the commercial/industrial center architecture and the City's Sign Ordinance requirements.

30. For all flat roofed portions of buildings, a minimum eighteen inch (18") parapet wall above the highest point of the flat roof shall be provided on all sides.
31. Skylights are prohibited unless approved through the Planned Development Permit process or as a Modification to the Planned Development Permit.
32. Exterior downspouts shall not be permitted unless designed as an integral part of the overall architecture and approved by the city as part of the planned development permit.
33. Ground-mounted equipment is preferred. Roof-mounted equipment that cannot be ground-mounted may be approved by the Planning Director. In no event shall roof-mounted equipment (vents, stacks, blowers, air conditioning equipment, etc.) be allowed unless architecturally screened from view on all four sides and painted to match the roof. All screening shall be maintained for the life of the permit.
34. Roof-mounted equipment and other noise generation sources on-site shall be attenuated to 45 decibels (dBA) or to the ambient noise level at the property line measured at the time of the occupancy, whichever is greater. Prior to the issuance of a Zoning Clearance for initial occupancy or any subsequent occupancy, the Planning Director may request the submittal of a noise study for review and approval. The noise study would need to show that the current project attenuates all on-site noise generation sources to the required level or provide recommendations as to how the project could be modified to comply. The noise study must be prepared by a licensed acoustical engineer in accordance with accepted engineering standards.
35. Any outdoor ground level equipment, facilities or storage areas including, but not limited to loading docks, trash enclosures, cooling towers, generators, shall be architecturally screened from view with masonry wall and/or landscaping as determined by the Planning Director.
36. A utility room with common access to house all meters and the roof access ladder shall be provided unless an alternative is approved by the Planning Director.
37. No exterior access ladders of any kind to the roof shall be permitted.
38. Parking areas shall be developed and maintained in accordance with the requirements of the Moorpark Municipal Code. All parking space and loading bay striping shall be maintained so that it remains clearly visible during the life of the development.
39. Prior to any re-striping of the parking area a Zoning Clearance shall be required. All disabled parking spaces and paths of travel shall be re-striped and maintained in their original approved locations unless new locations are approved by the Planning Director.
40. All parking areas shall be surfaced with asphalt or concrete and shall include adequate provisions for drainage, National Pollution Discharge Elimination

System (NPDES) compliance, 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.

41. The Building Plans shall be in substantial conformance to the plans approved under this entitlement and shall specifically reflect the following:
  - a. Transformer and cross connection water control devices (subject to approval by Ventura County Waterworks District No. 1) 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 Planning Director.
  - b. Bicycle racks or storage facilities, in quantities as required by the Planning Director.
  - c. Required loading areas with forty-five foot (45') turning radii shall be provided for loading zones consistent with the AASHO WB-50 design vehicle and as required by the Planning Director. If drains from the loading area are connected to the sewer system, they are subject to the approval of Ventura County Waterworks District No. 1.
  - d. Final exterior building materials and paint colors shall be consistent with the approved plans under this permit. Any changes to the building materials and paint colors are subject to the review and approval of the Planning Director.
  - e. 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.
  - f. Trash disposal and recycling areas shall be provided in a location which will not interfere with circulation, parking or access to the building. Exterior trash areas and recycling bins shall use impermeable pavement, be designed to have a cover and so that no other area drains into it. The trash areas and recycling bins shall be depicted on the final construction plans, the size of which shall be approved by the Planning Director, City Engineer and the City's Solid Waste Management staff. When deemed appropriate, drains from the disposal and recycling areas shall be connected to the sewer system, and are subject to the approval of Ventura County Waterworks District No. 1. Review and approval shall be accomplished prior to the issuance of a Zoning Clearance for building permit.
42. Prior to issuance of a Zoning Clearance for final building permit (occupancy), the applicant shall install U.S. Postal Service approved mailboxes in accordance with the requirements of the local Postmaster.

43. Any expansion, alteration or change in architectural elements requires prior approval of the Planning Director. Those changes in architectural elements that the Director determines would be visible from abutting street(s) shall only be allowed, if, in the judgment of the Planning Director such change is compatible with the surrounding area. Any approval granted by the Director shall be consistent with the approved Design Guidelines (if any) for the planned development and applicable Zoning Code requirements.
44. When required by Title 15 of the Moorpark Municipal Code, rain gutters and downspout shall be provided on all sides of the structure for all structures where there is a directional roof flow. Water shall be conveyed to an appropriate drainage system, consistent with NPDES requirements, as determined by the City Engineer.

#### **OPERATIONAL REQUIREMENTS**

45. All uses and activities shall be conducted inside the building(s) unless otherwise authorized by the Planning Director and consistent with applicable Zoning Code provisions.
46. Prior to the issuance of a Zoning Clearance for any use which requires handling of hazardous or potentially hazardous materials, the applicant shall provide proof that he/she has obtained the necessary permits from Ventura County Environmental Health Division. Should the Planning Director determine that a compatibility study is required; the applicant shall apply for a Modification to the entitlement.
47. The applicant agrees not to protest the formation of an underground Utility Assessment District.
48. The continued maintenance of the subject site and facilities shall be subject to periodic inspection by the City. The Applicant and his/her successors, heirs, and assigns shall be required to remedy any defects in ground or building maintenance, as indicated by the City within five (5) days from written notification.
49. No noxious odors shall be generated from any use on the subject site.
50. The applicant and his/her successors, heirs, and assigns shall remove any graffiti within five (5) days from written notification by the City of Moorpark. All such graffiti removal shall be accomplished to the satisfaction of the Planning Director.
51. Should continued compliance with these Conditions of Approval not be met the Planning Director may declare the project to be out of compliance, or the Director may declare, for some other just cause, the project to be a public nuisance. The applicant 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 applicant fails to pay all City costs related to this action, the City may enact special assessment proceedings

against the parcel of land upon which the nuisance existed (Municipal Code Section 1.12.080).

52. 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. All contractors doing work in Moorpark shall have or obtain a current Business Registration Permit.
53. Prior to or concurrently with the issuance of a Zoning Clearance for occupancy of any of the buildings, the applicant shall request that the City Council approve a resolution to enforce Vehicle Codes on the subject property as permitted by the Vehicle Code.
54. Prior to or concurrently with the issuance of a Zoning Clearance for a grading permit, the applicant shall submit the construction phasing plan for approval by the Planning Director and City Engineer. Phasing shall avoid, to the extent possible, construction traffic impacts to existing adjacent residential, commercial and industrial areas, if any.
55. Prior to issuance of Zoning Clearance for the first building permit, the applicant shall submit a Waste Reduction and Recycling Plan to the City's Solid Waste Management staff and the Planning Director for review and approval. The Plan shall include a designated building manager, who is responsible for initiating on-site waste materials recycling programs, including acquiring storage bins for the separation of recyclable materials and coordination and maintenance of a curbside pickup schedule.
56. The building manager or designee shall be required to conduct a routine on-site waste management education program to educating and alerting employees and/or residents to any new developments or requirements for solid waste management. This condition shall be coordinated through the City's Solid Waste Management staff.

#### **LANDSCAPING, LIGHTING AND MAINTENANCE REQUIREMENTS**

57. Prior to the issuance of a Zoning Clearance for building permits the applicant shall submit to the Planning 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 shall 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 shall maintain proper vehicle sight distances subject to the review of the City Engineer, and encompass all required planting areas consistent with these Conditions of Approval. Review by the City's Landscape Architect Consultant and City

- Engineer, and approval by the Planning Director prior to issuance of a Zoning Clearance for building permit, is required.
58. Prior to or concurrently with the submittal of the landscape and irrigation plan, a lighting plan, along with required deposit, shall be submitted to the Planning Director for review and approval. The lighting plan, prepared by an electrical engineer registered in the State of California, shall be in conformance with the Moorpark Municipal Code.
  59. Unless otherwise stipulated in the Special Conditions of Approval, the applicant shall be responsible for the maintenance of any and all parkway landscaping constructed as a requirement of the project, whether said parkway landscaping is within the street right-of-way or outside of the street right-of-way. Any parkway landscaping outside of the street right-of-way shall be within a landscape easement.
  60. All required landscape easements shall be clearly shown on the Final Map or on other recorded documents if there is no Final Map.
  61. Tree pruning, consisting of trimming to limit the height and/or width of tree canopy and resulting in a reduction of required shade coverage for the parking lot area, is prohibited and will be considered a violation of the Conditions of Approval.
  62. When available, use of reclaimed water shall be required for landscape areas subject to the approval of the Planning Director, the City Engineer and Ventura County Waterworks District No. 1.
  63. 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 five (5) or more spaces shall be designed to minimize degradation of storm water quality. Best Management Practice 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 Planning Director and City Engineer for review and approval prior to the issuance of a building permit.
  64. All landscaping shall be maintained in a healthy and thriving condition, free of weeds, litter and debris.
  65. Prior to the issuance of Zoning Clearance for occupancy all fences/walls along lot boundaries shall be in place, unless an alternative installation is approved by the Planning Director.

**C. Please contact the ENGINEERING DEPARTMENT for compliance with the following conditions:**

**GENERAL**

66. Grading, drainage and improvement plans and supporting reports and calculations shall be prepared in conformance with the "Land Development Manual" and "Road Standards" as promulgated by Ventura County; "Hydrology Manual" and "Design Manual" as promulgated by Ventura County Watershed Protection District; "Standard Specifications for Public Works Construction" as published by BNI (except for signs, traffic signals and appurtenances thereto; for signs, traffic signals and appurtenances thereto, the provisions of Chapter 56 for signs and Chapter 86 for traffic signals, and appurtenances thereto, of the "Standard Specifications," most recent edition, including revisions and errata thereto, as published by the State of California Department of Transportation); "Engineering Policies and Standards" of the City of Moorpark, "Policy of Geometric Design of Highways and Streets," most recent edition, as published by the American Association of State Highway and Transportation Officials. In the case of conflict between the standards, specifications and design manuals listed above, the criteria that provide the higher lever of quality and safety shall prevail. Any standard specification or design criteria that conflicts with a Standard or Special Condition of Approval of this project shall be modified to conform with the Standard or Special Condition to the satisfaction of the City Engineer.
67. The applicant and/or property owner shall provide verification to the City Engineer that all on-site storm drains have been cleaned at least twice a year, once immediately prior to October 1st (the rainy season) and once in January. The City Engineer may require additional cleaning depending upon site and weather conditions.
68. All paved surfaces; including, but not limited to, the parking area and aisles, drive-through lanes, on-site walkways shall be maintained free of litter/debris. Walkways, parking areas and aisles and drive-through lanes shall be swept, washed or vacuumed regularly. When swept or washed, debris shall be trapped and collected to prevent entry to the storm drain system in accordance with NPDES requirements.
69. Prior to improvement plan approval the applicant shall obtain the written approval on the improvement plans Mylar® sheets for the location of fire hydrants by the Ventura County Fire Prevention Division. (Water and Sewer improvements plans shall be submitted to Ventura County Waterworks District No. 1 for approval.)
70. Prior to any work being conducted within any State, County, or City right of way, the applicant shall obtain all necessary encroachment permits from the appropriate agencies and provide copies of these approved permits and the plans associated with the permits to the City Engineer.

71. Reactive organic compounds, Nitrogen oxides (ozone/smog precursor), and particulate matter (aerosols/dust) generated during construction operations shall be minimized in accordance with the City of Moorpark standards and the standards of the Ventura County Air Pollution Control District (APCD). When an air pollution Health Advisory has been issued, construction equipment operations (including but not limited to grading, excavating, earthmoving, trenching, material hauling, and roadway construction) and related activities shall cease in order to minimize associated air pollutant emissions.
72. The applicant shall comply with Chapters 9.28, 10.04, 12.24, 17.53 of the Moorpark Municipal Code standard requirements for construction noise reduction.
73. The applicant 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.
74. The applicant shall post in a conspicuous location the construction hour limitation and make each construction trade aware of the construction hour limitations.

#### **GRADING**

75. Prior to the issuance of a grading permit (should an early grading agreement be approved for this project) or prior to Final Map the applicant shall post sufficient surety, in a form acceptable to the City Engineer, guaranteeing completion of all onsite and offsite improvements required by these Conditions of Approval or the Municipal Code including, but not limited to grading, street improvements, storm drain improvements, temporary and permanent Best Management Practice (BMP) for the control of non-point water discharges, landscaping, fencing, and bridges. Grading and improvements shall be designed, bonded and constructed as a single project.
76. Prior to the issuance of a grading permit (should an early grading agreement be approved for this project) or prior to Final Map, whichever occurs first, the applicant shall provide written proof to the City Engineer that any and all wells that may exist or have existed within the project have been properly sealed or have been destroyed or abandoned per Ventura County Ordinance No. 2372 or Ordinance No. 3991 and per Division of Oil and Gas requirements.

#### **PUBLIC AND PRIVATE STREETS**

77. Prior to construction of any public improvement the applicant shall submit to the City Engineer, for review and approval, street improvement plans prepared by a California Registered Civil Engineer, enter into an agreement with the City of Moorpark to complete public improvements and post sufficient surety

guaranteeing the construction of all improvements. Unless specifically noted in these Standard Conditions or Special Conditions of Approval.

78. Prior to issuance of the first building permit all existing and proposed utilities that are less than 67Kv shall be under-grounded as approved by the City Engineer.

#### **DRAINAGE AND HYDROLOGY**

79. For a 10-year frequency storm, local, residential and private streets shall be designed to have one dry travel lane available on interior residential streets. Collector streets shall be designed to have a minimum of one dry travel lane in each direction.
80. Drainage and improvement plans shall be designed so that after-development, drainage to adjacent parcels would not be increased above pre-development drainage quantities for any stormwater model between and including the 10 year and 100 year storms, nor will surface runoff be concentrated by this project. Acceptance of storm drain waters by the project and discharge of storm drain waters from the project shall be in type, kind and nature of predevelopment flows unless the affected upstream and/or downstream owners provide permanent easement to accept such changed storm drainage water flow. All drainage measures necessary to mitigate stormwater flows shall be provided to the satisfaction of the City Engineer. The applicant shall make any on-site and downstream improvements, required by the City, to support the proposed development.

#### **NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)**

81. The applicant shall submit to the City Engineer a Stormwater Pollution Control Plan (SWPCP) and a Stormwater Pollution Prevention Plan (SWPPP) in accordance with requirements of the Ventura Countywide Stormwater Quality Management Program, Technical Guidance Manual for Stormwater Quality Control Measures, NPDES Permit No. CAS004002. The Plans shall identify potential pollutant sources that may affect the quality of discharges to stormwater and shall include the design and placement of recommended Best Management Practice (BMP) to effectively prohibit the entry of pollutants from the construction site into the storm drain system streets and water courses. The Plans shall be implemented as part of the grading, improvements and development of the project.
82. Prior to the issuance of any construction/grading permit and/or the commencement of any clearing, grading or excavation, the applicant shall submit a Notice of Intent (NOI) to the California State Water Resources Control Board, Stormwater Permit Unit in accordance with the NPDES Construction General Permit (No. CASQ00002): Waste Discharge Requirements for Discharges of Stormwater Runoff Associated with Construction Activities). The applicant shall also provide a copy of the Notice of Intent (NOI) to the City Engineer as proof of

permit application. The improvement plans and grading plans shall contain the WDID number for the project.

83. Prior to the starting of grading or any ground disturbance the applicant shall identify a qualified superintendent for NPDES compliance. The NPDES superintendent shall be present, on the project site Monday through Friday and on all other days when the probability of rain is 40% or higher and prior to the start of and during all grading or clearing operations until the release of grading bonds. The NPDES superintendent shall have full authority to rent equipment and purchase materials to the extent needed to effectuate Best Management Practice. The NPDES superintendent shall provide proof of attendance and satisfactory completion of courses satisfactory to the City Engineer totaling no less than 8 hours directed specifically to NPDES compliance and effective use of Best Management Practice. In addition, an NPDES superintendent shall be designated to assume NPDES compliance during the construction of streets, storm drainage systems, all utilities, buildings and final landscaping of the site.

#### **MAINTENANCE**

84. Unless otherwise stipulated in the Special Conditions of Approval, any median landscaping constructed by the project shall be maintained by the City. An Assessment District shall be formed to fund the City maintenance costs for any such median landscaping.
85. Unless otherwise stipulated in the Special Conditions of Approval, parkway landscaping shall be maintained by a Home Owners' Association, a Property Owners' Association or by the property owner [collectively herein "Private Responsible Party"]. In such case, any required landscape easements, shall be conveyed to the Private Responsible Party.
86. Unless otherwise stipulated in the Special Conditions of Approval, all required on-site drainage improvements and/or stormwater quality [NPDES] features or facilities shall be maintained by the Private Responsible Party.
87. When, and if stipulated in the Special Conditions of Approval, that certain identified parkway landscaping and/or drainage improvements are to be maintained by the City, an Assessment District shall be formed to fund City costs for such maintenance. In such event, any required landscaping and/or drainage improvements shall be conveyed to the City in easements for such purposes.
88. Any Final Map identifying any landscape easement or drainage easement granted to a Private Responsible Party shall also be irrevocably offered for dedication to the City and shown on said Final Map. The City reserves the right to assume the maintenance of parkway landscaping, median landscaping or drainage improvements being maintained by a Private Responsible Party, should it be determined by the City, at its sole discretion, that the maintenance being provided by the Private Responsible Party is inadequate.

89. If required by a Special Condition of Approval, an Assessment District [herein "Back-Up District"] shall be formed to fund future City costs, should they occur, for the maintenance of parkway landscaping, median landscaping or drainage improvements previously maintained by a Private Responsible Party and then assumed by the City. If a Back-Up District is formed, it shall be the intent of the City to approve the required assessment each year, but to only levy that portion of the assessment necessary to recover any past City costs or any anticipated City costs for the following fiscal year. In the event the City is never required to assume the maintenance of any such improvements maintained by a Private Responsible Party, the amount of the annual assessment actually levied upon the affected properties would be minor amount, possibly zero. The City shall administer the annual renewal of the Back-Up District and any costs related to such administration shall be charged to the Fund established for such district revenues and expenses.
90. When it has been determined that it is necessary to form an Assessment District (including a Back-Up District), the applicant shall be required to undertake and complete the following:
- a. At least one-hundred-twenty (120) days prior to the planned recordation of any Final Map or the issuance of any zoning clearance for building permit, which ever comes first:
    - i. submit the final draft plans for any irrigation, landscaping or Drainage Improvements [herein "Maintained Areas"] to be maintained by the Assessment District (including a required Back-Up District), along with any required plan checking fees;
    - ii. submit a check in the amount of \$5,000 as an advance to cover the cost of Assessment Engineering for the formation of the Assessment District [Note: Developer shall be required to pay for all final actual assessment engineering costs related to the Assessment District formation along with City administrative costs.];
  - b. At least sixty (60) days prior to the planned recordation of any Final Map or the issuance of any zoning clearance for building permit, which ever comes first, submit to the City the completed, "City approved" plans for the Maintained Areas (landscaping, irrigation and NPDES Drainage Improvements);
  - c. Prior to the planned recordation of any Final Map or the issuance of any zoning clearance for building permit, which ever comes first, submit to the City a signed Petition and Waiver requesting formation of the Assessment District [Note: The Petition and Waiver shall have attached to it as Exhibit 'A' the City approved final draft Engineer's Report prepared by the Assessment Engineer retained by the City.]

**D. Please contact the BUILDING DIVISION for compliance with the following conditions:**

91. Prior to the issuance of a Building Permit, the applicant shall provide written proof that an "Unconditional Will Serve Letter" for water and sewer service has been obtained from the Ventura County Waterworks District No. 1.

**E. Please contact the VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT for compliance with the following conditions:**

92. Prior to issuance of a Zoning Clearance for building permit, a Ventura County Air Pollution Control District (APCD) "Authority to Construct" shall be obtained for all equipment subject to APCD Permit (see APCD Questionnaire, AB3205). Final Certificate of Occupancy shall not be granted until compliance with all applicable APCD Rules & Regulations has been satisfactorily demonstrated.
93. Facilities shall be operated in accordance with the Rules and Regulations of the Ventura County Air Pollution Control District, with emphasis on Rule 51, Nuisance. Rule 51 states: "A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endangers the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property."

**F. Please contact the VENTURA COUNTY FIRE PROTECTION DISTRICT for compliance with the following conditions:**

**GENERAL**

94. Prior to combustible construction, an all weather access road/driveway and the first lift of the access road pavement shall be installed. Once combustible construction starts a minimum twenty foot (20') clear width access road/driveway shall remain free of obstruction during any construction activities within the development. All access roads/driveways shall have a minimum vertical clearance of thirteen feet-six inches (13'-6") and a minimum outside turning radius of forty feet (40').
95. Approved turnaround areas for fire apparatus shall be provided when dead-end Fire District access roads/driveways exceed 150-feet. Turnaround areas shall not exceed a five percent (5%) cross slope in any direction and shall be located within one-hundred-fifty feet (150') of the end of the access road/driveway.
96. The access road/driveway shall be extended to within one-hundred-fifty feet (150') of all portions of the exterior wall 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.

97. When only one (1) access point is provided, the maximum length shall not exceed eight-hundred feet (800').
98. Public and private roads shall be named if serving more than four (4) parcels or as required by the Fire District.
99. Approved walkways shall be provided from all building openings to the public way or Fire District access road/driveway.
100. Structures exceeding three stories or forty-eight feet (48') in height shall meet current VCFPD Ordinance for building requirements. Structures exceeding seventy-five feet (75') in height shall be subject to Fire District high rise building requirements.
101. Structures greater than 5,000 square feet and/or five (5) miles from a fire station shall be provided with an automatic fire sprinkler system in accordance with current Ventura County Fire Protection District Ordinance.
102. Commercial trash dumpsters and containers with an individual capacity of 1.5 cubic yards or greater shall not be stored or placed within five feet (5') of openings, combustible walls, or combustible roof eave lines unless protected by approved automatic sprinklers.

#### **DEVELOPMENT REQUIREMENTS**

103. Prior to the issuance of a certificate of occupancy by the Building Division the applicant shall submit a plan to the Fire District for review and approval indicating the method by which this project will be addressed.
104. Minimum six-inch (6") high address numbers shall be installed prior to occupancy, shall be contrasting color to the background, and shall be readily visible at night Brass or gold plated number shall not be used. Where structures are set back more that one-hundred-fifty feet (150') from the street, larger numbers will be required so that they are distinguishable from the street. In the event a structure(s) is(are) not visible from the street, the address numbers(s) shall be posted adjacent to the driveway entrance on an elevated post.
105. Prior to combustible construction, fire hydrants shall be installed to the minimum standards of the City of Moorpark and the Fire District, and shall be in service.
106. 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 still be installed and shall be replaced when the final asphalt cap is completed.
107. Prior to the issuance of a building permit, building plans for all A, E, H, I, R-1 and R-2 Occupancies shall be submitted, with payment for plan check, to the Fire District for review and approval. Prior to issuance of a building permit the

- applicant shall submit a phasing plan and two (2) site plans (for the review and approval of the location of fire lanes) to the Fire District.
108. Prior to occupancy, the fire lanes shall be posted "NO PARKING FIRE LANE TOW-AWAY" in accordance with California Vehicle Code and the Fire District.
  109. Prior to or concurrently with the issuance of a building permit, the applicant shall submit plans to the Fire District showing the location of the existing hydrants within three-hundred feet (300') of the proposed project and showing the location, type and number of proposed hydrants, and the size of the outlets. 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. Fire hydrants, if required, shall be installed and in service prior to combustible construction and shall conform to the minimum standard of the Ventura County Waterworks Manual and the Fire District.
  110. Prior to installation of any fire protection system; including, but not limited to sprinklers, dry chemical, hood systems, the applicant shall submit plans, along with the required fee for plan check, to the Fire District for review and approval. Fire sprinkler systems with one-hundred (100) or more heads shall be supervised by a fire alarm system in accordance with Fire District requirements.
  111. Prior to installation of the fire alarm system (if required), the applicant shall submit plans, along with the required fee for plan check, to the Fire District for review and approval. The fire alarm system shall be installed in all buildings in accordance with California Building and Fire Code.
  112. Prior to the issuance of a certificate of occupancy by the Building Division, the applicant shall obtain all applicable Uniform Fire Code (UFC) permits.
  113. Prior to the issuance of a building permit, the applicant shall obtain a copy of Ventura County Fire District Form No. 126 "Requirements for Construction."
  114. Prior to the issuance of a certificate of occupancy by the Building Division, the applicant shall install fire extinguishers in accordance with the Uniform Fire Code. The placement of extinguishers shall be subject to review and approval by the Fire District.
  115. Prior to framing, the applicant shall clear for a distance of one hundred feet all grass or brush exposing any structure(s) to fire hazards.
- G. *Please contact the VENTURA COUNTY WATERWORKS DISTRICT NO. 1 for compliance with the following conditions:***
116. The applicant shall comply with the applicable provisions of Ventura County Waterworks District No. 1 standard procedures for obtaining domestic water and sewer services for applicant's projects within the District.

117. Prior to issuance of a building permit, provide Ventura County Waterworks District:
    - a. Water and sewer improvement plans in the format required.
    - b. Hydraulic analysis by a registered Civil Engineer to determine the adequacy of the proposed and existing water and sewer lines.
    - c. Copy of approval of fire hydrant locations by Ventura County Fire Protection District.
    - d. Copy of District Release and Receipt from Calleguas Municipal Water District.
    - e. Cost estimates for water and sewer improvements.
    - f. Plan check, construction inspection, capital improvement charge, sewer connection fee and water meter charge.
    - g. Signed Contract to install all improvements and a Surety Bond.
  118. At the time water service connection is made, cross connection control devices shall be installed on the water system in a manner approved by the Ventura County Waterworks District No. 1.
- H. *Please contact the VENTURA COUNTY WATERSHED PROTECTION DISTRICT for compliance with the following conditions:***
119. Direct storm drain connections to Ventura County Flood Control District facilities are subject to Ventura County Watershed Protection District permit requirements.
- I. *Please contact the POLICE DEPARTMENT for compliance with the following condition:***
120. Prior to initiation of the building plan check process for the project, the applicant shall submit plans in sufficient detail to the Police Department for review and approval of defensible space concepts to reduce demands on police services. To the degree feasible and to the satisfaction of the Planning Director and the Police Chief, public safety planning recommendations shall be incorporated into the project plans. The applicant shall prepare a list of project features and design components that demonstrate responsiveness to defensible space design concepts.

**SPECIAL CONDITION OF APPROVAL FOR TENTATIVE TRACT MAP NO. 5743**

1. The Conditions, Covenants, and Restrictions for this condominium must restrict uses to health services as permitted by the Amended Carlsberg Specific Plan with language to be reviewed and approved by the Planning Director and City Attorney prior to recordation.

**STANDARD CONDITIONS OF APPROVAL FOR TENTATIVE TRACT MAP NO. 5743**

*Please contact the PLANNING DIVISION regarding the following conditions*

**GENERAL REQUIREMENTS**

1. The Conditions of Approval of this 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 days following City Council approval of Tentative Tract Map No. 5743, the Permittee shall submit a conforming 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 Planning Director.
2. 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 Planning Director.
3. This Tentative Tract Map shall expire three (3) years from the date of its approval. The Planning Director may, at his/her discretion, grant up to two (2) additional one (1) year extension for map recordation, if there have been no changes in the adjacent areas, and if Permittee 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. 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 Tract Map is ultimately recorded with respect to the subdivision.
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. 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. 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 Planning Director into the City's electronic imaging system.
  8. Prior to application for grading permit and submittal of a Final Map for plan check, the Permittee shall pay all outstanding case processing (Planning and Engineering), and all City legal service fees. The 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. Prior to Final Map approval, Permittee shall submit for review by City Attorney, Planning Director and City Engineer an operational agreement and easement or other acceptable document as determined by the Planning Director for the purposes of ensuring uniformity and consistency of maintenance of parking, landscaping and lighting, and reciprocal access and parking within all TTM No. 5743 lots and maintenance of landscaping along the street frontages. The operational agreement and easement shall be recorded concurrently with Final Map recordation.

***Please contact the VENTURA COUNTY FLOOD CONTROL DISTRICT regarding the following condition***

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

***Please contact the ENGINEERING DIVISION for questions regarding compliance with the following conditions***

11. All conditions of Tentative Tract Map No. 5743 shall apply to Commercial Planned Development 2007-01.

**FINAL MAP CONDITIONS**

12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. A Final Tract Map prepared by a California Registered Engineer meeting all of the provisions of the Subdivision Map Act shall be submitted to the City Engineer for review.

20. 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.
21. 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 Pollutant 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.
22. The Subdivider shall offer to dedicate to the City of Moorpark street and public service easements, as required, by the City Engineer.
23. 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.
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 Tract Map together with a copy of Section 66436 of the State Subdivision Map Act to each public entity or public utility holding any recorded easement within Tract No. 5743. Written evidence of compliance shall be submitted to the City Engineer.

#### **GRADING**

25. 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.
26. Requests for grading permits shall be granted in accordance with the approved CPD No. 2007-01, as required by these conditions and local ordinances. The entire site shall be rough graded in one phase.
27. The Conceptual Grading Plan for CPD No. 2007-01 indicates a balance on site. If during construction more than 1000 cubic yards is either imported or exported, 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 submittal of a haul route permit to the City Engineer, including all information required by the City Engineer. Approval of the haul route shall meet the requirements of the City Engineer.

28. 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.
29. ROC, NO<sub>x</sub> 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 Air Pollution Control District (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.
30. 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 (BMP) 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.

31. 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.
  
32. 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 (2) 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.
33. 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.
34. 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.
35. 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.
36. 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.
37. 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.
38. 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.

39. 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 7:00 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 (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 residential neighborhoods.
  - f. Property owners and residents located within 600 (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.
40. 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.

41. The final grading plan shall meet all Uniform Building Code (UBC) and City of Moorpark standards including slope setback requirements at lot lines, streets and adjacent to offsite lots.
42. 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.
43. 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 Planning Director and City Engineer.
44. The maximum gradient for any slope shall not exceed a 2:1 slope.
45. 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 Planning Director and the City Engineer.
46. So as to reduce debris from entering sidewalk and streets, the approved grading plan shall show a slough wall, approximately eighteen (18") inches high, with curb outlet drainage to be constructed behind the back of the sidewalk where slopes exceeding four (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 Planning Director shall approve all material for the construction of the wall.
47. Backfill of any pipe or conduit shall be in four-inch (4") fully compacted layers unless otherwise specified by the City Engineer.
48. Soil testing for trench compaction shall be performed on all trenching and shall be done not less than once every two (2') feet of lift and 100 lineal feet of trench excavation.
49. Observe a 15-mile per hour speed limit for the construction area.
50. Developer shall obtain approval from the Planning and Engineering Department for all structures and walls in excess of six (6') feet in height.
51. 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.

#### **GEOTECHNICAL/GEOLOGY CONDITIONS**

52. 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.

53. 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).

#### **IMPROVEMENTS**

54. The Developer shall submit to the City of Moorpark for review and approval, plans for street improvements as shown on the tentative map and those required by these conditions. A California Registered Civil Engineer shall prepare the street improvement plans 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. All streets shall conform to City of Moorpark requirements or the County of Ventura Standards as deemed applicable and including all applicable Americans with Disability Act (ADA) requirements.
55. 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 Planning 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.
56. All Streets shall be designed to the satisfaction of the City Engineer and include the following:
  - a. The structural section for public streets shall be designed for a 50-year life and private streets for 20 years.
  - b. The top asphalt course of all newly constructed public and private streets shall consist of no less than 1½ inch of asphalt rubber hot mix, which shall not be included when computing the required structural section.
  - c. The Developer's geotechnical engineer shall review the need for subsurface drainage systems to prevent saturation of the pavement structural section or underlying foundation materials and shall consider conditions throughout the design life of all pavement structural sections.

The provisions of the Caltrans "Design Manual" relating to subsurface drainage shall be implemented in the design of all streets. Subsurface drainage systems shall be marked with detectable underground utility marking tape buried six (6") inches above the pipe. The ends of the marking tape shall be accessible at each surface feature of the subsurface drainage system.

57. Streetlights 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.
58. 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.
59. The Developer shall submit final 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.
60. Monuments shall meet the City of Moorpark and County of Ventura Standards and shall be to the satisfaction of the City Engineer. All street centerline intersections, lot lines and tract boundaries shall be monumented.
61. Pedestrian facilities shall meet all City and ADA requirements, and shall be safe and visible from vehicular and pedestrian traffic along all streets. Line of site easements shall be shown on the Final Map and restrict construction or planting within those areas as needed.
62. Prior to recordation of the Final Map, 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.
63. As a condition of the issuance of a building permit for any (commercial/industrial) 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.
64. 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 Best Management Practice (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, unless determined otherwise by the City Engineer. 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.

65. 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.
66. Development shall be undertaken in accordance with conditions and requirements of the Ventura Countywide Storm water Quality Management Program, NPDES Permit No. CAS004002.
67. 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 five (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.
68. All structures proposed within the 100-year flood zone shall be elevated at least one foot above the 100-year flood level.
69. 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.
70. 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).
71. 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.
72. 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.

73. 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 eight (8') feet. In addition all facilities shall have all-weather vehicular access. This design shall be to the satisfaction of the City Engineer.
74. As-Graded geotechnical report and rough grading certification shall be submitted to and approved by the City Engineer and Geotechnical Engineer.
75. A final grading certification shall be submitted to and approved by the City Engineer.
76. All permanent NPDES Best Management Practices facilities shall be operational.
77. Prior to acceptance of public improvements and bond exoneration conditions reproducible centerline tie sheets shall be submitted to the City Engineer's office.
78. The Developer shall file for a time extension with the City Engineer's office at least six (6) weeks in advance of expiration of the agreement to construct subdivision improvements. The fees required shall be in conformance with the applicable ordinance section.
79. All surety guaranteeing the public improvements shall remain in place for one year following 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.
80. Original "as built" plans shall be certified by the Developer's civil engineer and submitted with two (2) 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.
81. 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.
82. Prior to Zoning Clearance and/or occupancy, the City Engineer shall indicate to the Planning Director that all Engineering conditions have been satisfied.
83. 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-troughs 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 that 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.
84. 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.
85. 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 Planning Director provide written concurrence that all requirements have been fulfilled for the phase of construction under consideration.
86. 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 Planning Director of such prior to commencement of the work allowed by these conditions.
87. 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 TTM No. 5743 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 these conditions. Developer shall complete all work performed under these conditions in accordance with the Plans.
  88. 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 TTM No. 5743, said accepted construction practices, and approved conditions of TTM No. 5743.
  89. Prior to commencement of any phase of work, 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 these conditions. 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.
  90. 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 these conditions 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 these conditions shall be the responsibility of Developer.
  91. 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.

92. 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 these conditions, City shall accept the Improvements as complete.
93. 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.
94. 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.
95. Developer shall guarantee against defective plans, labor and materials for a period of one year following City acceptance of the Improvements as complete.
96. 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.
97. 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.
98. Prior to commencement of any work under these conditions, Developer shall file with the City Engineer a written statement signed by the Developer and each public utility serving TTM No. 5743 stating that the Developer has made all arrangements required and necessary to provide the public utility service to TTM No. 5743. 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.

99. 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.
100. 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 these conditions.
101. 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 these conditions; 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.
102. No waiver of any provision of the Conditions 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.

103. 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.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
REQUIREMENTS**

104. 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.
105. The SWPCP shall be developed and implemented in accordance with requirements of the Ventura Countywide Storm Water Quality Management Program, NPDES Permit No. CAS004002.
106. 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.
107. Improvement plans shall note that the contractor shall comply with the Technical Guidance Manual for Stormwater Quality Control Measures” and best engineering practices.
108. 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).
109. 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.
110. 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 secured program of maintenance in perpetuity.

111. 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.
112. 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.

#### **UTILITIES**

113. All existing, relocated and new utilities shall be placed underground.

#### **ACQUISITION OF EASEMENTS AND RIGHT OF WAY**

114. 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.

***PLEASE CONTACT THE FIRE DEPARTMENT REGARDING THE FOLLOWING CONDITIONS***

115. Prior to recordation of any Final Maps, including Final Map waivers, the Permittee shall submit two (2) copies of the map to the Fire Prevention District for approval.
116. A copy of all recorded maps shall be provided to the Fire Prevention District within seven (7) days of recordation of said map.

***Please contact the county of VENTURA COUNTY WATERWORKS DISTRICT 1 regarding the following condition***

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

- END -