

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: The Honorable City Council
FROM: Yugal K. Lall, City Engineer/Public Works Director *Y. Lall*
DATE: September 4, 2007 (CC Meeting of 09/19/07)
SUBJECT: Consider a Resolution Declaring the Private Parking Facilities at the Warehouse Discount Center Property (CPD-04-03), Subject to the Provisions of the California Vehicle Code (CVC)

DISCUSSION

A. Commercial Planned Development (CPD) Permit No. 04-03

The Warehouse Discount Center property (CPD 04-03) is located at 14339 and 14349 White Sage Road. The Conditions of Approval for CPD 04-03 require the developer of this project to request that the City enforce the CVC within and upon this parking lot.

B. Petition

In accordance with the requirements of the Conditions of Approval of CPD 04-03, the City is in receipt of a letter, (Attachment 1) requesting the aforementioned Vehicle Code Enforcement.

C. Code Section

Section 21107.8 (herein "Code Section") of the CVC provides for the enforcement of the certain portions of the CVC (see Section E of this report) on privately owned and maintained parking facilities generally held open for public use, when and if certain conditions and requirements are met.

D. CVC Section 21107.8

The letter from the property owner requests enforcement pursuant to CVC section 21107.7. That citation is incorrect. Section 21107.7 pertains to the enforcement of the CVC on private roads not open for public use. The CVC Section which applies in this case is Section 21107.8: Private Parking Facilities.

E. CVC Section 21107.8 Applicability

CVC Section 21107.8 provides for the enforcement of only certain specified Sections of the CVC. Upon adoption of a Resolution pursuant to CVC Section 21107.8 to only portions of the CVC which can be enforced within a parking lot are: Section 22350 (Basic Speed Law), Section 23103 (Reckless Driving), Section 23109 (Speed Contests) and Division 16.5 [Section 38000 et. seq.] (Off-Road Vehicles).

F. Public Hearing / Hearing Notice

Pursuant to the requirements of the Code Section, this matter is being considered at a public hearing. A notice of this hearing has been provided to the property owner, in accordance with the requirements of the Code Section.

G. Resolution

The attached Resolution (Attachment 2) states that the privately owned and maintained parking facilities at the subject location, shall be subject to the requirements of the above cited Sections of the CVC.

H. Signs

The Code Section requires signs to be posted at the entrance to the parking lot, in order for the subject enforcement to occur. The attached Resolution directs the property owner to place and maintain the required signs. The Resolution also describes the type of sign required.

STAFF RECOMMENDATIONS

1. Open the public hearing, receive testimony and close the public hearing.
2. Adopt Resolution No. 2007- _____ .

ATTACHMENTS

1. Letter
2. Resolution

RECEIVED

APR 30 2007

Public Works Department

April 23, 2007

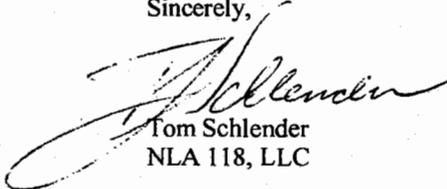
Mr. Yugal Lall
City Engineer
City of Moorpark
799 Moorpark Avenue
Moorpark, CA 93021

**RE: Warehouse Discount Center
14339 & 14349 White Sage Road, Moorpark, CA**

This letter shall serve as a request for the City of Moorpark, City Council, to approve a resolution to enforce vehicle codes on the Warehouse Discount Center property referenced above as permitted by Vehicle Code Section 21107.7.

Please contact me if you have any questions or require any additional information.

Sincerely,



Tom Schlender
NLA 118, LLC

RESOLUTION NO. 2007 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, FINDING AND DECLARING CERTAIN PRIVATE PARKING FACILITIES IN THE WAREHOUSE DISCOUNT CENTER/CPD 04-03 SUBJECT TO CERTAIN PROVISIONS OF THE CALIFORNIA VEHICLE CODE (CVC)

WHEREAS, CVC Section 21107.8 provides for the enforcement of CVC Sections 22350 (Basic Speed Law), 23103 (Reckless Driving), 23109 (Speed Contests) and Division 16.5, Section 38000 et. seq. (Off-Road Vehicles), upon privately owned and maintained off-street parking facilities generally held open for use by the public for vehicular parking; and

WHEREAS, consistent with the Conditions of Approval for CPD 04-03, the owner of that development has requested that the City enforce the CVC within and upon the privately owned parking facilities at that facility; and

WHEREAS, a public hearing on this matter was convened pursuant to the requirements of the CVC and notice of said public hearing was provided to the property owner as required by the CVC.

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

SECTION 1. That the privately owned and maintained parking facilities open to the general public, located upon the property subject to CPD 04-03, as generally shown on Exhibit 'A' attached hereto and made a part hereof, shall be subject to the provisions of CVC Sections 22350, 23103, 23109 and Division 16.5 (Section 38000 et. seq.).

SECTION 2. That said enforcement shall take effect upon placement of appropriate signs erected in accordance with the requirements of CVC Section 21107.8.

SECTION 3. That the placement and maintenance of such signs shall be the responsibility of the property owner / operator, as required by the CVC.

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 19th day of September, 2007.

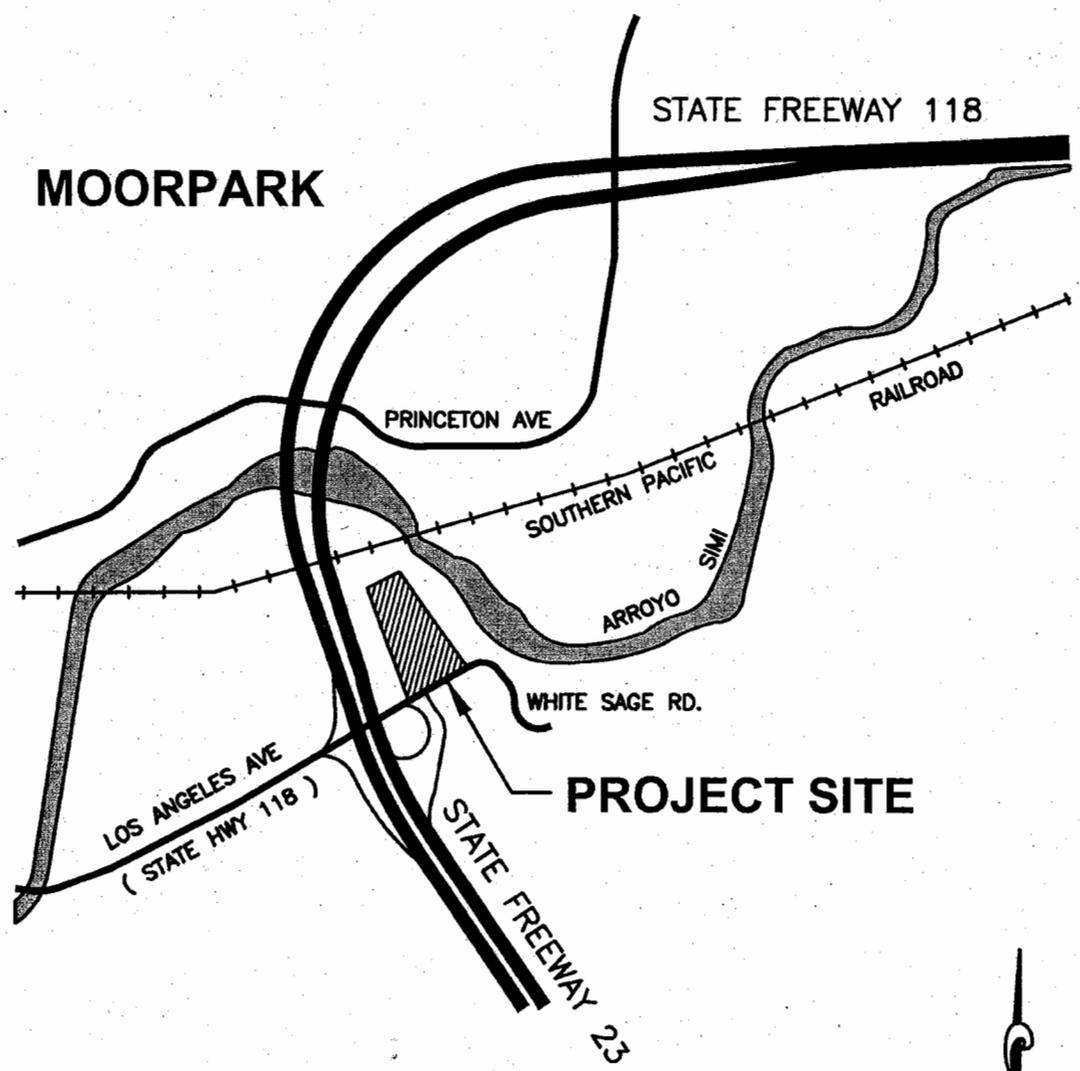
Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk

Exhibit 'A': Vicinity Map

Resolution No. 2007-_____
Exhibit 'A'



VICINITY MAP
PARCEL MAP 5532



NOT TO SCALE