

ITEM 8.A.

MOORPARK CITY COUNCIL AGENDA REPORT

TO: Honorable City Council

FROM: David A. Bobardt, Community Development Director 
Prepared by Freddy A. Carrillo, Associate Planner I

DATE: October 10, 2016 (CC Meeting of 10/19/2016)

SUBJECT: Consider a Resolution Approving Conditional Use Permit No. 2016-02 and Administrative Permit No. 2016-04 to Allow the Remodel and Conversion of a Former Single Family Home Into a Residential Care Facility at 100 Leta Yancy Road, and Making a Determination of Exemption Under CEQA in Connection Therewith, on the Application of Emiliano Galicia

BACKGROUND/DISCUSSION

On September 7, 2016, the City Council considered this item and opened the public hearing. The original staff report is attached. At the public hearing, the applicant, Emiliano Galicia, gave testimony opposing the proposed right-of-way dedication recommended by staff in Special Conditions 10-12, as it would mean he would not be able to incorporate the former home into the project. The City Council directed staff to meet with the applicant to see if this issue could be resolved, and continued the matter to the regular October 19, 2016 City Council meeting with the public hearing still open.

On September 21, 2016, Mr. Galicia, and his architect, Bob Gehricke, met with staff. Mr. Galicia made it clear at the meeting that incorporating the former home into the project was the only way he would move forward with the project, as he wanted to use the engineering investigation and design work that was done when the building was originally proposed to be renovated as a dog wellness center in 2005, and not go through the expense of re-doing this work. It should be noted that any right-of-way dedication to widen Unidos Avenue beyond its existing 34-foot right-of-way width (from south to north: 3' wide planting strip, 5' wide sidewalk, 24' wide paved road, and 2' wide unimproved shoulder) would affect the former residential building on the site, as it is

only approximately 7 1/2 feet from the current right-of-way edge. Staff asked Mr. Galicia to consider comparing the cost of a new structure to that of renovating the former home, as the renovation work would need to be extensive to bring the structures in compliance with current building code requirements. Staff asked that any additional information that the applicant wishes to be considered be provided by October 5, 2016. At the time of this report, no additional information was submitted.

Staff has recommended that the Unidos Avenue be designed with a 40-foot wide roadway within a 53-foot wide right-of-way to allow for future local traffic to flow east to west for residents south of Los Angeles Avenue. This would require 19 feet of right-of-way dedication from this property, leaving it approximately 58.6 feet wide. The project site would still be wide enough to develop a 6-bedroom assisted living facility, just not using the existing structures. It should be noted that to complete the connection of Unidos Avenue to Park Lane, additional property acquisition would be required. Should the Council not wish to pursue this east-west roadway connection on Unidos Avenue, staff would not see the need for additional roadway dedication, except for a 25-foot wide radius curve at the Leta Yancy Road intersection. Pavement, curb and gutter would still be required to improve the remaining 2 feet of unimproved right-of-way.

STAFF RECOMMENDATION

1. Continue to accept public testimony and close the public hearing.
2. Adopt Resolution No. 2016-_____ approving Conditional Use Permit No. 2016-02 and Administrative Permit No. 2016-04, subject to conditions of approval.

ATTACHMENTS:

1. September 7, 2016 Staff Report with Attachments (Except Draft Resolution)
2. Resolution No. 2016-_____

ITEM 8.A.

CITY OF MOORPARK, CALIFORNIA
City Council Meeting

of 9-7-2016
ACTION: Continued open
public hearing to 10-19-16
BY: M. Benson

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David A. Bobardt, Community Development Director
Prepared by Freddy A. Carrillo, Associate Planner I

DATE: August 25, 2016 (CC Meeting of 9/7/2016)

SUBJECT: Consider a Resolution Approving Conditional Use Permit No. 2016-02 and Administrative Permit No. 2016-04 to Allow the Remodel and Conversion of a Former Single Family Home Into a Residential Care Facility at 100 Leta Yancy Road, and Making a Determination of Exemption Under CEQA in Connection Therewith, on the Application of Emiliano Galicia

BACKGROUND

On May 13, 2016, an application was filed by Emiliano Galicia for Conditional Use Permit (CUP) No. 2016-02 and Administrative Permit (AP) No. 2016-04. The applicant is requesting approval for the remodel and conversion of a former 1,530 square-foot single family home and 495 square-foot detached accessory structure into a 2,025 square-foot residential care facility at 100 Leta Yancy Road. The applicant is proposing to add 142 square feet of building area to join both buildings. Additionally, the applicant is proposing to add 234 square feet to the former 315 square-foot garage to create a 549 square-foot office and storage space for its employees.

An Administrative Permit (AP) is required for new construction less than 2,500 square feet in a commercial zone. The applicant is proposing 376 square feet of new construction. A decision on an AP is normally made by the Community Development Director. A Conditional Use Permit (CUP) is required for care facilities in the Commercial Planned Development (CPD) zone. A decision on a CUP application is normally made by the Planning Commission. However, because this project involves a City Council determination on the ultimate public right-of-way width for Unidos Avenue, staff has elevated the decision on all permits associated with the project to the City Council for consideration.

DISCUSSION

Project Setting

Existing Site Conditions:

The 15,161 square-foot property is located on the northeast corner of Leta Yancy Road and Unidos Avenue. As mentioned above, the lot contains a 1,530 square-foot single family house, a 495 square-foot accessory structure, and a 315 square-foot garage. These structures have been vacant for several years and have lost their non-conforming rights for residential use in the CPD zone. Any proposed use is subject to current standards of the Moorpark Municipal Code. The lot is enclosed by a 6-foot high chain link fence on the north, east and south side of the property and a 3-foot high white wrought iron fence on the west side of the property. Vegetation on the site consists of cactuses and trees. Vehicle access to the property is from Leta Yancy Road.

Previous Applications at 100 Leta Yancy Road:

On January 5, 2006, the Community Development Director denied Administrative Permit (AP) No. 2005-19, a request to convert the existing buildings into a dog wellness center with veterinary services and overnight dog boarding. On April 5, 2006, an appeal of the Community Development Director's denial of the AP was presented to the City Council. After hearing from public testimony, the Council continued this item to May 3, 2006, and directed staff to provide more detailed exhibits of property lines, structure location, and street design for Unidos Avenue; and send notice of the public hearing to the adjacent residents. In the May 3, 2006 staff report, attached, staff identified three options for consideration regarding Unidos Avenue. The options presented were:

1. Let a 1996 Council action stand, providing for a 48-foot wide right-of-way, with thirty-two (32) feet of pavement, five (5) foot sidewalks on each side and three (3) foot planters on each side of the street.
2. Allow the road to remain in public ownership and keep the right-of-way at the existing 34-foot width, with twenty-five and a half (25.5) feet of pavement, a five (5) foot sidewalk on the south side with a three (3) foot planter, and a six (6) inch curb on the north side adjacent to the subject property.
3. Same as option 2 but make Unidos Avenue a private street.

The Council directed staff to pursue Option 3, and referred the Administrative Permit application back to the Community Development Director for a decision. The approved street improvement design is shown in the table below:

May 3, 2006 Approved Unidos Avenue Cross Section					
Villa Campesina Residential Development  (South)	Planter	Sidewalk (incl. curb)	Paved Area of Unidos Avenue	Curb	Commercially-Zoned Private Property  (North)
	3'	5'	25.5'	6"	
34' Ultimate Dedicated Right-of-Way					

On October 26, 2006, the Community Development Director approved Administrative Permit No. 2005-19, to allow the conversion of an existing buildings to a dog wellness center with veterinary services and overnight boarding of injured dogs. Building permits were never issued for the dog wellness center and the entitlements have subsequently expired.

On June 23, 2009, the Planning Director approved Administrative Permit No. 2009-08, to allow the conversion of existing buildings to a holistic veterinary clinic. Building permits were never issued for the holistic veterinary clinic and the entitlements have subsequently expired.

GENERAL PLAN/ZONING			
Direction	General Plan	Zoning	Land Use
Site	General Commercial	Commercial Planned Development (CPD)	Single Family Home / Structure
North	General Commercial	Commercial Planned Development (CPD)	Office building
South	High Density Residential	Residential Planned Development 7 units/acre (RPD-7u)	Single Family Homes
East	General Commercial	Commercial Planned Development (CPD)	Outdoor Recreational Vehicle Sales
West	General Commercial / Very High Density Residential	Commercial Planned Development / Residential Planned Development 7.5 units/acre (RPD-7.5u)	Gas Station / Vacant Lot

General Plan and Zoning Consistency:

The General Commercial (C-2) General Plan land use designation is intended for a wide range of retail and service activities. Intended uses include community shopping centers, restaurants, office and professional services, and business supportive services. The site is zoned Commercial Planned Development (CPD) which allows the uses mentioned above.

Project Summary

Architecture:

Extensive exterior and interior remodeling is proposed for all three structures. The front façade would maintain the stone veneer, with a window and vent added to the entrance. The buildings currently have deteriorating plywood, wood panels, and metal sidings; exposed water heaters, and vent lines coming out of the flat roof. The applicant is proposing to remove the deteriorating fascia and add Spanish lace stucco, and remove water heaters and vent lines. The floor plan is proposed to be completely revised and new windows and doors would be added throughout. The former garage will also be renovated with Spanish lace stucco to match the buildings. In addition, the garage door will be removed and replaced with a fixed wall. The three structures currently have a flat-roof. The applicant is proposing to raise the pitch of the roof and add slate tiles. This is the same type of roof style located in the Villa Campesina neighborhood to the south.

	Existing (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Single Family Home	1,530		
Structure	495	142	2,167
Garage	315	234	549
Total	2,340	376	2,716

Circulation and Parking:

The predominant ingress and egress into the site is proposed via a 25-foot wide driveway at the eastern frontage on Leta Yancy Road. The entrance to the facility is easily accessible from any parking space.

The project is required to comply with the City's parking ordinance by providing 1 parking space for every 2 beds, plus 1 space for every 500 sq. ft. of gross floor area. The applicant is proposing 6 bedrooms with 1 bed in each room. All of the parking spaces are 9 feet wide by 20 feet deep.

Bedroom Parking Requirement: 6 beds @ 1 space / 2 beds	Residential Care Facility Parking Requirement: 2,716 sq. ft. @ 1 space / 500 sq. ft.	Total Parking Spaces Required	Total Parking Spaces Provided
3 spaces	5.43 spaces	8	8

ANALYSIS

Issues

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

Use:

The site is located in a transitional area with existing residential uses to the south, a future residential development to the west, and existing commercial uses to the north and east. The proposed 6-bed residential care facility would provide services to those who need assistance in everyday living. The use is permitted with a CUP in the CPD zone and is compatible with existing and planned surrounding uses.

Architectural Design:

The existing buildings have little value and are not compatible with surrounding building design. It is not known whether the foundations for the accessory buildings would meet habitable building standards, and they may have to be upgraded or replaced for the proposed uses. An extensive remodel is proposed for the existing structures which would involve replacement of all siding, windows, doors, and the flat roof with a 4:12 pitched gable roof with lightweight concrete slate tiles. The floor plan is proposed to be completely redesigned for a residential care facility.

The plans as presented would greatly improve the appearance of the site and would be compatible with existing and planned surrounding development. Conditions are recommended for the Community Development Director, Parks and Recreation Director, City Engineer/Public Works Director and Police Chief to review various aspects of the details in the site, building, and landscaping design prior to issuance of a Zoning Clearance for a building permit. Depending on the direction provided by the City Council on the street improvements for Unidos Avenue discussed below, the existing structures on the site may need to be removed and replaced to the north on the site for the proposed use. Given the size of the facility, the review of the site design and architecture is normally handled at a staff level and can be done so with the conditions as proposed, even if the buildings require removal.

Unidos Avenue Improvements:

On April 21, 1986, the City Council approved General Plan Amendment No. 85-04, Tentative Tract Map No. 4147, and Residential Planned Development No. 1049 for the Villa Campesina development, which is located south of Unidos Avenue. Unidos Avenue was originally planned to have a 68-foot right-of-way with a 52-foot paved road, consistent with the County standards for a commercial/industrial road. In addition, Unidos Avenue was intended to be part of a network of collector roads that would run east to west from Moorpark Avenue to Leta Yancy Road parallel to Los Angeles Avenue. The Villa Campesina development dedicated one half of the planned 68' wide

right-of-way and improved it as shown below.

Existing Unidos Avenue Cross Section					
Villa Campesina Residential Development  (South)	Planter	Sidewalk (incl. curb)	Roadway	Unimproved Shoulder	Assisting Living Facility Commercially-Zoned Private Property  (North)
	3'	5'	24'	2'	
34' Existing Dedicated Right-of-Way					

Staff is currently studying Los Angeles Avenue and adjacent connections to improve traffic flow and as part of an update to the Circulation Element of the General Plan. One of the items that would need to be considered would be whether or not to create parallel collector roads to Los Angeles Avenue for local traffic. Previous Council decisions on development proposals for this site as well as for the Renaissance Office Building project on Park Lane did not include the connecting of parallel streets. However, the previous Circulation Element relied on an SR-118 bypass to take a considerable amount of traffic from Los Angeles Avenue. Since it now is clear that the SR-118 bypass (now referred to as North Hills Parkway) roadway will not extend eastward from Spring Road without considerable investment in connections to the SR-118/23 freeway, Los Angeles Avenue would be expected to carry a greater amount of regional traffic, and parallel collector streets should be re-evaluated to carry local traffic. A number of existing developments connect to the collector system of Majestic Court and Park Crest Lane east of Unidos Avenue. The future Pacific Communities project proposes a major entry on the west side of Leta Yancy Road lining up with Unidos Avenue.

In order to preserve options related to a potential connection of Unidos Avenue to serve as a parallel street to Los Angeles Avenue, staff is recommending a street improvement plan for Unidos Avenue that would have a 40-foot wide roadway within a 53-foot wide right of way, consistent with County Plate B-5(A) for collector streets (attached). This would require 19 feet of dedication on the north side of Unidos Avenue, encroaching into the existing former house and accessory building on the site, which are currently located approximately 7 1/2 feet and 10 1/2 feet respectively from the existing right-of-way. A cross section of this proposed street is shown below:

Proposed Unidos Avenue Cross Section					
Villa Campesina Residential Development  (South)	Planter	Sidewalk (incl. curb)	Roadway	Sidewalk (incl. curb)	Assisting Living Facility Commercially-Zoned Private Property  (North)
	3'	5'	40'	5'	
53' Ultimate Dedicated Right-of-Way					

Three properties, including the subject property, have frontage on the north side of Unidos Avenue. The other two are the Lindstrom RV site, owned by the City, and the Village Auto Retail Center. Dedication from the Lindstrom RV site can be made prior to its sale by the City. The Village Auto Retail Center has already provided 34 feet of street dedication on Unidos Avenue and \$35,000.00 to contribute toward future street improvements as part of the project. One obstacle to making a connection of Unidos Avenue to Park Lane is the Renaissance Office Building site. A street connection was not required as part of this development project, and it currently includes a sidewalk between Unidos Avenue and Park Lane and a driveway for the parking lot for this building in the area where Unidos Avenue would be extended for a connection. Should the City wish to make such a connection in the future, the land would need to be purchased. Condition Nos. 10-12 have been recommended, should the City Council wish to require the dedication and improvement as recommended by staff. If the City Council wishes this project to proceed with an alternate street improvement for Unidos Avenue, these conditions would need to be modified.

National Pollution Discharge Elimination Standards Requirements (NPDES) and Municipal Separate Storm Sewer System (MS4):

Recommended Condition No. 19 to provides for all necessary on-site and off-site storm drain improvements including the imposition of National Pollution Discharge Elimination System (NPDES) and the Municipal Separate Storm Sewer System (MS4) requirements with the parking lot improvements.

FINDINGS

1. The proposed residential care facility use is consistent with the provisions of the General Plan, Zoning Ordinance, and any other applicable regulations, in that the property is planned and zoned to allow for a residential care facility.

2. The proposed use is compatible with both existing and permitted land uses in the surrounding area, in that a small-scale residential care facility provides a good transitional use between the commercial land to the north and the residential neighborhood to the south.
3. The proposed use is compatible with the scale, visual character and design of surrounding properties, in that the residential care facility will have minimal modification to the exterior of the former single family home, structure and garage.
4. The proposed residential care facility would not be obnoxious or harmful, or impair the utility of neighboring property or uses, in that it is similar in scale and use to the residential neighborhood to the south
5. The proposed use would not be detrimental to the public health, safety, convenience, or welfare, in that conditions are required to address security and safety in the design of the residential care facility.

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 12, 2016

Planning Commission Action Deadline: N/A

City Council Action Deadline: September 10, 2016

ENVIRONMENTAL DETERMINATION

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

Based upon the results of an Initial Study, the Director may determine that a project will not have a significant effect upon the environment. In such a case, a Notice of Intent to Adopt a Negative Declaration or a Mitigated Negative Declaration is prepared. For many projects, a Negative Declaration or Mitigated Negative Declaration will prove to be sufficient environmental documentation. If the Director determines that a project has

the potential for significant adverse impacts and adequate mitigation cannot be readily identified, an Environmental Impact Report (EIR) is prepared.

The Community Development Director has determined that this project is Categorically Exempt from the provisions of CEQA pursuant to Sections 15301 (Class 1 – Existing Facilities) and 15332 (Class 32 – In-Fill Development Projects) of the California Code of Regulations (CEQA Guidelines) in that the project involves the remodel of existing structures, is consistent with the applicable general and specific plan designation and all applicable general and specific plan policies as well as with the applicable zoning designation and regulations; the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; the project site has no value, as habitat for endangered, rare or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. No further environmental documentation is required.

NOTICING

Public Notice for this meeting was given consistent with Chapter 17.44.070 of the Zoning Ordinance as follows:

1. Publication. The notice of the public hearing was published in the Ventura County Star on August 27, 2016.
2. Mailing. The notice of the public hearing was mailed on August 26, 2016, to owners of real property, as identified on the latest adjusted Ventura County Tax Assessor Roles, within one-thousand (1,000) feet of the exterior boundaries of the assessor's parcel(s) subject to the hearing.
3. Sign. One 32 square-foot sign was placed on the street frontage on August 26, 2016.

STAFF RECOMMENDATION

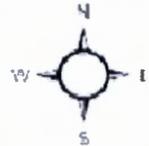
1. Open the public hearing, accept public testimony and close the public hearing.
2. Adopt Resolution No. 2016-____ approving Conditional Use Permit No. 2016-02 and Administrative Permit No. 2016-04, subject to conditions of approval.

ATTACHMENTS:

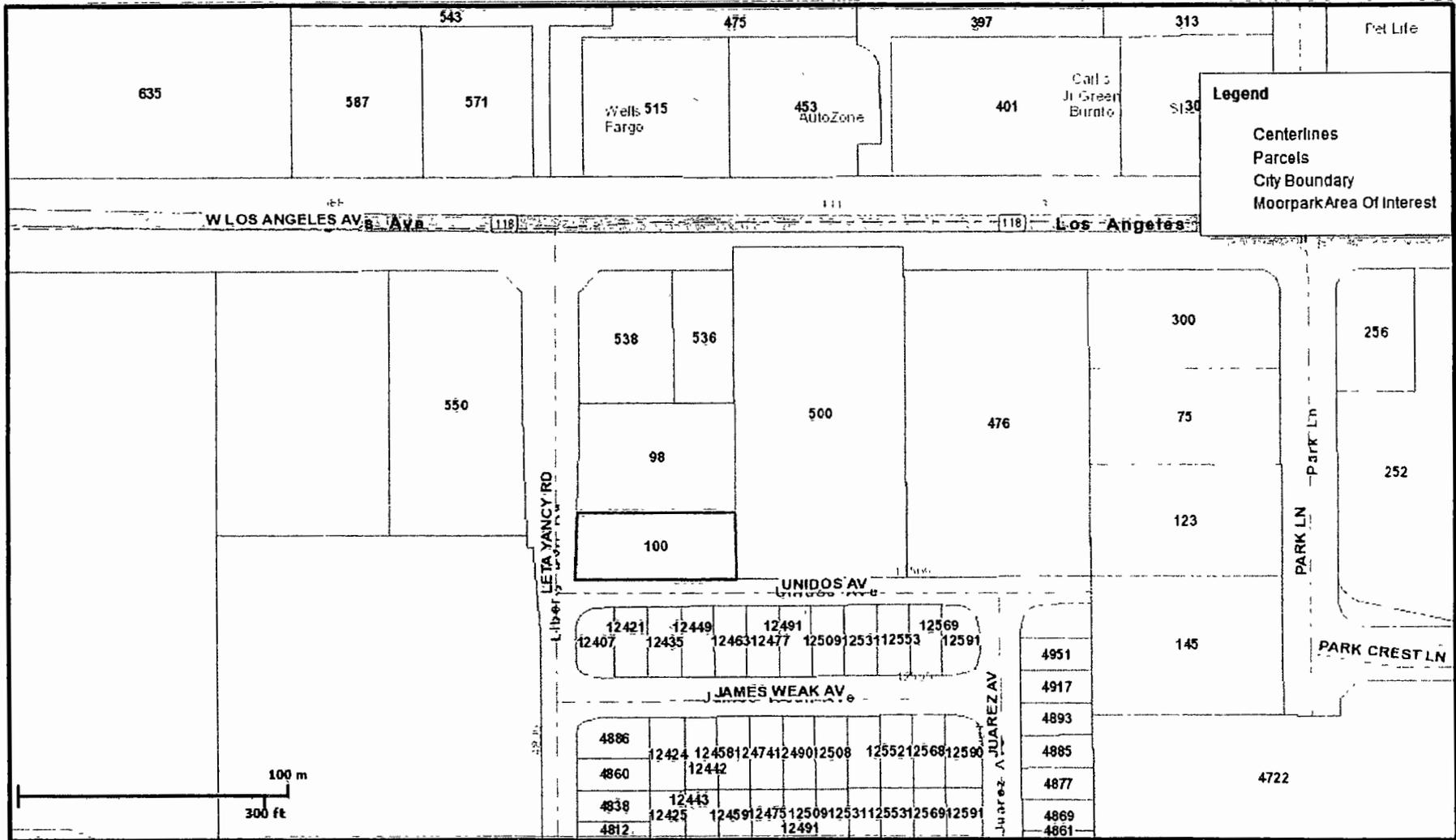
1. Location Map
2. Aerial Photograph
3. Project Exhibits
4. May 3, 2006 City Council Report
5. County Road Standards Plate B-5
6. Draft Resolution with Conditions of Approval

Location Map - 100 Leta Yancy Road



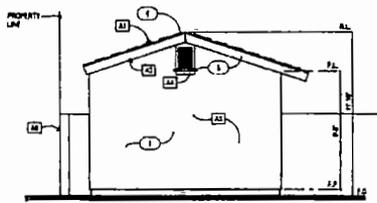
<p>1" = 188 ft</p>	<p>CUP 2016-02 and AP 2016-04</p>	<p>05/13/2016</p>		
<p>This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Moorpark staff for the most up-to-date information.</p>				

Location Map - 100 Leta Yancy Road

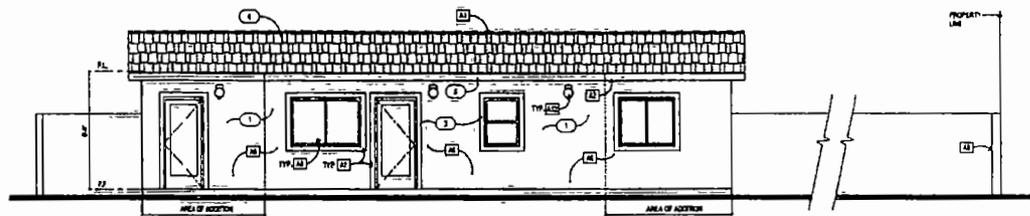


1" = 188 ft	CUP 2016-02 and AP 2016-04	05/13/2016		
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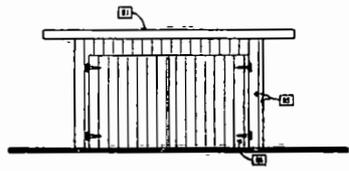
This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Moorpark staff for the most up-to-date information.



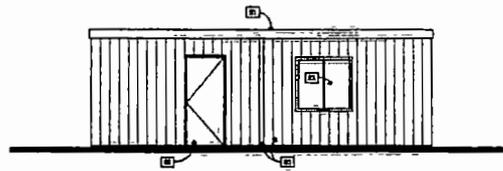
PROPOSED LEFT ELEV. - SOUTH
(FACES YARD)
SCALE: 1/4\"/>



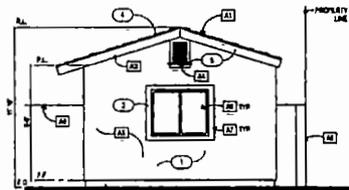
PROPOSED FRONT ELEVATION - WEST
(FACES LETA YANCY STREET)
SCALE: 1/4\"/>



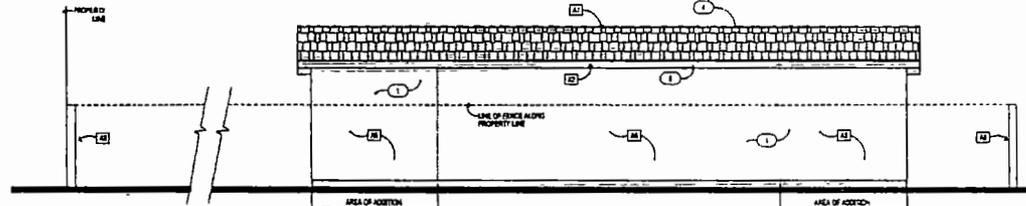
EXISTING LEFT ELEV. - SOUTH
(FACES YARD)
SCALE: 1/4\"/>



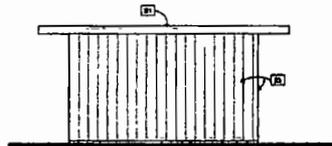
EXISTING FRONT ELEVATION - WEST
(FACES LETA YANCY STREET)
SCALE: 1/4\"/>



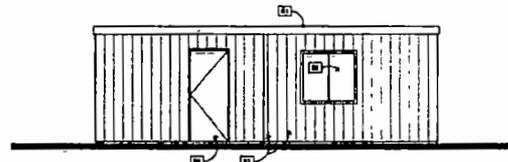
PROPOSED RIGHT ELEV. - NORTH
(FACES UNIDOS ALLEY)
SCALE: 1/4\"/>



PROPOSED REAR ELEVATION - EAST
(FACES RV SALES YARD)
SCALE: 1/4\"/>



EXISTING RIGHT ELEV. - NORTH
(FACES UNIDOS ALLEY)
SCALE: 1/4\"/>



EXISTING REAR ELEVATION - EAST
(FACES RV SALES YARD)
SCALE: 1/4\"/>

KEYNOTES

- PROPOSED CONSTRUCTION:**
- (A1) ROOF EXISTING ROOF TO BE REMOVED & ACCEPT 5-MILL CLASS A GUTTERLESS GROUND IN
 - (A2) INTERIOR PAINTED 2 & WOOD
 - (A3) INTERIOR PAINTED 2 & WOOD
 - (A4) PLASTIC NEW 1/2\"/>
 - (A5) STUCCO FINISH, SPANISH LACE TEXTURE
 - (A6) SPANISH LACE, STUCCO FINISH, SPANISH LACE TEXTURE
 - (A7) INTERIOR/DOOR TRIM, STUCCO FINISH OR 1\"/>
 - (A8) LACE TEXTURE
 - (A9) INTERIOR TRIM, STUCCO FINISH, LOW'S
 - (A10) 1/2\"/>
 - (A11) STUCCO FINISH, SPANISH LACE TEXTURE, REPAIR OR REPLACE IF NECESSARY
 - (A12) ELECTRICAL W/ 1\"/>
 - (A13) INTERIOR LIGHT FIXTURES

- EXISTING / DEMO CONSTRUCTION:**
- (B1) ROOF TRIM & GUTTER TO BE REMOVED
 - (B2) EXISTING VENEER TO REMAIN
 - (B3) EXISTING 1\"/>
 - (B4) EXISTING METAL TO BE REMOVED
 - (B5) EXISTING PLUMBING, WOOD PANELS & GIBBS TRIM TO BE REMOVED
 - (B6) EXISTING WINDOWS & DOORS TO BE REMOVED
 - (B7) EXISTING WATER HEATERS & ASSOCIATED PIPING TO BE REMOVED
 - (B8) EXISTING WATER & ELECTRICAL LINES TO BE REMOVED OR RELOCATED
 - (B9) EXISTING WATER & VENT LINES TO BE REMOVED OR RELOCATED
 - (B10) EXISTING WALLS & CEILING TO BE REMOVED
 - (B11) EXISTING MECHANICAL HEATS TO BE REMOVED
 - (B12) NOTHING

MATERIALS LEGEND

- (1) STUCCO
SPANISH LACE STUCCO FINISH TRIM
WHITE, CRYSTAL BALL DIVIDED BY DARK EDGES OR GOLD
- (2) SPANISH LACE STUCCO FINISH
SPANISH LACE STUCCO FINISH TRIM
WHITE, CRYSTAL BALL DIVIDED BY DARK EDGES OR GOLD
- (3) STUCCO FINISH & ROOF ACCESS TRIM
SPANISH LACE STUCCO FINISH TRIM
WHITE, CRYSTAL BALL DIVIDED BY DARK EDGES OR GOLD
- (4) WOODS
WHITE TRIM LIGHTWEIGHT CONCRETE CLASS A
SMALL 1/2\"/>
- (5) LINGUINI TRIM
PAINTED WOOD, BLUE
PAINTED FENCE ROAD CURB BY DARK EDGES OR GOLD
- (6) STUCCO TRIM
SPANISH LACE

PROJECT: DEVELOPMENT FOR
 MOORPARK RANCH
 ASSISTED LIVING FACILITY
 100 LETA YANCY STREET
 MOORPARK, TEXAS 76054
 ARCHITECT: GERRITCKE + MASON
 ARCHITECTS COLLABORATIVE
 333
 100 LETA YANCY STREET
 MOORPARK, TEXAS 76054
 817-251-1111
 GERRITCKE + MASON
 ARCHITECTS COLLABORATIVE
 PROJECT DEVELOPMENT FOR
 MOORPARK RANCH
 ASSISTED LIVING FACILITY
 100 LETA YANCY STREET
 MOORPARK, TEXAS 76054
 ARCHITECT: GERRITCKE + MASON
 ARCHITECTS COLLABORATIVE
 333
 100 LETA YANCY STREET
 MOORPARK, TEXAS 76054
 817-251-1111
 GERRITCKE + MASON
 ARCHITECTS COLLABORATIVE
 ISSUE / REVISION DATE
 1/4\"/>

City Council Meeting
5/03/2006
ACTION: Approved Staff
Recomm
By J. Reed

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Barry K. Hogan, Community Development Director
Prepared by Joseph R. Vacca, Principal Planner

DATE: April 19, 2006 (CC Meeting of 05/03/06)

SUBJECT: Consider the Applicant's Appeal of the Community Development Director's Denial of Administrative Permit No. 2005-19, a Request to Convert an Existing Residence into a Dog Wellness Center with Veterinary Services and Overnight Boarding of Injured Dogs at 100 Leta Yancy Road.

DISCUSSION

The City Council reviewed the appeal request on April 5, 2006, and continued the item to the May 3, 2006 City Council meeting, with a request for additional study and information. At the April 5, 2006 meeting, the City Council requested that staff provide some additional information prior to rendering a decision. The City Council requested that staff present information to demonstrate the following:

- The existing land uses of the properties within the immediate vicinity of the proposed Dog Wellness property.
- The existing lot sizes and lot configurations of the properties within the immediate vicinity of the proposed Dog Wellness property.
- A general design of the private drive showing a possible knuckle location for the private drive.
- A general layout of the area if it were developed commercially in the future.
- Information on the number of trips that would be generated if the area were developed commercially.
- Information on the side yard setback dimension along Unidos Avenue.

Staff prepared several exhibits that are attached to this report, which demonstrate the existing characteristics of the properties surrounding the Dog Wellness site. The exhibits also demonstrate a private road layout with a possible knuckle terminus for

S:\Community Development\DEV PMTS\ADMIN PMTS\2005\19 100 Leta Yancy Road (Gehricke)\Staff Reports\CC_Staff_Report_Dog_Wellness_appeal_060503.doc

Unidos Avenue. An exhibit was prepared to present an example of combining the properties in the area for commercial development. If the properties within the immediate vicinity of the Dog Wellness property were combined, the entire site would be approximately 3.65 acres. An exhibit demonstrates a commercial layout of the area with the street dedications along Los Angeles Avenue and Unidos Avenue.

Staff has attached an Aerial Photograph Exhibit showing the L.A. Spring Shopping Center Site which has a total area of 3.79 acres. This aerial photograph is provided to allow for a comparison between the L.A. Spring Shopping Center, which is on the northeast corner of Los Angeles Avenue and Spring Road, and the properties on the southeast corner of Leta Yancy and Los Angeles Avenue. The property arrangements and total areas between these two properties are very similar. The L.A. Spring Shopping Center development with access to the site from Los Angeles Avenue and Spring Road clearly demonstrates the potential development of the subject area if it were developed as one commercial project.

While staff did not prepare a traffic study for the subject area, the traffic study for the L.A. Spring Shopping Center, dated October 7, 2002, was reviewed. This traffic study analyzed the addition of 21,903 square feet of commercial floor area to the 3.79 acre site, which was already occupied by the McDonald's fast-food drive-thru restaurant, Blockbuster video store and Strabucks coffee shop. This center is similar in size and location to what might be proposed if all of the properties were combined into a shopping center in the future. The traffic study concluded that the proposed project would generate 89 and 191 vehicle trips during the AM and PM peak hours, respectively; and over a 24 hour period would generate 2,138 Daily Trip Ends during a typical weekday.

At the request of staff, the applicant had a site survey completed on the subject property. The site survey showed that the building is seven feet-eight inches (7' - 8") at the closest point between the existing building and the existing property line (and the existing right-of-way). Based on the results of the survey, the applicant has placed a temporary chain link fence along the existing property lines of the site.

After the creation of several exhibits to address questions from the City Council; staff has determined that if the City Council allowed conversion of the residence to a Dog Wellness facility with a private road and knuckle, this would not preclude the ability for the commercial redevelopment of the area in the future. If the existing building were allowed to remain in its current location for the Dog Wellness use and the City Council decided to allow a private road, the distance between the existing structure and the property line/roadway would be seven feet adjacent to the existing thirty-four (34) feet of improved Unidos Avenue. The minimum required side yard for the commercial zone is five feet. Except for adding a six inch curb along the northern edge of the existing Unidos Avenue, the existing improvements along Unidos Avenue would not change at

all. A private road with a knuckle would provide a similar carrying capacity that currently exists along the currently improved section of Unidos Avenue.

Options for Council Consideration: There are three options that the Council could select regarding Unidos Avenue:

1. Status quo, i.e. let the 1996 Council action stand providing for forty-eight (48) feet of right-of-way, with thirty-two (32) feet of pavement, five (5) foot sidewalks on each side and three (3) foot planters on each side of the street.
2. Allow the road to remain in public ownership and allow for the reduced right of way with thirty-four (34) feet of right-of-way, with twenty-five and a half (25.5) feet of pavement, a five (5) foot sidewalk on the south side with a three (3) foot planter, and a six (6) inch curb on the north side adjacent to the subject property.
3. Same as option 2 but make the road private.

Please note that under options two or three it is not necessary for the Council to determine how the roadway would be terminated, i.e. a knuckle, turn-around, or other option, that will be a staff function depending upon the ultimate design of the Caltrans property.

STAFF RECOMMENDATION

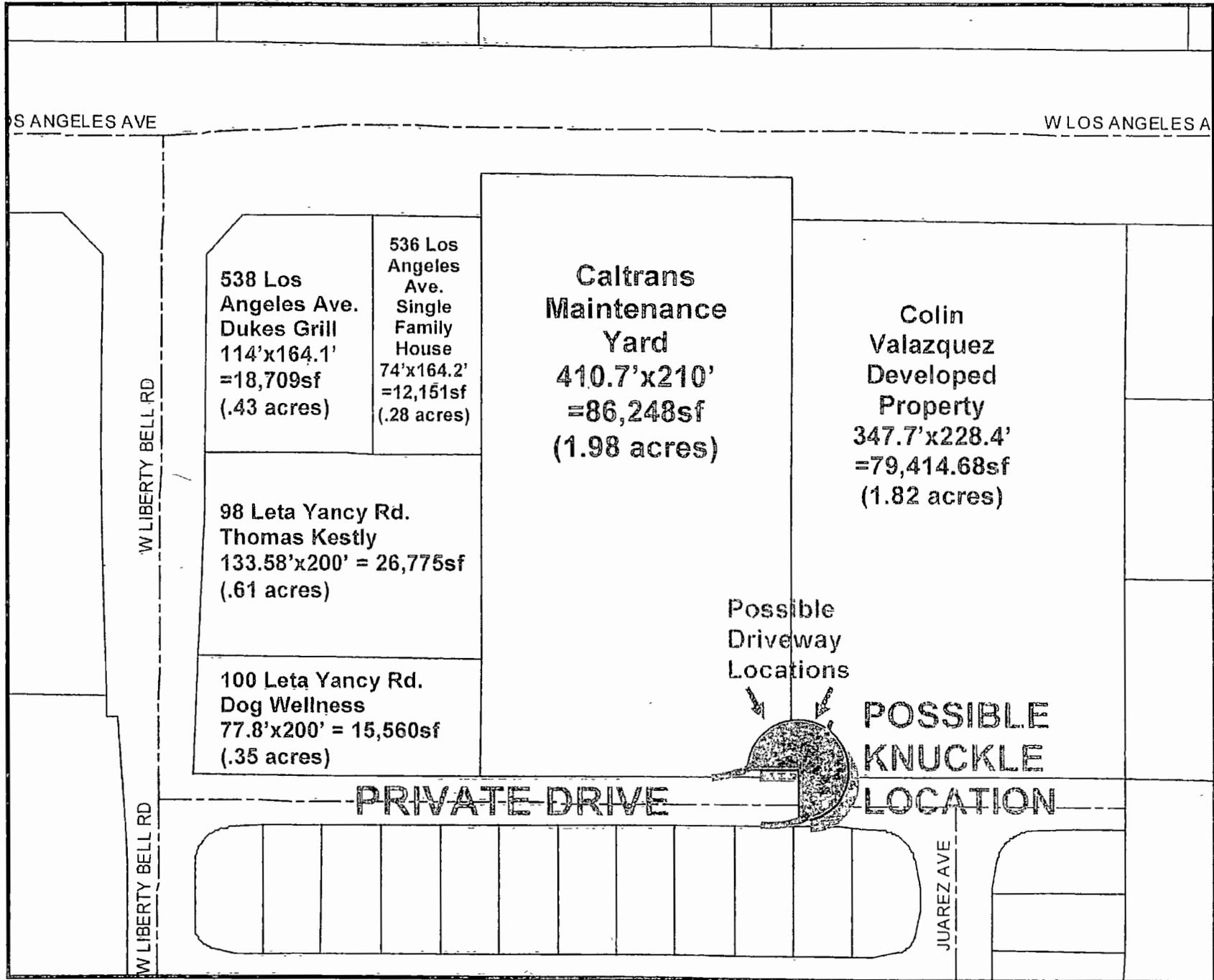
Direct staff to pursue an updated street improvement plan for Unidos Avenue as a Private Road with improvements within the existing right-of-way, and refer the Administrative Permit application back to the Community Development Director for a decision.

ATTACHMENTS:

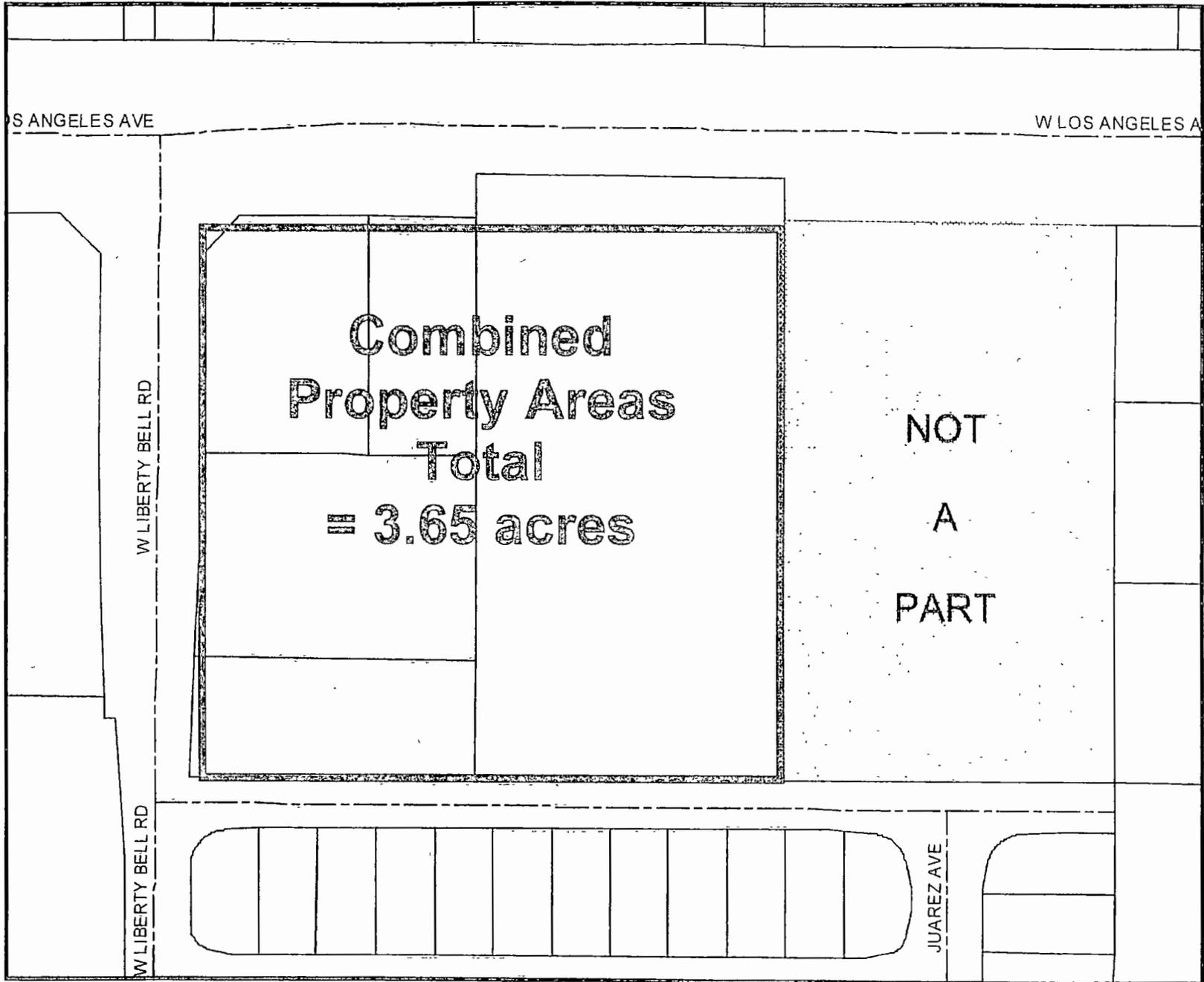
1. Aerial Photograph of Site and Surrounding Showing Existing Land Uses
2. Location Map of the Site and Surrounding Properties Showing Existing Lot Sizes/Configurations and Private Drive and Possible Knuckle Locations
3. Location Map of the Subject Area if Combined for Commercial Development
4. Location Map of the Subject Area if Developed as a Commercial Project with Full Dedication for Los Angeles Avenue and Unidos Avenue
5. Location Map of the Subject Area if Developed as a Commercial Project with Full Dedication for Los Angeles Avenue and a Private Drive at Unidos Avenue
6. Aerial Photograph of the L.A. Spring Shopping Center Site
7. City Council Staff Report April 5, 2006 – with attachments



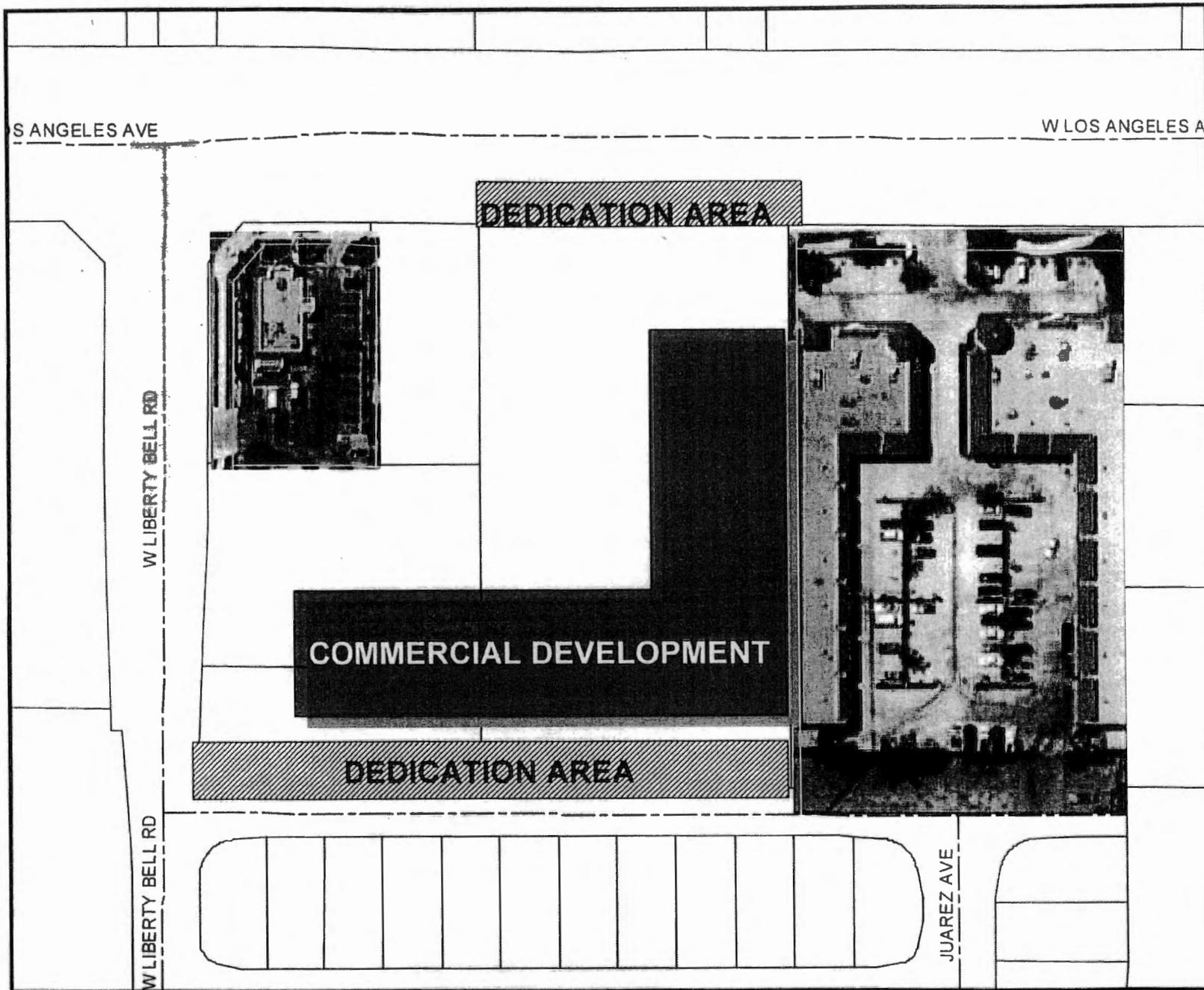
Aerial Photograph of the Site and Surrounding Areas Showing the Existing Land Uses



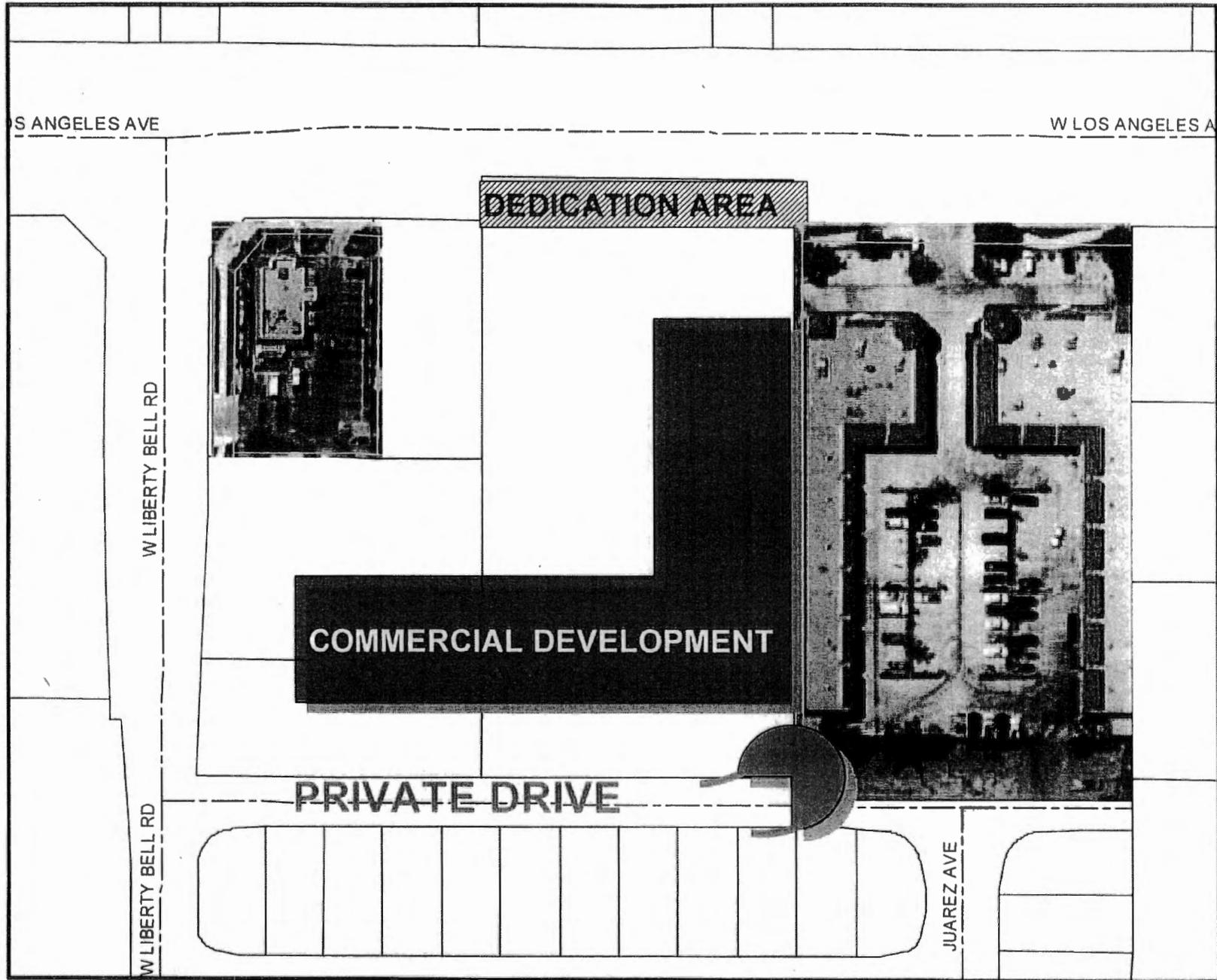
Aerial Photograph of the Site and Surrounding Areas Showing the Existing Lot Sizes and Lot Configurations and Private Drive and Possible Knuckle Location



Location Map of the Subject Area if Combined for a Commercial Project



Location Map of the Subject Area if Combined and Developed as a Commercial Project with Dedications for Los Angeles Avenue and Unidos Avenue



Location Map of the Subject Area if Combined and Developed as a Commercial Project with Dedication for Los Angeles Avenue and a Private Drive at Unidos Avenue



Los Angeles Avenue Spring Road Shopping Center at 525 Los Angeles Avenue with a Total Area of 3.79 acres (This total includes McDonald's property of .98 acres at 501 Los Angeles Ave., and Starbucks / Blockbuster Video property of .57 acres at 559 Los Angeles Ave.)

MOORPARK CITY COUNCIL AGENDA REPORT

TO: Honorable City Council

FROM: Barry K. Hogan, Community Development Director
Prepared by Joseph R. Vacca, Principal Planner 

DATE: March 28, 2006 (CC Meeting of 04/05/06)

SUBJECT: Consider the Applicant's Appeal of the Community Development Director's Denial of Administrative Permit No. 2005-19, a Request to Convert an Existing Residence into a Dog Wellness Center with Veterinary Services and Overnight Boarding of Injured Dogs at 100 Leta Yancy Road.

BACKGROUND

On December 16, 2005, Administrative Permit No. 2005-19 application was opened, requesting the conversion of an existing single-family residence at 100 Leta Yancy Road, to a dog wellness center with veterinary services and overnight boarding of injured dogs. The applicant is Jenny Ehrig, being represented by Bob Gehricke. On January 5, 2006, the request was denied without prejudice by the Community Development Director. The denial was based upon street dedication requirements for Unidos Avenue, along the south property line, which would require demolition of the structure proposed for the dog wellness facility, making the project unbuildable as proposed. The applicant has appealed this denial decision. While appeals of decisions of the Community Development Director would ordinarily be considered by the Planning Commission, this appeal is presented for consideration by the City Council, since the City Council is the authority that previously established the ultimate width of Unidos Avenue. The applicant/appellant has concurred with the decision to present this appeal to the City Council. Please note that since the project was denied by the Director without prejudice, it has not been analyzed for compliance with the City's development and design requirements.

DISCUSSION

The subject property, located at the northeast corner of Leta Yancy Road and Unidos Avenue, is 77.8 feet wide by 200 feet deep, totaling 15,560 square feet in size in its existing configuration. The lot contains a 1,530 square-foot vacant house and two out buildings of 495 square feet and 315 square feet each.

When the Villa Campesina project was approved on April 21, 1986, Unidos Avenue was originally planned to have a sixty-eight foot (68') right-of-way with a fifty-two foot (52') paved road, consistent with County standards for a commercial/industrial road. Unidos Avenue was intended to run east to west from Moorpark Avenue to Leta Yancy Road (formerly Liberty Bell Road). The following is a historical summary of the review/requirements of Unidos Avenue:

- On April 21, 1986, the Villa Campesina subdivision (Tract No. 4147) was conditioned to provide one-half (1/2) of the Unidos Avenue right-of-way along the subdivision's northern edge, with an improvement of thirty-two feet (32') of this thirty-four foot (34') dedication. A traffic study completed on April 26, 1985, for the Villa Campesina project recommended the improvement of Unidos Avenue, but the General Plan Circulation Element in effect at the time did not call for a street in the location of Unidos Avenue.
- On December 16, 1987, the City Council approved Planned Development Permit No. 1065, a 27,466 sq. ft. automotive service building on the south side of Los Angeles Avenue approximately 250 feet west of Park Lane, on the application of Colin Velazquez. This Planned Development Permit No. 1065 was conditioned to improve the section of Unidos Avenue along the southern property line of this site. The required improvements were to be for one-half (1/2) of the street width to match the street improvements for Tract No. 4147 outlined above.
- On March 7, 1990, the City Council agreed to defer construction of the improvements of Unidos Avenue that were required of Mr. Velazquez by the approved PD No. 1065; and also agreed to reduce the bond surety payment amount from \$80,000.00 to \$35,000.00.
- On April 8, 1992, the City Council conducted a public hearing to consider General Plan updates to the Land Use and Circulation Elements, Sphere of Influence Expansion Study and Environmental Impact Reports. At that meeting, it was the consensus of the City Council to remove Unidos Avenue and the connectors to it from the proposed Circulation exhibit. On April 29, 1992, the City Council again confirmed by consensus that Unidos Avenue would not be included in the proposed Circulation Element and that this area would need further review with a future General Plan Revision.
- On April 17, 1996, Planning staff requested City Council consideration to fund a traffic study to determine the need for improving and extending Unidos Avenue. At the time, Planning staff had received several inquiries on the issue during preliminary project reviews of a batting cage facility west of Park Lane, a Burger King Restaurant proposed just east of Liberty Bell Road (now Leta Yancy Road), and a modification of the prior approved Westland Residential project which was conditioned to construct Unidos Avenue from Goldman Avenue east to Liberty Bell Road. The City Council decided unanimously to agendaize this issue for a future meeting in order to reverse the decision on the 1985 circulation study (of

Villa Campesina) and to state a Council Policy that the concept of an extension of Unidos Avenue be abandoned.

- On August 21, 1996, the City Council considered an alternative street section for the existing section of Unidos Avenue and continued this item for further review to September 4, 1996.
- On September 4, 1996, the City Council unanimously approved: 1). The design for Unidos Avenue, immediately east of Liberty Bell Road (now Leta Yancy Road) to be constructed to a design consistent with Plate B-5c cul-de-sac modified with a 32' curb to curb dimension with a 48' right-of-way; 8 foot of right-of-way on the north and south sides with parking on one side; and 2). Directed Engineering staff to get a cost estimate on a design of the knuckle at the end of Unidos Avenue and Juarez Avenue and to bring the knuckle design and cost estimate back to the City Council.
- On October 2, 1996, the City Council, through approval of the consent calendar, approved a design for the street section improvements for Unidos Avenue; and appropriated \$10,600.00 of the FY 1996/97 budget for engineering efforts to design the knuckle at the intersection of Unidos Avenue and Juarez Avenue. At this October 2 meeting, (staff report attached), the design for Unidos Avenue that the City Council approved is shown in the table below:

1996 Approved Unidos Avenue Cross Section						
Villa Campesina Residential Development	Planter	Sidewalk (incl. curb)	Paved Area of Unidos Avenue	Sidewalk (incl. curb)	Planter	Commercially-Zoned Private Property (House modified or demolished)
 (South)	3'	5'	32'	5'	3'	 (North)
	48' Ultimate Dedicated Right-of-Way					

- On November 6, 1996, the City Council unanimously approved the 48' right-of-way for Unidos Avenue, (as outlined at the meeting of October 2 – above). That approval eliminated the knuckle and parkway planter and included a barrier similar to the dead-end of Williams Ranch Road. The approval also required Mr. Velasquez to provide landscaping behind the sidewalk; and to allow a driveway apron to his property.

With the recent developments helping to define this area; including the Vintage Crest Senior Apartments residential project, Waterstone (formerly Archstone) residential apartment complex, Kylexa and Tuscany Square commercial projects and the Renaissance office project, Unidos Avenue will no longer provide an east to west

vehicular connection from Moorpark Avenue to Leta Yancy Road. An aerial image of the project site and surrounding properties is attached. The Renaissance office project was conditioned to provide a pedestrian access between Unidos Avenue and Park Lane. If the vacant Caltrans property and other properties to the north and east of the project site were fully developed with commercial land uses, Unidos Avenue could be utilized as a service alley for these commercial properties. Under such a scenario, widening of the right-of-way would no longer be needed.

Staff measured the existing improved right of way of Unidos Avenue between Villa Campesina and the project site at 100 Leta Yancy Road. Starting from the south side of Unidos Avenue, it is currently improved with a three foot (3') planter, a five foot (5') sidewalk (including curb), and twenty-four feet (24') of paved street. The northerly two feet (2') of the right-of-way are not improved. The existing residence on the subject property is set back approximately eight feet (8') from the existing right-of-way.

Existing Unidos Avenue Cross Section						
Villa Campesina Residential Development	Planter	Sidewalk (incl. curb)	Paved Area of Unidos Avenue	Dirt area	Setback from R.O.W. to existing house	Existing house at 100 Leta Yancy Road
 (South)	3'	5'	24'	2'	8'	 (North)
	34' Existing Dedicated Right-of-Way					

The owner of the subject property has not proposed to provide any dedication for street improvements of Unidos Avenue. A full thirty-four feet (34') of street dedication from this property to match the half-street dedication provided by Villa Campesina would require demolition of the existing residence proposed for the dog wellness facility and would leave a 43.8-foot wide lot.

Even a forty-eight foot (48') right-of-way would require the removal of at least six feet (6') of the building, negating the proposed project, unless the street design is modified. Because this design of Unidos Avenue was established at the direction of the City Council, any change to this design is at the discretion of the City Council.

Staff recommends requiring the improvement of Unidos Avenue as a service alley, instead of a street, within its existing right-of-way with a paved street width of twenty-five feet six inches (25' 6") and a six-inch (6") raised curb on the north side of the right-of-way. No parking would be allowed on either side of the service alley.

The revised cross section would appear as follows:

Proposed Alternative Unidos Avenue Cross Section						
Villa Campesina Residential Development  (South)	Planter	Sidewalk (incl. curb)	Paved Area of Unidos Avenue	Curb	Setback from R.O.W. to existing house	Existing house at 100 Leta Yancy Road  (North)
	3'	5'	25' 6"	6"	8'	
34' Ultimate Dedicated Right-of-Way						

This would allow for the conversion of the existing residence to the dog wellness facility while preserving an eight foot (8') setback from the Unidos Avenue right-of-way to the existing building. Additionally, it would preserve access to the adjacent commercial properties for service vehicles. The Council may wish to consider making the alley private rather than public in the future. Conditions of approval of this Administrative Permit would require the applicant to consent to accepting and maintaining the alley improvements as private improvements in conjunction with one or more properties to the east.

As mentioned earlier, the Community Development Director concluded that the application could not be approved due to street dedication requirements; therefore a thorough analysis of the proposed project relative to the required findings of an Administrative Permit was not conducted. If the City Council provides direction on the street width that would allow for development of the site, then the application should be referred back to the Community Development Director for consideration of findings for the Administrative Permit. If the City Council decides to reaffirm its previous direction on the street width, then the decision of the Community Development Director should be sustained.

If the City Council is inclined to send the Administrative Permit back to the Community Development Director with a directive to work with the applicant towards an approval, then at a minimum the following conditions of approval would be considered:

- The project shall comply with the City's parking ordinance and landscaping design standards and guidelines.
- Architectural plans shall be provided that demonstrate substantial improvement to the design of the existing onsite buildings to meet City standards for new commercial development to the satisfaction of the Community Development Director prior to the issuance of building permits.

- A decorative masonry wall shall be provided along the south, east, and north property lines. Wall plans shall be submitted to the Community Development Director for review and approval prior to the issuance of building permits for the project.
- Completion of street improvements within the required right-of-way shall be provided on the north side of Unidos Avenue along the frontage of the subject property, easterly with a transition onto the adjacent Caltrans property, as well as completion of the frontage street improvements on Leta Yancy Road including appropriate ADA requirements, to the satisfaction of the City Engineer prior to the issuance of occupancy permits.
- The project would be conditioned to accommodate the existing drainage patterns of the subject property and adjacent properties which flow across these properties in a southwesterly direction onto Unidos Avenue to Leta Yancy Road.
- The applicant would be required to consent to accept the proposed alley as a private improvement and to join with one or more properties to the east to maintain the improvements with access open to the general public as well as the affected properties subject to the satisfaction of the City Attorney, City Engineer and Community Development Director.
- Payment of all applicable development fees.
- Limitations on outdoor uses.

STAFF RECOMMENDATION

Direct staff to pursue an updated street improvement plan for Unidos Avenue as a service alley with improvements within the existing right-of-way, and refer the Administrative Permit application back to the Community Development Director for a decision.

ATTACHMENTS:

1. Appeal Letter from Applicant
2. Location Map
3. Aerial Photograph of Site and Surrounding Area
4. Aerial Photograph of Site
5. City Council Staff Report 10-2-96 – Item 7.H.

January 12, 2006

Mr. Barry Hogan
Community Development Director
City of Moorpark
799 Moorpark Ave.
Moorpark, Ca. 93021

Subject: Administrative Permit No. 2005-19 - Appeal Requested
To permit the conversion of an existing residence to a Dog Wellness Center with veterinary services for dogs at 100 Leta Yancy Road, Moorpark.

Dear Mr. Hogan

In Conformance with Moorpark City Code Section 17.44.090 A.1 my client Eastern Gate Holistic Veterinary Clinic and Rehabilitation Center, Inc. (Appellant) hereby appeals the denial of Administrative Permit No. 2005-19.

This appeal is based on the following reasons:

- 1 The uses and structures proposed for the subject property comply with the General Plan, the Municipal Code and all applicable regulations. (See Statement of Jenny Ehrig attached hereto as Exhibit A).
- 2 There is no legal street dedication filed with the county or city for the south property line. (See statement of Bob Gehricke attached hereto as Exhibit B)
- 3 A Preliminary Title report dated April 20, 2005 does not reflect any street widening easement or proposed easement on the south property line that would warrant the denial of the permit. (See Exhibit C attached hereto). The only reference to an easement in favor of the City of Moorpark is on the West end of the property and would not affect Appellant's plans.
- 4 Unidos Avenue is a non loaded street and the proposed property use will not be impacting any traffic onto Unidos.
- 5 Unidos Avenue will not become a through street per conversations with Planning Staff and City Engineering. (See Statement of Bob Gehricke attached hereto as Exhibit B).

6 The Community Development Directors; decision is not in the best interest of the City. (See Statement of Jenny Ehrig attached hereto as Exhibit A).

If this street dedication is allowed, the impact to this project would be devastating, by taking up to two thirds of the existing property and rendering the use in operable.

Based on the above information, appellant respectfully requests that the denial of the permit be reversed. Appellant is willing to work with staff at any time to mitigate any issue but the proposed dedication is not a logical solution and is contrary to the facts.

If you have any questions please feel free to call us at any time.

Respectfully



Bob Gehricke AIA
Architect
NCARB

Cc: Navabeh Borman
Charley Stoll, Esq.
Fergusson, Case, Orr, Patterson & Cunningham LLP

Declaration of Jenny Ehrig

I, Jenny Ehrig hereby declare and state that the foregoing is of my own personal knowledge.

1. I am a Shareholder in Eastern Gate Holistic Veterinary Clinic and Rehabilitation Center, Inc., who has filed Administrative Permit Application No. 2005-19.

2. In early June 2004, I went to The City of Moorpark to inquire as to whether we could open a holistic veterinary clinic. Scott Wolf was at the city desk and he showed me the specific areas zoned for such a business. He then asked if it would be a boarding facility and I said no. He suggested I contact Thomas Kestly who had a piece of property (100 Leta Yancy Road) with existing structures which he might sell for our use. He said it was in the right zoning area. He said the property was not listed for sale but maybe Mr. Kestly would be willing to sell it to us because he was a dog lover.

3. I left City Hall and went over to look at the property and presented the idea to Mr. Kestly by leaving a message at his front office. He returned my message and we began dialogue about the possibility of purchasing the property to open our business.

4. On 6/25/2004, we offered to purchase the property with the understanding that the City of Moorpark via Scott Wolf, knew our business would not be an overnight boarding facility and that the city considered our business a welcome addition to the community.

5. On 6/29/2004, I faxed a letter of intent to open a business in the City of Moorpark to Barry Hogan in the Community Development Department of the City of Moorpark (805-529-8270) detailing our intent to open the Dog Wellness Center. This letter is attached as Exhibit A to this Declaration. The letter explained the holistic veterinary clinic would be at 100 Leta Yancy Road and would feature hydrotherapy for dogs and horses. Concluding the letter we asked that any concerns for our intended use be provided to us in writing so that we could make the necessary adjustments. This letter was also sent to Scott Wolf and Thomas Kestly.

6. On 7/1/2004, Scott Wolf responded verbally. He said he had spoken with Barry Hogan and said the City had no real issues for the potential use. If there were to be a required permit they would walk us through the required process. The one concern was the adjacent neighbors and as long as there was no outdoor dog run where dogs would be left alone outside there would be no problem.

7. On July 14, 2004, we signed the offer to purchase the property allowing escrow to begin.

8. The property was purchased with the understanding that renters in the existing structures would not have to move out until the following June when their lease expired.

In February 2005 the renters asked to move out early and we then began the process of starting to open our business.

9. In Good Faith we purchased the property at 100 Leta Yancy Road in Moorpark with the understanding that the location was zoned and perfect for our business and was in fact recommended for purchase by a Moorpark City employee, Scott Wolf.

I declare under penalty of perjury that the foregoing is true and correct. Dated this 12th day of January 2006, at Camarillo, CA.


Jenny Ehrig

DOG WELLNESS CENTER

6/28/2004

Barry Hogan
Community Directory Committee
City of Moorpark
805 529 8270

Dear Mr. Barry Hogan,

We have offered to purchase the land and houses at 100 Leta Yancy Road in the City of Moorpark.

My partners and I wish to open a Holistic Veterinary Clinic featuring hydrotherapy. We will provide hydrotherapy services to dogs and horses. Our intent is not to modify buildings but to leave the rural setting and just add an all weather parking lot.

One building on the property will be used as an administrative office. It will have two small examining/ treatment rooms, a small retail area, an animal waiting room and an employee break room.

Another building will be used as a grooming area. This building will also have a client indoor/outdoor waiting area opening into the courtyard where observation of their pets' pool treatment can be enjoyed.

The court yard will have an approximate 15 ft by 30 ft pool. This pool will be custom made, above ground, 4 feet deep with decking around the perimeter. The pool will have a hydraulic lift as well as a ramp. This pool is for dogs and small animals only. All pool hardware will be under decking, easily accessible but hidden from view. This courtyard will be fenced in with adequate fencing to prevent any unauthorized entry into the pool area and the surrounding area will be professionally landscaped.

A horse aqua tread will be on the opposite side of the main house separate from the small animal area. A two horse stall area with arena will be used for examination and post hydro treatment.

The perimeter of the property will be enclosed with fencing that will both prevent animal escape and beautify the neighborhood.

We plan to operate Tuesday through Sunday with Monday closed.
Our hours will be from 10 am to 6 pm daily.
All services by appointment only.

There will be no more than eight dogs on the property at one time and no more than two horses.

P.O. Box 367 Malibu, California 90265 (818) 427-4048

DOG WELLNESS CENTER

This center is modeled after one in New York City and another in Chicago. It will be top of the line, very chic and exclusive. For examples please look at www.k9-swimtherapy.com, www.tops-vet-rehab.com and www.animalfitnesscenter.com. The horse Treatment can be seen at Oak Creek Farm in Texas and UC Davis.

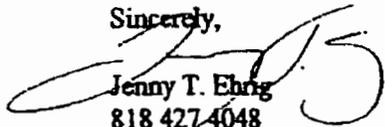
This center will be beneficial to the City of Moorpark and will bring in business from all over Ventura and Los Angeles County.

The center will offer special services to the cities Police and Rescue Canines and Police and Ranger horses.

We consist of Mrs. Navabeh Borman, The Owner of Dog Wellness Center; Dr. Linda MacKinnon DVM, Resident Veterinarian; and Mrs. Jenny Ehrig, Coordinator of the Dog Wellness Center and Behavior Specialist.

This is the intended use of the site. If you have any concerns please provide them in writing so that we may be able to make the necessary adjustments.

Sincerely,



Jenny T. Ehrig
818 427-4048

CC: Scott Wolf
Thomas Kestly

* Sent 6/29/04
Final
Copy

P.O. Box 367 Malibu, California 90265 (818) 427-4048

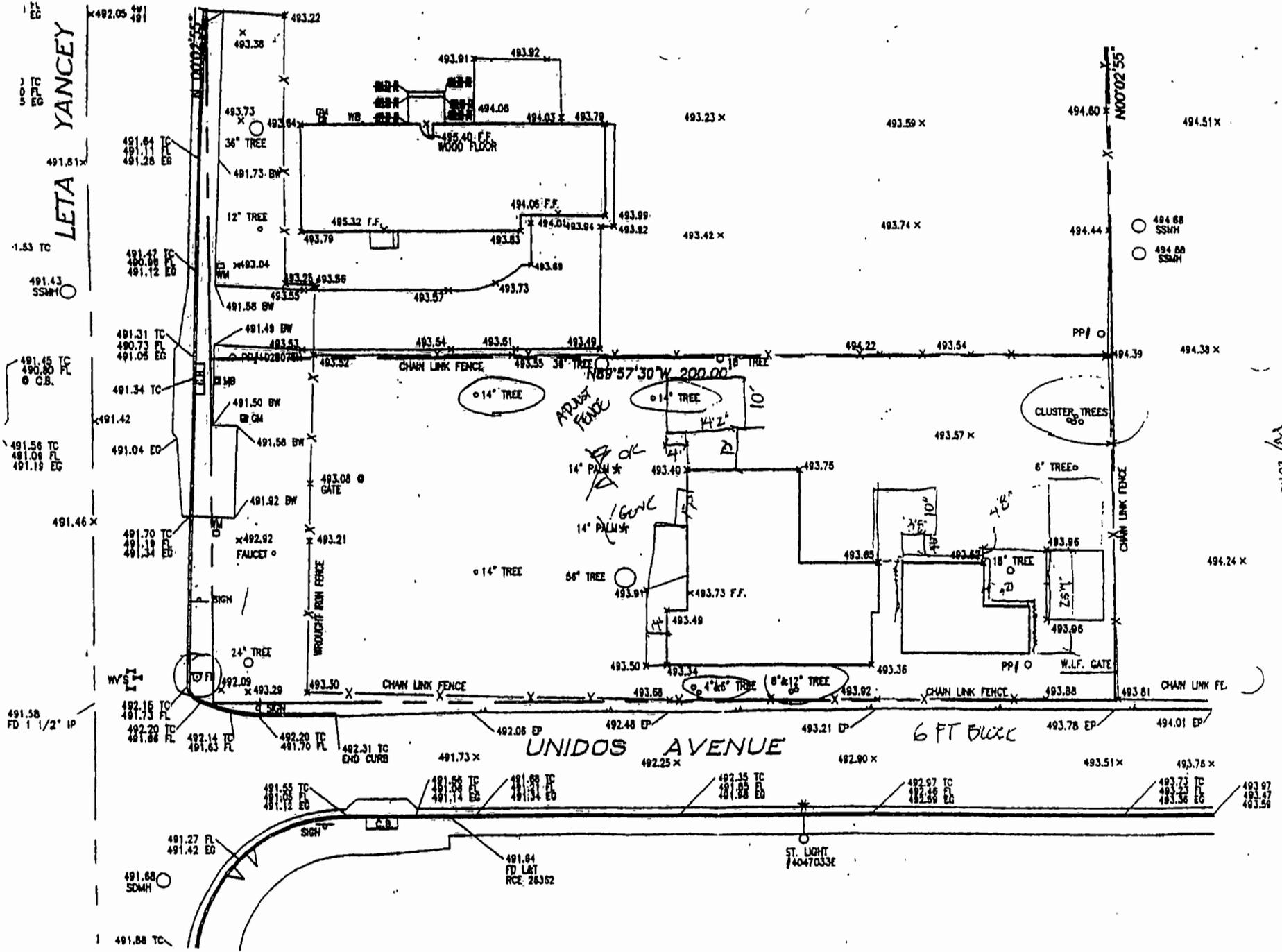
EXHIBIT B

**Subject: Administrative Permit No. 2005-19
Documentation of information received**

- 1 On 6/17/05 Bob Gehricke meet with Ken Gilbert (City Engineer) and Barry Hogan (Planning Director) to inquire about the possible widening of Unidos Ave. They mentioned that it is very unlikely that this widening will occur now, since the road will not be going through.
Barry did mentioned that the corner of the property will need to be updated to current Moorpark standards.

- 2 On 7/05/05 Bob Gehricke meet with staff - Building and Safety and City Engineering to verify the location of any easements / dedications and verify previous permits for the existing structures.
Bob Gehricke obtained the assessor's maps and city street map for Unidos / Leta Yancy. No easement / street dedication was indicated. The documents are enclosed.





LETA YANCEY

UNIDOS AVENUE

6 FT BLUCC

- 494.68 SSMH
- 494.66 SSMH

EXHIBIT C



Lawyers Title Company
1701 Solar Drive
Suite 250
Oxnard, CA 93030
Phone: (805) 484-2701

Lawyers Title Company
1701 Solar Drive Suite 250
Oxnard, California 93030

Our File No: 03505496 - 14
Title Officer: Steve Lopez
e-mail: slopez@landam.com
Direct Phone: (805) 484-2701, ext. 132
Fax Number: (805) 987-1759

Attn: Steve Lopez

Your Reference No: 100 Leta Yancy Rd

Property Address: 100 Leta Yancy Road, Moorpark, California

PRELIMINARY REPORT

Dated as of April 20, 2005 at 7:30 a.m.

In response to the above referenced application for a policy of title insurance, Lawyers Title Company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said policy forms.

The printed Exceptions and Exclusion from the coverage and Limitations on Covered Risks of said Policy or Policies are set forth in Exhibit B attached. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Exhibit B. Copies of the Policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit B of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered. It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

SCHEDULE A

The form of policy of title insurance contemplated by this report is:

A Preliminary Report Only

The estate or interest in the land hereinafter described or referred to covered by this report is:

A FEE

Title to said estate or interest at the date hereof is vested in:

Burton Borman and Navabeh P. Borman, husband and wife as joint tenants

The land referred to herein is situated in the County of Ventura, State of California, and is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

EXHIBIT "A"

All that certain real property situated in the County of Ventura, State of California, described as follows:

That portion of Lot 45, Fremont Tract, in the City of Moorpark, in the County of Ventura, State of California, according to the Map recorded in Book 5, Page 5 of Miscellaneous Records, in the Office of the County Recorder of said County, described as follows:

Commencing at a point in the Westerly line of said Lot 45, Distant along said Westerly line and prolongation thereof South 44 feet from the center line of Los Angeles Avenue, 60 feet wide, at the intersection of said Westerly line with the Westerly prolongation of the Southerly line of the land described in the Deed to the State of California, recorded July 13, 1942, Book 660, Page 24 of Official Records; thence along said last mentioned prolongation, East 25 feet to a point in the Easterly line of the land described in the Deed to Spencer Thorpe, as Trustee, recorded April 13, 1952, Book 657, Page 58 of Official Records at the Northwesterly corner of the land conveyed to Frank X. Pfaffiger and Wife, by Deed recorded January 11, 1951, as Instrument No. 616, Book 973, Page 561 of Official Records and being the true point of beginning; thence along the Easterly line of said land of Spencer Thorpe,

1st: North 217.88 feet; thence parallel with the center line of said Los Angeles Avenue;

2nd: East 200 feet to the Westerly line of said land of the State of California; thence along said Westerly line,

3rd: South 217.80 feet to a point in the Northerly line of said land of Frank X. Pfaffinger at the Southwesterly corner of said land of the State of California, thence along Northerly line,

4th: West 200 feet to the true point of beginning.

Excepting therefrom the Northerly 140.00 feet.

Assessor's Parcel Number: **506-0-050-400**

SCHEDULE B

At the date hereof Exceptions to coverage in addition to the printed exceptions and exclusions in said policy form would be as follows:

- A. Property taxes, including general and special taxes, personal property taxes, if any, and any assessments collected with taxes, to be levied for the fiscal year 2004 - 2005 which are a lien not yet payable.
- B. Property taxes, including general and special taxes, personal property taxes, if any, and any assessments collected with taxes, for the fiscal year 2004-2005
- | | | |
|---------------------------|---------------|--|
| 1st Installment: | \$1,299.85 | Paid |
| 2nd Installment: | \$1,299.85 | This amount is valid until April 10, after which penalties apply |
| Penalty (including cost): | \$159.98 | Due with installment amount if paid after April 10 |
| Homeowner's Exemption: | \$none | |
| Code Area: | 10067 | |
| Assessment No.: | 506-0-050-400 | |

C. Supplemental or escaped assessments of property taxes, if any, assessed pursuant to the Revenue and Taxation Code of the State of California.

1. An easement for the purpose shown below and rights incidental thereto as set forth in a document
- | | |
|-------------|--|
| Granted to: | Simi Land and Water Company |
| Purpose: | construction, maintenance and use of any system for the collection, conducting and distribution of water |
| Recorded: | January 3, 1890, Book 29, Page 500 of Deeds |
| Affects: | all of said land |

The exact location and/or extent of said easement is not disclosed in the public records.

2. An easement for the purpose shown below and rights incidental thereto as set forth in a document
- | | |
|-------------|--|
| Granted to: | Southern California Edison Company |
| Purpose: | public utilities |
| Recorded: | February 9, 1959, Book 1701, Page 52 of Official Records |
| Affects: | the Easterly 6 feet of said land |

3. The fact that said land is included within a project area of the Redevelopment Agency shown below, and that proceedings for the redevelopment of said project have been instituted under the Redevelopment law (such redevelopment to proceed only after the adoption of the redevelopment plan) as disclosed by a document.

Redevelopment Agency:	Moorpark Redevelopment Project
Recorded:	July 12, 1989 as Instrument No. 89-108897 of Official Records

4. A Waiver of any claims for damages to said land by reason of the location of a freeway or highway contiguous thereto as contained in a document

In Favor of: Moorpark Redevelopment Project
Recorded: July 12, 1989 as Instrument No. 89-108897 of Official Records

5. An easement for the purpose shown below and rights incidental thereto as set forth in a document

Granted to: City of Moorpark
Purpose: public road
Recorded: May 4, 1993 as Instrument No. 93-079360 of Official Records
Affects: portion of said land as described therein.

6. A document subject to all the terms, provisions and conditions therein contained.

Entitled: Deferment and Loan Agreement Regarding City of Moorpark
Dated: Assessment District No. 92-1 (Mission Bell Plaza)
By and between: City of Moorpark
Recorded: June 21, 1993 as Instrument No. 93-112132 of Official Records

Reference is made to said document for full particulars.

7. A document subject to all the terms, provisions and conditions therein contained.

Entitled: Notice
Dated: not shown
By and between: City of Moorpark
Recorded: February 4, 1998 as Instrument No. 98-015807 of Official Records

Reference is made to said document for full particulars.

END OF SCHEDULE B EXCEPTIONS

**PLEASE REFER TO THE "NOTES AND REQUIREMENTS SECTION" WHICH
FOLLOWS FOR INFORMATION NECESSARY TO COMPLETE THIS TRANSACTION**

REQUIREMENTS SECTION:

REQ NO.1: The Company will require a statement of information from the parties named below in order to complete this report, based on the effect of documents, proceedings, liens, decrees, or other matters which do not specifically describe said land, but which, if any do exist, may affect the title or impose liens or encumbrances thereon.

Parties	Buyers/Sellers
---------	----------------

INFORMATIONAL NOTES SECTION

NOTE NO. 1: Privacy notice (15 U.S.C. 6801 and 16 CFR part 313):

We collect nonpublic personal information about you from information you provide on forms and documents and from other people such as your lender, real estate agent, attorney, escrow, etc. We do not disclose any nonpublic personal information about our customers or former customers to anyone, except as permitted by law. We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

NOTE NO. 2: The information on the attached plat is provided for your convenience as a guide to the general location of the subject property. The accuracy of this plat is not guaranteed, nor is it a part of any policy, report or guarantee to which it may be attached.

NOTE NO. 3: California insurance code section 12413.1 regulates the disbursement of escrow and sub-escrow funds by title companies. The law requires that funds be deposited in the title company escrow account and available for withdrawal prior to disbursement. Funds deposited with the company by wire transfer may be disbursed upon receipt. Funds deposited with the company via cashier's check or teller's check drawn on a California based bank may be disbursed on the next business day after the day of deposit. If funds are deposited with the company by other methods, recording and/or disbursement may be delayed. All escrow and sub-escrow funds received by the company will be deposited with other escrow funds in one or more non-interest bearing escrow accounts of the company in a financial institution selected by the company. The company may receive certain direct or indirect benefits from the financial institution by reason of the deposit of such funds or the maintenance of such accounts with such financial institution, and the company shall have no obligation to account to the depositing party in any manner for the value of, or to pay to such party, any benefit received by the company. Those benefits may include, without limitation, credits allowed by such financial institution on loans to the company or its parent company and earnings on investments made with the proceeds of such loans, accounting, reporting and other services and products of such financial institution. Such benefits shall be deemed additional compensation of the company for its services in connection with the escrow or sub-escrow.

WIRING INSTRUCTIONS FOR THIS OFFICE ARE:

Union Bank of California
445 South Figueroa Street
Los Angeles, CA 90071-1655
Phone (800) 218-6466
ABA #122-000-496
Credit To: Lawyers Title Company - Ventura County
Account #9100868005

RE: 03505496 305 - SEL

PLEASE INDICATE LAWYERS TITLE COMPANY ESCROW OR TITLE ORDER NUMBER

NOTE NO. 4: The charges which the company will make for next day messenger services (i.e. Federal Express, UPS, DHL, Airborne, Express mail, etc.) Are \$15.00 per letter, standard overnight service, and \$25.00 for larger size packages and/or priority delivery services. Such charges include the cost of such messenger service and the company's expenses for arranging such messenger service and its overhead and profit. Special messenger services will be billed at the cost of such services. There will be no additional charge for pick-up or delivery of packages via the company's regularly scheduled messenger runs.

NOTE NO. 5: The charge for a policy of title insurance, when issued through this title order, will be based on the short-term rate.

NOTE NO. 6: The only conveyances affecting said land, which recorded within 24 months of the date of this report, are as follows:

Grantor: Thomas A. Kestly, an unmarried man
Grantee: Thomas Andrew Kestly, Trustee of the 2003 Kestly Family Trust
Recorded: October 11, 2003 as Instrument No. 20031011-0391599 of Official Records

NOTE NO. 7: The only conveyances affecting said land, which recorded within 24 months of the date of this report, are as follows:

Grantor: Thomas Andrew Kestly, Trustee of the 2003 Kestly Family Trust
Grantee: Burton Borman and Navabeh P. Borman, husband and wife as joint tenants
Recorded: September 15, 2004 as Instrument No. 20040915-0251075 of Official Records

Typist: 642
Date Typed: April 28, 2005

**EXHIBIT B (Rev. 11-17-99)
CALIFORNIA LAND TITLE ASSOCIATION
STANDARD COVERAGE POLICY - 1999
EXCLUSIONS FROM COVERAGE**

- The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorney's fees or expenses which arise by reason of:
1. (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulatory) restricting, regulating, prohibiting or limiting the occupancy, use or enjoyment of the land; (b) the character, dimensions or location of any improvement now or hereafter owned on the land; (c) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (d) environmental protection, or the effect of any violation of those laws, ordinances or governmental enactments, except to the extent that a notice of the enforcement thereof or a notice of a defect, loss, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records as Date of Policy.
 - (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the encroachment or notice of a defect, loss or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records as Date of Policy.
 2. Rights of redress known unless notice of the matter covered has been recorded in the public records as Date of Policy, but not including those matters which have occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
 3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) Whether or not recorded in the public records as Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
 - (b) Not known to the Company, and recorded in the public records as Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the issue of the covered statement because not known under this policy;
 - (c) Resulting in no loss or damage to the insured claimant;
 - (d) Arising or created subsequent to Date of Policy; or
 - (e) Resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the costs or interests insured by this policy.
 4. Unenforceability of the lien of the insured mortgage because of the validity or failure of the insured as Date of Policy, or the validity or failure of any subsequent owner of the improvements to comply with the applicable zoning laws of the state in which the land is located.
 5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereon, which arises out of the transaction evidenced by the insured mortgage and a loan upon which any non-recourse credit proceeds are used in making loan.
 6. Any claim, which arises out of the transaction involving the insured mortgage or the promission creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I

- This policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of:
1. Taxes or assessments which are the subject of a pending action by the owner or any tenant or licensee and which are or may be levied on real property or by the public records. Proceedings by a public agency which may result in removal, improvement, or creation of such proceedings, whether or not shown by the records of such agency or by the public records.
 2. Any taxes, rights, interests, or claims which are not shown by the public records but which should be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
 3. Encumbrances, liens or encumbrances, or claims thereon, which are not shown by the public records.
 4. Easements, rights or interests in building laws, ordinances, or any other laws which a person would discover, and which are not shown by the public records.
 5. (a) Unperfected mining claims; (b) restrictions or exceptions in deeds or in Acts authorizing the issuance thereof; (c) warranties, claims of title to water, whether or not the claims are recorded; (d), (e) or (f) are shown by the public records.

**CLIA HOMEOWNER'S POLICY OF TITLE INSURANCE (102203)
ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE
EXCLUSIONS**

In addition to the Exclusions in Schedule B, You are not insured against loss, costs, attorney's fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or governmental regulation. This includes ordinances, laws and regulations concerning:
 - a. building
 - b. zoning
 - c. land use
 - d. improvements on the land
 - e. land division
 - f. environmental protection

This Exclusion does not apply to violations or the enforcement of these matters if notice of the violation or enforcement appears in the Public Records as the Policy Date.

This Exclusion does not limit the coverage described in Covered Risk 14, 15, 16, 17 or 18.

2. The failure of Your building structure, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not apply to violations of building codes if notice of the violation appears in the Public Records as the Policy Date.
3. The right to take the land by condemning it, unless:
 - a. a notice of exercising the right appears in the Public Records as the Policy Date; or
 - b. the taking happened before the Policy date and is binding on You if You bought the land without knowing of the taking.
4. Risks:
 - a. that are created, assumed, or agreed to by You, whether or not they appear in the Public Records;
 - b. that are known to You as the Policy Date, but not as UA, unless they appear in the Public Records as the Policy Date;
 - c. that result in no loss to You; or
 - d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8, 12, 13, 14 or 15.
5. Failure to pay value as You Tell.
6. Lack of a right:
 - a. in any land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
 - b. in an easement, right, or interest that touch the land.

LIMITATIONS ON COVERED RISKS

Your insurance for the risks being Covered Risks is limited on the Owner's Coverage Statement as follows:
For Covered Risk 14, 15, 16 and 17, Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.
The deductible amounts and maximum dollar limits shown on Schedule A are in U.S. dollars.

	Your Deductible Amount	Our Maximum Dollar Limit of Liability
Covered Risk 14:	1% of Policy Amount or \$2,000 (whichever is less)	\$10,000
Covered Risk 15:	1% of Policy Amount or \$2,000 (whichever is less)	\$25,000
Covered Risk 16:	1% of Policy Amount or \$2,000 (whichever is less)	\$25,000
Covered Risk 17:	1% of Policy Amount or \$2,000 (whichever is less)	\$5,000

**AMERICAN LAND TITLE ASSOCIATION
RESIDENTIAL TITLE INSURANCE POLICY (6-1-97)
EXCLUSIONS**

In addition to the Exclusions in Schedule B, you are not insured against loss, costs, attorney's fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or governmental regulation. This includes building and zoning ordinances and other laws and regulations concerning:
 - a. land use
 - b. improvements on the land
 - c. land division
 - d. environmental protection

This exclusion does not apply to violations or the enforcement of these matters which appear in the public records as Policy Date.

- This section does not limit the actual coverage described in Items 12 and 13 of Covered Title Risks.
- The right to sue the land by recording a notice:
 - A notice of recording the right appears in the public records on the Policy Date
 - The taking happened prior to the Policy Date and is binding on you if you bought the land without knowing of the taking
 - Title Risk:
 - That was created, allowed, or agreed to by you
 - That was known to you, that was to be, on the Policy Date - unless they appeared in the Public Records
 - That result in no loss to you
 - That first affect your title after the Policy Date - this does not limit the labor and material loss coverage in Item 8 of Covered Title Risks
 - Failure of any value for your title:
 - Loss of a right;
 - To any land outside the area specifically described and referred to in Item 3 of Schedule A
- The exclusion does not limit the actual coverage in Item 5 of Covered Title Risks

**AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (10-17-92)
WITH ALTA ENDORSEMENT-FORM I COVERAGE
EXCLUSIONS FROM COVERAGE**

- The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorney's fees or expenses which arise by reason of:
- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment of the land; (ii) the alteration, discontinuance or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, loss or circumstance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
 - (b) Any governmental police power not included by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, loss or circumstance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
 - Rights of eminent domain unless notice of the proposed taking has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
 - Defects, liens, encumbrances, adverse claims or other matters:
 - (a) created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) resulting or created subsequent to Date of Policy (except in the event that this policy assumes the priority of the lien of the insured mortgage over any subsequent lien for taxes, taxes or interest or if the exact insurance is effected before or as evidenced by such improvements under construction or completed at Date of Policy); or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage.
 - Unlawfulness of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable laws, regulations or provisions of the laws of the state in which the land is located.
 - Inability or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the operation evidenced by the insured mortgage and is based upon inury or any collateral credit protection or such in lending law.
 - Any attorney fees for services, labor or materials (or the value of property of any statutory lien for services, labor or materials over the lien of the insured mortgage) arising from an improvement or work related to the land which is contracted for and commenced subsequent to Date of Policy and is not assumed in whole or in part by proceeds of the indebtedness insured by the insured mortgage which at Date of Policy the insured had not assumed or is obligated to assume.
 - Any claim which arises out of the transaction creating the interest in the mortgage insured by this Policy, by reason of the operation of Federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
 - (a) the transaction creating the interest of the insured mortgage being deemed a fraudulent conveyance or fraudulent transfer; or
 - (b) the satisfaction of the interest of the insured mortgage as a result of the application of the doctrine of equitable subordination; or
 - (c) the transaction creating the interest of the insured mortgage being deemed a part:
 - (i) to satisfy a claim of a creditor of the insured;
 - (ii) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

The above policy forms may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Extension from Coverage in a Standard Coverage policy will also include the following General Exception:

EXCEPTIONS FROM COVERAGE

- This policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of:
- Taxes or assessments which are not shown as existing fees by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
 - Any facts, rights, interests or claims which are not shown by the public records but which could be determined by an inspection of the land or which may be revealed by process in possession thereof.
 - Encumbrances, liens or circumstances, or claims thereof, which are not shown by the public records.
 - (a) Unrecorded mining claims; (b) servitudes or easements in part or in Area authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the owners, except under (a), (b) or (c) are shown by the public records.

**AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (10-17-92)
EXCLUSIONS FROM COVERAGE**

- The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorney's fees or expenses which arise by reason of:
- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment of the land; (ii) the alteration, discontinuance or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, loss or circumstance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
 - (b) Any governmental police power not included by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, loss or circumstance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
 - Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
 - Defects, liens, encumbrances, adverse claims or other matters:
 - (a) created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) resulting or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the entire or interest insured by this policy.
 - Any claim which arises out of the transaction creating the interest in the mortgage insured by this policy by reason of the operation of Federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
 - (a) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
 - (b) the satisfaction of the interest of the insured mortgage as a result of the application of the doctrine of equitable subordination where the fraudulent transfer results from the failure:
 - (i) to timely record the instrument of transfer; or
 - (ii) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

The above policy forms may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Extension from Coverage in a Standard Coverage policy will also include the following General Exception:

EXCEPTIONS FROM COVERAGE

- This policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of:
- Taxes or assessments which are not shown as existing fees by the records of any taxing authority that levies taxes or assessments on real property or by the public records.

- Proceedings by a public agency which may result in fines or assessments, or orders of such public agency, whether or not shown by the records of such agency or by the public records.
1. Any laws, ordinances or governmental regulations which are not shown by the public records but which could be ascertained by an inspection of the land or which may be ascertained by persons in possession thereof.
 2. Easements, liens or encumbrances, or claims thereon, which are not shown by the public records.
 3. Discrepancies, variations in boundary lines, changes in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
 4. (a) Dependent mining claims (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims available to water, whether or not then reserved except under (a), (b) or (c) are shown by the public records.

ALTA EXPANDED COVERAGE RESIDENTIAL LOAN POLICY (10/13/01)
EXCLUSIONS FROM COVERAGE

- The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorney's fees or expenses which arise by reason of:
1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the Land; (ii) the structure, dimensions or location of any improvements now or hereafter situated on the Land; (iii) a separation in ownership or a change in the character or area of the Land or any parcel of which the Land is or was a part; or (iv) structural protection, or the effects of any violation of these laws, ordinances or governmental regulations, subject to the extent that a notice of the infraction through a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the Land has been recorded in the Public Records at Date of Policy. This exclusion does not limit the coverage provided under Covered Risks 12, 13, 14, and 16 of this policy.
 - (b) Any governmental action not prohibited by (a) above, except to the extent that a notice of the matter through a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the Land has been recorded in the Public Records at Date of Policy. This exclusion does not limit the coverage provided under Covered Risks 12, 13, 14, and 16 of this Policy. Rights of eminent domain which notice of the exercise thereof has been recorded in the Public Records at Date of Policy, but not including from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
2. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) created, retained, assumed or agreed to by the Insured Claimant;
 - (b) not known to the Company, and recorded in the Public Records at Date of Policy, but known to the Insured Claimant, and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) resulting or created subsequent to Date of Policy (this paragraph does not limit the coverage provided under Covered Risks 8, 16, 18, 19, 20, 21, 22, 23, 24, 25 and 26); or
 - (e) resulting in loss or damage which would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
 3. Uninsurability of the lien of the Insured Mortgage because of the liability or failure of the Insured at Date of Policy, or the liability or failure of any subsequent owner of the indebtedness, to comply with applicable debtors' laws of the state in which the Land is situated.
 4. Invalidity or unenforceability of the lien of the Insured Mortgage, or claim denied, which arises out of the transaction effected by the Insured Mortgage and is based upon any, except as provided in Covered Risk 27, of the following events or facts in facting law:
 - (a) Real property taxes or assessments of any governmental authority which become a lien on the Land subsequent to Date of Policy. This exclusion does not limit the coverage provided under Covered Risks 7, 8(a) and 26.
 - (b) Any claim of invalidity, unenforceability or lack of priority of the lien of the Insured Mortgage as to advances or modifications made after the Insured has knowledge that the water shown in Schedule A is no longer the owner of the estate or interest covered by this policy. This exclusion does not limit the coverage provided in Covered Risk 8.
 - (c) Lack of priority of the lien of the Insured Mortgage as to such and every mortgage made after Date of Policy, and all interest charges thereon, and fees, costs, expenses and other matters affecting the lien, the existence of which are known to the Insured at:
 - (i) The time of the advance; or
 - (ii) The time a modification is made to the terms of the Insured Mortgage which changes the rate of interest charged, if the rate of interest is greater as a result of the modification than it would have been before the modification. This exclusion does not limit the coverage provided in Covered Risk 8.
 5. The failure of the residential structure, or any portion thereof, to have been constructed in accordance with applicable building codes. This exclusion does not apply to violations of building codes if notice of the violation appears in the Public Records at Date of Policy.

Recorded at request of and
Delivered to Charles Abbott,
City Engineer, City of Moorpark,
111A Palmdale, Moorpark, CA 93521
A. P. No. 891-262-212

93-079360
A. R. .00
Recorded
Official Records
County of
Ventura
Richard D. Dean
Recorder
8:02am 4-May-93 MOOR CJ 6

NO TAX DUE

City of Moorpark

BASEMENT DEED

Of/Given, End/Place, Assessor's (Unit)

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

EARL R. GILBERT and PATSY M. GILBERT, Trustees of the GILBERT FAMILY TRUST,
dated June 8, 1980

do(es) hereby GRANT to the

CITY OF MOORPARK

an easement and right of way for public road and related purposes in, on, over, under, and across the
following described real property in the State of California, County of Ventura

(See description on following page(s))

EXHIBIT "A"

Being a portion of that certain deed recorded July 19, 1990 as Document No. 90-102778 of Official Records in the Office of the County Recorder, County of Ventura, State of California, described as follows.

Beginning at the northwest corner of said deed; thence easterly along the northerly line of said deed,

1st. South 80°00'00" East 6.49 feet; thence,

2nd. South 2°00'28" West 77.80 feet to an intersection with the southerly line of said deed; thence westerly along said southerly line,

3rd. North 80°00'00" West 3.77 feet to an intersection with the easterly line of said deed; thence northerly along said line,

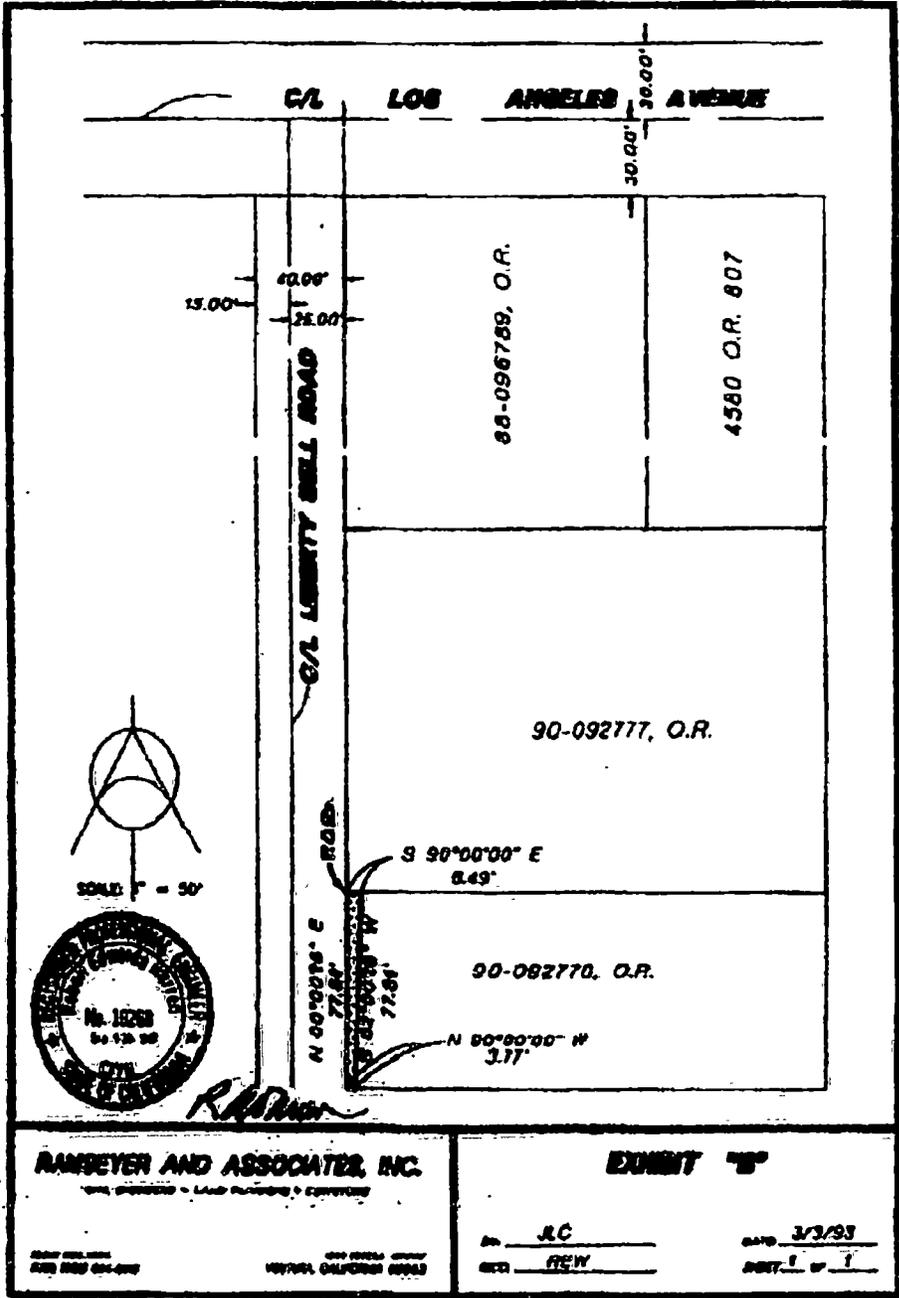
4th. North 00°00'25" East 77.80 feet to the point of beginning.

Area of said land = 0.01 Acres



Robert Edwards

Sheet 1 of 1 Sheets



EARL R. GILBERT and PATSY M. GILBERT, Trustees
of the GILBERT FAMILY TRUST, dated June 8, 1980

Date 3-8-1993

By Earl R. Gilbert
EARL R. GILBERT

By Patsy M. Gilbert
PATSY M. GILBERT

GRANTOR(S)

PAGE 10-11-12

}
}
}

ALL-PURPOSE ACKNOWLEDGMENT

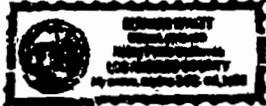
Date of CALIFORNIA

County of LOS ANGELES

On 11/08/93 before me, BERNARD W. STACY, COUNTY CLERK

personally appeared WILLIAM L. GILBERT & JUDY M. GILBERT

personally known to me • OR • I appeared to me on the basis of satisfactory evidence to be the person(s) whose name(s) here subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.



Witness my hand and official seal.
[Signature]
Notary Public

CAPACITY CLAIMED BY SIGNER

Print name and title of signatory in full in the following order: name, title, organization, address, city, state and zip code.

- INDIVIDUAL
- CORPORATE OFFICER
- PARTNER LIMITED GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE
- GUARANTOR/CALLED UPON
- OTHER _____

SIGNER IS REPRESENTING:

Name of organization (if any)
THE GILBERT FAMILY TRUST
DATED JUNE 05, 1990.

THE CHECKS MUST BE ATTACHED TO THE DOCUMENT SIGNED AS ABOVE:

OPTIONAL SECTION
Title or Type of Document: CITY OF LOS ANGELES BUSINESS DEED.

Though the bills requested here have been repaid by law, it is our intent to request satisfaction of this loan.

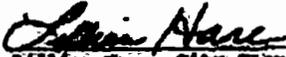
Number of Pages: 208 4 OF 4 Date of Document: 11/08/93
Signature Other than Named Above: NONE

CERTIFICATE OF ACCEPTANCE

NOTICE IS HEREBY given by the City of Moorpark in the county of Ventura, State of California, as follows:

- 1. That on the 21 day of March, 1993, the Easement Deed from Earl R. Gilbert and Patsy M. Gilbert, trustees of the Gilbert Family Trust, was accepted by the City Council of the City of Moorpark.**
- 2. That the name of the political subdivision accepting said Grant Deed is the City of Moorpark, in the County of Ventura, State of California, whose address is 799 Moorpark Avenue, Moorpark, California 93021.**
- 3. That the City Clerk of the City of Moorpark is authorized to accept and consent to the recordation of any deed or grant conveying any interest in or assessment upon real property to said City which the City Council has approved pursuant to Resolution No. 85-163 which was duly recorded with the County Recorder of Ventura county.**

City of Moorpark

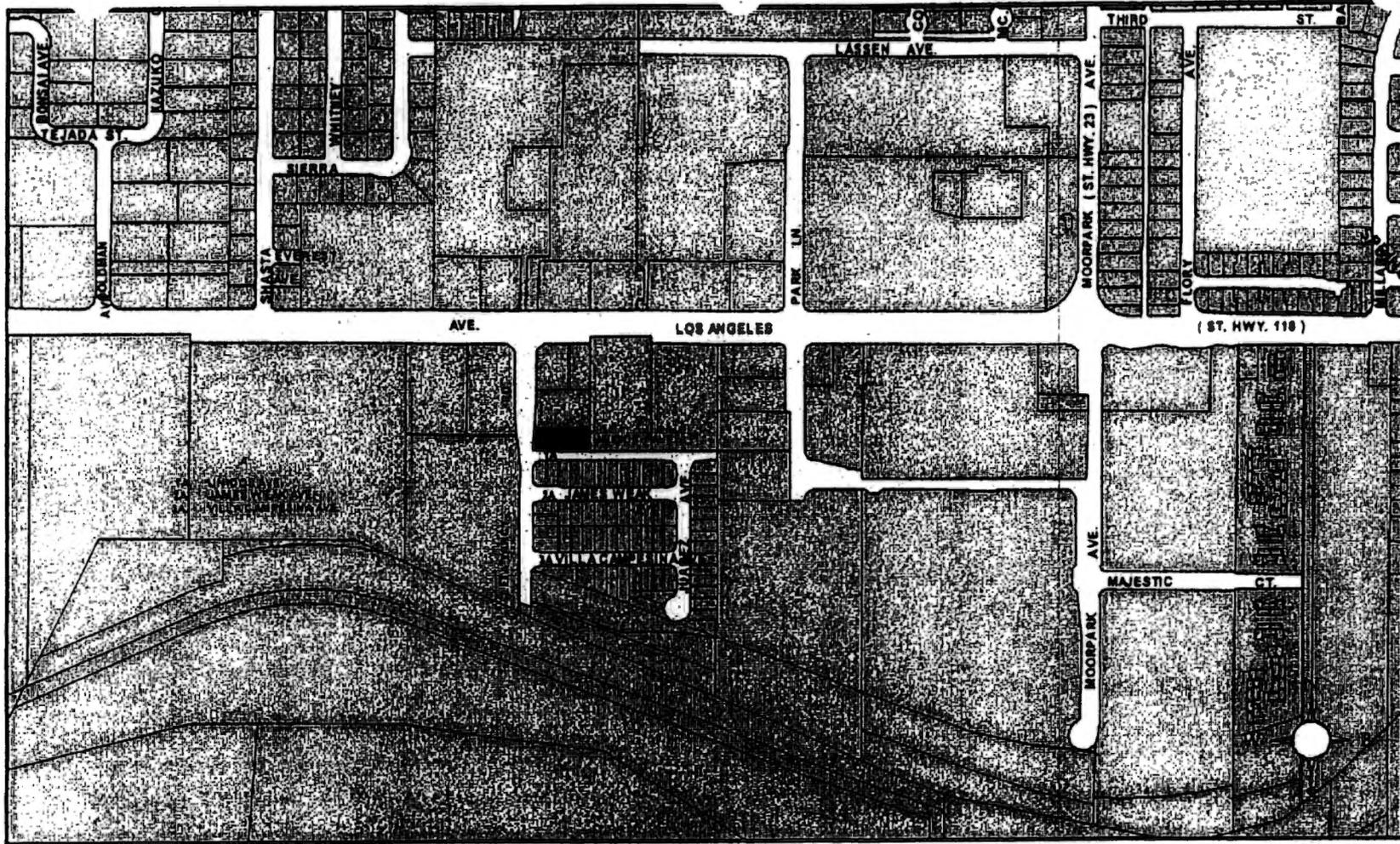

Lillian Hare, City Clerk



City of Moorpark, Community Development Department - Processing Fee Back

LS

Case Number	Ad. Permit 2005-19	Applicant Name	Bob Gehricke
Project Title		Dog Wellness Center	100 Leta Yancy Road
Date	1/13/2006	Receipt #	38853
Business Registration		1000 - 3210	
Administrative Exception		2200-3247	
Administrative Permit		2200-3247	
Permit Adjustment - Commercial/Industrial		2200 - 3242	
Permit Adjustment - Residential		2200 - 3244	
Mobile Home Rent Increase Review		2201 - 3834	
Sign Permit		2200 - 3231	
Street Vendor Permit		2200 - 3220	
Temporary Sign/Banner Permit		2200 - 3231	
Temporary Use Permit		2200 - 3245	
Appeal of Community Development Director Decision	150.00	2200 - 3829	
Zoning Letter		2200 - 3881	
Film Permits		1000 - 3211	
Massage Establishment Technician Permit		1000 - 3210	
Pawnbroker/Secondhand Dealer Permit		1000 - 3210	
Total:		150.00	



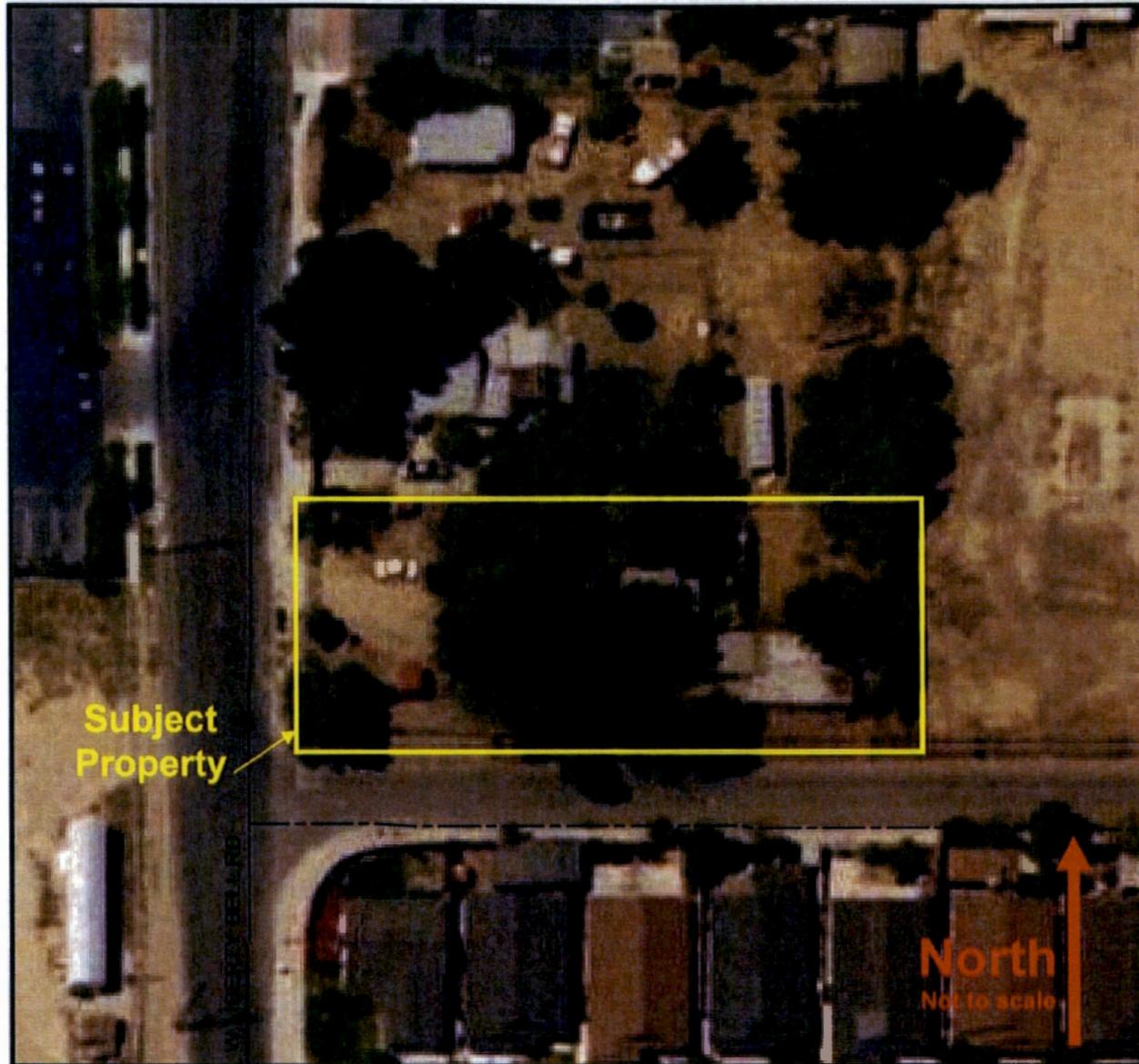
↑
NORTH

LOCATION MAP
100 Leta Yancy Road
Administrative Permit No. 2005 - 19

Proposed Dog Wellness Facility at 100 Leta Yancy Road
(Located at the southwest corner of Leta Yancy Road and Unidos Avenue)
Aerial photo of Subject property and surrounding properties



Proposed Dog Wellness Facility at 100 Leta Yancy Road
(Located at the southwest corner of Leta Yancy Road and Unidos Avenue)
Aerial photo of Subject property



**AGENDA REPORT
CITY OF MOORPARK**

TO: The Honorable City Council

FROM: Kenneth C. Gilbert, Director of Public Works

DATE: September 23, 1996 (Council Meeting 10-2-96)

SUBJECT: Consider Authorizing the Preparation of a Design for Street Improvements on Unidos Avenue

BACKGROUND

On September 4, 1996, the City Council determined that the design for Unidos Avenue immediately east of Liberty Bell Road shall be as follows:

- Standard: Plate B5-C (modified);
- Street width: thirty-two feet (32') curb-to-curb;
- Right-of-way width: forty-eight feet (48');
- Sidewalk width: five feet (5');
- Parkway width: three feet (3'), including top of curb;
- Parking (if permitted): on one side only.
- Intersection Design for Unidos & Juarez: standard right-angle knuckle design (there shall be no street improvements within the existing street right-of-way east of Juarez Avenue).

The sketch attached as Exhibit 1 depicts a) the existing right-of-way; b) the additional right-of-way previously required by PD-1065; and, c) the right-of-way required by the above recently approved standard.

The City Council also requested that staff prepare an estimate for the cost to prepare a design for the construction of street improvements in this area.

DISCUSSION

A. Design

The City Engineer's Office has prepared the requested design cost estimate, which is summarized as follows:

- From Liberty Bell Road to Juarez Avenue, including the "knuckle" design at the east end of Unidos Avenue:
\$13,764;

vide

- From a point approximately two hundred seventy feet (270') east of Liberty Bell Road, easterly to Juarez Avenue, including the "knuckle" design at the east end of Unidos Avenue: \$9,107.

B. Developer Deposits

In August of 1993 the City cashed a letter of credit from the developer of the property encompassed by PD-1065, in the amount of \$35,000. That deposit guaranteed the construction of certain street improvements along the Unidos Avenue frontage of the property.

C. Engineering Efforts

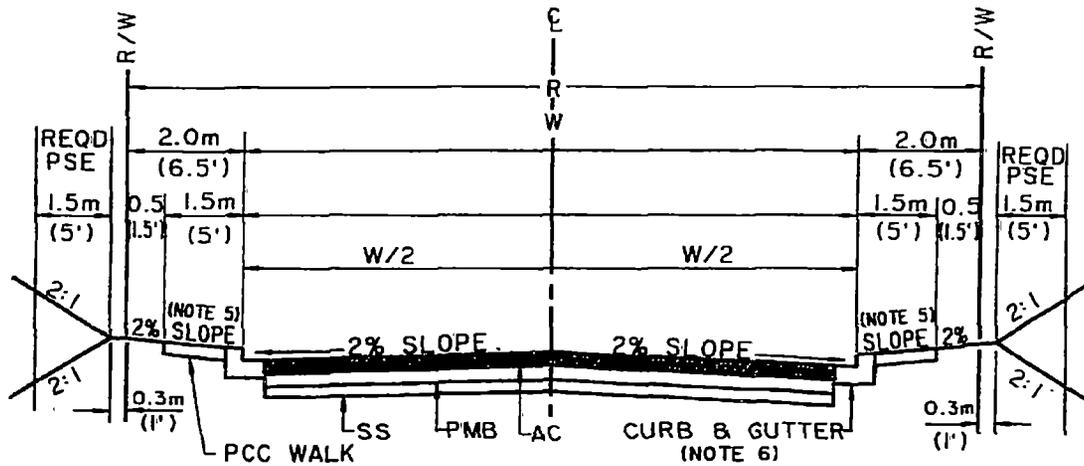
It is recommended that the City use a portion of the above mentioned monies to fund the preparation of a design for street improvements along the Unidos frontage of PD-1065, including the removal of existing street improvements east of Juarez Avenue. It is also recommended that those engineering efforts include the preparation of legal descriptions for the street right-of-way to be dedicated to the City, as well as the street right-of-way east of Juarez Avenue which may possibly be declared "surplus." A re-cap of those engineering costs is as follows:

- Design: \$ 9,107
- Legal Descriptions: \$ 1,426
- \$10,533

RECOMMENDATIONS (Roll Call Vote Required)

Staff recommends that the City Council take the following actions:

1. Authorize the City Engineer to proceed with the engineering efforts described in Section C of this report to be funded by a portion of the developer deposits described in Section B of this report;
2. Appropriate \$10,600 from Fund 500 (Developer Deposits) and amend the FY 1996/97 Budget (if necessary) to account for the subject design project.



DESIGN CRITERIA	B-5 [A] COLLECTOR	B-5 [B] MINOR	B-5 [C] CUL-DE-SAC
Right of way width, R	16.0m (53')	14.8m (49')	13.8m (45')
Pavement width, W	12.0m (40')	10.8m (36')	9.8m (32')
Curb return radius	8.0m (25')	8.0m (25')	8.0m (25')
Traffic index 200 lots served	6.5	N/A	N/A
Traffic index 141-200 lots served	6.0	N/A	N/A
Traffic index 51-140 lots served	5.5	5.5	N/A
Traffic index 21-50 lots served	5.0	5.0	5.0
Traffic index 20 lots served	4.5	4.5	4.5
Lots served, max - cul-de-sac			
Lot size ≤ 0.2ha (20,000sf)	170	50	10
Lot size ≥ 0.2ha (20,000sf)	200	140	39
Lots served, max (loop)	550	100	0
Lots served, max (other)	550	140	39
Design speed (km/h)	50	40	40
Curve radius, min	90	75	60
Gradient, min/max (%)	1.0/12.0	1.0/12.0	1.0/15.0
(see Plate B-1, Notes 3, 13 & 14)			
Stopping sight distance	60m (200')	50m (160')	50m (160')
Cul-de-sac length max			
lots ≤ 0.2ha (20,000sf)	ANY	245m (800')	60m (200')
lots ≥ 0.2ha (20,000sf)	ANY	ANY	60m (200')
Loop length, max	ANY	500m (1600')	0

ADOPTED BY BOARD OF SUPERVISORS: 03-14-00
APPROVED:

[Signature]
DIRECTOR OF PUBLIC WORKS

RECOMMENDED BY:
[Signature]
RCE 50408
EXPIRES 06-30-01

COUNTY OF VENTURA
PUBLIC WORKS AGENCY

ROAD STANDARDS

URBAN RESIDENTIAL ROADS
WITHOUT PARKWAYS

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 2016-02 AND ADMINISTRATIVE PERMIT NO. 2016-04 TO ALLOW THE REMODEL AND CONVERSION OF A FORMER SINGLE FAMILY HOME INTO A RESIDENTIAL CARE FACILITY AT 100 LETA YANCY ROAD, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA IN CONNECTION THEREWITH, ON THE APPLICATION OF EMILIANO GALICIA

WHEREAS, on May 13, 2016, an application was filed by Emiliano Galicia for Conditional Use Permit No. 2016-02 and Administrative Permit No. 2016-04, to allow the remodel and conversion of a former single family home and one car garage into a residential care facility at 100 Leta Yancy Road; and

WHEREAS, at a duly noticed public hearing held on September 7, 2016, and October 19, 2016, the City Council considered the agenda report for Conditional Use Permit No. 2016-02 and Administrative Permit No. 2016-04, and any supplements thereto and written public comments; opened the public hearing and took and considered public testimony both for and against the proposal, closed the public hearing and reached a decision on this matter.

WHEREAS, the Community Development Director's determined that this project is Categorically Exempt from the provisions of CEQA pursuant to Sections 15301 (Class 1 – Existing Facilities) and 15332 (Class 32 – In-Fill Development Projects) of the California Code of Regulations (CEQA Guidelines) in that the project involves the remodel of existing structures, is consistent with the applicable general and specific plan designation and all applicable general and specific plan policies as well as with the applicable zoning designation and regulations; the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; the project site has no value, as habitat for endangered, rare or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. No further environmental documentation is required.

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

SECTION 1. ENVIRONMENTAL DOCUMENTATION: The City Council concurs with the Community Development Director's determination that this project is Categorically Exempt from the provisions of CEQA pursuant to Sections 15301 (Class 1 – Existing Facilities) and 15332 (Class 32 – In-Fill Development Projects) of the California Code of Regulations (CEQA Guidelines) in that the project involves the remodel of existing structures, is consistent with the applicable general and specific plan

designation and all applicable general and specific plan policies as well as with applicable zoning designation and regulations; the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; the project site has no value as habitat for endangered, rare or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. No further environmental documentation is required.

SECTION 2. CONDITIONAL USE PERMIT AND ADMINISTRATIVE PERMIT FINDINGS: Based upon the information set forth in the staff report(s), accompanying studies, and oral and written public testimony, the City Council makes the following findings in accordance with City of Moorpark, Municipal Code Section 17.44.100:

- A. The proposed residential care facility use is consistent with the provisions of the General Plan, Zoning Ordinance, and any other applicable regulations, in that the property is planned and zoned to allow for a residential care facility.
- B. The proposed use is compatible with both existing and permitted land uses in the surrounding area, in that a small-scale residential care facility provides a good transitional use between the commercial land to the north and the residential neighborhood to the south.
- C. The proposed use is compatible with the scale, visual character and design of surrounding properties, in that the residential care facility will have minimal modification to the exterior of the former single family home, structure and garage.
- D. The proposed use would not be obnoxious or harmful, or impair the utility of neighboring property or uses, in that it is similar in scale and use to the residential neighborhood to the south.
- E. The proposed use would not be detrimental to the public health, safety, convenience, or welfare, in that conditions are required to address security and safety in the design of the residential care facility.

SECTION 3. APPROVAL OF PERMITS: Conditional Use Permit No. 2016-02 and Administrative Permit No. 2016-04 are hereby approved, subject to conditions of approval in Exhibit A, attached hereto and incorporated herein.

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 October, 2016.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Exhibit A – Conditions of Approval

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT NO. 2016-02 AND ADMINISTRATIVE PERMIT NO. 2016-04

STANDARD CONDITIONS OF APPROVAL

The applicant shall comply with Standard Conditions of Approval for Subdivisions and Planned Development Permits as adopted by City Council Resolution No. 2009-2799 (Exhibit B), except as modified by the following Special Conditions of Approval. In the event of conflict between a Standard and Special Condition of Approval, the Special Condition shall apply.

SPECIAL CONDITIONS

1. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit is deemed to be acceptance of all conditions of this permit.
2. The Conditions of Approval of this permit, City of Moorpark Municipal Code and adopted city policies at the time of the permit approval supersede all conflicting notations, specifications, dimensions, typical sections and the like which may be shown on plans.
3. Conditions of this entitlement may not be interpreted as permitting or requiring any violation of law or any unlawful rules or regulations or orders of an authorized governmental agency.
4. The applicant shall defend, indemnify and hold harmless the City and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul any approval by the City or any of its agencies, departments, commissions, agents, officers, or employees concerning the permit, which claim, action or proceeding is brought within the time period provided by the California Code of Civil Procedure Section 1094.6 and Government Code Section 65009. The City will promptly notify the applicant of any such claim, action or proceeding, and if the City should fail to do so or should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify and hold harmless the City or its agents, officers and employees pursuant to this condition.
 - a. The City may, within its unlimited discretion, participate in the defense of any such claim, action or proceeding, if both of the following occur:
 - i. The City bears its own attorney fees and costs; and
 - ii. The City defends the claim, action or proceeding in good faith.
 - b. The applicant shall not be required to pay or perform any settlement of such claim, action or proceeding unless the settlement is approved by the

applicant. The applicant's obligations under this condition shall apply regardless of whether a building permit is ultimately obtained, or final occupancy is ultimately granted with respect to the permit.

5. If any of the conditions or limitations of this approval are held to be invalid, that holding shall not invalidate any of the remaining conditions or limitations set forth.
6. The development must be in substantial conformance with the plans presented in conjunction with the application for Conditional Use Permit No. 2016-02 and Administrative Permit No. 2016-04, except any modifications as may be required to meet specific Code standards or other conditions stipulated herein. Any future changes to the parking or vehicle storage layout shall require review and approval by the Community Development Director.
7. The City of Moorpark reserves the right to modify, suspend or revoke for cause this conditional use permit and administrative permit consistent with Chapter 17.44 of the Moorpark Municipal Code or as may be amended in the future.
8. This permit shall expire one (1) year from the date of its approval unless the use for which the permit has been granted has been inaugurated by issuance of a building permit for construction. The Community Development Director may, at his/her discretion, grant a one-year extension 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.
9. Conditional Use Permit No. 2016-02 and Administrative Permit No. 2016-04 may be revoked or its use suspended by the City, if any of the causes listed in Section 17.44.080.B of the Zoning Code are found to apply, including if the use for which the permit was granted has not been exercised for at least twelve (12) consecutive months, has ceased to exist, or has been abandoned. The discontinuance for a period of one hundred eighty (180) or more days of a nonconforming use or a change of nonconforming use to a conforming use constitutes abandonment and termination of the nonconforming status of the use.
10. Prior to issuance of a Zoning Clearance for a building permit, revised site and architectural plans shall be submitted for review and approval by the Community Development Director and City Engineer/Public Works Director that demonstrate a 19-foot widening of the Unidos Avenue public right-of-way along the property frontage for an ultimate 53-foot wide public right-of-way width, with a 25-foot wide radius curve at the Leta Yancy Road intersection. All revised site and architectural plans must demonstrate compliance with the Zoning Ordinance and conditions of this permit.
11. Prior to issuance of a Zoning Clearance for a building permit, the applicant shall irrevocably offer to dedicate to the City all land required for public right-of-way,

free and clear of any easements or encumbrances that would restrict its use as public right-of-way to the satisfaction of the City Engineer/Public Works Director.

12. Prior to issuance of a Zoning Clearance for a building permit, the applicant shall submit to the City Engineer/Public Works Director, for review and approval, street and drainage improvement plans prepared by a California Registered Civil Engineer, and enter into an agreement with the City of Moorpark to complete public improvements, with sufficient surety posted to guarantee the complete construction of all improvements. The improvements shall include concrete curb and gutter, sidewalk, driveways, street lights, striping and signing and paving in accordance with Ventura County Road Standards. Unidos Avenue shall be improved along the property frontage with a 40-foot wide roadway within a 53-foot wide right-of-way as shown on County Plate B-5(A) for a collector street, adjusting sidewalk width on the north side of Unidos Avenue to be 5 feet in width to account for the existing 8-foot wide sidewalk/parkway on the south side of Unidos Avenue. Drainage improvements that comply with all City standards and a water line to provide for irrigation of the parkway on the south side of Unidos Avenue are required as part of the street improvements.
13. Prior to issuance of a Zoning Clearance for a building permit, the applicant shall submit a color and material board for review and approval of the Community Development Director for consistency with the approved plans.
14. Prior to issuance of a Zoning Clearance for a building permit, the applicant shall submit a fencing, lighting, landscaping, and security plan for review and approval by the Community Development Director, Parks and Recreation Director, and Police Chief that demonstrates compliance with the City's Zoning Ordinance, Landscape Standards and Guidelines, and Water Efficient Landscape Ordinance, and provides a safe and secure environment for the building occupants..
15. Prior to the issuance of a Zoning Clearance for a building permit, the applicant shall submit a Developer Waste Reduction and Recycling Plan to the satisfaction of the Administrative Services Manager.
16. Prior to issuance of a Zoning Clearance for a building permit, the applicant shall submit all fees, including, but not limited to Los Angeles Avenue Area of Contribution Fee, Air Quality Fee, Art in Public Places Fee, Tree and Landscape Fee, Fire Protection Facilities Fee, Police Facilities Fee, and Library Facilities Fee. All entitlement processing fees must be paid up prior to the issuance of a Zoning Clearance for a building permit.
17. All necessary permits must be obtained from the Building and Safety Division and all construction shall be in compliance with the Moorpark Building Code and all other applicable regulations.
18. A separate sign permit application must be submitted for all proposed signs, for the review and approval of the Community Development Director prior to issuance of a building permit for a sign.

19. Parking areas must be developed and maintained in compliance with the Moorpark Municipal Code, and surfaced with asphalt, concrete, or other surface acceptable to the Community Development Director, City Engineer/Public Works Director, and must include adequate provisions for drainage, National Pollution Discharge Elimination System (NPDES) compliance, striping and appropriate wheel blocks or curbs in parking areas adjacent to landscaped areas. All parking space striping must be maintained to be clearly visible during the life of the development.
20. All exterior areas of the site, including parking areas under use by the facility, must be maintained free of litter and debris at all times.
21. No increase of floor area is permitted without approval of an additional permit.

-END-