

**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: November 8, 2016 (CC Meeting of 11/16/2016)

SUBJECT: Consider a Resolution Approving Commercial Planned Development Permit No. 2016-01 and Conditional Use Permit No. 2016-04 for the Construction and Operation of a New Two-Story Food Market, Restaurant with Alcoholic Beverage Sales, Banquet Room, Commercial Kitchen, and Microbrewery Totaling 16,734 Square Feet on 1.23 Acres at 44 High Street, and Making a Determination of Exemption Under CEQA in Connection Therewith, on the Application of Sean Rasmussen, Wade Weissman Architecture, for Apricot Lane Market Holdings LLC

BACKGROUND

On June 22, 2016, Sean Rasmussen, on behalf of Wade Weissman Architecture, submitted an application for Commercial Planned Development (CPD) No. 2016-01 and Conditional Use Permit (CUP) No. 2016-04 for the construction and operation of a new two-story food market, restaurant with alcoholic beverage sales, banquet room, commercial kitchen, and microbrewery totaling 16,734 square-feet on 1.23 acres at 44 High Street. The majority of the project site (1.02 acres) is currently owned by the Successor Agency to the Redevelopment Agency of the City of Moorpark (Successor Agency). A Development and Disposition Agreement (DDA) is being negotiated to effectuate the sale of the property to Apricot Lane Market. This DDA will be submitted to the City Council for consideration at a future Council meeting. The project also proposes the use of approximately 8,900 square-feet of Ventura County Transportation Commission (VCTC) owned property for extra parking and landscaping. This property would remain under VCTC ownership and would be used through a revocable license agreement or similar instrument.

The applicant will be applying for a Type 47 License (On Sale General – Eating Place) for the restaurant. The microbrewery is proposed to be occupied by a local tenant

(Enegren Brewing) and will require a Type 23 License (Small Beer Manufacturer).

A Commercial Planned Development (CPD) Permit is required for any new construction of more than 2,500 square-feet of commercial building floor area. A Conditional Use Permit is required for the combination of the microbrewery and restaurant with alcohol beverage sales in the Old Town Commercial (C-OT) Zone. A decision on a CUP is normally made by the Planning Commission; however, because this project also involves City Council consideration of the CPD Permit, the City Council is the decision maker on all permits associated with the project, with the Planning Commission being the recommending body.

On October 25, 2016, the Planning Commission held a public hearing on this project, and after discussion recommended its approval with conditions as recommended by staff. Several speakers spoke in favor of the project; no speakers expressed opposition. As a result of ongoing negotiations on the Development and Disposition Agreement, staff has made the following changes to the recommended conditions of approval since this project was reviewed by the Planning Commission, shown in legislative format in the draft resolution:

- Condition No. 11 was modified to address a license agreement or similar instrument with the City that would be required for the use of decorative sidewalk to ensure its ongoing maintenance.
- Condition No. 14 was amended to use a more generic term for the manager responsible for the City's Solid Waste and Recycling Division.
- Condition No. 18 was modified to include language that would ensure access to adjacent parking areas would not reduce on-site parking below that required by the Zoning Ordinance.
- Condition No. 19 was modified to require City Council review of the proposed chimney signage.
- Condition No. 22 on project fees was modified to improve clarity.
- A condition that prohibited certain uses on the site (bail bonds, thrift/second hand stores, check cashing and payday loans, gold purchasing, body piercing/tattoos and adult businesses) was removed. Staff will address these uses in the C-OT Zone separately through a review of the Zoning Ordinance.
- A condition for the applicant to agree to support a business improvement district was eliminated.

In addition, parking has been redesigned to include all required spaces on the site that would be controlled by the applicant, with extra parking on the VCTC property.

DISCUSSION

Project Setting

Existing Site Conditions:

The proposed site is located on two parcels, approximately 1.02 acres owned by the Successor Agency, and approximately 0.20 acres owned by VCTC, totaling approximately 1.23 acres on the south side of High Street, east of Moorpark Avenue and west of Bard Street. The site currently contains Maria’s Family Restaurant and two attached vacant wood frame structures (old grain facility with rail station facade), one of which extends beyond the project site. Pepper trees, palm trees, ash trees, and an elderberry tree are located on the property.

General Plan and Zoning:

GENERAL PLAN/ZONING			
Direction	General Plan	Zoning	Land Use
Site	Old Town Commercial (C-OT)	Old Town Commercial (C-OT)	Restaurant and vacant buildings
North	Old Town Commercial (C-OT)	Old Town Commercial (C-OT)	Retail, restaurant, and entertainment uses
South	Old Town Commercial (C-OT) / General Commercial (C-2)	Old Town Commercial (C-OT) / Commercial Planned Development (CPD)	Railroad right-of-way
East	Old Town Commercial (C-OT)	Old Town Commercial (C-OT)	Vacant buildings, dirt parking lot
West	Old Town Commercial (C-OT)	Old Town Commercial (C-OT)	Chamber of Commerce office

Downtown Specific Plan:

On October 7, 1998, the City Council adopted Resolution No. 98-1515, approving Specific Plan No. 1995-01 (Downtown Specific Plan). On November 1, 2006, the City Council adopted Resolution No. 2006-2535 approving Amendment No. 1 to Specific Plan No. 1995-01 Revising Sections 2 and 3 of the Downtown Specific Plan to provide more specific direction regarding development and architectural style in the commercial and residential areas.

The Downtown Specific Plan is intended to provide new commercial development and promote the revitalization of the downtown commercial core. The Zoning Ordinance requires Planning Commission approval of a Conditional Use Permit for microbreweries and restaurants with alcoholic beverage sales in the Old Town Commercial (C-OT) Zone. This allows for consideration of the compatibility of the proposed use with surrounding uses in making findings on the application, and adoption of conditions of approval as deemed necessary. A Commercial Planned Development permit is required

in all commercial and industrial zones for any new construction of more than 2,500 square-feet of building floor area. In addition, heights, setbacks, sizes, locations, architectural styles and colors of all proposed buildings, structures and other on-site improvements, landscaping design, neighborhood design, and permitted land uses are established as part of the planned development permit review and approval process.

Project Summary

Commercial Planned Development Permit No. 2016-01 and Conditional Use Permit No. 2016-04:

The project involves the removal of the existing restaurant and grain facility (chicken feed) buildings on the project site and construction of a new building with 44 required parking spaces on site, and an additional 17 extra parking spaces on the adjacent VCTC site.

The proposed building is divided into two sides by a covered outside patio to appear as two separate buildings. Uses proposed for each side, with floor area, are as follows:

East Side	West Side
Restaurant, roof terrace, prep kitchen, office, market support, restaurant space, market porch, canning kitchen, market space, basement work room, and basement storage	Bar/tasting room, brewery production, brewery terrace, and mezzanine
13,521 sq. ft.	3,213 sq. ft.

Building Design:

The proposed building design can be considered traditional industrial. Reclaimed materials are used throughout the exterior to give an aged appearance to the building. Used brick and glazed brick are proposed for the storefronts and vertical corrugated metal and board and batten siding are proposed for the sides and rears of the buildings, giving the appearance of additions that were made over time. A weathered metal awning canopy is proposed above the storefronts. Both sides of the building are attached by a weathered metal porch roof. A 50’ high brick chimney is centered on the building, providing an indoor and outdoor fireplace. The chimney element proposes “Apricot Lane” signage on the front and back of the chimney in different colored brick. Since this is an architectural appurtenance that exceeds the normal height limit for the zone (discussed below), staff has added a condition for the proposed signage on the chimney to be reviewed by City Council as part of the signage proposed for the project. The project massing and scale is appropriate for a typical railroad industrial building and is compatible with the Downtown Specific Plan. The architecture is discussed in more detail in the analysis section of this report.

Setbacks and Height:

One of the building canopies is proposed at the front property line of High Street, which is allowed in the C-OT Zone. Parking and landscaping are proposed on the east, west,

and south sides of the buildings. All minimum setbacks required by Chapter 17.24 of the Zoning Ordinance are achieved. The building is 35 feet in height, which is allowed in the C-OT zone. The proposed 50-foot high chimney and 41-foot high elevator bulkhead are allowed to exceed this height limit as architectural appurtenances per Section 17.24.040(D) of the Zoning Ordinance, provided architectural compatibility and appropriate building scale are achieved and maintained.

Circulation / Parking:

The subject property is served by High Street. The roadway provides one travel lane in each direction along with a bike lane. On-street parking is generally permitted along the roadway, except near approaches to Moorpark Avenue and Spring Road. The posted speed limit is 30 miles per hour (mph). On-site parking is proposed on the east, west and south side of the buildings. Entrances and exits to the property will be located on High Street.

Parking Requirements

Proposed Use	Minimum Parking Ratio	Parking Spaces Required
Restaurant (includes roof terrace, prep kitchen, porch, restaurant space and room)	1 space/300 sq. ft.	19.5
Market (includes market support and market porch)	1 space/300 sq. ft.	12.0
Office	1 space/300 sq. ft.	1.1
Canning Kitchen and Basement (includes market space and storage)	1 space/500 sq. ft.	11.9
Brewery	1 space/300 sq. ft.	3.8
Bar/Tasting Room (includes brewery terrace, mezzanine)	1 space/300 sq. ft.	9.9
Parking Spaces Required		58 Spaces
Reduction for Shared Parking		-14 Spaces
TOTAL SPACES REQUIRED		44 Spaces

Section 17.32.010 of the Zoning Ordinance allows for the Community Development Director to reduce required parking by up to 25% for commercial and industrial uses when the director has determined that due to the operational characteristics of the on-site uses, parking demands will occur at different times. In this case, the market, office, and canning kitchen are primarily daytime uses, whereas the restaurant and brewery/tasting room are primarily evening uses, allowing for a full 25% reduction in required parking as shown in the above table.

All 44 required parking spaces are shown on the project site, with 17 extra spaces proposed on the VCTC site to the south for a total of 61 spaces. Even if the VCTC does not lease this property, or cancels the right of use in the future, required parking for this

use will still be met. The parking lot design proposes three driveways on High Street, along with a connection to the existing parking lot to the west that serves the Chamber of Commerce office. This would allow for closing of the driveway apron at High Street to the west, should the City choose to do so at a future time. A condition is recommended for reciprocal access rights to be provided with adjacent properties, provided it does not reduce parking below that required by code.

Loading Area:

Two loading spaces are proposed in the rear yard of the buildings. Each loading space is 50 feet deep by 12 feet wide with no overhead obstruction. The code requires a loading area that is a minimum of 50 feet deep and 12 feet wide with a turning radius of 45 feet. Loading areas must be located in rear or side yard areas outside of required setbacks and must be designed so trucks do not back onto public or private streets or alleys. In addition, loading spaces must be designed to prevent interference with vehicular or pedestrian circulation. The proposed loading areas do not conflict with traffic or circulation and it will only be used during regular business hours. Two loading spaces are sufficient to accommodate the restaurant and brewery.

Landscaping / Lighting:

The applicant has proposed a landscape theme consistent with the landscape guidelines and compatible with the proposed architecture. Two large ash trees on VCTC property are proposed to be preserved as part of the project. One 10-inch diameter California Pepper street tree would be removed and replaced in kind or relocated as part of the project. It is not a protected tree as identified by the High Street Pepper Tree Maintenance Plan. In addition, a 10-inch diameter California Pepper tree on site, 7 Mexican Fan Palms, and an Elderberry tree will be removed. A total of 49 new trees have been proposed for the site. A few additional trees will be needed in the parking area, but this would only require a minor change to the design. The landscape and irrigation plans will be subject to review by the Parks and Recreation Director to ensure compliance with the city's Landscape Standards and Guidelines. The applicant has provided a conceptual lighting plan that appears to meet the City's lighting standards. A finalized plan will be reviewed for consistency with the City's requirements as part of the condition compliance process.

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

The project has been designed to provide for all necessary on-site and off-site storm drain improvements including the imposition of National Pollution Discharge Elimination System (NPDES) requirements. Best Management Practices Drainage Facilities are required to be provided so that surface flows are intercepted and treated. These items will be reviewed by the City Engineer/Public Works Director as part of the condition compliance process.

ANALYSIS

Issues

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

- Building Design
- Control of Alcoholic Beverage Service
- Concentration of Uses

Building Design

High Street is the original “Main Street” of Moorpark. It has a diverse mix of architectural design and styles. The downtown is characterized by the use of arches, patios, porticos, architectural features such as cornices, decorative plaster and cement ornamentation, and wrought iron. Staff has taken consideration into the design of the new buildings to make sure that the architectural design proposed is compatible with existing adjacent and across the street commercial development.

As mentioned earlier in this report, the proposed building design can be considered traditional industrial. The applicant is proposing a project that gives the appearance of two buildings connected by a 1,491 square-foot roof metal porch. The porch will have vertical support steel posts with exposed beams and braces. The idea of the porch is to provide an outdoor dining experience with alcohol service by the restaurant and as a walkway for the patrons of the brewery. A special condition has been added to assure outdoor fencing meets ABC standards and outdoor furniture is high quality, durable, and compatible with the design of the development.

A 35-foot high two story building with a 16-foot one-story terrace is proposed on the east side of the porch. The building exterior is proposed to have reclaimed brick in the front and a combination of vertical metal siding and brick on the side and rear of the building. The goal is to give the building an industrial aesthetic appeal by using recycled material. A 41-foot high elevator “bulkhead” is proposed on the east side of the building. The “bulkhead” is a boxlike structure on a roof providing access to an elevator shaft. Patrons will have the option of using the elevator, or stairway behind the building to access the 733 square foot terrace. The restaurant will use the terrace as an outdoor dining area overlooking High Street. The applicant is also proposing a 50 foot high brick chimney on the west side of the building. The chimney will function as an exhaust vent for the kitchen and fireplace for the restaurant. Vertical signage is proposed on the fascia of the chimney; as mentioned above, a condition is added for City Council review of the chimney signage. Therefore, staff recommends the following condition, “A separate sign permit application is required for all proposed signs, which are subject to

the review and approval of the Community Development Director. Signage proposed on the chimney element is subject to review and approval of the City Council.” As mentioned earlier in this report, the proposed 50-foot high chimney and 41-foot high elevator bulkhead are allowed to exceed the 35-foot height limit of the C-OT zone as architectural appurtenances per Section 17.24.040(D) of the Zoning Ordinance, provided architectural compatibility and appropriate building scale are achieved and maintained. This standard is met by the design. A single-story building element is proposed on the west side of the porch at a height of 30 feet. The building exterior is proposed to have glazed brick in the front and vertical metal siding for the side and rear to give the appearance of a separate building.

The applicant is proposing traditional multi-paned windows with transom windows above the storefronts. Transom windows will provide horizontal consistency and add interior light throughout the building. Low-sloped steel canopies are proposed above the storefront entrances and side windows. The applicant is also proposing a pre-cast architectural cornice molding on the buildings and chimney to match existing buildings in the downtown area. Conditions of approval are proposed to ensure the final colors, materials and textures of the buildings comply with the Moorpark Downtown Specific Plan.

Control of Alcoholic Beverage Service

Type 23 and 47 licenses through the California Alcohol Beverage Control Board (ABC) will be needed for the proposed uses. A Type 23 license (Small Beer Manufacturer) allows use of the site as a “Brew Pub or Micro-Brewery”. A brewpub is typically a very small brewery with a restaurant. A micro-brewery is a small-scale brewery operation that typically is dedicated to the production of specialty beers, although some do operate a restaurant or pub in conjunction with the brewing. The license authorizes the sale of beer to any person holding a license authorizing the sale of beer, and to consumers for consumption on or off the manufacturer’s licensed premises. Also, the manufacturer may conduct beer tastings under specified conditions, and minors are allowed on the premises.

A Type 47 License (On Sale General – Eating Place) allows sale of beer, wine, and liquor for on-site consumption. The license authorizes the sale of beer and wine for consumption on the licenses premises. It must also operate and maintain the licensed premises as a “*bona fide*” eating place. In addition, the eating place must have a suitable kitchen facility, make and substantial sales of meals for consumption on the premises, and minors are allowed on the premises. Conditions are recommended by staff to maintain the Type 23 and Type 47 licenses and to address security concerns associated with the service of alcoholic beverages. These conditions are consistent with those recently applied to other restaurants in Moorpark with alcoholic beverage service.

The applicant has requested hours of operation for the brewery from 10:00 a.m. to 10:00 p.m. Monday to Thursday and 10:00 a.m. to 12:00 a.m. (midnight) on Friday to

Sunday. The restaurant and market would be open Monday to Sunday from 7:00 a.m. to 12:00 a.m. (midnight). Although no restrictions are recommended with respect to hours of operation, staff is recommending a condition to limit hours when alcoholic beverages may be served to the hours of 8:00 a.m. and 12:00 a.m. (midnight). This would allow for flexibility, should the operator wish to have special morning events with alcoholic beverage service, as has been requested across the street at the Lucky Fools Pub. At the present time there has not been a demand for operating hours past midnight on High Street. The Moorpark Police Department has no concerns with the alcohol license at this location.

Concentration of Uses:

The State Department of Alcoholic Beverage Control (ABC) will not issue a license unless the applicant has obtained the necessary permit from the City. In its analysis, the ABC measures the number of businesses selling alcoholic beverages by census tract, and compares this number to other census tracts in the area and derives a target number of establishments based on population. If a census tract would exceed the target number of establishments, then findings of public convenience and necessity need to be made for an ABC permit to be issued. ABC relies on localities to determine whether or not findings of public convenience and necessity can be made when there is an overconcentration of establishments in a census tract.

The project site is located in the Census Tract 76.13. ABC allows a total of four licenses for on-site consumption in this tract without meeting the definition of over-concentration. Five exist at this time. Although the technical definition of overconcentration is met, this census tract has a high percentage of Moorpark's commercial zoning, within The Village at Moorpark and Moorpark Marketplace shopping centers and the Moorpark's downtown corridor. Because of the high percentage of commercial land in this census tract, it is expected to have more restaurants with alcoholic beverage service than census tracts that do not include as much commercial land. In addition, approximately half of the census tract is open space, which further lowers the population upon which the number of permits is based. A finding of public convenience and necessity is proposed for this use in the attached draft resolution.

Findings

The following draft findings are provided for City Council consideration:

Commercial Planned Development Permit Findings:

- A. The site design, including structure location, size, height, setbacks, massing, scale, architectural style and colors, and landscaping, as conditioned, are consistent with the provisions of the General Plan, the Downtown Specific Plan, the Zoning Ordinance, and any other applicable regulations.

- B. The site design would not create negative impacts on or impair the utility of properties, structures or uses in the surrounding area in that the buildings comply with Zoning regulations and Downtown Specific Plan Design Guidelines and sufficient parking is provided on site.
- C. The proposed uses are compatible with existing and permitted uses in the surrounding area, which is part of the Old Town Commercial General Plan and Zoning designation and Downtown Specific Plan area. Permitted uses in this area have been coordinated to ensure compatibility.

Conditional Use Permit Findings:

- A. The proposed use is consistent with the provisions of the City's General Plan, Zoning Ordinance, and other applicable regulations as conditioned in that breweries and restaurants servicing alcoholic beverages for on-site consumption are conditionally permitted within the zone, and conditions of approval have been proposed to mitigate potential problems.
- B. The proposed use is compatible with both existing and permitted land uses in the surrounding area, in that this is an approved microbrewery and restaurant where alcoholic beverages typically are served for on-site consumption.
- C. The proposed use is compatible with the scale, visual character, and design of surrounding properties, in that architecture is considered through the application of a Commercial Planned Development and is consistent with the requirements of the Downtown Specific Plan.
- D. The proposed use would not be obnoxious or harmful, or impair the utility of neighboring property or uses in that conditions are required to ensure proper control of the service of alcoholic beverages for on-site consumption.
- E. The proposed use as conditioned would not be detrimental to the public health, safety, convenience, or welfare in that the conditions required to ensure proper control of the service of alcoholic beverages for on-site consumption.

ADDITIONAL FINDINGS FOR THE MICROBREWERY:

- F. Although Census Tract 76.13 exceeds the ABC target number of establishments selling alcoholic beverages for on-site consumption, it is a census tract dominated by shopping centers and Moorpark's Downtown corridor, where such uses are expected. There are no similar microbreweries on High Street.
- G. The use will serve a public convenience in that the sale of beer from this location for on-site or off-site consumption allows the public a local choice for craft beer brewed on site that does not exist on High Street.

- H. The use will not create the need for increased police services in that conditions are required to ensure proper control of the sale of beer for on-site and off-site consumption.
- I. The requested use at the proposed location will not adversely affect the economic welfare of the community.
- J. The exterior appearance of the structure will not be inconsistent with the external appearance of commercial structures already constructed or under construction on surrounding properties, or within the immediate neighborhood so as to cause blight, deterioration or substantially diminish property values within the neighborhood. The proposed structures, as conditioned, are architecturally consistent with the design standards of the Downtown Specific Plan and will enhance the appearance of the site.

ADDITIONAL FINDINGS FOR THE RESTAURANT SERVING ALCOHOLIC BEVERAGES:

- K. Although Census Tract 76.13 exceeds the ABC target number of establishments selling alcoholic beverages for on-site consumption, it is a census tract dominated by shopping centers and Moorpark's Downtown corridor, where such uses are expected. The proposed use under this Conditional Use Permit will not result in a detrimental overconcentration of establishments serving alcoholic beverages for on-site consumption in the area, as these sales will be ancillary to the service of food from the restaurant.
- L. The use will serve a public convenience, in that the service of alcoholic beverages for on-site consumption is an ancillary use to the primary use of the proposed building as a restaurant.
- M. The use will not create the need for increased police services in that conditions are required to ensure proper control of the sale of alcoholic beverages for on-site consumption.
- N. The requested use at the proposed location will not adversely affect the economic welfare of the community in that appropriate controls have been put in place through conditions of approval.
- O. The exterior appearance of the structure will not be inconsistent with the external appearance of commercial structures already constructed or under construction on surrounding properties, or within the immediate neighborhood so as to cause blight, deterioration or substantially diminish property values within the neighborhood. The proposed structures, as conditioned, are architecturally consistent with the design standards of the Downtown Specific Plan and will enhance the appearance of the site.

PROCESSING TIME LIMITS

Time limits 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) do not apply to this project as it involves the sale of publicly-owned property.

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 Director has reviewed this project and found it to be Categorically Exempt in accordance with Section 15332 (Class 32 – Infill Development Projects) of the California Code of Regulations (CEQA Guidelines) for the following reasons:

- A. The project is consistent with applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The General Plan and Zoning Ordinance have designated the site as, "Old Town Commercial," and the site is in the Downtown Specific Plan area. The General Plan promotes this comprehensive specific plan to coordinate the revitalization of the downtown area. The vision for the High Street area in the Downtown Specific Plan is to retain the country charm and agrarian qualities that are the roots of Moorpark's history by creating a pedestrian-oriented area where people walk, shop, and feel safe on the street at night, with a unique mix of offices and businesses and the cultural and civic hub to the city. The proposed buildings and uses contribute to this vision by providing daytime and nighttime dining and shopping opportunities in a building that is consistent with the Design

Guidelines of the Downtown Specific Plan. The building meets the height and setback requirements of the Zoning Ordinance and the proposed uses are allowed with a Conditional Use Permit in the Old Town Commercial Zone.

- B. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. High Street is one of the first areas of the city to have been developed, has been a part of the City of Moorpark since incorporation, and development has existed around the 1.23-acre project site for over 100 years.
- C. The project site has no value as habitat for endangered, rare or threatened species. No endangered, rare or threatened species have been identified on the project site, which has had urban uses on it for over 100 years. Existing vegetation consists of ash trees, Mexican fan palm trees and California pepper trees, which are ornamental non-native species with no habitat value. The site is also not conducive as habitat for endangered, rare, or threatened species because it is in very close proximity to a railroad line, and it is located in an older downtown portion of the City with a variety of urban uses.
- D. Approval of the project will not result in any significant effects relating to traffic, noise, air quality, or water quality. The project is consistent with the scale of other commercial development on High Street. Los Angeles Avenue Area of Contribution fees will be paid by the project applicant per applicable City resolution (currently Resolution No. 2014-3336) at the time of building permit issuance to provide a project contribution to specified traffic improvements. The site is surrounded by commercial development and a railroad right-of-way. There are no sensitive noise receptors that would be affected by activities on the site. A condition is included to limit hours and type of outside entertainment to ensure compliance with the City's noise regulations. Given the relatively small size of the use, traffic generated is not expected to have a noticeable increase in noise in the surrounding area. Standard conditions (Attachment 4) are included for construction grading to be in compliance with the Ventura County Air Pollution Control District's fugitive dust rules, and to water the site and avoid grading on days with strong winds. Air quality fees will be paid by the project applicant per applicable City resolution (currently Resolution No. 2006-2461) to provide funding for facilities that reduce motor vehicle traffic. The project will comply with the current NPDES (stormwater quality) permit, which will avoid significant water quality effects by retaining most stormwater runoff on-site.
- E. The site can be adequately served by all required utilities and public services. The site has previously been developed with several uses since High Street was first developed over 100 years ago. Electricity, natural gas, water, sewer, and communication services are already available at the site, and the usage is

expected to be similar to previous uses on the site as well as other commercial uses on High Street.

F. The project does not meet any of the findings in Section 15300.2 of the CEQA Guidelines to preclude the use of a Class 32 – Infill Development Projects categorical exemption for the following reasons:

- i. Cumulative Effects* – There is a limited amount of vacant land available on High Street for further development that could result in cumulative effects when combined with the proposed development of the project site. Available infrastructure was designed to serve commercial development on the south side of High Street and thus there is no evidence that the project, together with other planned projects in the area, will have a significant cumulative effect on environmental resources.
- ii. Unusual Circumstances* – The relatively level site had been previously developed over time with a Southern Pacific railroad depot, two separate restaurants, and a chicken feed operation. The depot building and one of the restaurants have since been demolished. The chicken feed operation has been abandoned, but the buildings for that use remain on this site and the adjacent site to the east. One of the restaurants still is operating on the site. No known unusual circumstances, as more fully explained in this Section of the staff report, would cause the reasonable possibility for any impacts of the project to cause a significant effect on the environment.
- iii. Scenic Highways* – There are no state scenic highways adjacent to the project site, and none that would be affected by this development.
- iv. Hazardous Waste Sites* – The project is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- v. Historical Resources* – The project site was once the location of a Southern Pacific Railroad Depot, constructed in the early 1900's. This depot suffered fire damage and was torn down in the early 1960's. The existing buildings on site include two warehouse/silo screening structures for a chicken feed operation constructed around 1979/1980, and a restaurant building originally constructed in 1960, but modified substantially over time. These structures, having been constructed relatively recently, are not associated with any persons or events of historical interest, are not examples of any unique or significant architecture, and have no known historical value. These buildings will be demolished as part of the project.

Although archeological and paleontological resources are not expected on the site due to its recent use for a variety of urban activities, Standard Condition Nos. 9 and 10 provide proper procedures for the handling and disposition of archaeological and paleontological resources if they are discovered during construction activities, including grading, on the site. These procedures would avoid significant effects on these resources, in the event they are discovered on the site.

The California Pepper street tree grove on High Street is a recognized historical resource listed by the County of Ventura, as it was originally planted by Robert Poindexter, one of the founders of the town site of Moorpark. In 2007, the City adopted a California Pepper Trees Maintenance Plan for these street trees on High Street. An Environmental Impact Report (EIR) was prepared and adopted for this plan to address potential historical impacts of tree removal. One young California Pepper tree that is not identified as a historic tree will be removed or relocated as part of the project, but this tree will be replaced. The project will not involve the removal of any identified historical trees and will be in compliance with the maintenance plan. Compliance with this plan was found in the EIR to be sufficient mitigation to reduce or avoid significant effects on this historical resource.

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 November 5, 2016.
2. Mailing. The notice of the public hearing was mailed on November 4, 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 by November 4, 2016.

STAFF RECOMMENDATION

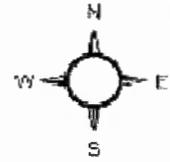
1. Open the public hearing, accept public testimony and close the public hearing; and
2. Adopt Resolution No. 2016-_____.

ATTACHMENTS:

1. Location Map
2. Aerial Photograph
3. Project Exhibits (UNDER SEPARATE COVER)
4. Standard Conditions Resolution
5. Resolution No. 2016-_____

Location Map - 44 High Street

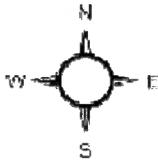


1" = 188 ft	CPD No. 2016-01 and CUP No. 2016-04	11/03/2016		
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This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Moorpark staff for the most up-to-date information.

Aerial Map - 44 High Street



<p>1" = 188 ft</p>	<p>CPD No. 2016-01 and CUP No. 2016-04</p>	<p>11/03/2016</p>		
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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.

PROJECT EXHIBITS

for the Apricot Lane Farms – High Street Market

PLANNED DEVELOPMENT APPLICATION SET

- **G1.0 Zoning Analysis**
- **A0.2 Site Plan**
- **A1.0 Basement Floor Plan**
- **A1.1 1st Floor Plan**
- **A1.2 2nd Floor Plan**
- **A2.0 Exterior Elevations**
- **A2.1 Exterior Elevations**
- **A2.3 Materials Board**

(UNDER SEPARATE COVER)

**COPIES OF THE EXHIBITS ARE AVAILABLE
UPON REQUEST OF THE PROJECT PLANNER**

RESOLUTION NO. 2009-2799

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING THE USE OF STANDARD CONDITIONS OF APPROVAL FOR ENTITLEMENT PROJECTS

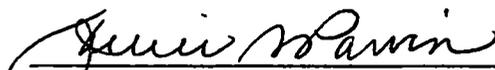
WHEREAS, at its meeting of March 18, 2009, the City Council considered standard conditions for entitlement projects within the City of Moorpark, received public testimony, and after receiving oral and written public testimony, reached a decision.

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

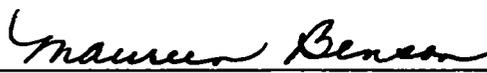
SECTION 1. The City Council approves the use of Standard Conditions for entitlement projects as shown in Exhibits A and B attached.

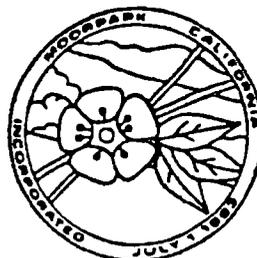
SECTION 2. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 18th day of March, 2009.


Jarice S. Parvin, Mayor

ATTEST:


Maureen Benson, Assistant City Clerk



Attachments: Exhibit A: Standard Conditions of Approval for Subdivisions and Planned Developments

Exhibit B: Standard Conditions of Approval for Conditional Use Permits

CC ATTACHMENT 4

Exhibit A

CITY OF MOORPARK

**STANDARD CONDITIONS OF APPROVAL
FOR SUBDIVISIONS AND PLANNED DEVELOPMENTS**

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

GENERAL REQUIREMENTS

1. Within thirty (30) calendar days of approval of this entitlement, the applicant shall sign and return to the Planning Division an Affidavit of Agreement and Notice of Entitlement Permit Conditions of Approval, indicating that the applicant has read and agrees to meet all Conditions of Approval of this entitlement. The Affidavit of Agreement/Notice shall include a legal description of the subject property, and have the appropriate notary acknowledgement suitable for recordation.
2. The Final Map must include the final Conditions of Approval and a reference to the adopted City Council resolution in a format acceptable to the Community Development Director.
3. This subdivision expires two (2) years from the date of its approval. The Community Development Director with the City Engineer's concurrence may, at his/her discretion, grant up to one (1) additional one-year extension for map recordation, if there have been no changes in the adjacent areas and if the applicant can document that he/she has diligently worked towards Map recordation during the initial period of time. The request for extension of this Map must be made in writing, at least thirty calendar (30) days prior to the expiration date of the map and must be accompanied by applicable entitlement processing deposits.
4. This planned development permit expires one (1) year from the date of its approval unless the use has been inaugurated by issuance of a building permit for construction. The Community Development Director may, at his/her discretion, grant up to two (2) additional one-year extensions for use inauguration of the development permit, if there have been no changes in the adjacent areas and if the applicant can document that he/she has diligently worked towards use inauguration during the initial period of time. The request for extension of this planned development permit must be made in writing, at least thirty (30) days prior to the expiration date of the permit and must be accompanied by applicable entitlement processing deposits.
5. The Conditions of Approval of this entitlement and all provisions of the Subdivision Map Act, City of Moorpark Municipal Code and adopted City policies at the time of the entitlement approval, supersede all conflicting notations, specifications, dimensions, typical sections and the like which may be shown on said Map and/or plans or on the entitlement application. This

- language shall be added as a notation to the Final Map and/or to the final plans for the planned development.
6. 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.
 7. Should continued compliance with these Conditions of Approval not be met, the Community Development Director may modify the conditions in accordance with Municipal Code Section 17.44.100 and sections amendatory or supplementary thereto, declare the project to be out of compliance, or the Director may declare, for some other just cause, the project to be a public nuisance. The applicant shall be liable to the City for any and all costs and expenses to the City involved in thereafter abating the nuisance and in obtaining compliance with the Conditions of Approval or applicable codes. If the applicant fails to pay all City costs related to this action, the City may enact special assessment proceedings against the parcel of land upon which the nuisance existed (Municipal Code Section 1.12.170).
 8. All mitigation measures required as part of an approved Mitigation Monitoring Report and Program (MMRP) for this entitlement are hereby adopted and included as requirements of this entitlement. Where conflict or duplication between the MMRP and the Conditions of Approval occurs the Community Development Director shall determine compliance so long as it does not conflict with the California Environmental Quality Act and the more restrictive measure or condition shall apply.
 9. If any archeological or historical finds are uncovered during grading or excavation operations, all grading or excavation shall immediately cease in the immediate area and the find must be left untouched. The applicant, in consultation with the project paleontologist or archeologist, shall assure the preservation of the site and immediately contact the Community Development Director by phone, in writing by email or hand delivered correspondence informing the Director of the find. In the absence of the Director, the applicant shall so inform the City Manager. The applicant shall be required to obtain the services of a qualified paleontologist or archeologist, whichever is appropriate to recommend disposition of the site. The paleontologist or archeologist selected must be approved in writing by the Community Development Director. The applicant shall pay for all costs associated with the investigation and disposition of the find.
 10. Paleontological Mitigation Plan: Prior to issuance of a Zoning Clearance for a grading permit, a paleontological mitigation plan outlining procedures for paleontological data recovery must be prepared and submitted to the Community Development Director for review and approval. The development and implementation of this Plan must include consultations with the Applicant's engineering geologist as well as a requirement that the curation of all specimens recovered under any scenario will be through the Los Angeles County Museum of Natural History (LACMNH). All specimens become the property of the City of Moorpark unless the City chooses otherwise. If the City accepts ownership, the curation location may be revised. The monitoring and

data recovery should include periodic inspections of excavations to recover exposed fossil materials. The cost of this data recovery is limited to the discovery of a reasonable sample of available material. The interpretation of reasonableness rests with the Community Development Director.

11. The applicant shall defend, indemnify and hold harmless the City and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul any approval by the City or any of its agencies, departments, commissions, agents, officers, or employees concerning this entitlement approval, which claim, action or proceeding is brought within the time period provided therefore in Government Code Section 66499.37 or other sections of state law as applicable and any provision amendatory or supplementary thereto. The City will promptly notify the applicant of any such claim, action or proceeding, and, if the City should fail to do so or should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify and hold harmless the City or its agents, officers and employees pursuant to this condition.
 - a. The City may, within its unlimited discretion, participate in the defense of any such claim, action or proceeding if both of the following occur:
 - i. The City bears its own attorney fees and costs;
 - ii. The City defends the claim, action or proceeding in good faith.
 - b. The applicant shall not be required to pay or perform any settlement of such claim, action or proceeding unless the settlement is approved by the applicant. The applicant's obligations under this condition shall apply regardless of whether a Final Map is ultimately recorded with respect to the subdivision or a building permit is issued pursuant to the planned development permit.
12. If any of the conditions or limitations of this approval are held to be invalid, that holding does not invalidate any of the remaining conditions or limitations set forth.
13. All facilities and uses, other than those specifically requested in the application and approval and those accessory uses allowed by the Municipal Code, are prohibited unless otherwise permitted through application for Modification consistent with the requirements of the zone and any other adopted ordinances, specific plans, landscape guidelines, or design guidelines.
14. All residential rentals shall comply with Chapter 15.34 Rental Housing Inspection. **(This Condition Applies to Residential Projects.)**

FEES

15. Entitlement Processing: Prior to the approval of any Zoning Clearance for this entitlement the applicant shall submit to the Community Development Department all outstanding entitlement case processing fees, including all

- applicable City legal service fees. This payment must be made within sixty (60) calendar days after the approval of this entitlement.
16. Condition Compliance: Prior to the issuance of any Zoning Clearance, building permit, grading permit, or advanced grading permit, the applicant shall submit to the Community Development Department the Condition Compliance review deposit.
 17. Capital Improvements and Facilities, and Processing: Prior to the issuance of any Zoning Clearance, the applicant shall submit to the Community Development Department, capital improvement, development, and processing fees at the current rate then in effect. Said fees include, but are not limited to building and public improvement plan checks and permits. Unless specifically exempted by City Council, the applicant is subject to all fees imposed by the City as of the issuance of the first permit for construction and such future fees imposed as determined by City in its sole discretion so long as said fee is imposed on similarly situated properties.
 18. Parks: Prior to issuance of Zoning Clearance for a building permit, the applicant shall submit to the Parks, Recreation and Community Services Department fees in accordance with the Moorpark Municipal Code and to the satisfaction of the Parks, Recreation and Community Services Director.
 19. Tree and Landscape: Concurrently with the issuance of a building permit, the Tree and Landscape Fee must be paid to the Building and Safety Division in accordance with City Council adopted Tree and Landscape Fee requirements in effect at the time of building permit application. **(This Condition Applies to Commercial and Industrial Projects)**
 20. Fire Protection Facilities: Concurrently with the issuance of a building permit, current Fire Protection Facilities Fees must be paid to the Building and Safety Division in accordance with City Council adopted Fire Protection Facilities Fee requirements in effect at the time of building permit application.
 21. Library Facilities: Concurrently with the issuance of a building permit, the Library Facilities Fee must be paid to the Building and Safety Division in accordance with City Council adopted Library Facilities Fee requirements in effect at the time of building permit application.
 22. Police Facilities: Concurrently with the issuance of a building permit, the Police Facilities Fee must be paid to the Building and Safety Division in accordance with City Council adopted Police Facilities Fee requirements in effect at the time of building permit application.
 23. Traffic Systems Management: Concurrently with the issuance of a Zoning Clearance for each building permit, the applicant shall submit to the Community Development Department the established Moorpark Traffic Systems Management (TSM) Fee for the approved development consistent with adopted City policy for calculating such fee.
 24. Intersection Improvements: Prior to issuance of the first Zoning Clearance for a building permit, the applicant shall submit to the Community Development Department a fair-share contribution for intersection improvements relating to

the project. The amount of fair-share participation will be to the satisfaction of the City Engineer and Public Works Director based on the traffic report prepared for the project and the extent of the impact to these intersections.

25. Citywide Traffic: Concurrently with the issuance of a Zoning Clearance for each building permit, the applicant shall submit to the Community Development Department the Citywide Traffic Fee. The fee shall be calculated per dwelling unit for residential projects, or by use for commercial and industrial projects, based upon the effective date of approval of the entitlement consistent with adopted City policy for calculating such fee. The fee will be paid at the time of building permit issuance.
26. Area of Contribution: Concurrently with the issuance of a Zoning Clearance for each building permit, the applicant shall pay to the Community Development Department the Area of Contribution (AOC) Fee for the area in which the project is located. The fee shall be paid in accordance with City Council adopted AOC fee requirements in effect at the time of building permit application.
27. Street Lighting Energy Costs: Prior to recordation of Final Map, or issuance of a building permit, whichever occurs first the applicant shall pay to the Community Development Department all energy costs associated with public street lighting for a period of one year from the acceptance of the street improvements in an amount satisfactory to the City Engineer and Public Works Director.
28. Schools: Prior to issuance of building permits for each building, the applicant shall provide written proof to the Community Development Department that all legally mandated school impact fees applicable at the time of issuance of a building permit have been paid to the Moorpark Unified School District.
29. Art in Public Places: Prior to or concurrently with the issuance of a Zoning Clearance for building permit, the applicant shall contribute to the Art in Public Places Fund in accordance with Municipal Code Chapter 17.50 and sections amendatory or supplementary thereto. Contribution is to be submitted to the Community Development Department. If the applicant is required to provide a public art project on or off-site in lieu of contributing to the Art in Public Places Fund, the art work must have a value corresponding to, or greater than, the contribution, and must be approved, constructed and maintained for the life of the project in accordance with the applicable provision of the Moorpark Municipal Code.
30. Electronic Conversion: In accordance with City policy, the applicant shall submit to the Community Development Department, City Engineer and Public Works Director and the Building and Safety Division the City's electronic image conversion fee for entitlement/condition compliance documents; Final Map/engineering improvement plans/permit documents; and building plans/permit documents, respectively.
31. Fish and Game: Within two (2) business days after project approval, the applicant shall submit to the City of Moorpark a check for the filing of the Notice of Determination on the Negative Declaration or Environmental Impact Report

and County Administrative Fee, made payable to the County of Ventura, in compliance with Fish and Game Code and County procedures.

32. Crossing Guard: Prior to recordation of Final Map or prior to the issuance of a building permit, whichever occurs first, the applicant shall pay to the Community Development Department an amount to cover the costs associated with a crossing guard for five years at the then current rate, plus the pro-rata cost of direct supervision of the crossing guard location and staff's administrative costs (calculated at fifteen percent (15%) of the above costs). This applies to residential project of ten (10) or more units and commercial project of greater than 5,000 square feet.
33. Storm Drain Discharge Maintenance Fee: Prior to or concurrently with the issuance of a Zoning Clearance for building permit, the applicant shall pay to the Community Development Department the citywide Storm Drain Discharge Maintenance Fee in accordance with City Council adopted Storm Drain Discharge Maintenance Fee requirements in effect at the time of building permit application.

CABLE TELEVISION (These Conditions Apply to Residential Projects)

34. Prior to commencement of project construction, the applicant shall provide notice of its construction schedule to all persons holding a valid cable television franchise issued by the City of Moorpark (Cable Franchisees) sufficiently in advance of construction to allow the Cable Franchisees to coordinate installation of their equipment and infrastructure with that schedule. The City shall provide the applicant a list of Cable Franchisees upon request. During construction, the applicant shall allow the Cable Franchisees to install any equipment or infrastructure (including conduit, power supplies, and switching equipment) necessary to provide Franchisee's services to all parcels and lots in the Project.
35. In the event the cable television services or their equivalent are provided to the project or individual lots under collective arrangement or any collective means other than a Cable Franchise (including, but not limited to, programming provided over a wireless or satellite system contained within the Project), the Home Owners Association (HOA), property owner association or other applicable entity shall pay monthly to City an access fee of five percent (5%) of gross revenue generated by the provision of those services, or the highest franchise fee required from any City Cable Franchisee, whichever is greater. "Gross revenue" is as defined in Chapter 5.06 of the Moorpark Municipal Code and any successor amendment or supplementary provision thereto. In the event there is no HOA (e.g. in the case of an apartment project), then the property owner shall make the payment.
36. In the event cable television services or their equivalent are provided to the project by any means other than by a City Cable Franchise, the City's government channel shall be available to all units as part of any such service, on the same basis and cost as if the project was served by a City Cable Franchise.

AFFORDABLE HOUSING REQUIREMENTS (These Conditions Apply to Residential Projects)

37. Affordable Housing Agreement/Plan: Prior to the preparation of an Affordable Housing Agreement and/or an Affordable Housing Implementation and Resale Restriction Plan, the applicant shall pay to the City the City's cost to prepare the required Plan and Agreement.
38. Prior to or concurrently with the first Final Map approval, the applicant shall enter into an Affordable Housing Agreement and an Affordable Housing Implementation and Resale Restriction Plan. Consistent with the City's General Plan Housing Element, State law and Moorpark redevelopment Agency Implementation Plan, this subdivision is subject to execution of an Affordable Housing Agreement and an Affordable Housing Implementation and Resale Restriction Plan between the City of Moorpark and the applicant. The Affordable Housing Agreement and an Affordable Housing Implementation and Resale Restriction Plan set forth the procedure for meeting an affordable housing requirement of a negotiated percentage of the total number of approved dwelling units for properties outside of a Redevelopment Project Area and negotiated percentage of the total number of approved dwelling units for projects which are in a Redevelopment Project Area. In no case may the percentage of dwelling units restricted for low and very low income units be less than ten percent (10%) for projects outside of the Redevelopment Project Area and no less than fifteen percent (15%) within the Redevelopment Project Area. The Agreement may be part of a Development Agreement.
39. Prior to the preparation of an Affordable Housing Agreement and an Affordable Housing Implementation and Resale Restriction Plan, the applicant shall agree to provide low income and very low income units as specified in the Special Conditions of Approval, included herein, to meet the requirements of California Health and Safety Code 33410 et seq.
40. Prior to the recordation of the first Final Map or where there is no Final Map, prior to the issuance of the first building permit for this project, the applicant and the City shall execute an Affordable Housing Agreement that incorporates a Council approved Affordable Housing Implementation and Resale Restriction Plan consistent with the Conditions of Approval of the project. The initial sales price, location of the affordable units, buyer eligibility, and resale restrictions, respective role of the City and the applicant, and any other item determined necessary by the City shall be set forth in the Plan.

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

DEVELOPMENT REQUIREMENTS

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

requirements. **(This Condition Applies to Commercial/Industrial and Multi-family Residential Projects)**

42. For all flat roofed portions of buildings, a minimum eighteen-inch (18") parapet wall above the highest point of the flat roof must be provided on all sides. **(This Condition Applies to Commercial/Industrial and Multi-family Residential Projects)**
43. Skylights are prohibited unless approved through the Planned Development Permit process or as a Modification to the Planned Development Permit. **(This Condition Applies to Commercial/Industrial and Multi-family Residential Projects)**
44. The use of highly-reflective glass or highly reflective film applied to glass is not allowed on any structures. Highly-reflective glass is defined as glass having a visible light reflectance (VLR) rating of twenty (20) percent or greater. The use of darkly-tinted glass is only allowed in industrial zones. Darkly-tinted glass is defined as glass with a visible light transmittance (VLT) rating of fifty (50) percent or less. The use of low-emissivity (Low-E) glass is encouraged, but it must meet reflectance and transmittance requirements as noted above. The applicant shall provide a sample of the glass to be used, along with information on the VLR and VLT for review and approval by the Community Development Director prior to the issuance of building permits.
45. Exterior downspouts are not permitted unless designed as an integral part of the overall architecture and approved by the City as part of the planned development permit. **(This Condition Applies to Commercial/Industrial and Multi-family Residential Projects)**
46. Mechanical equipment for the operation of the building must be ground-mounted and screened to the satisfaction of the Community Development Director. The Community Development Director may approve roof-mounted equipment, in which case, all parts of the roof mounted equipment (such as vents, stacks, blowers, air conditioning equipment, etc.) must be below the lowest parapet on the roof; and must be painted the same color as the roofing material. No piping, roof ladders, vents, exterior drains and scuppers or any other exposed equipment may be visible on the roof. **(This Condition Applies to Commercial/Industrial and Multi-family Residential Projects)**
47. Roof-mounted equipment and other noise generation sources on-site must be attenuated to 45 decibels (dBA) or to the ambient noise level at the property line measured at the time of the occupancy, whichever is greater. Prior to the issuance of a Zoning Clearance for initial occupancy or any subsequent occupancy, the Community Development Director may request the submittal of a noise study for review and approval. The noise study would need to show that the current project attenuates all on-site noise generation sources to the required level or provide recommendations as to how the project could be modified to comply. The noise study must be prepared by a licensed acoustical engineer in accordance with accepted engineering standards. **(This Condition Applies to Commercial/Industrial Projects)**

48. Any outdoor ground level equipment, facilities or storage areas including, but not limited to loading docks, trash enclosures, cooling towers, generators, must be architecturally screened from view with masonry wall and/or landscaping as determined by the Community Development Director. **(This Condition Applies to Commercial/Industrial and Multi-family Residential Projects)**
49. A utility room with common access to house all meters and the roof access ladder must be provided unless an alternative is approved by the Community Development Director. **(This Condition Applies to Commercial/Industrial and Multi-family Residential Projects)**
50. No exterior roof access ladders are permitted. **(This Condition Applies to Commercial/Industrial and Multi-family Residential Projects)**
51. Prior to issuance of a grading permit, the applicant shall provide an Irrevocable Offer of Dedication to the City of an easement for the purpose of providing ingress/egress access, drainage and parking to the adjacent commercial/industrial properties. The City of Moorpark shall not assume any responsibility for the offered property or any improvements to the property until this action has been accepted by the City Council. If accepted by the City of Moorpark, this easement may be fully assignable to the adjacent property owners, as an easement appurtenant for parking, ingress/egress access purposes and all uses appurtenant thereto. The form of the Irrevocable Offer of Dedication and other required pertinent documents required to satisfy the above requirements must be to the satisfaction of the Community Development Director, City Engineer and Public Works Director and the City Attorney. **(This Condition Applies to Commercial/Industrial Projects)**
52. Parking areas must be developed and maintained in accordance with the requirements of the Moorpark Municipal Code. All parking space and loading bay striping must be maintained so that it remains clearly visible during the life of the development. **(This Condition Applies to Commercial/Industrial and Multi-family Residential Projects)**
53. Prior to any re-striping of the parking area, a Zoning Clearance is required. All disabled parking spaces and paths of travel must be re-striped and maintained in their original approved locations unless new locations are approved by the Community Development Director. **(This Condition Applies to Commercial/Industrial and Multi-family Residential Projects)**
54. All parking areas must be surfaced with asphalt, concrete, or other surface acceptable to the Community Development Director, City Engineer and Public Works Director, and must include adequate provisions for drainage, National Pollution Discharge Elimination System (NPDES) compliance, striping and appropriate wheel blocks, curbs, or posts in parking areas adjacent to landscaped areas. All parking, loading and common areas must be maintained at all times to ensure safe access and use by employees, public agencies and service vehicles. **(This Condition Applies to Commercial/Industrial and Multi-family Residential Projects)**
55. The Building Plans must be in substantial conformance to the plans approved under this entitlement and must specifically include the following:

- a. Transformers and cross connection water control devices (subject to approval by Ventura County Waterworks District No. 1), screened from street view with a masonry wall and/or landscaping as determined by the Community Development Director. **(This Condition Applies to Commercial/Industrial and Multi-family Residential Projects)**
 - b. Bicycle racks or storage facilities, in quantities as required by the Community Development Director and other City staff and in accordance with the Municipal Code. **(This Condition Applies to Commercial/Industrial and Multi-family Residential Projects)**
 - c. Required loading areas with 45-foot turning radii for loading zones consistent with the AASHO WB-50 design vehicle and as required by the Community Development Director, City Engineer and Public Works Director. If drains from the loading area are connected to the sewer system, they are subject to the approval of Ventura County Waterworks District No. 1. **(This Condition Applies to Commercial/Industrial Projects)**
 - d. Final exterior building materials and paint colors consistent with the approved plans under this permit. Any changes to the building materials and paint colors are subject to the review and approval of the Community Development Director.
 - e. Identification of coating or rust-inhibitive paint for all exterior metal building surfaces to prevent corrosion and release of metal contaminants into the storm drain system. **(This Condition Applies to Commercial/Industrial and Multi-family Residential Projects)**
 - f. Trash disposal and recycling areas in locations which will not interfere with circulation, parking or access to the building. Exterior trash areas and recycling bins must use impermeable pavement and be designed to have a cover and so that no other area drains into it. The trash areas and recycling bins must be depicted on the final construction plans, the size of which must be approved by the Community Development Director, City Engineer and Public Works Director and the City's Solid Waste Management staff. When deemed appropriate, drains from the disposal and recycling areas must be connected to the sewer system and subject to the approval of Ventura County Waterworks District No. 1. Review and approval shall be accomplished prior to the issuance of a Zoning Clearance for building permit. **(This Condition Applies to Commercial/Industrial and Multi-family Residential Projects)**
56. Prior to issuance of a Zoning Clearance for final building permit (occupancy), the applicant shall install U.S. Postal Service approved mailboxes in accordance with the requirements of the local Postmaster and to the satisfaction of the City Engineer and Public Works Director.
57. Any expansion, alteration or change in architectural elements requires prior approval of the Community Development Director. Those changes in architectural elements that the Director determines would visible from abutting street(s) may only be allowed, if, in the judgment of the Community

Development Director such change is compatible with the surrounding area. Any approval granted by the Director must be consistent with the approved Design Guidelines (if any) for the planned development and applicable Zoning Code requirements. A Permit Modification application may be required as determined by the Community Development Director.

58. All air conditioning or air exchange equipment must be ground mounted. The equipment may only be located in a side yard in such a manner that it is not within 15-feet of an opening window at ground floor level of any residential structure, and maintains a minimum 5-foot side-yard property line setback. The Director may approve rear yard locations where side yard locations are not possible. **(This Condition Applies to Residential Projects)**
59. A minimum twenty-foot (20') by twenty-foot (20') clear and unobstructed parking area for two (2) vehicles must be provided in a garage for each dwelling unit less than 2,800 square feet. A minimum twenty-foot (20') deep by thirty-foot (30') wide clear and unobstructed parking area for three (3) vehicles must be provided in a garage for each dwelling unit greater than 2,800 square feet. Single garages must measure a minimum of twelve-foot (12') wide by twenty-foot (20') deep clear and unobstructed area. Steel roll-up garage doors must be provided, unless a higher-quality alternative is approved by the Community Development Director. Garage doors must be a minimum of sixteen feet (16') wide by seven feet (7') high for double doors and nine feet (9') wide by seven feet (7') high for single doors. A minimum twenty-foot (20') long concrete paved driveway must be provided in front of the garage door outside of the street right-of-way. All garages must be provided in accordance with the Parking Ordinance. **(This Condition Applies to Single-family Residential Projects)**
60. All homes/units must be constructed employing energy saving devices. These devices must include, but not be limited to ultra low flush toilets (to not exceed 1.6 gallons), low water use shower controllers, natural gas fueled stoves, pilotless ovens and ranges, night set back features for thermostats connected to the main space-heating source, kitchen ventilation systems with automatic dampers, hot water solar panel stub-outs, and solar voltaic panel stub-outs. **(This Condition Applies to Residential Projects)**
61. When required by Title 15 of the Moorpark Municipal Code and any provision amendatory or supplementary thereto, rain gutters and downspout must be provided on all sides of the structure for all structures where there is a directional roof flow. Water must be conveyed to an appropriate drainage system, consistent with NPDES requirements, as determined by the City Engineer and Public Works Director.

OPERATIONAL REQUIREMENTS

62. Loading and unloading operations are allowed only between the hours of 6:00 a.m. and 10:00 p.m. unless additional hours are approved by the City Council. More restrictive hours for loading and unloading may be imposed by the Community Development Director if there are noise and other issues that make the loading and unloading incompatible with the adjacent residential uses.

- There shall be no idling of trucks while loading or unloading. **(This Condition Applies to Commercial/Industrial Projects)**
63. All uses and activities must be conducted inside the building(s) unless otherwise authorized in writing by the Community Development Director consistent with applicable Zoning Code provisions. **(This Condition Applies to Commercial/Industrial Projects)**
 64. Prior to the issuance of a Zoning Clearance for any use which requires handling of hazardous or potentially hazardous materials, the applicant shall provide proof that he/she has obtained the necessary permits from Ventura County Environmental Health Division. Should the Community Development Director determine that a compatibility study is required; the applicant shall apply for a Permit Modification to the entitlement. **(This Condition Applies to Commercial/Industrial Projects)**
 65. The applicant agrees not to protest the formation of an underground Utility Assessment District.
 66. The continued maintenance of the subject site and facilities is subject to periodic inspection by the City. The Applicant and his/her successors, heirs, and assigns are required to remedy any defects in ground or building maintenance, as indicated by the City within five (5) working days from written notification. **(This Condition Applies to Commercial/Industrial and Multi-family Residential Projects)**
 67. No noxious odors may be generated from any use on the subject site. **(This Condition Applies to Commercial/Industrial Projects)**
 68. The applicant and his/her successors, heirs, and assigns must remove any graffiti within seventy-two (72) hours from written notification by the City of Moorpark. All such graffiti removal must be accomplished to the satisfaction of the Community Development Director. **(This Condition Applies to Commercial/Industrial and Multi-family Residential Projects)**
 69. Prior to the issuance of a Zoning Clearance for tenant occupancy, the prospective tenant shall obtain a Business Registration Permit from the City of Moorpark. All contractors doing work in Moorpark shall have or obtain a current Business Registration Permit. **(This Condition Applies to Commercial/Industrial Projects)**
 70. Prior to or concurrently with the issuance of a Zoning Clearance for occupancy of any of the buildings, the applicant shall request that the City Council approve a resolution to enforce California Vehicle Codes (CVC) on the subject property as permitted by the CVC. **(This Condition Applies to Commercial/Industrial and Multi-family Residential Projects)**
 71. Prior to or concurrently with the issuance of a Zoning Clearance for a grading permit, the applicant shall submit the construction phasing plan for approval by the Community Development Director and City Engineer and Public Works Director. Phasing shall avoid, to the extent possible, construction traffic impacts to existing adjacent residential, commercial, industrial areas, schools, parks and other city facilities, if any.

72. Prior to issuance of Zoning Clearance for the first building permit, the applicant shall submit a Waste Reduction and Recycling Plan to the City's Solid Waste Management staff and the Community Development Director for review and approval. The Plan must include a designated building manager, who is responsible for initiating on-site waste materials recycling programs, including acquiring storage bins for the separation of recyclable materials and coordination and maintenance of a curbside pickup schedule. **(This Condition Applies to Commercial/Industrial and Multi-family Residential Projects)**
73. The building manager or designee shall be required to conduct a routine on-site waste management education program for educating and alerting employees and/or residents to any new developments or requirements for solid waste management. This condition is to be coordinated through the City's Solid Waste Management staff. **(This Condition Applies to Commercial/Industrial and Multi-family Residential Projects)**
74. No overnight parking, repair operations or maintenance of trucks may occur on site. The property owner may enter into an agreement with the City to allow the City to enter the property when the property owner has properly posted signs restricting the overnight parking, repair or maintenance of truck, to enforce the onsite restrictions and assume the costs of towing the violating vehicles. **(This Condition Applies to Commercial/Industrial and Multi-family Residential Projects)**

LANDSCAPING, LIGHTING AND MAINTENANCE REQUIREMENTS

75. Prior to the issuance of a Zoning Clearance for building permits, the applicant shall submit to the Community Development Director for review and approval, with the required deposit, three full sets of Landscaping and Irrigation Plans prepared by a licensed landscape architect and drawn on a plan that reflects final grading configuration, in conformance with the City of Moorpark Landscape Standards and Guidelines, policies and NPDES requirements; including, but not limited to, all specifications and details and a maintenance plan. Fences and walls must be shown on the Landscape and Irrigation Plans, including connection, at the applicant's expense, of property line walls with existing fences and or walls on any adjacent residential, commercial or industrial properties. The plan must demonstrate proper vehicle sight distances subject to the review of the City Engineer and Public Works Director and in accordance with the Zoning Code, and encompass all required planting areas consistent with these Conditions of Approval. Review by the City's Landscape Architect Consultant and City Engineer and Public Works Director, and approval by the Community Development Director prior to issuance of a Zoning Clearance for building permit, is required.
76. The landscape plan must incorporate specimen size trees and other substantial features subject to the review and approval of the Community Development Director. Prior to the issuance of a grading permit, a tree survey must be prepared to determine the valuation of the mature trees to be removed. Enhanced replacement landscaping of equal or greater value, as determined by the Community Development Director, must be installed in accordance with the current applicable provisions of the Moorpark Municipal Code.

77. Prior to or concurrently with the submittal of the Landscaping and Irrigation Plans, the specific design and location of the neighborhood identification monument sign must be submitted for review and approval by the Community Development Director. The sign must be installed concurrent with or immediately after perimeter project wall installation. **(This Condition Applies to Single-family Residential Projects)**
78. Prior to the issuance of a Zoning Clearance for final building permit (occupancy) the applicant shall install front yard landscaping, including sod, one fifteen (15) gallon tree and an automatic irrigation system, as approved on the landscape plans. **(This Condition Applies to Single-family Residential Projects)**
79. Prior to or concurrently with the submittal of the landscape and irrigation plan, a lighting plan, along with required deposit, must be submitted to the Community Development Director for review and approval. The lighting plan, prepared by an electrical engineer registered in the State of California, must be in conformance with the Moorpark Municipal Code. **(This Condition Applies to Commercial/Industrial and Multi-family Residential Projects)**
80. Landscape plans submitted at the time of entitlement review are conceptual only. Entitlement approval does not include approval of the specific plant species on the conceptual landscape plans unless indicated in the Special Conditions of Approval. Detailed landscaping plans are subject to review and approval by the Community Development Director for compliance with the City's Landscape Standards and Guidelines.
81. For project sites adjacent to protected open space or to a conservation area, none of the prohibited plants indicated in the Provisionally Acceptable Plant List and the Invasive and Prohibited Plant List contained in the City's Landscape Standards and Guidelines may be used on any property within the development site or the adjacent public or private right-of-way.
82. Unless otherwise stipulated in the Special Conditions of Approval, the applicant shall be responsible for the maintenance of any and all parkway landscaping constructed as a requirement of the project, whether said parkway landscaping is within the street right-of-way or outside of the street right-of-way. Any parkway landscaping outside of the street right-of-way must be within a landscape maintenance district.
83. All required landscape easements must be clearly shown on the Final Map or on other recorded documents if there is no Final Map.
84. Tree pruning, consisting of trimming to limit the height and/or width of tree canopy and resulting in a reduction of required shade coverage for the parking lot area, is prohibited by Section 17.32.070 of the Moorpark Municipal Code and will be considered a violation of the Conditions of Approval. Tree trimming for the purposes of maintaining the health of trees is permitted with prior approval of the Community Development Director and City's designated arborist. **(This Condition Applies to Commercial/Industrial and Multi-family Residential Projects)**

85. When available, use of reclaimed water is required for landscape areas subject to the approval of the Community Development Director, the City Engineer and Public Works Director and Ventura County Waterworks District No. 1.
86. Landscaped areas must be designed with efficient irrigation to reduce runoff and promote surface filtration and minimize the use of fertilizers and pesticides, which can contribute to urban runoff pollution. Parking and associated drive areas with five (5) or more spaces shall be designed to minimize degradation of storm water quality. Best Management Practice landscaped areas for infiltration and biological remediation or approved equals, must be installed to intercept and effectively prohibit pollutants from discharging to the storm drain system. The design must be submitted to the Community Development Director and City Engineer and Public Works Director for review and approval prior to the issuance of a building permit.
87. All landscaping must be maintained in a healthy and thriving condition, free of weeds, litter and debris.
88. Prior to the issuance of Zoning Clearance for occupancy, all fences/walls along lot boundaries must be in place, unless an alternative schedule is approved by the Community Development Director.
89. Prior to the issuance of a Zoning Clearance for occupancy, the applicant shall enter into the standard Caltrans tri-party maintenance agreement to maintain any landscaping within Caltrans right-of-way. The applicant and any subsequent owners shall maintain all landscaping and hardscape areas that are covered by the tri-party maintenance agreement for the life of the project.

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

GENERAL

90. Grading, drainage and improvement plans and supporting reports and calculations must be prepared in accordance with the latest California Building Code as adopted by the City of Moorpark and in conformance with the latest "Land Development Manual" and "Road Standards" as promulgated by Ventura County; "Hydrology Manual" and "Design Manual" as promulgated by Ventura County Watershed Protection District; "Standard Specifications for Public Works Construction" as published by BNI (except for signs, traffic signals and appurtenances thereto which must conform to the provisions of Chapter 56 for signs and Chapter 86 for traffic signals, and appurtenances thereto, of the "Standard Specifications," most recent edition, including revisions and errata thereto, as published by the State of California Department of Transportation).
91. Grading, drainage and improvement plans and supporting reports and calculations must be prepared in accordance with the most recently approved "Engineering Policies and Standards" of the City of Moorpark, and "Policy of Geometric Design of Highways and Streets," most recent edition, as published by the American Association of State Highway and Transportation Officials. In the case of conflict between the standards, specifications and design manuals

listed herein and above, the criteria that provide the higher level of quality and safety prevail as determined by the City Engineer and Public Works Director. Any standard specification or design criteria that conflicts with a Standard or Special Condition of Approval of this project must be modified to conform with the Standard or Special Condition to the satisfaction of the City Engineer and Public Works Director.

92. Engineering plans must be submitted on standard City title block sheets of 24-inch by 36-inch to a standard engineering scale representative of sufficient plan clarity and workmanship.
93. A 15-mile per hour speed limit must be observed within all construction areas.
94. If any hazardous waste or material is encountered during the construction of this project, all work must be immediately stopped and the Ventura County Environmental Health Department, the Ventura County Fire Protection District, the Moorpark Police Department, and the Moorpark City Engineer and Public Works Director must be notified immediately. Work may not proceed until clearance has been issued by all of these agencies.
95. The applicant and/or property owner shall provide verification to the City Engineer and Public Works Director that all on-site storm drains have been cleaned at least twice a year, once immediately prior to October 1st (the rainy season) and once in January. Additional cleaning may be required by the City Engineer and Public Works Director depending upon site and weather conditions. **(This Condition Applies to Commercial/Industrial and Multi-family Residential Projects)**
96. All paved surfaces; including, but not limited to, the parking area and aisles, drive-through lanes, on-site walkways must be maintained free of litter, debris and dirt. Walkways, parking areas and aisles and drive-through lanes must be swept, washed or vacuumed regularly. When swept or washed, litter, debris and dirt must be trapped and collected to prevent entry to the storm drain system in accordance with NPDES requirements. **(This Condition Applies to Commercial/Industrial and Multi-family Residential Projects)**
97. Prior to improvement plan approval, the applicant shall obtain the written approval on approved site plan exhibit sheets for the location of fire hydrants by the Ventura County Fire Prevention Division. Water and Sewer improvements plans must be submitted to Ventura County Waterworks District No. 1 for approval.
98. Prior to any work being conducted within any State, County, or City right-of-way, the applicant shall obtain all necessary encroachment permits from the appropriate agencies and provide copies of these approved permits and the plans associated with the permits to the City Engineer and Public Works Director.

99. Reactive organic compounds, Nitrogen oxides (ozone/smog precursor), and particulate matter (aerosols/dust) generated during construction operations must be minimized in accordance with the City of Moorpark standards and the standards of the Ventura County Air Pollution Control District (APCD). When an air pollution Health Advisory has been issued, construction equipment operations (including but not limited to grading, excavating, earthmoving, trenching, material hauling, and roadway construction) and related activities must cease in order to minimize associated air pollutant emissions.
100. The applicant shall comply with Chapters 9.28, 10.04, 12.24, and 17.53 of the Moorpark Municipal Code and any provision amendatory or supplementary thereto, as a standard requirement for construction noise reduction.
101. The applicant shall utilize all prudent and reasonable measures (including installation of a 6-foot high chain link fence around the construction site(s) and/or provision of a full time licensed security guard) to prevent unauthorized persons from entering the work site at any time and to protect the public from accidents and injury.
102. The applicant shall post, in a conspicuous location, the construction hour limitations and make each construction trade aware of the construction hour limitations.

GRADING

103. All grading and drainage plans must be prepared by a qualified Professional Civil Engineer currently registered and in good standing in the State of California and are subject to review by the City Engineer and Public Works Director. Prior to or concurrently with the submittal of a grading plan the applicant shall submit a soils (geotechnical) report.
104. Grading must conform to the standards contained in Chapter 17.38 Hillside Management of the Moorpark Municipal Code and any provision amendatory or supplementary thereto. Plans detailing the design and control (vertical and horizontal) of contoured slopes must be provided to the satisfaction of the City Engineer, Public Works Director and Community Development Director.
105. Prior to the issuance of a grading permit or Final Map approval, whichever comes first, the applicant shall post sufficient surety with the City, in a form acceptable to the City Engineer and Public Works Director, guaranteeing completion of all onsite and offsite improvements required by these Conditions of Approval and/or the Municipal Code including, but not limited to grading, street improvements, storm drain improvements, temporary and permanent Best Management Practice (BMP) for the control of non-point water discharges, landscaping, fencing, and bridges. Grading and improvements must be designed, bonded and constructed as a single project.

106. Prior to the issuance of a grading permit or Final Map approval, whichever occurs first, the applicant shall provide written proof to the City Engineer and Public Works Director that any and all wells that may exist or have existed within the project have been properly sealed, destroyed or abandoned per Ventura County Ordinance No. 2372 or Ordinance No. 3991 and per California Department of Conservation, Division of Oil, Gas, and Geothermal Resources requirements.
107. Prior to issuance of a grading permit, final approved soils and geology reports must be submitted to the City Engineer and Public Works Director. The approved final report must encompass all subsequent reports, addendums and revisions under a single cover. Where liquefaction hazard site conditions exist, an extra copy of the final report must be provided by the applicant to the City Engineer and Public Works Director and be sent by the applicant to the California Department of Conservation, Division of Mines and Geology in accordance with Public Resources Code Section 2697 within 30 days of report approval.
108. Prior to issuance of the grading permit, a grading remediation plan and report must be submitted for review and approval of the City Engineer and Public Works Director. The report must evaluate all major graded slopes and open space hillsides whose performance could effect planned improvements. The slope stability analysis must be performed for both static and dynamic conditions, using an appropriate pseudo-static horizontal ground acceleration coefficient for earthquakes on faults, capable of impacting the project in accordance with standard practice as outlined in DMG Special Publication No. 117, 1997.
109. Prior to issuance of the grading permit, the project geotechnical engineer shall evaluate liquefaction potential. Where liquefaction is found to be a hazard, a remediation plan with effective measures to avoid and control damage must be provided to the City Engineer and Public Works Director. During construction, measures to reduce seismic liquefaction risks shall be employed as recommended in the approved remediation plan and associated geotechnical report, such as placement of a non-liquefiable cap over the alluvium, removal of the liquefiable soils, in-situ densification, or the excavation of a shear key below the base of the liquefiable zone. Where liquefaction hazard site conditions exist, the applicant shall provide an extra copy of the final report to the City Engineer and Public Works Director and shall send a copy of the report to the California Department of Conservation, Division of Mines and Geology in accordance with Public Resources Code Section 2697 within 30 days of report approval.
110. The project must comply with all NPDES requirements and the City of Moorpark standard requirements for temporary storm water diversion structures during all construction and grading.
111. Prior to issuance of a grading permit, a qualified, currently registered Professional Civil Engineer in good standing in the State of California shall be

retained to prepare Erosion and Sediment Control Plans in conformance with the currently issued Ventura County Municipal Storm Water NPDES Permit. These Plans shall address, but not be limited to, construction impacts and long-term operational effects on downstream environments and watersheds. The Plans must consider all relevant NPDES requirements and recommendations for the use of the best available technology and specific erosion control measures, including temporary measures during construction to minimize water quality effects to the maximum extent practicable. Prior to the issuance of an initial grading permit, review and approval by the Community Development Director and City Engineer and Public Works Director is required.

112. Prior to the import or export of more than one hundred (100) truckloads or one thousand cubic yards (1,000 cu. yds.) a Haul Route Permit in conformance with the currently adopted City of Moorpark Engineering Policies and Standards is required.
113. Where slopes exceeding 4 feet in height are adjacent to sidewalks, and streets, the grading plan must include a slough wall, Angelus Standard slumpstone, color or other alternative as determined by the Community Development Director, approximately 18 inches high, with curb outlet drainage to be constructed behind the back of the sidewalk to prevent debris from entering the sidewalk or street. The wall must be designed and constructed in conformance with the City's standard wall detail. All material for the construction of the wall shall be approved by the City Engineer and Public Works Director and Community Development Director. Retaining walls greater than 18 inches in height must be set back two-feet (2') from the back of the sidewalk. This two-foot (2') area must be landscaped and have no greater than a two percent (2%) cross fall slope. The slough wall and landscaping design is subject to the review and approval of the City Engineer and Public Works Director and Community Development Director.
114. Grading plans must include, but not be limited to entry walls and project identification signs in accordance with City standards. Landscaping, appropriate to the entry, shall be provided that will not interfere with sight-distance or turning movement operations. The final design for the project entrance must be reviewed and approved by the Community Development Director and the City Engineer and Public Works Director.
115. During grading, the project geotechnical engineer shall observe and approve all keyway excavations, removal of fill and landslide materials down to stable bedrock or in-place material, and installation of all sub-drains including their connections. All fill slope construction must be observed and tested by the project geotechnical engineer, and the density test results and reports submitted to the City Engineer and Public Works Director to be kept on file. Cuts and slopes must be observed and mapped by the project geotechnical and civil engineers who will provide any required slope modification recommendations based on the actual geologic conditions encountered during

grading. Written approval from the City Engineer and Public Works Director must be obtained prior to any modification.

116. Written weekly progress reports and a grading completion report must be submitted to the City Engineer and Public Works Director by the project geotechnical engineers. These reports must include the results and locations of all compaction tests, as-built plans of all landslide repairs and fill removal, including geologic mapping of the exposed geology of all excavations showing cut cross-sections and sub-drain depths and locations. The lists of excavations approved by the engineering geologist must also be submitted. Building permits will not be issued without documentation that the grading and other pertinent work has been performed in accordance with the geotechnical report criteria and applicable Grading Ordinance provisions.
117. During grading, colluvial soils and landslide deposits within developed portions of the properties must be re-graded to effectively remove the potential for seismically-induced landslides in these materials. Additional buttressing, keying and installation of debris benches must be provided in transition areas between non-graded areas and development as recommended in the final geotechnical reports by the project geotechnical engineer.
118. The recommendations for site grading contained in the final geotechnical reports must be followed during grading unless modifications are submitted for approval by the engineers-of-work and specifically approved in writing by the City Engineer and Public Works Director.
119. Temporary irrigation, hydroseeding and erosion control measures, approved by the Community Development Director, City Engineer and Public Works Director, must be implemented on all temporary grading. Temporary grading is defined to be any grading partially completed and any disturbance of existing natural conditions due to construction activity. These measures will apply to a temporary or permanent grading activity that remains or is anticipated to remain unfinished or undisturbed in its altered condition for a period of time greater than thirty (30) calendar days except that during the rainy season (October 1 to April 15), these measures will be implemented immediately.
120. The maximum gradient for any slope must not exceed a 2:1 (horizontal:vertical) slope inclination except where special circumstances exist. In the case of special circumstances, where steeper slopes are warranted, a registered soils engineer and a licensed landscape architect will review plans and their recommendations will be subject to the review and approval of the City Engineer, Public Works Director, and the Community Development Director.
121. All graded slopes steeper than 5:1 (horizontal:vertical) must have soil amendments added, irrigation systems installed and be planted in a timely manner with groundcover, trees and shrubs (consistent with the approved landscape and irrigation plans) to stabilize slopes and minimize erosion. Timely manner means that the slope soil amendments, irrigation systems and planting

on each slope must commence immediately upon the completion of the grading of each slope, that the completion of slope grading will not be artificially delayed and that the slope soil amendments, irrigation systems and planting must be completed on a schedule commensurate with the grading. The planting will be to the satisfaction of the Community Development Director, City Engineer, and Public Works Director.

122. Grading may occur during the rainy season from October 1 to April 15, subject to timely installation of erosion control facilities when approved in writing by the City Engineer, Public Works Director and the Community Development Director and when erosion control measures are in place. In order to start or continue grading operations between October 1 and April 15, project-specific erosion control plans that provide detailed Best Management Practices for erosion control during the rainy season must be submitted to the City Engineer and Public Works Director no later than September 1 of each year that grading is in progress. During site preparation and construction, the contractor shall minimize disturbance of natural groundcover on the project site until such activity is required for grading and construction purposes. During the rainy season, October 1 through April 15, all graded slopes must be covered with a woven artificial covering immediately after completion of each graded slope. Grading operations must cease if the applicant fails to place effective best management measures on graded slopes immediately after construction. No slopes may be graded or otherwise created when the National Weather Service local three-day forecast for rain is twenty percent (20%), or greater, unless the applicant is prepared to cover the permanent and temporary slopes before the rain event. The artificial covering and planting will be to the satisfaction of the Community Development Director, City Engineer, and Public Works Director.
123. During clearing, grading, earth moving, excavation, soil import and/or soil export operations, the applicant shall comply with the City of Moorpark standard requirements for dust control, including, but not be limited to, minimization of ground disturbance, application of water/chemicals, temporary/permanent ground cover/seeding, street sweeping, and covering loads of dirt. All clearing, grading, earth moving, excavation, soil import and/or soil export operations must cease during periods of high winds (greater than 15 mph averaged over one hour).
124. Backfill of any pipe or conduit must be in four-inch (4") fully compacted layers unless otherwise specified, in writing, by the City Engineer and Public Works Director.
125. Soil testing for trench compaction must be performed on all trenching and must be done not less than once every two feet (2') of lift and one-hundred lineal feet (100') of trench excavated. Test locations must be noted using true elevations and street stationing with offsets from street centerlines.
126. Prior to issuance of each building permit, the project geotechnical and/or soils engineer shall submit an as-graded geotechnical report and a rough grading

certification for said lot and final soils report compiling all soils reports, addendums, certifications, and testing on the project for review and approval by the City Engineer and Public Works Director.

127. Prior to issuance of the first building permit, the project's engineer shall certify that the grading and improvements have been completed, as noted on the original approved plans and any subsequent change orders.
128. When required by the Community Development Director and/or the City Engineer and/or Public Works Director, at least one (1) week prior to commencement of grading or construction, the applicant shall prepare a notice that grading or construction work will commence. This notice shall be posted at the site and mailed to all owners and occupants of property within five-hundred feet (500') of the exterior boundary of the project site, as shown on the latest equalized assessment roll. The notice must include current contact information for the applicant, including all persons with authority to indicate and implement corrective action in their area of responsibility, including the name of the contact responsible for maintaining the list. The names of individuals responsible for noise and litter control, tree protection, construction traffic and vehicles, erosion control, and the twenty-four (24) hour emergency number, must be expressly identified in the notice. The notice must be re-issued with each phase of major grading and construction activity. A copy of all notices must be concurrently transmitted to the Community Development Department. The notice record for the City must be accompanied by a list of the names and addresses of the property owners notified and a map identifying the notification area.
129. Consistent with the final geotechnical reports, at a minimum, the following measures must be implemented during design and construction where appropriate to minimize expansive soil effects on structures: potential foundation systems to include pier and grade beam; use of structural concrete mats and post-tensioned slabs; pad overcutting to provide uniform swell potential; and soil subgrade moisture treatment.
130. Prior to issuance of building permits, chemical testing of representative building pad soils is required to determine the level of corrosion protection required for steel and concrete materials used for construction. The following measures must be implemented where appropriate to protect against corrosion:
 - use of sulfate-resistant concrete; and
 - use of protective linings to encase metallic piping buried in soils warranting such measures.
131. Engineered fills must be constructed in compliance with the standards and criteria presented in the approved geotechnical report. The differential thickness of the fill under individual buildings may not be greater than ten (10) feet. These measures must be verified by construction observation and testing

by the project geotechnical engineer as outlined in the final geotechnical reports and approved by the City Engineer and Public Works Director.

132. Additional analysis of the predicted total and differential settlements of the major fills at each site must be performed by the project geotechnical engineer during the final design stage. Possible measures that may be required based on the settlement data include surcharging, delaying construction for a period of time before constructing on deep fills, or allowing for the predicted settlement in the design of the project components.
133. Transfer of responsibility of California Registered Civil Engineer in charge for the project must be in accordance with rules and guidelines set forth pursuant to *Rules of the Board for Professional Engineers and Land Surveyors, California Code of Regulations, Title 16, Division 5, Board Rule 404.1, Subsections (c) and (d)*, that speak to *Successor Licensee and Portions of Projects*.

Applicant has full right to exercise the service of a new engineer in charge at any time during a project. When there is a change in engineer, the applicant/owner shall notify the City Engineer and Public Works Director in writing within 48 hours of such change. Said letter shall specify successor California Registered Civil Engineer and shall be stamped and signed and dated by said engineer in responsible charge and shall accept responsibility of project. The letter will be kept on file at the City.

FINAL MAP

134. The Final Map must be prepared in accordance with the latest copy of the, "Guide for the Preparation of Tract Maps, Parcel Maps and Records of Survey/Corner Records" as published by the Public Works Agency of the County of Ventura and amended from time to time. The various jurat's/notary acknowledgements and certificates must be modified, as appropriate, to reflect the jurisdiction of the City and the location of the subdivision within the City. The Final Map must provide that each lot corner and street centerline intersection, tangent point, and terminus be monumented with Ventura County Road Standard survey monument plate E-4. Street monuments must be intervisible. The E-4 monument disk stamping must read, "City of Moorpark", be center punched to show the corner, and be stamped with the registration or license number of the professional surveyor responsible for its location.
135. Concurrently with the submittal of the Final Map, the applicant shall submit a current (dated within the last ninety (90) days) preliminary title report to the City Engineer and Public Works Director, which clearly identifies all interested parties, lien holders, lenders and all other parties having any record title interest in the real property being subdivided. The preliminary title report must identify the holders of any easements that affect the subdivision and contain the vesting deeds of ownership and easements. Thirty (30) days prior to the submittal of the Final Map Mylar® sheets, the applicant shall provide the City Engineer and

Public Works Director, a subdivision guarantee policy of the property within the Final Map and preliminary title report for each area of easement proposed to be obtained for grading or construction of improvements.

136. Prior to or concurrently with the submittal of the Final Map, the applicant shall provide written evidence to the City Engineer and Public Works Director that a copy of the conditionally approved Tentative Map together with a copy of Section 66436 of the State Subdivision Map Act has been transmitted to each public entity or public utility that is an easement holder of record. The applicant shall obtain subordination of senior rights of easement from any such public utility in favor of the City.
137. At least one-hundred-twenty (120) days prior to the filing of the Final Map, if any improvement which the applicant is required to construct or install is to be constructed or installed upon land in which the applicant does not have title or interest sufficient for such purposes, the applicant shall comply with all of the requirements of Subdivision Map Act Section 66462.5 and any provision amendatory or supplementary thereto. Prior to the filing of the Final Map the applicant shall provide the City with an executed offsite property acquisition agreement in a form acceptable to the Community Development Director, City Attorney, and City Manager. As a part of the notification to the City required by that section, the applicant shall provide the City a deposit in an amount approved by the Community Development Director, sufficient to pay the estimated costs and fees to be accrued by the City in obtaining said property. Within fifteen (15) days of notification by the City that the deposited funds are insufficient to complete the acquisition, the applicant shall deposit such additional funds that the Community Development Director deems necessary. During the time between notice of insufficiency of deposited funds and payment of said insufficiency, the time limits of Section 66462.5 shall toll.
138. Prior to Final Map approval, the applicant shall obtain City Engineer and Public Works Director approval of all required public improvement and grading plans. The applicant shall enter into an agreement with the City of Moorpark to complete grading, public improvements and subdivision monumentation and post sufficient surety guaranteeing the construction and maintenance of grading all public improvements, and private street and storm drain improvements; construction and post construction NPDES Best Management Practice; and subdivision monumentation in a form and in an amount acceptable to the City Engineer. The plans must be prepared by a California Registered Civil Engineer and sureties must meet the City's requirements for sureties and must remain in place for one year following final acceptance of the improvements by the City or until such time that the City Council shall approve their redemption, whichever is the longer.
139. Prior to Final Map approval, the applicant shall post sufficient surety in an amount acceptable to the Community Development Director, City Engineer, Public Works Director and in a form approved by City Attorney guaranteeing

the payment of laborers and materialsmen in an amount no less than fifty percent (50%) of the faithful performance surety.

140. Prior to Final Map approval and upon submittal of the Final Map Mylar® sheets, the applicant shall provide the City Engineer and Public Works Director electronic files of the Final Map, complete in every fashion except for signatures, in a format satisfactory to the City Engineer and Public Works Director.
141. Upon recordation of the Final Map(s) the applicant shall forward a photographic process copy on 3-mil polyester film of the recorded Map(s) to the City Engineer and Public Works Director.
142. All lot-to-lot drainage easements or secondary drainage easements must be delineated on the Final Map. Assurance in the form of an agreement must be provided to the City that these easements will be adequately maintained by the property owners to safely convey stormwater flows. Said agreement must be submitted to the City Engineer and Public Works Director and City Attorney for review and approval and must include provisions for the owners association to maintain any private storm drain not maintained by a City Assessment District in conformance with the NPDES. The agreement must be a durable agreement that is binding upon each property owner of each lot and successors in interest.
143. Prior to Final Map approval, the applicant shall fully complete the "Final Map Processing Procedures" as outlined in Moorpark Administrative Procedure (MAP) CD-18, available from the Community Development Department.

PUBLIC AND PRIVATE STREETS AND RELATED IMPROVEMENTS

144. Prior to construction of any public improvement, the applicant shall submit to the City Engineer and Public Works Director, for review and approval, street 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, except as specifically noted in these Standard Conditions or Special Conditions of Approval.
145. Prior to issuance of the first building permit, all existing and proposed utilities, including electrical transmission lines less than 67Kv, must be under-grounded consistent with plans approved by the City Engineer, Public Works Director and Community Development Director. Any exceptions must be approved by the City Council.
146. Above-ground obstructions in the right-of-way (utility cabinets, mailboxes, etc.) must be placed within landscaped areas when landscaped areas are part of the right-of-way improvements. When above ground obstructions are placed within the sidewalk, a minimum of five feet (5') clear sidewalk width must be provided around the obstruction. Above-ground obstructions may not be located within or on multi-purpose trails.

147. Prior to final inspection of improvements, the project Registered Civil Engineer shall submit certified original "record drawing" plans with three (3) sets of paper prints and the appropriate plan revision review fees to the City Engineer and Public Works Director along with electronic files in a format satisfactory to the City Engineer and Public Works Director. These "record drawing" plans must incorporate all plan revisions and all construction deviations from the approved plans and revisions thereto. The plans must be "record drawings" on 24" X 36" Mylar® sheets (made with proper overlaps) with a City title block on each sheet. In addition, the applicant shall provide an electronic file update of the City's Master Base Map electronic file, incorporating all streets, sidewalks, street lights, traffic control facilities, street striping, signage and delineation, storm drainage facilities, water and sewer mains, lines and appurtenances and any other utility facility installed for this project.
148. The street improvement plans must contain a surveyor's statement on the plans, certifying that, in accordance with Business and Professions Code 8771, all recorded monuments in the construction area will be protected in place during construction, or have been located and tied with no fewer than four (4) durable reference monuments, which will be protected in place during construction. Copies of all monument tie sheets must be submitted to the City on reproducible 3-mil polyester film.
149. Prior to reduction of improvement bonds, the applicant must submit reproducible centerline tie sheets on 3-mil polyester film to the City Engineer and Public Works Director.
150. All streets must conform to the latest City of Moorpark Engineering Policies and Standards using Equivalent Single Axle Loads (ESAL) for a minimum thirty (30) year term for public streets and ESAL for a twenty (20) year term on private streets. All streets must be designed and constructed to the required structural section in conformance with the latest City of Moorpark Engineering Policies and Standards. The geotechnical or soil reports must address the need for possible sub-drainage systems to prevent saturation of the pavement structural section or underlying foundation. An additional one and one-half inch (1-1/2") thick rubberized asphalt pavement must be added to the structural section for public streets. This additional pavement may not be used in determining the required structural section.
151. When required by the City Engineer and Public Works Director, the applicant shall provide, for the purposes of traffic signal installation, two (2) four-inch (4") P.V.C. conduits extending across all intersections, and surfacing through "J" boxes to the satisfaction of the City Engineer and Public Works Director.

DRAINAGE AND HYDROLOGY

152. Prior to approval of a grading plan, the applicant shall submit to the City of Moorpark for review and approval by the City Engineer and Public Works Director, drainage plans with the depiction and examination of all on-site and

off-site drainage structures and hydrologic and hydraulic calculations in a bound and indexed report prepared by a California Registered Civil Engineer.

153. Drainage improvements must be designed so that after-development, drainage to adjacent parcels would not be increased above pre-development drainage quantities for any stormwater model between and including the 10 year and 100 year storms, nor will surface runoff be concentrated by this project. Acceptance of storm drain waters by the project and discharge of storm drain waters from the project must be in type, kind and nature of predevelopment flows unless the affected upstream and/or downstream owners provide permanent easement to accept such changed storm drainage water flow. All drainage measures necessary to mitigate stormwater flows must be provided to the satisfaction of the City Engineer and Public Works Director. The applicant shall make any on-site and downstream improvements, required by the City, to support the proposed development.
154. The drainage plans and calculations must analyze conditions before and after development, as well as, potential development proposed, approved, or shown in the General Plan. Quantities of water, water flow rates, major watercourses, drainage areas and patterns, diversions, collection systems, flood hazard areas, sumps, sump locations, detention and NPDES facilities and drainage courses must be addressed.
155. Local residential and private streets must be designed to have at least one dry travel lane available during a 10-year frequency storm. Collector streets must be designed to have a minimum of one dry travel lane in each direction available during a 10-year frequency storm.
156. All stormwater surface runoff for the development must have water quality treatment to meet the design standards for structural or treatment control BMPs per the latest issued Ventura County Municipal Storm Water NPDES Permit.
157. The hydraulic grade line within any catch basin may not extend higher than nine inches (9") below the flow line grade elevation at the inlet.
158. No pressure manholes for storm drains are allowed unless specifically approved in writing by the City Engineer and Public Works Director. If permitted, all storm drain lines under water pressure must have rubber gasket joints.
159. All manhole frames and covers shall have a thirty inch (30") minimum diameter. This includes all access manholes to catch basins, as well as any other storm drain or NPDES structure.
160. The Q_{50} storm occurrence must be contained within the street right-of-way.
161. The maximum velocity in any storm drain system may not exceed twenty feet (20') per second.

162. All detention and debris structures that fall under the definition of being a dam must have an open air spillway structure that directs overflows to an acceptable location to the satisfaction of the City Engineer and Public Works Director.
163. Only drainage grates of a type approved by the City Engineer and Public Works Director may be used at locations accessible by pedestrian, bicycle or equestrian traffic. Drainage grates shall not be allowed in sidewalks or trails.
164. To verify that the Reinforced Concrete Pipe (RCP) specified on the improvement plan is correct, the RCP delivered to project site must have the D-LOAD specified on the RCP.
165. The grading plan must show distinctive lines of inundation delineating the 100-year flood level.
166. All flows that have gone through flow attenuation and clarification by use of acceptable Best Management Practice Systems and are flowing within brow ditches, ribbon gutters, storm drain channels, area drains and similar devices are to be deposited directly into the storm drain system unless an alternative has been approved by the City Engineer and Public Works Director. Storm drain and related easements outside the public right-of-way are to be privately maintained unless otherwise approved by the City Council.
167. Concrete surface drainage structures exposed to the public view must be tan colored concrete, as approved by the Community Development Director, and to the extent possible must incorporate natural structure and landscape to blend in with the surrounding material.
168. Prior written approval by the City Engineer and Public Works Director is required for curb outlets that provide for pad or lot drainage onto the street.
169. Drainage devices for the development must include all necessary appurtenances to safely contain and convey storm flows to their final point of discharge to the satisfaction of the City Engineer and Public Works Director.
170. The applicant shall demonstrate, for each building pad within the development area, that the following restrictions and protections can be put in place to the satisfaction of the City Engineer and Public Works Director:
 - a. Adequate protection from a one-hundred (100) year frequency storm;
 - b. Feasible access during a fifty (50) year frequency storm.
 - c. Elevation of all proposed structures within the one-hundred (100) year flood zone at least one (1') foot above the one-hundred (100) year flood level.

Hydrology calculations must be per current Ventura County Watershed Protection Agency Standards and to the satisfaction of the City Engineer and

Public Works Director. Development projects within a 100 year flood zone may require a Conditional Letter of Map Revisions (CLOMR) and Letter of Map Revision (LOMR) as determined by the City Engineer and Public Works Director.

171. The storm drain system must be designed with easements of adequate width for future maintenance and reconstruction of facilities, particularly facilities deeper than eight feet (8'). In addition, all facilities must have all-weather vehicular access.
172. All existing public storm drain systems within the development require pre-construction and post-construction Closed Caption Television Videoing (CCTV) including identification by existing plan and station.
173. Storm drain systems must be constructed per the most current Ventura County Watershed Protection District Standard Design Manual, City of Moorpark Standards and to the satisfaction of the City Engineer and Public Works Director.
174. All storm drain easement widths and alignments must conform to the City of Moorpark requirements and be to the satisfaction of the City Engineer and Public Works Director. Easements must provide sufficient room for reconstruction of the storm drain systems and provide all weather access within the easement, to all manholes, inlets, outlets and any other structure that requires maintenance.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

175. Prior to the start of grading or any ground disturbance, the applicant shall identify a responsible person experienced in NPDES compliance who is acceptable to the City Engineer and Public Works Director. The designated NPDES person (superintendent) shall be present, on the project site Monday through Friday and on all other days when the probability of rain is forty percent (40%) or greater and prior to the start of and during all grading or clearing operations until the release of grading bonds. The superintendent shall have full authority to rent equipment and purchase materials to the extent needed to effectuate Best Management Practices. The superintendent shall be required to assume NPDES compliance during the construction of streets, storm drainage systems, all utilities, buildings and final landscaping of the site.
176. Prior to the issuance of any construction/grading permit and/or the commencement of any qualifying grading or excavation, the applicant shall prepare and submit a Stormwater Pollution Control Plan (SWPCP), on the form established in the Ventura Countywide Stormwater Quality Management Program. The SWPCP must address the construction phase compliance to stormwater quality management regulations for the project. The SWPCP, improvement plans and grading plans must note that the contractor shall comply with the California Best Management Practices Construction Handbook,

published by the California Stormwater Quality Association. The SWPCP must be submitted, with appropriate review deposits, for the review and approval of the City Engineer and Public Works Director. The SWPCP must identify potential pollutant sources that may affect the quality of discharges and design the use and placement of Best Management Practices (BMPs) to effectively prohibit the entry of pollutants from the construction site into the storm drain system during construction. Erosion control BMPs, which include wind erosion, dust control, and sediment source control BMPs for both active and inactive (previously disturbed) construction areas are required.

177. The SWPCP must include provisions for modification of BMPs as the project progresses and as conditions warrant. The City Engineer and Public Works Director may require the first version and each subsequent revision of the SWPCP to be accompanied by a detailed project schedule that specifically identifies the type and location of construction operations for the project. The SWPCP must be developed and implemented in accordance with the latest issued Ventura Countywide Stormwater Quality Management Program, NPDES Permit, Chapter 8.52 of the Moorpark Municipal Code and any other requirements established by the City. The applicant is responsible for ensuring that all project contractors, subcontractors, materials suppliers, tenants and tenants' contractors comply with all BMPs in the SWPCP, until such time as a notice of termination has been approved by the City Engineer and Public Works Director and accepted by the Los Angeles Regional Water Quality Control Board. The SWPCP must include schedules and procedures for onsite maintenance of earthmoving and other heavy equipment and documentation of proper disposal of used oil and other lubricants. Onsite maintenance of all equipment that can be performed offsite will not be allowed.
178. Prior to the issuance of any construction/grading permit and/or the commencement of any qualifying, grading or excavation, the applicant for projects with facilities identified as subject to the State Board General Industrial and Commercial permits shall prepare and submit a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP must address post-construction compliance with stormwater quality management regulations for the project. The SWPPP, improvement plans and grading plans must note that the contractor shall comply with the latest edition of the California Best Management Practices New Development and Redevelopment Handbook, published by the California Stormwater Quality Association. The SWPPP must comply with the Ventura Countywide Stormwater Quality Management Program Land Development Guidelines, Technical Guidance Manual for Stormwater Quality Control Measures, and the Stormwater Management Program (SMP) to develop, achieve, and implement a timely, comprehensive, cost effective stormwater pollution control program to reduce pollutants to the maximum extent practicable. The SWPPP must be prepared in compliance with the form and format established in the Ventura Countywide Stormwater Quality Management Program, and submitted, with appropriate review deposits, for the review and approval of the City Engineer/Public Works Director. The proposed plan must also address all relevant NPDES requirements, maintenance

measures, estimated life spans of Best Management Practices facilities, operational recommendations and recommendations for specific Best Management Practices technology, including all related costs. The use of permanent dense ground cover planting approved by the City Engineer/Public Works Director and Community Development Director is required for all graded slopes. Methods of protecting the planted slopes from damage must be identified. Proposed management efforts during the lifetime of the project must include best available technology. "Passive" and "natural" BMP drainage facilities are to be provided such that surface flows are intercepted and treated on the surface over biofilters (grassy swales), infiltration areas and other similar solutions. The use of filters, separators, clarifiers, absorbents, adsorbents or similar "active" devices is not acceptable and may not be used without specific prior approval of the City Council. The use of biological filtering, bio-remediation, infiltration of pre-filtered stormwater and similar measures that operate without annual maintenance intervention, that are failsafe, that, when maintenance is needed, will present the need for maintenance in an obvious fashion and which will be maintainable in a cost effective and non-disruptive fashion is required. As deemed appropriate for each project, the SWPPP must establish a continuing program of monitoring, operating and maintenance to:

- a. Provide discharge quality monitoring.
 - b. Assess impacts to receiving water quality resulting from discharged waters.
 - c. Identify site pollutant sources.
 - d. Educate management, maintenance personnel and users, to obtain user awareness and compliance with NPDES goals.
 - e. Measure management program effectiveness.
 - f. Investigate and implement improved BMP strategies.
 - g. Maintain, replace and upgrade BMP facilities (establish BMP facility inspection standards and clear guidelines for maintenance and replacement).
 - h. Secure the funding, in perpetuity, to achieve items "a" through "g" above.
179. Prior to the issuance of any construction/grading permit and/or the commencement of any clearing, grading or excavation, the applicant shall submit a Notice of Intent (NOI) to the California State Water Resources Control Board, Stormwater Permit Unit in accordance with the latest issued NPDES Construction General Permit: Waste Discharge Requirements for Discharges of Stormwater Runoff Associated with Construction Activities). The applicant shall also provide a copy of the Notice of Intent (NOI) to the City Engineer and Public Works Director as proof of permit application. The improvement plans and

grading plans shall contain the Waste Discharge Identification number for the project.

- 180. Engineering and geotechnical or soils reports must be provided to prove, to the satisfaction of the City Engineer and Public Works Director, that all "passive" NPDES facilities meet their intended use and design. These facilities shall meet the minimum requirements relating to water detention and clarification.
- 181. The applicant shall comply with Chapter 8.52 of the Moorpark Municipal Code and any provision amendatory and supplementary thereto.

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

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

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

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

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

GENERAL

- 185. Prior to combustible construction, an all weather access road/driveway and the first lift of the access road pavement must be installed. Once combustible construction starts a minimum twenty-foot (20') clear width access road/driveway must remain free of obstruction during any construction activities within the development. All access roads/driveways must have a minimum vertical clearance of thirteen feet-six inches (13'-6") and a minimum outside turning radius of forty feet (40').

186. Approved turnaround areas for fire apparatus must be provided when dead-end Fire District access roads/driveways exceed 150-feet. Turnaround areas may not exceed a five percent cross slope in any direction and must be located within one-hundred-fifty feet (150') of the end of the access road/driveway.
187. The access road/driveway must be extended to within one-hundred-fifty feet (150') of all portions of the exterior wall of the first story of any building and must be in accordance with Fire District access standards. Where the access roadway cannot be provided, approved fire protection system or systems must be installed as required and acceptable to the Fire District.
188. When only one (1) access point is provided, the maximum length of the access road may not exceed eight-hundred feet (800').
189. Public and private roads must be named if serving more than four (4) parcels or as required by the Fire District. All street naming shall be in accordance with currently adopted City Council policy.
190. Approved walkways must be provided from all building openings to the public way or Fire District access road/driveway.
191. Structures exceeding three stories or forty-eight-feet (48') in height must meet current VCFPD Ordinance for building requirements. Structures exceeding seventy-five-feet (75') in height are subject to Fire District high rise building requirements. **(This Condition Applies to Commercial/Industrial and Multi-family Residential Projects)**
192. All new structures must be provided with an automatic fire sprinkler system in accordance with current Ventura County Fire Protection District Ordinance.
193. Commercial trash dumpsters and containers with an individual capacity of 1.5 cubic yards or greater may not be stored or placed within five feet of openings, combustible walls, or combustible roof eave lines unless protected by approved automatic sprinklers. **(This Condition Applies to Commercial/Industrial and Multi-family Residential Projects)**
194. Gating of private streets or parking areas must meet the requirements of Chapter 17.32 of the Moorpark Municipal Code and any provision amendatory and supplementary thereto and of the Ventura County Fire Protection District.

FINAL MAP

195. Prior to recordation of the Final Map(s), proposed street name(s) must be submitted to the Community Development Director and the Fire District's Mapping Unit for review and approval. Approved street names must be shown on the Final Map(s). Street name signs must be installed in conjunction with the road improvements. The type of sign must be in accordance with Plate F-4 of the Ventura County Road Standards.
196. At least fourteen (14) days prior to recordation of any maps, including parcel map waivers, the applicant shall submit two (2) copies of the map to the Fire Prevention Division for approval.

197. Within seven (7) days of the recordation of the Final Map(s) an electronic version of the map must be provided to the Fire District.
198. Prior to Final Map or prior to the issuance of a building permit, whichever comes first, the applicant shall provide to the Fire District, written verification from the water purveyor that the water purveyor can provide the required fire flow as determined by the Fire District.

DEVELOPMENT REQUIREMENTS

199. Prior to the issuance of a certificate of occupancy by the Building Division, the applicant shall submit a plan to the Fire District for review and approval indicating the method by which this project will be addressed.
200. Minimum six-inch (6") high address numbers must be installed prior to occupancy, must be contrasting color to the background, and must be readily visible at night Brass or gold plated number may not be used. Where structures are set back more that one-hundred-fifty feet (150') from the street, larger numbers are required so that they are distinguishable from the street. In the event a structure(s) is (are) not visible from the street, the address numbers(s) must be posted adjacent to the driveway entrance on an elevated post.
201. Prior to combustible construction, fire hydrants must be installed to the minimum standards of the City of Moorpark and the Fire District, and must be in service.
202. Prior to occupancy of any structure, blue reflective hydrant location markers must be placed on the access roads in accordance with Fire District standards. If the final asphalt cap is not in place at time of occupancy, hydrant location markers must still be installed and replaced when the final asphalt cap is completed.
203. Prior to the issuance of a building permit, building plans for all A, E, H, I, R-1 and R-2 Occupancies must be submitted, with payment for plan check, to the Fire District for review and approval. **(This Condition Applies to Commercial/Industrial and Multi-family Residential Projects)**
204. Prior to issuance of a building permit the applicant must submit a phasing plan and two (2) site plans (for the review and approval of the location of fire lanes) to the Fire District.
205. Prior to occupancy, the fire lanes must be posted "NO PARKING FIRE LANE TOW-AWAY" in accordance with California Vehicle Code and the Fire District.
206. Prior to or concurrently with the issuance of a building permit, the applicant shall submit plans to the Fire District showing the location of the existing hydrants within three-hundred feet (300') of the proposed project and showing the location, type and number of proposed hydrants, and the size of the outlets. Fire hydrant(s) shall be provided in accordance with current adopted edition of the Uniform Fire Code, Appendix 111-B and adopted amendments. On-site fire hydrants may be required as determined by the Fire District. Fire hydrants, if required, must be installed and in service prior to combustible construction and

must conform to the minimum standard of the Ventura County Waterworks Manual and the Fire District.

207. Prior to installation of any fire protection system; including, but not limited to sprinklers, dry chemical, hood systems, the applicant shall submit plans, along with the required fee for plan check, to the Fire District for review and approval. Fire sprinkler systems with one-hundred or more heads must be supervised by a fire alarm system in accordance with Fire District requirements.
208. Prior to installation of the fire alarm system (if required), the applicant shall submit plans, along with the required fee for plan check, to the Fire District for review and approval. The fire alarm system must be installed in all buildings in accordance with California Building and Fire Code.
209. Prior to the issuance of a certificate of occupancy by the Building Division, the applicant shall obtain all applicable Uniform Fire Code (UFC) permits.
210. Prior to the issuance of a building permit, the applicant shall obtain a copy of Ventura County Fire District Form No. 126 "Requirements for Construction."
211. Prior to the issuance of a certificate of occupancy by the Building Division, the applicant shall install fire extinguishers in accordance with the Uniform Fire Code. The placement of extinguishers is subject to review and approval by the Fire District. **(This Condition Applies to Commercial/Industrial and Multi-family Residential Projects)**
212. Prior to framing, the applicant shall clear for a distance of one hundred feet all grass or brush exposing any structure(s) to fire hazards.

G. *Please contact the VENTURA COUNTY WATERWORKS DISTRICT NO. 1 for compliance with the following conditions:*

213. The applicant shall comply with the applicable provisions of Ventura County Waterworks District No. 1 standard procedures for obtaining domestic water and sewer services for applicant's projects within the District.
214. Prior to the issuance of a building permit, the applicant shall provide Ventura County Waterworks District with:
 - a. Water and sewer improvement plans in the format required.
 - b. Hydraulic analysis by a registered Civil Engineer to determine the adequacy of the proposed and existing water and sewer lines.
 - c. Copy of fire hydrant location approvals by Ventura County Fire Protection District.
 - d. Copy of District Release and Receipt from Calleguas Municipal Water District.
 - e. Cost estimates for water and sewer improvements.
 - f. Plan check, construction inspection, capital improvement charge, sewer connection fee and water meter charge.
 - g. Signed Contract to install all improvements and a Surety Bond.

215. At the time water service connection is made, cross connection control devices must be installed on the water system in a manner approved by the Ventura County Waterworks District No. 1.

H. *Please contact the VENTURA COUNTY WATERSHED PROTECTION DISTRICT for compliance with the following conditions:*

216. Direct storm drain connections to Ventura County Flood Control District facilities are subject to Ventura County Watershed Protection District permit requirements.

I. *Please contact the POLICE DEPARTMENT for compliance with the following condition:*

217. Prior to initiation of the building plan check process for the project, the applicant shall submit plans in sufficient detail to the Police Department for review and approval of defensible space concepts to reduce demands on police services. To the degree feasible and to the satisfaction of the Community Development Director and the Police Chief, public safety planning recommendations must be incorporated into the project plans. The applicant shall prepare a list of project features and design components that demonstrate responsiveness to defensible space design concepts.

- END -

Exhibit B

CITY OF MOORPARK

**STANDARD CONDITIONS OF APPROVAL
FOR CONDITIONAL USE PERMITS**

The following conditions shall be required of all projects unless otherwise noted:

GENERAL REQUIREMENTS

218. Within thirty (30) calendar days of approval of this entitlement, the applicant shall sign and return to the Planning Division an Affidavit of Agreement and Notice of Entitlement Permit Conditions of Approval, indicating that the applicant has read and agrees to meet all Conditions of Approval of this entitlement. The Affidavit of Agreement/Notice shall include a legal description of the subject property, and have the appropriate notary acknowledgement suitable for recordation.
219. This Conditional Use Permit expires one (1) year from the date of its approval unless the use has been inaugurated by issuance of a building permit for construction. The Community Development Director may, at his/her discretion, grant up to two (2) additional one-year extensions for use inauguration of the 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 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.
220. The Conditions of Approval of this entitlement and all provisions of the City of Moorpark Municipal Code and adopted City policies at the time of the entitlement approval, supersede all conflicting notations, specifications, dimensions, typical sections and the like which may be shown on said plans or application.
221. 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.
222. All mitigation measures required as part of an approved Mitigation Monitoring Report and Program (MMRP) for this entitlement are hereby adopted and included as requirements of this entitlement. Where conflict or duplication between the MMRP and the Conditions of Approval occurs the Community Development Director shall determine compliance so long as it does not conflict with the California Environmental Quality Act and the more restrictive measure or condition applies.
223. The applicant shall defend, indemnify and hold harmless the City and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul any approval by the City or any of its agencies, departments, commissions, agents, officers, or employees concerning this entitlement approval, which

claim, action or proceeding is brought within the time period provided therefore in Government Code Section 66499.37 or other sections of state law as applicable. The City will promptly notify the applicant of any such claim, action or proceeding, and, if the City should fail to do so or should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify and hold harmless the City or its agents, officers and employees pursuant to this condition.

- c. The City may, within its unlimited discretion, participate in the defense of any such claim, action or proceeding if both of the following occur:
 - iii. The City bears its own attorney fees and costs;
 - iv. The City defends the claim, action or proceeding in good faith.
- d. 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 issued pursuant to the permit or the use is inaugurated.

- 224. If any of the conditions or limitations of this approval are held to be invalid, that holding does not invalidate any of the remaining conditions or limitations set forth.
- 225. All facilities and uses, other than those specifically requested in the application and those accessory uses allowed by the Municipal Code, are prohibited unless otherwise permitted through application for Modification consistent with the requirements of the zone and any other adopted ordinances, specific plans, landscape guidelines, or design guidelines.

FEES

- 226. Entitlement Processing: Prior to the approval of any Zoning Clearance for this entitlement, the applicant shall submit to the Community Development Department all outstanding entitlement case processing fees, including all applicable City legal service fees. This payment shall be made within sixty (60) calendar days after the approval of this entitlement.
- 227. Condition Compliance: Prior to the issuance of any Zoning Clearance, building permit, grading permit, or advanced grading permit, the applicant shall submit to the Community Development Department the Condition Compliance review deposit.
- 228. Electronic Conversion: In accordance with City policy, the applicant shall submit to the Community Development Department, City Engineer and Public Works Director and the Building and Safety Division the City's electronic image conversion fee for entitlement/condition compliance documents; Final Map/engineering improvement plans/permit documents; and building plans/permit documents, respectively.
- 229. Fish and Game: Within two (2) business days after the City Council/Planning Commission adoption of a resolution approving this project, the applicant shall

submit to the City of Moorpark two separate checks for Negative Declaration or Environmental Impact Report, and Administrative Fee, both made payable to the County of Ventura, in compliance with Assembly Bill 3158 for the management and protection of Statewide Fish and Wildlife Trust Resources. Pursuant to Public Resources Code Section 21089, and Fish and Game Code Section 711.4, the project is not operative, vested or final until the filing fees are paid.

230. Storm Drain Discharge Maintenance Fee: Prior to or concurrently with the issuance of a Zoning Clearance for building permit, the applicant shall pay to the Community Development Department citywide Storm Drain Discharge Maintenance Fee. The fee shall be paid in accordance with City Council adopted Storm Drain Discharge Maintenance Fee requirements in effect at the time of building permit application.

Please contact the PLANNING DIVISION for compliance with the following conditions:

DEVELOPMENT REQUIREMENTS

231. Prior to issuance of a building permit, the Applicant shall provide an Irrevocable Offer of Dedication to the City of an easement for the purpose of providing ingress/egress access, drainage and parking to the adjacent commercial/industrial properties. The City of Moorpark shall not assume any responsibility for the offered property or any improvements to the property until this action has been accepted by the City Council. If accepted by the City of Moorpark, this easement may be fully assignable to the adjacent property owners, as an easement appurtenant for parking, ingress/egress access purposes and all uses appurtenant thereto. The form of the Irrevocable Offer of Dedication and other required pertinent documents required to satisfy the above requirements shall be to the satisfaction of the Community Development Director, City Engineer, Public Works Director and the City Attorney
232. Parking areas must be maintained in accordance with the requirements of the Moorpark Municipal Code. All parking space and loading bay striping must be maintained so that it remains clearly visible during the life of the development.
233. Prior to any re-striping of the parking area, a Zoning Clearance is required. All disabled parking spaces and paths of travel must be re-striped and maintained in their original approved locations unless new locations are approved by the Community Development Director.

OPERATIONAL REQUIREMENTS

234. Loading and unloading operations are allowed only between the hours of 6:00 a.m. and 10:00 p.m. unless additional hours are approved by the City Council. More restrictive hours for loading and unloading may be imposed by the Community Development Director if there are noise and other issues that make the loading and unloading incompatible with the adjacent residential uses. There shall be no idling of trucks while loading or unloading.

235. All uses and activities must be conducted inside the building(s) unless otherwise authorized in writing by the Community Development Director and consistent with applicable Zoning Code provisions.
236. Prior to the issuance of a Zoning Clearance for any use which requires handling of hazardous or potentially hazardous materials, the applicant shall provide proof that he/she has obtained the necessary permits from Ventura County Environmental Health Division. Should the Community Development Director determine that a compatibility study is required; the applicant shall apply for a Permit Modification to the entitlement.
237. The applicant agrees not to protest the formation of an underground Utility Assessment District.
238. The continued maintenance of the subject site and facilities is subject to periodic inspection by the City. The Applicant and his/her successors, heirs, and assigns shall be required to remedy any defects in ground or building maintenance, as indicated by the City within five (5) working days from written notification.
239. No noxious odors may be generated from any use on the subject site.
240. The applicant and his/her successors, heirs, and assigns shall remove any graffiti within seventy-two (72) hours from written notification by the City of Moorpark. All such graffiti removal shall be accomplished to the satisfaction of the Community Development Director.
241. Should continued compliance with these Conditions of Approval not be met the Community Development Director may modify the conditions in accordance with Municipal Code Section 17.44.100 and sections amendatory or supplementary thereto, declare the project to be out of compliance, or the Director may declare, for some other just cause, the project to be a public nuisance. The applicant shall be liable to the City for any and all costs and expenses to the City involved in thereafter abating the nuisance and in obtaining compliance with the Conditions of Approval or applicable codes. If the applicant fails to pay all City costs related to this action, the City may enact special assessment proceedings against the parcel of land upon which the nuisance existed (Municipal Code Section 1.12.170).
242. Prior to the issuance of a Zoning Clearance for tenant occupancy, the prospective tenant shall obtain a Business Registration Permit from the City of Moorpark. All contractors doing work in Moorpark shall have or obtain a current Business Registration Permit.
243. Prior to issuance of Zoning Clearance for the first building permit, the applicant shall submit a Waste Reduction and Recycling Plan to the City's Solid Waste Management staff and the Community Development Director for review and approval. The Plan must include a designated building manager, who is responsible for initiating on-site waste materials recycling programs, including acquiring storage bins for the separation of recyclable materials and coordination and maintenance of a curbside pickup schedule.

244. The building manager or designee shall be required to conduct a routine on-site waste management education program to educating and alerting employees and/or residents to any new developments or requirements for solid waste management. This condition must be coordinated through the City's Solid Waste Management staff.
245. No overnight parking, repair operations or maintenance of trucks may occur on site. The property owner shall enter into an agreement with the City to allow the City, upon property posting of signs restricting the overnight parking, repair or maintenance of truck, to enforce the onsite restrictions and assume the costs of towing the violating vehicles.
246. Tree pruning, consisting of trimming to limit the height and/or width of tree canopy and resulting in a reduction of required shade coverage for the parking lot area, is prohibited by Section 17.32.070 of the Moorpark Municipal Code and will be considered a violation of the Conditions of Approval. Tree trimming for the purposes of maintaining the health of trees is permitted with prior approval of the Community Development Director and the City's designated arborist.
247. All landscaping must be maintained in a healthy and thriving condition, free of weeds, litter and debris.

ALCOHOLIC BEVERAGE REQUIREMENTS (for alcoholic beverage sales and service)

31. The development must be in substantial conformance with the plans presented in conjunction with this application, except any modifications as may be required to meet specific Code standards or other conditions stipulated herein.
32. All necessary permits must be obtained from the Building and Safety Department and all construction shall be in compliance with the Moorpark Building Code and all other applicable regulations.
33. Approval of a Zoning Clearance is required prior to the issuance of building permits. All other permit and fee requirements must be met.
34. Entertainment is not approved as part of this Conditional Use Permit and requires approval of a separate permit.
35. Security personnel must be provided to monitor the parking area(s) designated for use by customers of the restaurant during any activity that may require the need for additional security such as an outdoor concert or special sales event or exhibit. The applicant shall work with the Police Department, Fire Department, and Community Development Department staff to determine which activities require additional security. The owner/manager shall be required to obtain Temporary Use Permit approval from the City of Moorpark when a scheduled activity could create a need for increased police presence. The only exception is for special events held by Moorpark-based non-profit groups.
36. The applicant shall reimburse the City of Moorpark for any additional police or other costs incurred by the City as a result of operations approved by this

- Conditional Use Permit, including fifteen (15%) percent overhead on any such services.
37. No person under the age of eighteen (18) may serve or package alcoholic beverages.
 38. 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.
 39. This Conditional Use Permit may be revoked or its use suspended by the City, if any of the causes listed in Section 17.44.100.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.
 40. The City of Moorpark reserves the right to modify, suspend or revoke for cause this Conditional Use Permit consistent with Chapter 17.44 of the Moorpark Municipal Code or as said Code may be amended or supplemented in the future.
 41. Sales, service or consumption of liquor, beer, and wine allowed by this Conditional Use Permit are permitted only between the hours of 10:00 a.m. and Midnight.
 42. This premise is not licensed by ABC to operate as a bar or a nightclub and must maintain this premise as a restaurant. The quarterly gross sales of alcoholic beverages may not exceed 50% of the gross sales of food during the same period. The facility must at all times maintain records which reflect separately the gross sale of food and the gross sales of alcoholic beverages of the business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Moorpark Police Department upon demand.
 43. "Walk-in" alcohol service for non-restaurant patrons is not permitted at any time. Alcoholic beverages may only be sold/served to patrons of the facility during dining events. Food meal service must be available during all business hours that alcoholic beverages are sold.
 44. Areas inside the establishment open to customers must be illuminated sufficiently to allow the identification of persons.
 45. The applicant or his/her designee shall be responsible to police the exterior of the business to assure that no liquor, beer, or wine is consumed within the parking lot. The applicant shall not permit any loitering in the parking lot or in areas adjacent to the facility. The rear door must remain closed during business hours.
 46. No exterior advertising of any kind or type is allowed promoting or indicating the availability of alcoholic beverages. Interior advertising displays for alcoholic beverages that are clearly visible to the exterior constitute a violation of this condition.
 47. The permittee must correct any safety or security problem within thirty (30) days upon written notice of such a problem from the Moorpark Police Department.

48. A License Agreement for encroachment into the right-of-way must be obtained prior to the initiation of any sidewalk dining or the capture fencing must be removed. **(Required when the use is on a part of the public right-of-way)**
49. Any and all employees directly involved or supervising the sale/service of alcoholic beverages shall provide evidence and the business shall maintain records that employees have:
 - a. Received training from the State of California Department of Alcoholic Beverage Control "Leadership and Education in Alcohol and Drugs" LEAD program in the form of an ABC issued certificate.
 - b. The Owner/Manager shall confirm with the California Department of Alcoholic Beverage Control within fifteen (15) days of hire any new employee has been scheduled with the local (Santa Barbara ABC office) to attend the LEAD program course. Alternatively, this course attendance requirement may be met through a LEAD certified agency or company approved by the State of California.

VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT RELATED REQUIREMENTS:

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

VENTURA COUNTY FIRE PROTECTION DISTRICT RELATED REQUIREMENTS:

GENERAL

52. Commercial trash dumpsters and containers with an individual capacity of 1.5 cubic yards or greater may not be stored or placed within five feet of openings, combustible walls, or combustible roof eave lines unless protected by approved automatic sprinklers.

DEVELOPMENT REQUIREMENTS

53. Prior to the issuance of a building permit, building plans for all A, E, H, I, R-1 and R-2 Occupancies shall be submitted, with payment for plan check, to the Fire District for review and approval.
54. Prior to installation of any fire protection system, including, but not limited to sprinklers, dry chemical, hood systems, the applicant shall submit plans, along

with the required fee for plan check, to the Fire District for review and approval. Fire sprinkler systems with one-hundred or more heads must be supervised by a fire alarm system in accordance with Fire District requirements.

55. Prior to installation of the fire alarm system (if required), the applicant shall submit plans, along with the required fee for plan check, to the Fire District for review and approval. The fire alarm system must be installed in all buildings in accordance with California Building and Fire Code.
56. Prior to the issuance of a certificate of occupancy by the Building Division, the applicant shall obtain all applicable Uniform Fire Code (UFC) permits.
57. Prior to the issuance of a building permit, the applicant shall obtain a copy of Ventura County Fire District Form No. 126 "Requirements for Construction."
58. Prior to the issuance of a certificate of occupancy by the Building Division, the applicant shall install fire extinguishers in accordance with the Uniform Fire Code. The placement of extinguishers is subject to review and approval by the Fire District.

- END -

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

I, Maureen Benson, Assistant City Clerk of the City of Moorpark, California, do hereby certify under penalty of perjury that the foregoing Resolution No. 2009-2799 was adopted by the City Council of the City of Moorpark at a regular meeting held on the 18th day of March, 2009, and that the same was adopted by the following vote:

AYES: Councilmembers Lowenberg, Mikos, Millhouse, Van Dam, and
 Mayor Parvin
NOES: None
ABSENT: None
ABSTAIN: None

WITNESS my hand and the official seal of said City this 1st day of April, 2009.



Maureen Benson, Assistant City Clerk
(seal)



RESOLUTION NO. 2016-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING COMMERCIAL PLANNED DEVELOPMENT PERMIT NO. 2016-01 AND CONDITIONAL USE PERMIT NO. 2016-04 FOR THE CONSTRUCTION AND OPERATION OF A NEW TWO-STORY FOOD MARKET, RESTAURANT WITH ALCOHOLIC BEVERAGE SALES, BANQUET ROOM, COMMERCIAL KITCHEN, AND MICROBREWERY TOTALING 16,734 SQUARE FEET ON 1.23 ACRES AT 44 HIGH STREET, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA IN CONNECTION THEREWITH, ON THE APPLICATION OF SEAN RASMUSSEN, WADE WEISSMAN ARCHITECTURE, FOR APRICOT LANE MARKET HOLDINGS LLC

WHEREAS, on June 21, 2016, Sean Rasmussen, Wade Weissman Architecture, for Apricot Lane Market Holdings LLC, submitted an application for a Commercial Planned Development (CPD) Permit No. 2016-01 and Conditional Use Permit (CUP) No. 2016-04 for the construction and operation of a new two-story food market, restaurant, commercial kitchen, and microbrewery totaling 16,734 square-feet on 1.23 acres at 44 High Street; and

WHEREAS, on October 25, 2016, after holding a duly noticed public hearing, the Planning Commission adopted Resolution No. PC-2016-613, recommending approval of Commercial Planned Development (CPD) Permit No. 2016-01 and Conditional Use Permit (CUP) No. 2016-04, subject to conditions of approval; and

WHEREAS, at a duly noticed public hearing on November 16, 2016 for CPD Permit No. 2016-01 and CUP No. 2016-04, the City Council considered the agenda report 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; and

WHEREAS, the Community Development Director has determined that the project CPD Permit No. 2016-01 and CUP No. 2016-04 is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32: In-fill Development Projects) of the California Code of Regulations (CEQA Guidelines). The proposed buildings and uses are consistent with the General Plan, Downtown Specific Plan, and Zoning regulations; the project is within the City on a site of less than five acres in size and surrounded by urban uses, the site has no value as habitat, the project will not result in significant effects to traffic noise, air quality or water quality, and the site is adequately served by existing utilities. In addition, there is no substantial evidence that the project will have a significant effect on the environment due to unusual circumstances. Accordingly, no further environmental documentation is needed.

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

SECTION 1. ENVIRONMENTAL DETERMINATION: The City Council, based on its own independent analysis and judgment, concurs with the Community Development Director's determination that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32: In-fill Development Projects) of the California Code of Regulations (CEQA Guidelines) for the following reasons:

- A. The project is consistent with applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The General Plan and Zoning Ordinance have designated the site as, "Old Town Commercial," and the site is in the Downtown Specific Plan area. The General Plan promotes this comprehensive specific plan to coordinate the revitalization of the downtown area. The vision for the High Street area in the Downtown Specific Plan is to retain the country charm and agrarian qualities that are the roots of Moorpark's history by creating a pedestrian-oriented area where people walk, shop, and feel safe on the street at night, with a unique mix of offices and businesses and the cultural and civic hub to the city. The proposed buildings and uses contribute to this vision by providing daytime and nighttime dining and shopping opportunities in a building that is consistent with the Design Guidelines of the Downtown Specific Plan. The building meets the height and setback requirements of the Zoning Ordinance and the proposed uses are allowed with a Conditional Use Permit in the Old Town Commercial Zone.
- B. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. High Street is one of the first areas of the city to have been developed, has been a part of the City of Moorpark since incorporation, and development has existed around the 1.23-acre project site for over 100 years.
- C. The project site has no value as habitat for endangered, rare or threatened species. No endangered, rare or threatened species have been identified on the project site, which has had urban uses on it for over 100 years. Existing vegetation consists of ash trees, Mexican fan palm trees and California pepper trees, which are ornamental non-native species with no habitat value. The site is also not conducive as habitat for endangered, rare, or threatened species because it is in very close proximity to a railroad line, and it is located in an older downtown portion of the City with a variety of urban uses.
- D. Approval of the project will not result in any significant effects relating to traffic, noise, air quality, or water quality. The project is consistent with the scale of other commercial development on High Street. Los Angeles Avenue Area of Contribution fees will be paid by the project applicant per applicable City

resolution (currently Resolution No. 2014-3336) at the time of building permit issuance to provide a project contribution to specified traffic improvements. The site is surrounded by commercial development and a railroad right-of-way. There are no sensitive noise receptors that would be affected by activities on the site. A condition is included to limit hours and type of outside entertainment to ensure compliance with the City's noise regulations. Given the relatively small size of the use, traffic generated is not expected to have a noticeable increase in noise in the surrounding area. Standard conditions are included for construction grading to be in compliance with the Ventura County Air Pollution Control District's fugitive dust rules, and to water the site and avoid grading on days with strong winds. Air quality fees will be paid by the project applicant per applicable City resolution (currently Resolution No. 2006-2461) to provide funding for facilities that reduce motor vehicle traffic. The project will comply with the current NPDES (stormwater quality) permit, which will avoid significant water quality effects by retaining most stormwater runoff on-site.

- E. The site can be adequately served by all required utilities and public services. The site has previously been developed with several uses since High Street was first developed over 100 years ago. Electricity, natural gas, water, sewer, and communication services are already available at the site, and the usage is expected to be similar to previous uses on the site as well as other commercial uses on High Street.
- F. The project does not meet any of the findings in Section 15300.2 of the CEQA Guidelines to preclude the use of a Class 32 – Infill Development Projects categorical exemption for the following reasons:
- i. Cumulative Effects* – There is a limited amount of vacant land available on High Street for further development that could result in cumulative effects when combined with the proposed development of the project site. Available infrastructure was designed to serve commercial development on the south side of High Street and thus there is no evidence that the project, together with other planned projects in the area, will have a significant cumulative effect on environmental resources.
 - ii. Unusual Circumstances* – The relatively level site had been previously developed over time with a Southern Pacific railroad depot, two separate restaurants, and a chicken feed operation. The depot building and one of the restaurants have since been demolished. The chicken feed operation has been abandoned, but the buildings for that use remain on this site and the adjacent site to the east. One of the restaurants still is operating on the site. No known unusual circumstances, as more fully explained in this Section of the Resolution, would cause the reasonable possibility for any impacts of the project to cause a significant effect on the environment.

- iii. Scenic Highways – There are no state scenic highways adjacent to the project site, and none that would be affected by this development.
- iv. Hazardous Waste Sites – The project is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- v. Historical Resources – The project site was once the location of a Southern Pacific Railroad Depot, constructed in the early 1900's. This depot suffered fire damage and was torn down in the early 1960's. The existing buildings on site include two warehouse/silo screening structures for a chicken feed operation constructed around 1979/1980, and a restaurant building originally constructed in 1960, but modified substantially over time. These structures, having been constructed relatively recently, are not associated with any persons or events of historical interest, are not examples of any unique or significant architecture, and have no known historical value. These buildings will be demolished as part of the project.

Although archeological and paleontological resources are not expected on the site due to its recent use for a variety of urban activities, Standard Condition Nos. 9 and 10 provide proper procedures for the handling and disposition of archaeological and paleontological resources if they are discovered during construction activities, including grading, on the site. These procedures would avoid significant effects on these resources, in the event they are discovered on the site.

The California Pepper street tree grove on High Street is a recognized historical resource listed by the County of Ventura, as it was originally planted by Robert Poindexter, one of the founders of the town site of Moorpark. In 2007, the City adopted a California Pepper Trees Maintenance Plan for these street trees on High Street. An Environmental Impact Report (EIR) was prepared and adopted for this plan to address potential historical impacts of tree removal. One young California Pepper tree that is not identified as a historic tree will be removed or relocated as part of the project, but this tree will be replaced. The project will not involve the removal of any identified historical trees and will be in compliance with the maintenance plan. Compliance with this plan was found in the EIR to be sufficient mitigation to reduce or avoid significant effects on this historical resource.

SECTION 2. PLANNED DEVELOPMENT PERMIT FINDINGS: Based upon the information set forth in the staff report, accompanying studies, and oral and written public testimony, the City Council makes the following findings in accordance with City of Moorpark, Municipal Code Section 17.44.030:

- A. The site design, including structure location, size, height, setbacks, massing, scale, architectural style and colors, and landscaping, as conditioned, are consistent with the provisions of the General Plan, the Downtown Specific Plan, the Zoning Ordinance, and any other applicable regulations.
- B. The site design would not create negative impacts on or impair the utility of properties, structures or uses in the surrounding area in that the buildings comply with Zoning regulations and Downtown Specific Plan Design Guidelines and sufficient parking is provided on site.
- C. The proposed uses are compatible with existing and permitted uses in the surrounding area, which is part of the Old Town Commercial General Plan and Zoning designation and Downtown Specific Plan area. Permitted uses in this area have been coordinated to ensure compatibility.

SECTION 3. **CONDITIONAL USE PERMIT FINDINGS:** Based upon the information set forth in the staff report, accompanying studies, and oral and written public testimony, the City Council makes the following findings in accordance with City of Moorpark, Municipal Code Section 17.44.040(D):

- A. The proposed use is consistent with the provisions of the City's General Plan, Zoning Ordinance, and other applicable regulations as conditioned in that breweries and restaurants servicing alcoholic beverages for on-site consumption are conditionally permitted within the zone, and conditions of approval have been proposed to mitigate potential problems.
- B. The proposed use is compatible with both existing and permitted land uses in the surrounding area, in that this is an approved microbrewery and restaurant where alcoholic beverages typically are served for on-site consumption.
- C. The proposed use is compatible with the scale, visual character, and design of surrounding properties, in that architecture is considered through the application of a Commercial Planned Development and is consistent with the requirements of the Downtown Specific Plan.
- D. The proposed use would not be obnoxious or harmful, or impair the utility of neighboring property or uses in that conditions are required to ensure proper control of the service of alcoholic beverages for on-site consumption; and
- E. The proposed use as conditioned would not be detrimental to the public health, safety, convenience, or welfare in that the conditions required to ensure proper control of the service of alcoholic beverages for on-site consumption.

ADDITIONAL FINDINGS FOR THE MICROBREWERY:

- F. Although Census Tract 76.13 exceeds the ABC target number of establishments selling alcoholic beverages for on-site consumption, it is a census tract

dominated by shopping centers and Moorpark's Downtown corridor, where such uses are expected. There are no similar microbreweries on High Street.

- G. The use will serve a public convenience in that the sale of beer from this location for on-site or off-site consumption allows the public a local choice for craft beer brewed on site that does not exist on High Street.
- H. The use will not create the need for increased police services in that conditions are required to ensure proper control of the sale of beer for on-site and off-site consumption.
- I. The requested use at the proposed location will not adversely affect the economic welfare of the community.
- J. The exterior appearance of the structure will not be inconsistent with the external appearance of commercial structures already constructed or under construction on surrounding properties, or within the immediate neighborhood so as to cause blight, deterioration or substantially diminish property values within the neighborhood. The proposed structures, as conditioned, are architecturally consistent with the design standards of the Downtown Specific Plan and will enhance the appearance of the site.

ADDITIONAL FINDINGS FOR THE RESTAURANT SERVING ALCOHOLIC BEVERAGES:

- K. Although Census Tract 76.13 exceeds the ABC target number of establishments selling alcoholic beverages for on-site consumption, it is a census tract dominated by shopping centers and Moorpark's Downtown corridor, where such uses are expected. The proposed use under this Conditional Use Permit will not result in a detrimental overconcentration of establishments serving alcoholic beverages for on-site consumption in the area, as these sales will be ancillary to the service of food from the restaurant.
- L. The use will serve a public convenience, in that the service of alcoholic beverages for on-site consumption is an ancillary use to the primary use of the proposed building as a restaurant.
- M. The use will not create the need for increased police services in that conditions are required to ensure proper control of the sale of alcoholic beverages for on-site consumption.
- N. The requested use at the proposed location will not adversely affect the economic welfare of the community in that appropriate controls have been put in place through conditions of approval.
- O. The exterior appearance of the structure will not be inconsistent with the external

appearance of commercial structures already constructed or under construction on surrounding properties, or within the immediate neighborhood so as to cause blight, deterioration or substantially diminish property values within the neighborhood. The proposed structures, as conditioned, are architecturally consistent with the design standards of the Downtown Specific Plan and will enhance the appearance of the site.

SECTION 4. APPROVAL OF PROJECT: Based on all of the findings contained herein and all the evidence in the record of this matter, the City Council approves CPD Permit No. 2016-01 and CUP No. 2016-04 subject to the Special and Standard Conditions of Approval included in Exhibit A (Special and Standard Conditions of Approval), attached hereto and incorporated herein by reference.

SECTION 5. 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 16th day of November, 2016.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Exhibit A – Special and Standard Conditions of Approval

EXHIBIT A

STANDARD AND SPECIAL CONDITIONS OF APPROVAL FOR COMMERCIAL PLANNED DEVELOPMENT PERMIT NO. 2016-01 AND CONDITIONAL USE PERMIT NO. 2016-04

STANDARD CONDITIONS OF APPROVAL

The applicant shall comply with Standard Conditions of Approval for Planned Developments and Conditional Use Permits as adopted by City Council Resolution No. 2009-2799 (Exhibits A and 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 OF APPROVAL

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 Commercial Planned Development Permit No. 2016-01 and Conditional Use 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 layout shall require review and approval as determined by the Community Development Director consistent with Chapter 17.44 of the Zoning Ordinance.
7. Commercial Planned Development Permit No. 2016-01 and Conditional Use 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.
8. Conditional Use Permit No. 2016-04 is granted or approved with the City's designated approving body retaining and reserving the right and jurisdiction to review and to modify the permit—including the conditions of approval—based on changed circumstances. Changed circumstances include, but are not limited to, major modification of the business; a change in scope, emphasis, size, or nature of the business; the expansion, alteration, reconfiguration, or change of use; or the fact that the use is negatively impacting surrounding uses by virtue of impacts not identified at the time of application for the conditional use permit or impacts that are much greater than anticipated or disclosed at the time of application for the conditional use permit. The reservation of right to review any permit granted or approved under this chapter by the City's designated approving body is in addition to, and not in lieu of, the right of the City, its Planning Commission, City Council and designated approving body to review and revoke or modify any permit granted or approved under this chapter for any violations of the conditions imposed on such permit.
9. 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 Moorpark Downtown Specific Plan.

10. Prior to issuance of a Zoning Clearance for a building permit, the applicant shall submit a fencing, lighting, and landscaping 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. Fencing along the south side of the property on or adjacent to property owned by the Ventura County Transportation Commission (VCTC) shall be subject to review and approval by VCTC to prevent unauthorized access to VCTC property. No service of alcoholic beverages will be allowed in the outdoor dining areas without City-approved fencing that meets State standards.
11. Prior to the issuance of a Zoning Clearance for a building permit, the applicant shall submit to the City Engineer/Public Works Director for review and approval public right-of-way improvements plans prepared by a California Registered Civil Engineer for the High Street frontage of the property, 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. Improvements to the sidewalk and parkway in the public right-of-way shall also be reviewed and approved by the Community Development Director and Parks and Recreation Director. Installation of decorative sidewalk shall be subject to a license agreement or similar instrument and surety with the City to ensure ongoing maintenance of the sidewalk and acceptance of liability in a manner acceptable to the City Engineer/Public Works Director, City Manager, and City Attorney.
12. None of the prohibited plants indicated in the Provisionally Acceptable Plant List and the Invasive and Prohibited Plant List contained in the City's Landscape Standards and Guidelines shall be used on the development site, with the exception of California Pepper Trees as part of the High Street streetscape.
13. Prior to the issuance of a Zoning Clearance for a building permit, the applicant shall submit a plan for a fully-covered trash enclosure, with materials and colors to match the building, for review and approval by the Community Development Director and City solid waste manager.
14. Prior to the issuance of a Zoning Clearance for occupancy, the applicant shall submit a Developer Waste Reduction and Recycling Plan to the satisfaction of the ~~Administrative Services Manager~~ assigned manager for the Solid Waste and Recycling Division.

15. 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.
16. 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.
17. The number of parking spaces shall be maintained consistent with Chapter 17.32 of the Zoning Ordinance. Should the applicant no longer have the right to access and use the parking spaces proposed on property owned by VCTC, either the spaces shall meet the shared parking provisions of Section 17.32.025 of the Zoning Ordinance, or additional parking shall be provided to the satisfaction of the Community Development Director.
18. Reciprocal access to adjacent parking lots to the west and east shall be provided and maintained as required by the Development and Disposition Agreement between the City of Moorpark and Developer for this project, as long as it does not result in the reduction of parking on the project site, not including the VCTC site, below an amount required by the Zoning Ordinance.
19. A separate sign permit application is required for all proposed signs, which are subject to the review and approval of the Community Development Director. Signage proposed on the chimney element is subject to review and approval by the City Council.
20. Outdoor furniture shall be subject to review and approval of the Community Development Director to ensure high quality, durability, and compatibility with the building design.
21. No outdoor storage is allowed under this approval. Any request for outdoor storage shall be subject to the application requirements in place at the time of such request. A mobile food truck may be parked on site in a location approved by the Community Development Director only during dining events, and must not obstruct driveway access, nor to serve as signage.

22. Prior to issuance of a Zoning Clearance for a building permit, the applicant shall submit all fees, including but not limited to ~~the~~ Los Angeles Avenue Area of Contribution Fee, Air Quality Fee, Tree and Landscape Fee, Fire Protection Facilities Fee, Police Facilities Fee, and ~~Library Facilities Fees,~~ processing fees and deposits and fees required to be submitted to other agencies. All entitlement processing fees must be paid up prior to the issuance of a Zoning Clearance for a building permit.

23. Prior to issuance of a Zoning Clearance for a building permit, applicant shall either submit an in-lieu art fee or indicate a location for on-site public art in compliance with Chapter 17.50 of the Zoning Ordinance. If on-site public art is approved, it must be installed and completed prior to issuance of a Certificate of Occupancy.

~~24. The Developer shall prepare a covenant acceptable to the City Attorney and Community Development Director that the improvements on the site shall not be used for bail bonds, thrift/second hand stores, check cashing, gold purchasing, body piercing/tattoos, or adult businesses as defined in Title 17 of the City of Moorpark Municipal Code.~~

~~25. The Developer agrees to support the formation of a Business Improvement District for assessments, for the maintenance of parkway and median landscaping, and street lighting, including but not limited to all water and electricity costs, and any other services, maintenance or improvements authorized by State law for such districts.~~

~~26.~~ 24. The Developer agrees to cast affirmative ballots for the formation of one or more assessment districts and levying of assessments and any proposed assessment increases for existing assessment districts for the maintenance of parkway and median landscaping, National Pollution Discharge Elimination System (NPDES) requirements including but not limited to all water and electricity costs, and if requested by the City Council, parks for the provision of special benefits conferred by same upon properties within the Project. In the event that any such Assessment District has insufficient funds for its purposes, then Developer shall pay the funds required to the Assessment District within five (5) business days after written demand from the Assessment District from time to time.

~~27.~~ 25. The Developer agrees that any fees and payments pursuant to the Development and Disposition Agreement between the City of Moorpark and Developer for this project and the CPD Permit and CUP shall be made without reservation, and Developer expressly waives the right to payment of any such fees under protest pursuant to California Government Code Section 66020 and statutes amendatory or supplementary thereto. The Developer further agrees

that the fees it has agreed to pay for this project and the CPD Permit and CUP are not public improvement fees collected pursuant to Government Code Section 66006 and statutes amendatory and supplementary thereto.

~~28.~~26. The Developer acknowledges that High Street is home to a historical grove of California Pepper Trees and that the trees are maintained pursuant to an adopted Pepper Tree Maintenance Plan (Maintenance Plan). The Developer agrees to retain historic trees that affect the Project, in accordance with the Maintenance Plan, and as directed by the City.

~~29.~~27. The Developer acknowledges that there are bricks and a gazebo on High Street dedicated to the history of Moorpark. If Developer's Project requires the relocation of those bricks or gazebo to accommodate Developer's Project, Developer agrees to accommodate relocation of the bricks or gazebo to a different location as determined by the City at Developer's cost.

~~30.~~28. Developer acknowledges that the streetlights adjacent to the Project are currently owned by Southern California Edison (SCE), but may be owned by the City in the future. The streetlights may be subject to relocation or removal dependent upon future development or improvement of the High Street streetscape as determined by the City.

~~34.~~29. Hours of operation are not restricted. The Community Development Director may impose restrictions necessary to bring the use into compliance with the Moorpark Municipal Code or to eliminate a public nuisance pursuant to any provision of the Moorpark Municipal Code.

~~32.~~30. On site sales, service or consumption of alcoholic beverages allowed by this Conditional Use Permit are permitted only between the hours of 8:00 a.m. and 12:00 a.m. (midnight).

~~33.~~31. The proprietor shall reimburse the City of Moorpark for any additional police or other costs incurred by the City as a result of operations of the facility, including 15% overhead on any such services.

~~34.~~32. Closed-circuit television cameras shall provide monitoring and recording of the sales counter to show employee/customer transactions and floor areas. This system should have the capability to record 24 hours. This system shall be protected from access by employees and customers.

~~35.~~33. Prior to final occupancy, an alarm system shall be installed to the satisfaction of the Police Chief and Community Development Director.

~~36.~~34. No person under the age of eighteen (18) may serve alcoholic beverages to customers.

~~37.~~35. This premise is not licensed by California Department of Alcoholic Beverage Control (ABC) to operate as a bar or a nightclub and must maintain the premises consistent with the terms and conditions of the Type 23 Small Beer Manufacturer and Type 47 On Sale General-Eating Place licenses or subsequent licenses issued by the ABC.

~~38.~~36 Any and all employees directly involved or supervising the sale/service of alcoholic beverages shall provide evidence and the business shall maintain records that employees have:

- a. Received training from (ABC) "Leadership and Education in Alcohol and Drugs" LEAD program or other Responsible Beverage Service (RBS) program, in the form of an ABC issued certificate.
- b. The Owner/Manager shall confirm with ABC within fifteen (15) days of hire any new employee has been scheduled with the local ABC office to attend a LEAD or RBS program course.

~~39.~~37. Applicant shall provide the Community Development Department with a copy of ABC approvals prior to sale of any alcoholic beverages.

~~40.~~38. No employee shall sell any alcoholic beverages to any person under twenty-one (21) years of age.

~~41.~~39. The manager or his/her designee shall be responsible to supervise the exterior of the business to assure that no beer or other alcoholic beverages are being served or consumed outside the permitted area for consumption. The owner/manager shall not permit any loitering on the property adjacent to the facility.

~~42.~~40. Prior to initiating any dining events involving mobile food service, the applicant shall provide a site plan for review and approval of the Community Development Director showing location of food service and dining and that on-site vehicular or pedestrian circulation is not obstructed.

~~43.~~41 Games or contests requiring or involving the consumption of alcoholic beverages shall not be permitted at any time.

~~44.~~42 During any activity that may require the need for additional security, security personnel must be provided to monitor the parking area(s) designated for use by customers of the facility. The applicant shall work with the Police Department and Community Development Department staff to determine which activities shall require additional security.

~~45.~~43. The owner/manager shall be required to obtain Temporary Use Permit approval from the City of Moorpark when a scheduled activity could create a need for increased police presence. Such application shall be made at least thirty (30) calendar days prior to the commencement of the indoor or outdoor event. As part of the Conditions of Approval, the Community Development

Director may require, based upon the scope and size of the event, security guards, traffic control, valet parking and other measures to assure that the event does not disrupt the surrounding area. The only exception shall be for special events held by Moorpark based non-profit groups.

46.44. 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.

47.45. Amplified music, whether live or pre-recorded, may only take place inside the building and only between the hours of 8:00 a.m. and 12:00 a.m. (midnight). Acoustic music may be played inside or in the outside patio areas, and may be played outdoors between the hours of 8:00 a.m. and 10:00 p.m. All activities on the property must comply with the City's noise regulations. Any live or pre-recorded music event for which admission is charged shall require a Temporary Use Permit.

48.46. Areas inside the facility open to customers must be illuminated sufficiently to allow the identification of persons.

49.47. The facility must correct any safety or security problem within three (3) days upon written notice of such a problem from the Moorpark Police Department.

50.48. The applicant shall comply with Chapter 8.32 PROHIBITING SMOKING IN PUBLIC PLACES at all times and shall provide signs consistent with Section 8.32.040 of the Moorpark Municipal Code to the satisfaction of the Community Development Director, prior to initiation of the uses allowed by this permit. Any smoking area, if desired, shall comply with Section 8.32.030 of the Moorpark Municipal Code.

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