

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David A. Bobardt, Community Development Director
Prepared by Joseph Fiss, Principal Planner



DATE: April 24, 2013 (CC Meeting of 5/15/2013)

SUBJECT: Consider a Resolution Approving Commercial Planned Development Permit No. 2012-02 and Conditional Use Permit No. 2012-07 for a 21,644 Square-Foot Church on a 2.78 Acre Lot at 13960 Peach Hill Road, on the Application of Hollee L. King, AICP/SitesPacific, Inc. for the Kim Clement Center

SUMMARY

On November 19, 2012, applications for a Commercial Planned Development (CPD) Permit No. 2012-02 and Conditional Use Permit (CUP) No. 2012-07 were submitted by Hollee L. King, AICP/SitesPacific, Inc. for the Kim Clement Center, for construction of a 21,644 square-foot church on a 2.78 acre lot located at 13960 Peach Hill Road. On February 26, 2013, the Planning Commission adopted Resolution PC-2013-581, recommending approval of the project to the City Council.

DISCUSSION

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

In their deliberations, the Planning Commission primarily discussed parking requirements and architectural design. The Planning Commission concurred that the proposed on-site circulation, parking, and loading area are appropriate for a place of worship. The single driveway from Peach Hill Road provides entry and exiting to the parking lot. The main entrance to the building is easily accessible from any parking space and there are adequate sidewalks to accommodate passenger loading and unloading. A place of worship requires 1 parking space per 80 square feet of main auditorium (sanctuary or place of worship) and classrooms plus 1 space per 300 square feet of offices.

Auditorium and Classroom Required Parking: 5,443 SF @ 1 Space/80 SF	Office Required Parking: 6,046 SF @ 1 Space/300 SF	Total Required Parking Spaces	Total Parking Spaces Provided
68.04 Spaces	20.15 Spaces	88 Spaces	94 Spaces

Staff analysis of the proposed project identified project design as the primary issue for Planning Commission consideration in their recommendation to the City Council. The Planning Commission was satisfied that the project is appropriately designed in a manner consistent with the design guidelines of the Carlsberg Specific Plan. The Specific Plan encourages institutional buildings to be designed in a manner “very similar to and harmonious with the residential areas.” This includes a clay tile roof, stone exterior cladding, and neutral colors.

The proposed place of worship is designed with contemporary architecture, using traditional exterior materials. The averaged midpoint of the auditorium roof, which is the tallest feature, is 35 feet, consistent with the code requirement. The Carlsberg Specific Plan calls for building massing to be articulated to reinforce an intimate human scale. This is accomplished by the use of human-scaled trellises, arches, walkways, and ground floor windows. The terra cotta clay tile roofs are all 3 to 12 pitch and employ four foot overhangs on the large and medium forms, and two foot overhangs smaller scale forms. Rooftop mechanical equipment is screened from view by taller building forms. A standard condition of approval requires that the equipment not be visible from the street. All proposed materials and colors and the building design are consistent with the architecture design guidelines of the Carlsberg Specific Plan.

The primary exterior material is natural sandstone cladding, which provides an interesting texture and a sense of permanence. The wood plank entry doors are surrounded by a sandstone arch set into a large stained art glass wall. Two additional stained art glass features are incorporated on the south and north elevations. The design of the stained art glass has not been selected; however, a condition of approval has been added, requiring that the final design be submitted to the Community Development Director for final review.

The prayer garden structure on the north side of the building is an open courtyard bounded by a covered overlook comprised of a low sandstone wall, columns and vine covered wood timber trellis.

The rear elevation of the building will be highly visible from Spring Road and the homes to the west, in the Peach Hill and surrounding area and is proposed to be heavily landscaped. The architect has incorporated the trash and recycling area into the building elevations, so that they will not be visible from Spring Road.

During the Planning Commission hearing process, the applicant indicated a willingness to take over the maintenance of the Open Space parcel adjacent to Spring Road. Staff had added conditions of approval regarding this parcel. This parcel is owned jointly by the Kim Clement Center and the Pinecrest School. Since the Planning Commission hearing, the Pinecrest School has agreed to cooperate with restoring and maintaining the landscaping on this parcel, thus avoiding the need for any special conditions of approval. Any maintenance concerns will be handled through code compliance. The negotiation process between the Kim Clement Center and the Pinecrest School created an unexpected delay in the public hearing process and as a result, the applicant understood and accepted that the City Council Action Deadline of May 6, 2013 under the Permit Streamlining Act would not be met. The applicant has agreed to waive time limits under the Permit Streamlining Act through and including June 5, 2013.

FISCAL IMPACT

Development of the project will result in the payment of permit fees and development impact fees.

The Carlsberg Settlement Agreement describes several fees required of projects within the Carlsberg Specific Plan. Within the Agreement, there are some fee exemptions for “institutional uses which are exempt from secured property taxes”. The State of California exempts churches from property taxes for buildings, the land they sit on, and personal property used exclusively for religious worship (including administration, classrooms, parking, etc.).

Specifically, this project would be exempt from the City Park Fee, Development Fee, Tierra Rejada/Spring Road AOC Fee, and the Mitigation Fee. Those fees would total approximately \$302,770.79 as follows:

Parks	.50 per gross square foot	\$ 10,822.00
Spring Road / Tierra Rejada Road AOC	51,195.93 per acre	\$ 142,324.69
Development Fee	\$13,511.64 per acre, increases 0.5% per month	\$ 37,562.36
Mitigation Fee	\$40,309.98 per acre, Increases annually	\$ 112,061.74

Due to built-in inflators, the exact amount of the fees, except the City Park Fee, are not calculated until the time the building permit is pulled.

STAFF RECOMMENDATION

1. Open the public hearing, accept public testimony and close the public hearing.
2. Adopt Resolution No. 2013-____, approving Commercial Planned Development (CPD) Permit No. 2012-02 and Conditional Use Permit (CUP) No. 2012-07 with conditions.

ATTACHMENTS:

1. Location Map
2. Aerial Photograph
3. Project Exhibits (Under Separate Cover)
4. Planning Commission Agenda Report (w/o attachments)
5. Draft CC Resolution with Conditions of Approval



LOCATION MAP

CC ATTACHMENT 1



AERIAL PHOTOGRAPH

CC ATTACHMENT 2

Project Exhibits (UNDER SEPARATE COVER)

3. Project Exhibits

- A-0 Cover Sheet
- A-1 Site Plan
- A-2 Site Statistics
- A-3 First Floor Plan
- A-4 Second Floor Plan
- A-5 Roof Plan
- A-6 Building Section
- A-7 3D Exterior Views
- A-8 Exterior Elevations
- A-9 Exterior Elevations
- A-10 Parking Demand
- A-11 Colors and Materials Exhibit
- L-1 Landscape Plan
- L-2 Elevations & Images

(UNDER SEPARATE COVER)

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

**MOORPARK PLANNING COMMISSION
AGENDA REPORT**

TO: Honorable Planning Commission

FROM: David A. Bobardt, Community Development Director
Prepared by Joseph Fiss, Principal Planner

DATE: February 21, 2013 (PC Meeting of 2/26/13)

SUBJECT: Consider a Resolution Recommending Approval of Commercial Planned Development Permit No. 2012-02 and Conditional Use Permit No. 2012-07 for a 21,644 Square-Foot Church on a 2.78 Acre Lot at 13960 Peach Hill Road, on the Application of Hollee L. King, AICP/SitesPacific, Inc. for the Kim Clement Center

BACKGROUND

On November 19, 2012, applications for a Commercial Planned Development (CPD) Permit No. 2012-02 and Conditional Use Permit (CUP) No. 2012-07 were submitted by Hollee L. King, AICP/SitesPacific, Inc. for the Kim Clement Center, for construction of a 21,644 square-foot church on a 2.78 acre lot located at 13960 Peach Hill Road.

DISCUSSION

Project Setting

Existing Site Conditions:

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

Previous Applications:

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

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

On September 12, 2007, the City Council adopted Resolution No. 2007-2626, approving Commercial Planned Development Permit No. 2007-01 and Tentative Tract Map No. 5743; to allow construction of a proposed medical plaza to include twenty-four (24) medical services condominiums for uses such as an outpatient surgery center, MRI diagnostic services, rehabilitation and laboratory services, and urgent care. This facility was never built and the entitlement expired.

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

General Plan and Zoning Consistency:

As noted in the table above, the project site is designated for institutional uses in the Carlsberg Specific Plan. The "Institutional" area of the Carlsberg Specific Plan under Ordinance No. 195 allows places of worship, subject to a CUP. A CUP is required prior to initiation of uses in a given zone as specified by Chapter 17.20 of the Zoning Ordinance where review by the Planning Commission through a public hearing process is required to determine if the proposed use complies with certain findings as listed in Chapter 17.44 of the Zoning Ordinance and included later in this staff report. Although a CUP application is normally approved or denied by the Planning Commission, the decision on this project's CUP will be elevated to the City Council because the Commercial Planned Development Permit required for this project requires City Council approval. The Planning Commission is therefore a recommending body on both entitlements for this project.

A Commercial Planned Development (CPD) permit is required prior to initiation of uses and structures in a given zone where review by the Planning Commission and City Council through a public hearing process is required to assure the project design complies with the provisions of the Zoning Ordinance and the general plan, and is compatible with neighboring properties. A planned development permit application is subject to site plan and architectural review and may be approved, conditionally approved, or denied. 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.

Goal Number 6 of the Land Use Element of the General Plan is to "Encourage the use of Specific Plans in the undeveloped areas of the community". Policy 6.5 States: "The land use plan shall include adequate land for public recreational, cultural, educational, institutional (governmental, police, fire, etc.) religious and other service uses for the community." The proposed place of worship in this location helps meet this goal and policy

Project Summary

The applicant is proposing the construction of a 21,644 square-foot church on a 2.78 acre lot within the Carlsberg Specific Plan area.

Proposed Project

Architecture:

The building has been designed in a manner consistent with the design guidelines of the Carlsberg Specific Plan. The Specific Plan encourages institutional buildings to be designed in a manner "very similar to and harmonious with the residential areas." This includes a clay tile roof, stone exterior cladding, and neutral colors. This is discussed in detail in the analysis section below.

Setbacks:

Like the previously approved medical building on this site, the building has been sited to the rear of the lot, providing for landscaping and parking on the Peach Hill Road frontage. The use of the Commercial Planned Development process allows for flexibility in design standards to encourage better use of land and improved design and site planning. The project meets the setback requirements of the Carlsberg Specific Plan. The parking lot has been designed such that there is a 30 foot front setback to edge of the pavement; This, combined with the slope landscaping to the north and south of the building, will provide for enhanced landscaped areas, consistent with the goals of the Commercial Planned Development process.

Circulation and Parking:

The proposed on-site circulation, parking, and loading area are appropriate for a place of worship. The single driveway from Peach Hill Road provides entry and exiting to the parking lot. The main entrance to the building is easily accessible from any parking space and there are adequate sidewalks to accommodate passenger loading and unloading.

A place of worship requires 1 parking space per 80 square feet of main auditorium (sanctuary or place of worship) and classrooms plus 1 space per 300 square feet of offices.

Auditorium and Classroom Required Parking: 5,443 SF @ 1 Space/80 SF	Office Required Parking: 6,046 SF @ 1 Space/300 SF	Total Required Parking Spaces	Total Parking Spaces Provided
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Traffic:

According to the Trip Generation manual of the Institute of Transportation Engineers (ITE), this project is anticipated to generate approximately 197 trip-ends per weekday and 793 trip-ends per Sunday, based on its floor area.

Landscaping:

The lot consists of an existing rough graded pad which has been cleared. A retaining wall was constructed between the eastern property line and the parking lot as part of the previously approved project. The remaining slope, and the existing slope to the north will be required to be landscaped in a manner consistent with the surrounding buildings while at the same time providing adequate drainage, slope support and erosion control. Landscaping consistent with the City's Landscape Guidelines will be required in the parking lot and all setback areas. The slope area adjacent to this property is jointly owned and maintained by Pinecrest School and the subject property. The applicant is proposing to take over the entire maintenance and re-landscaping of this area. In the past the maintenance of this slope area has been inconsistent with those areas along Spring Road that are maintained by the landscape maintenance district.

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

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

Air Quality:

All commercial/industrial projects are required to off-set air pollutants consistent with the 2003 Ventura County Air Quality Assessment Guidelines. Staff has included a standard condition requiring the applicant to make contribution to the Moorpark Traffic System Management Fund as a method to meet this requirement.

ANALYSIS

Issues

Staff analysis of the proposed project has identified project design as the primary issue for Planning Commission consideration in their recommendation to the City Council.

The proposed place of worship is designed with contemporary architecture, using traditional exterior materials. The averaged midpoint of the auditorium roof, which is the tallest feature, is 35 feet, consistent with the code requirement. The Carlsberg Specific Plan calls for building massing to be articulated to reinforce an intimate human scale. This is accomplished by the use of human-scaled trellises, arches, walkways, and ground floor windows. The terra cotta clay tile roofs are all 3 to 12 pitch and employ four foot overhangs on the large and medium forms, and two foot overhangs smaller scale forms. Rooftop mechanical equipment is screened from view by taller building forms. A standard condition of approval requires that the equipment not be visible from the street. All proposed materials and colors and the building design are consistent with the architecture design guidelines of the Carlsberg Specific Plan.

The primary exterior material is natural sandstone cladding, which provides an interesting texture and a sense of permanence. The wood plank entry doors are surrounded by a sandstone arch set into a large stained art glass wall. Two additional stained art glass features are incorporated on the south and north elevations. The design of the stained art glass has not been selected; however, a condition of approval has been added, requiring that the final design be submitted to the Community Development Director for final review.

The prayer garden structure on the north side of the building is an open courtyard bounded by a covered overlook comprised of a low sandstone wall, columns and vine covered wood timber trellis.

The rear elevation of the building will be highly visible from Spring Road and the homes to the west, in the Peach Hill and surrounding area and is proposed to be heavily landscaped. The architect has incorporated the trash and recycling area into the building elevations, so that they will not be visible from Spring Road.

Findings

Conditional Use Permit Findings

1. The proposed use is consistent with the provisions of the General Plan, Zoning Ordinance, and any other applicable regulations, in that it furthers Goal 6 of the Land Use Element of the General Plan as follows: "Encourage the use of Specific Plans in the undeveloped areas of the community"; and Policy 6.5 as follows: "The land use plan shall include adequate land for public recreational, cultural, educational, institutional (governmental, police, fire, etc.) religious and other service uses for the community." The proposed place of worship in this location helps meet this goal and policy. The Conditional Use Permit and Commercial Planned Development are compatible with the character of surrounding development in that the use is consistent with surrounding uses and the architectural style of the existing building is consistent with surrounding buildings and will not change.
2. The proposed use is compatible with both existing and permitted land uses in the surrounding area, in that this use is similar in nature to permitted and conditionally permitted uses within Carlsberg Specific Plan and is in an area which is substantially developed.
3. The proposed use is compatible with the scale, visual character and design of surrounding properties, designed so as to enhance the physical and visual quality of the community, and the structure has design features which provide visual relief and separation between land uses of conflicting character in that this proposed building has been designed in a manner consistent with the surrounding architecture of the area and consistent with the Architecture Design Guidelines of the Carlsberg Specific Plan.
4. The proposed use would not be obnoxious or harmful, or impair the utility of neighboring property or uses, in that the use has been evaluated with respect to neighboring property, and is consistent with surrounding land uses and has been conditioned to control existing lighting, landscaping, and noise.
5. The proposed use would not be detrimental to the public health, safety, convenience, or welfare, in that conditions of approval have been added to take care of any detrimental effects.

Commercial Planned Development Permit Findings:

1. The site design, including structure location, size, height, setbacks, massing, scale, architectural style and colors, and landscaping, is consistent with the provisions of the general plan, any applicable specific plans, zoning ordinance, and any other applicable regulations in that the project has been designed to comply with the architectural design guidelines of the Carlsberg Specific Plan;
2. 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 site design is sensitive to the site and surrounding properties; and
3. The proposed uses are compatible with existing and permitted uses in the surrounding area in that places of worship are conditionally permitted in the Carlsberg Specific Plan.

PROCESSING TIME LIMITS

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

Date Application Determined Complete: February 8, 2013
Planning Commission Action Deadline: Not Applicable
City Council Action Deadline: May 6, 2013

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

ENVIRONMENTAL DETERMINATION

In accordance with the City's environmental review procedures adopted by resolution, the 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 can not be readily identified, an Environmental Impact Report (EIR) is prepared.

The Director has reviewed this project and found it to be Categorically Exempt in accordance with Section 15332 (Class 32) of the California Code of Regulations (CEQA Guidelines) in that: The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; The project site has no value, as habitat for endangered, rare or threatened species; Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; And, the site can be adequately served by all required utilities and public services. No further environmental documentation is required.

STAFF RECOMMENDATION

1. Open the public hearing, accept public testimony and close the public hearing.
2. Adopt Resolution No. PC-2013-____ recommending to the City Council conditional approval of Commercial Planned Development Permit No. 2012-02 and Conditional Use Permit No. 2012-07.

ATTACHMENTS:

1. Location Map
2. Aerial Photograph
3. Project Exhibits
 - A-0 Cover Sheet
 - A-1 Site Plan
 - A-2 Site Statistics
 - A-3 First Floor Plan
 - A-4 Second Floor Plan
 - A-5 Roof Plan
 - A-6 Building Section
 - A-7 3D Exterior Views
 - A-8 Exterior Elevations
 - A-9 Exterior Elevations
 - A-10 Parking Demand
 - A-11 Colors and Materials Exhibit
 - L-1 Landscape Plan
 - L-2 Elevations & Images
4. Draft PC Resolution with Conditions of Approval

RESOLUTION NO. 2013-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING COMMERCIAL PLANNED DEVELOPMENT PERMIT NO. 2012-02 AND CONDITIONAL USE PERMIT NO. 2012-07 FOR A 21,644 SQUARE-FOOT CHURCH ON A 2.78 ACRE LOT AT 13960 PEACH HILL ROAD, ON THE APPLICATION OF HOLLEE L. KING, AICP/SITESPACIFIC, INC. FOR THE KIM CLEMENT CENTER

WHEREAS, on February 26, 2013, the Planning Commission adopted Resolution No. PC-2012-576 recommending conditional approval of Commercial Planned Development Permit No. 2012-02 and Conditional Use Permit No. 2012-07 on the application of Hollee L. King, AICP/SitesPacific, Inc. for the Kim Clement Center for a 21,644 square-foot church on a 2.78 acre lot located at 13960 Peach Hill Road; and

WHEREAS, at a duly noticed public hearing held on May 15, 2013, the City Council considered the agenda report and any supplements thereto and any written public comments; opened the public hearing, took and considered public testimony both for and against the proposal, closed the public hearing, and reached a decision on this matter; and

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

SECTION 1. ENVIRONMENTAL DOCUMENTATION: The City Council concurs with the Community Development Director's determination that this project is Categorically Exempt from the provisions of CEQA pursuant to Section 15332 (Class 32) of the California Code of Regulations (CEQA Guidelines) in that the project is consistent with the applicable general and specific plan designation and all applicable general and specific plan policies as well as with applicable zoning designation and regulations; the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; the project site has no value, as habitat for endangered, rare or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. No further environmental documentation is required.

SECTION 2. CONDITIONAL USE PERMIT FINDINGS: Based upon the information set forth in the staff report(s), accompanying studies, and oral and written public testimony, the City Council makes the following findings in accordance with City of Moorpark, Municipal Code Section 17.44.040:

- A. The proposed use is consistent with the provisions of the General Plan, zoning ordinance, and any other applicable regulations, in that it furthers Goal 6 of the Land Use Element of the General Plan as follows: "Encourage the use of Specific Plans in the undeveloped areas of the community"; and Policy 6.5 as follows: "The land use plan shall include adequate land for public recreational, cultural, educational, institutional (governmental, police, fire, etc.) religious and other service uses for the community." The proposed place of worship in this location helps meet this goal and policy. The Conditional Use Permit and Commercial Planned Development are compatible with the character of surrounding development in that the use is consistent with surrounding uses and the architectural style of the existing building is consistent with surrounding buildings and will not change.
- B. The proposed use is compatible with both existing and permitted land uses in the surrounding area, in that this use is similar in nature to permitted and conditionally permitted uses within Carlsberg Specific Plan and is in an area which is substantially developed.
- C. The proposed use is compatible with the scale, visual character and design of surrounding properties, designed so as to enhance the physical and visual quality of the community, and the structure has design features which provide visual relief and separation between land uses of conflicting character in that this proposed building has been designed in a manner consistent with the surrounding architecture of the area and consistent with the Architecture Design Guidelines of the Carlsberg Specific Plan.
- D. The proposed use would not be obnoxious or harmful, or impair the utility of neighboring property or uses, in that the use has been evaluated with respect to neighboring property, and is consistent with surrounding land uses and has been conditioned to control existing lighting, landscaping, and noise.
- E. The proposed use would not be detrimental to the public health, safety, convenience, or welfare, in that conditions of approval have been added to take care of any detrimental effects.

SECTION 3. COMMERCIAL PLANNED DEVELOPMENT PERMIT FINDINGS:

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

- A. The site design, including structure location, size, height, setbacks, massing, scale, architectural style and colors, and landscaping, is consistent with the provisions of the general plan, any applicable specific plans, zoning ordinance, and any other applicable regulations in that the project has been designed to comply with the architectural design guidelines of the Carlsberg Specific Plan;

- 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 site design is sensitive to the site and surrounding properties; and
- C. The proposed uses are compatible with existing and permitted uses in the surrounding area in that places of worship are conditionally permitted in the Carlsberg Specific Plan.

SECTION 4. CITY COUNCIL APPROVAL: The City Council hereby approves Commercial Planned Development Permit No. 2012-02 and Conditional Use Permit No. 2012-07, subject to the Standard and Special Conditions of Approval included in Exhibit A (Standard and Special 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 15th day of May, 2013.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Exhibit A – Standard and Special Conditions of Approval

EXHIBIT A

**STANDARD AND SPECIAL CONDITIONS OF APPROVAL FOR
COMMERCIAL PLANNED DEVELOPMENT PERMIT NO. 2012-02
AND CONDITIONAL USE PERMIT NO. 2012-07**

STANDARD CONDITIONS OF APPROVAL

The applicant shall comply with Standard Conditions of Approval for Planned Development Permits 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

1. 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.
2. The applicant shall comply with all requirements of Chapter 17.53 (Noise) of the Zoning Ordinance. In addition, the applicant shall not operate or allow the operation of any loudspeaker, amplified music, or similar device outside on the property between the hours of 7:00 p.m. and 7:00 a.m. any day of the week.
3. For indoor or outdoor events that are not considered part of the everyday operation of the place of worship, the applicant shall apply for and secure a Temporary Use Permit from the Community Development Department. Such application must 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 neighborhood and surrounding area.
4. The landscape plan must incorporate specimen size trees and other substantial features subject to the review and approval of the Community Development Director, with enhanced landscaping west of the building. Where feasible, the applicant shall use native California trees in the landscaping of the project. Specific tree type, species, size and location shall be to the satisfaction of the Community Development Director. None of the prohibited plants indicated in the Provisionally Acceptable Plant List and the Invasive and Prohibited Plant List contained in the City's Landscape Guidelines may be used in this development.
5. All landscaping and irrigation must be installed prior to occupancy.

6. Lighting fixtures must be architecturally compatible with the buildings and landscaping. Security and parking lot lighting shall not be attached to the buildings.
7. Visible roof ladders, equipment, vents, exterior drains and scuppers are not permitted.
8. Ground-mounted utility boxes and equipment must be screened with landscaping subject to the review and approval of the Community Development Director.
9. All gas, electric, water and any other utility meters or boxes must be screened to the degree allowable by the utility companies, and subject to the review and approval of the Community Development Director.
10. All signage must conform to the City's sign requirements and an approved sign program. A monument sign may be constructed consistent with the sign requirements and a sign program as approved by the Community Development Director.
11. During construction, perimeter lighting must be installed at a minimum of 150 foot intervals and at height not less than fifteen (15) feet from the ground. The light source used must have a minimum light output of 2,000 lumens, be protected by a vandal resistant cover, and be lighted during the hours of darkness. Construction lighting is subject to review and approval of the Community Development Director and Chief of Police.
12. Prior to the commencement of construction, including grading, fencing not less than six (6) feet in height, which is designed to preclude human intrusion, must be installed along the perimeter boundaries of the construction site and shall be secured with chain and Fire District padlocks for emergency vehicle access. Alternatively, a uniformed security guard, licensed pursuant to Chapter 11 of the Business and Professions Code of the State, shall be utilized to continually patrol the construction site during the hours when construction work has ceased.
13. On-site water detention area(s) may not be so deep, or the sides so steep, as to require fencing, as determined by the Community Development Director and City Engineer/Public Works Director, prior to issuance of a grading permit.
14. No specific hours of operation are established for the uses in this project; however, the Community Development Director shall have the authority to establish hours of operation through a Permit Adjustment when in his/her opinion limits on hours of operations are necessary to maintain compatibility with the adjacent uses. Any exterior maintenance, cleaning, sweeping and landscape work may only be performed between 7:00 a.m. and 7:00 p.m. Monday through Saturday.
15. Loading and unloading operations are allowed only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Fridays. More restrictive hours for loading and unloading may be imposed by the Community Development Director if there are noise and other issues that make the loading and unloading incompatible with the adjacent uses. Idling of trucks while loading or unloading is prohibited.

16. Final architectural and site plan design and detailing, including stained glass, parking lot, landscaping and lighting design is subject to review and approval of the Community Development Director. The roof material must be of a clay tile material if an "s" tile or barrel tile is used and concrete or clay tile if a flat tile is used, with the specific tile design and color subject to the review and approval of the Community Development Director to be consistent with the Amended Carlsberg Specific Plan design guidelines.
17. Any lighting shall be designed to avoid glare impacts to the properties west of Spring Road and must be in compliance with Chapter 17.30 LIGHTING REGULATIONS of the Moorpark Municipal Code. Lighting hours may be imposed in the future by the Community Development Director.
18. Non-reflective glass must be used on all exterior walls of the building, with specific glass locations to the satisfaction of the Community Development Director.
19. The applicant shall prohibit truck or recreational vehicle parking or storage overnight in the parking lot area. Limited truck parking, when in association with a permitted use, is allowed, but in no case shall there be overnight parking.
20. Prior to the issuance of a building permit for a building, the applicant shall submit a fencing/wall plan for review and approval of the Community Development Director for the walls/fencing of the east, north and west perimeters of the property.
21. The applicant shall submit all of the proposed colors, materials and building finish textures for review and approval to the satisfaction of the Community Development Director prior to the issuance of building permits. Any green tones shall be subdued, subject to the satisfaction of the Community Development Director.
22. Prior to the issuance of a grading permit, the applicant shall submit a final hardscape plan to include the treatment of the decorative hardscape areas with integral color and texture at all predominate pedestrian areas, and prominent drive aisles.
23. Prior to installation of hardscape and building materials, a field check and approval by the Community Development Director is required.
24. Air conditioning handling units may be no higher than the lowest parapet on the roof and must be painted the same color as the roofing material. There may not be any piping, visible roof ladders, equipment, vents, exterior drains and scuppers or any other exposed equipment on the roof.
25. The applicant shall participate in intersection improvements for Los Angeles Avenue/Spring Road. The level of participation shall be to the requirements of the City Council Resolution No. 94-1061. Prior to Zoning Clearance approval, a traffic report shall be provided by the applicant to determine the extent of the impact to this intersection.

26. Prior to Zoning Clearance, the applicant shall make a special contribution to the City representing the project's pro-rata share of the cost of improvements at Los Angeles Avenue/Moorpark Avenue. The actual contribution (pro-rata share shall be based upon the additional traffic added to the intersection). The applicant's traffic engineer shall provide the City Engineer/Public Works Director a "Fair Share Analysis" of the projects added traffic for calculation of the pro-rata ("fair share") amount, with the final amount to be determined by the City Engineer/Public Works Director.
27. In conjunction with the preparation of precise grading and landscape plans, the sight distance shall be reviewed and approved at project access points per City standards.
28. The applicant shall install stop signs, stop bars, and stop legends at project access points.
29. The applicant shall provide decorative anti-skateboard devices at several points along seat walls and low benches, subject to the review and approval of the Community Development Director.
30. Prior to the issuance of a certificate of occupancy of the building, the applicant shall provide documentation and a plan (including any necessary easements) for the maintenance of the 2.02 acre Spring Road open space lot (Parcel OS-1, Tract 4974) adjacent to this property. Any existing prohibited plants within this area must be removed as part of the landscape and irrigation plan.