

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

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

DATE: November 20, 2014 (CC Meeting of 12/17/2014)

SUBJECT: Consider Resolution Approving Modification No. 1 to Commercial Planned Development Permit No. 2012-02 and Conditional Use Permit No. 2012-07 for a Modification to Allow Expansion from 262 Seats to a Maximum of 358 Seats; Minor Changes to Exterior Architecture Due to Building Expansion; and to Allow Valet Parking During Certain Events; At an Approved Church on a 2.78 Acre Lot at 13960 Peach Hill Road; and Finding the Project Categorically Exempt from Environmental Review Under a Class 32, In-fill Development Projects Exemption, on the Application of David Van Hoy on behalf of the Kim Clement Center

BACKGROUND

On May 15, 2013 the City Council adopted Resolution No. 2013-3180 approving Commercial Planned Development (CPD) Permit No. 2012-02 and Conditional Use Permit (CUP) No. 2012-07 to allow construction of a 21,644 square-foot church on a 2.78 acre lot located at 13960 Peach Hill Road.

On October 8, 2014, an application was submitted for a modification to allow expansion from 262 seats to a maximum of 358 seats; minor changes to exterior architecture due to building expansion; and to allow valet parking during certain events; at an approved church on a 2.78 acre lot.

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.

DISCUSSION

The architecture and site planning for Commercial Planned Development (CPD) Permit No. 2012-02 and Conditional Use Permit (CUP) No. 2012-07 were originally approved by the City Council in 2013. Resolution No. 2013-3180 approved construction of a 21,644 square-foot church with 94 parking spaces, where 88 were required. The applicant is proposing to add 96 seats to the existing 262 seat auditorium and enlarge the building to a total of 25,143 square feet to accommodate the additional seating. The overall architectural style of the building will remain consistent with what was approved.

ANALYSIS

Issues

Staff analysis of the proposed project has identified the following area for consideration by the City Council:

- Circulation and Parking

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.

Parking for the increased capacity is provided in a manner consistent with the City's parking ordinance. The table below shows the previously approved and currently proposed required and provided parking.

	Auditorium and Classroom Required Parking:	Office Required Parking:	Total Required Parking Spaces	Total Parking Spaces Provided
<i>Approved</i>	<i>5,443 SF @ 1 Space/80 SF</i>	<i>6,046 SF @ 1 Space/300 SF</i>		
<i>Approved</i>	<i>68.04 Spaces</i>	<i>20.15 Spaces</i>	<i>88 Spaces</i>	<i>94 Spaces</i>
Proposed	6,171.5 SF @ 1 Space/80 SF	5,273.2 SF @ 1 Space/300 SF		
Proposed	77.1 Spaces	17.6 Spaces	95 Spaces	95 Spaces

The applicant is proposing normal office hours of operation of Monday through Friday, from 10:00 a.m. to 6:00 p.m. Services will normally be held Wednesday from 3:00 p.m. to 5:00 p.m. and on Saturday from 10:00 a.m. to 3:00 p.m. Attendance and parking for services will be by reservation only.

The applicant has indicated that normal attendance is approximately 80% of capacity (Attachment No. 4 – Parking Analysis). This would translate to 287 guests, plus 19 staff. A commonly accepted parking rate for places of worship is 1 parking space for every 3.5 seats, resulting in 87 parking spaces (287/3.5). This, combined with 19 staff at a 1.5 average vehicle occupancy resulting in 13 parking spaces, totals up equal to the provided 95 parking spaces.

Because parking is not allowed on Peach Hill Road at this location, the applicant has proposed on-site valet parking for those occasions when the facility is at full capacity. This is anticipated to be about 5 times a year. The parking analysis proposes a plan that shows 32 valet parking spaces designed to minimize blocked vehicles and maintain open driveways of at least 18 feet in width. The Moorpark Municipal Code currently allows reduction of drive aisles from 16 to 18 feet in width for one-way traffic under certain conditions. Conditions of approval addressing valet parking have been included. Additionally, Fire Department review will be required for specific placement of the valet spaces to ensure adequate access and turning radii.

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: November 12, 2013
Planning Commission Action Deadline: Not Applicable

City Council Action Deadline: February 10, 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.

FISCAL IMPACT

None.

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 December 7, 2014.
2. Mailing. The notice of the public hearing was mailed on December 5, 2014, 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 December 4, 2014.

STAFF RECOMMENDATION

1. Open the public hearing, accept public testimony and close the public hearing.
2. Adopt Resolution No. 2014-____ approving Modification No. 1 to Commercial Planned Development Permit No. 2012-02 and Conditional Use Permit No. 2012-07.

ATTACHMENTS:

1. Location Map
2. Aerial Photograph
3. Conceptual Design Package
4. Parking Analysis
5. Draft Resolution Approving Modification No. 1 Commercial Planned Development Permit No. 2012-02 and Conditional Use Permit No. 2012-07.



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LOCATION MAP

CC ATTACHMENT 1



AERIAL PHOTOGRAPH

CC ATTACHMENT 2

CONCEPTUAL DESIGN PACKAGE

(UNDER SEPARATE COVER)

**COPIES OF THE EXHIBITS ARE AVAILABLE
AT THE FRONT COUNTER**



ASSOCIATED TRANSPORTATION ENGINEERS

100 N. Hope Avenue, Suite 4, Santa Barbara, CA 93110 • (805) 687-4418 • FAX (805) 682-8509

Since 1978

Richard L. Pool, P.E.
Scott A. Schell, AICP, PTP

November 3, 2014

13028L03

Mr. John Barnes
c/o Kim Clement Center
1221 Calle Suerte
Camarillo, CA 93010

PARKING ANALYSIS FOR THE KIM CLEMENT CENTER PROJECT, CITY OF MOORPARK, CALIFORNIA

Associated Transportation Engineers (ATE) has prepared the following parking analysis for the Kim Clement Center Project, located at 13950 Peach Hill Road east of Spring Road in the City of Moorpark. The study evaluates the adequacy of the proposed parking supply based on the City's Zoning Ordinance parking requirements and operational data provided by the project applicant. It is understood that the parking analysis will be submitted to the City of Moorpark to assist staff in their review of the project.

PROJECT DESCRIPTION

The project is proposing to develop a vacant 2.78-acre site with a religious worship center that includes an auditorium with 358 fixed seats, a performance stage, and 6,046 square feet (SF) of office space. Figure 1 (attached) illustrates the project site plan.

The Kim Clement Center office will operate Monday - Friday from 10:00 A.M. to 6:00 P.M. The auditorium will host services on Wednesday from 3:00 P.M. to 5:00 P.M. and on Saturday from 10:00 A.M. to 3:00 P.M. Attendance and parking for Saturday and Wednesday services will be by reservation only.

A full-time staff of 14 employees will occupy the offices and manage the day-to-day operations of the site. These employees (with the exception of the office accountant/bookkeeper), plus an additional 6 part-time staff, will run the stage production of the auditorium services (19 staff for auditorium services).

PARKING SUPPLY

The project is proposing to provide a total of 95 permanent parking spaces on site. The project will also implement a valet parking program during services with peak attendance to facilitate parking operations on site. The valet parking program would increase the on-site parking supply to 127 spaces through vehicle stacking (additional 32 valet parking spaces), as shown on Figure 1.

Valet Parking Operations

When required, valet parking attendants would direct self-park vehicles to vacant parking spaces until the lot becomes full. Once the lot is full, valet attendants would direct vehicles to the front drop-off area where event attendees would leave their keys with a valet attendant who would park the vehicle in a stacked space. The valet attendants would retrieve the vehicle and return to the drop-off area once the event has finished.

PARKING DEMAND ANALYSIS

The parking analysis prepared for the project focuses on the periods when auditorium services are held. During these periods there could be up to 358 event attendees and 19 employees on-site. It is important to note that full capacity auditorium services would occur very infrequently (approximately 5 times per year) and that most services are typically 80% occupied. The parking demand analysis therefore reviews these two attendance scenarios.

Parking Demand Analysis – 100% Occupancy

Parking demand estimates for the project were developed based on Chapter 17.32.020 Section G-8 (Off-Street Parking Requirements) of the City of Moorpark Municipal Code and operational data provided by the project applicant for event staff. The following text describes the methodology for calculating the parking demands of the various components of the project.

Auditorium Parking Demands. Parking demands for the proposed auditorium were determined based on the City's Municipal Code parking requirement for theaters (1 parking space for every 3.5 fixed seats) assuming 358 fixed seats.

Staff Parking Demands. Staff parking demands were developed based on operational data provided by the project applicant (data attached for reference). The data indicate that there would be 19 staff on-site during the Wednesday and Saturday services. The parking analysis assumes an average vehicle occupancy (AVO) of 1.5 people per vehicle to account for carpooling.

Table 1 presents the peak parking demand forecasts for the project based on the rates discussed above for the 100% occupancy scenario.

Table 1
Peak Parking Demand Estimates – 100% Occupancy

Component	Size	Demand Rate	Parking Demand
Auditorium/Theater	358 Seats	1 space/3.5 seats	102 spaces
Staff	19 Employees	1.5 AVO	13 spaces
Total Parking Demand:			115 spaces
Proposed Parking Supply:			127 spaces (a)

(a) Assumes 95 permanent spaces + 32 stacked valet parking spaces

The data presented in Table 1 show that the peak parking demand for an event with 100% occupancy is 115 vehicles. The proposed parking supply of 127 spaces (with valet parking) would therefore accommodate the peak parking demands of the project for auditorium events at full capacity.

Parking Demand Analysis – 80% Occupancy

The data presented in Table 1 assume that the auditorium is 100% occupied and that the valet parking program is operating. As noted previously, full capacity services would occur infrequently (approximately 5 times per year) and that most services would typically be 80% occupied. Parking demand estimates were therefore developed for the project assuming an 80% occupied service, as shown in Table 2.

Table 2
Peak Parking Demand Estimates – Event with 80% Occupancy

Component	Size	Demand Rate	Parking Demand
Auditorium/Theater	287 Seats	1 space/3.5 seats	82 spaces
Staff	19 Employees	1.5 AVO	13 spaces
Total Parking Demand:			95 spaces
Proposed Parking Supply:			95 spaces (a)

(a) Assumes 95 permanent spaces + no stacked parking spaces.

The data presented in Table 2 show that the peak parking demand for an event with 80% occupancy would be 95 spaces. The 95 permanent spaces provided on-site would accommodate this demand without requiring additional valet parking. Based on this analysis, the valet parking program would not be required for events that have an occupancy of 80% or less (events with 287 or less guests). As previously noted, all attendance and parking for auditorium services would be through reservation only thus scheduling for the valet program could be arranged accordingly.

This concludes our parking study for the Kim Clement Center Project.

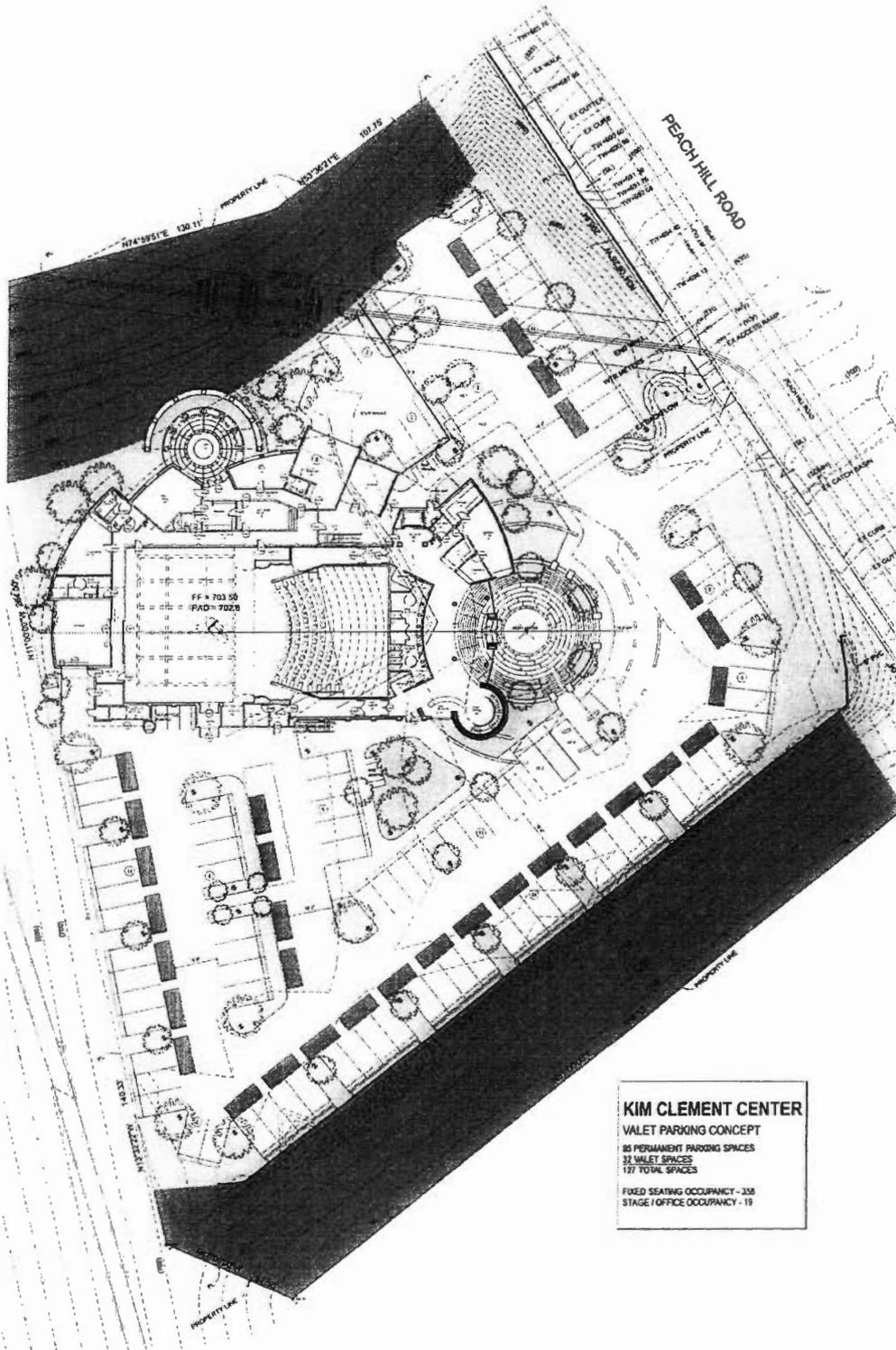
Associated Transportation Engineers

A handwritten signature in black ink, appearing to read 'Scott A. Schell'.

Scott A. Schell, AICP, PTP
Principal Planner

SAS/MMF

Attachments: Figure 1- Project Site Plan
Event Staff Data



KIM CLEMENT CENTER
VALET PARKING CONCEPT
 85 PERMANENT PARKING SPACES
 33 VALET SPACES
 127 TOTAL SPACES
 FIXED SEATING OCCUPANCY - 208
 STAGE / OFFICE OCCUPANCY - 19



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 ENGINEERS

PROJECT SITE PLAN

FIGURE 1

MMF - #1302B

Kim Clement Center Staff Activities

Name	Administrative Responsibility	Church Meeting Activities
Aurin, Debbie	Travel - schedules, budgets, Interchurch communications	Heads up congregation seating and volunteers
Barnes, Cindy	Accounts Manager/Bookkeeper	Not involved
Barnes, John	Oversight of ministry activity, HR. and administrative	Stage lighting operator
Blattner, Rena	Personal Assistant to ministry team, missions assistant	Teleprompter operator
Clement, Kim	C.E.O/Head Pastor	Pastor, musician
Clement, Jane	Missions oversight, Financial controller	Counselor
Dunham, Gregg	Oversight of all production Depts. & Strategist	Director
Gatti, Danny	Video/product Editor	Assistant Director
Monroe, Ed	Event coordinator and audio editor	Sound engineer
Thomas, Eric	Personal Assistant to Head Pastor	Floor Director/vocalist
Sautter, Miranda	Office Manager, ministry liaison, media and congregational support & communications	Background/assistant vocalist
Sautter, Pamela	Counselor, processes mail & donations	Propresenter operator, lyrics, hospitality
Snoots, Hannah	Website content, copyright, product development	Assistant vocalist, Assistant Pastor
Wasmundt, Joel	Chief editor and video creator	Keyboard Player
Part-Time Event Staff:		3 Band Members 3 Camera Crew
Total:		19 Event Staff

RESOLUTION NO. 2014-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING MODIFICATION NO. 1 TO COMMERCIAL PLANNED DEVELOPMENT PERMIT NO. 2012-02 AND CONDITIONAL USE PERMIT NO. 2012-07 FOR A MODIFICATION TO ALLOW EXPANSION FROM 262 SEATS TO A MAXIMUM OF 358 SEATS; MINOR CHANGES TO EXTERIOR ARCHITECTURE DUE TO BUILDING EXPANSION; AND TO ALLOW VALET PARKING DURING CERTAIN EVENTS; AT AN APPROVED CHURCH ON A 2.78 ACRE LOT AT 13960 PEACH HILL ROAD; AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW UNDER A CLASS 32, IN-FILL DEVELOPMENT PROJECTS EXEMPTION, ON THE APPLICATION OF DAVID VAN HOY ON BEHALF OF THE KIM CLEMENT CENTER

WHEREAS, at a duly noticed public hearing on December 17, 2014, the City Council considered Modification No. 1 to Commercial Planned Development Permit No. 2012-02 and Conditional Use Permit No. 2012-07 for a modification to allow expansion from 262 seats to a maximum of 358 seats; minor changes to exterior architecture due to building expansion; and to allow valet parking during certain events; at an approved church on a 2.78 acre lot at 13960 Peach Hill Road; on the application of David Van Hoy for the Kim Clement Center; and

WHEREAS, at its meeting of December 17, 2014 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; and reached a decision on this matter; and

WHEREAS, the Community Development Director has determined that the proposed project associated with Modification No. 1 to Commercial Planned Development Permit No. 2012-02 and Conditional Use Permit No. 2012-07 qualifies for a Class 32 categorical exemption under State CEQA Guidelines Section 15332 (In-Fill Development) 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. In addition, there is no substantial evidence that the project will have a significant effect on the environment.

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 the proposed project associated with Modification No. 1 to Commercial Planned Development Permit No. 2012-02 and Conditional Use Permit No. 2012-07 qualifies for a Class 32 categorical exemption under State CEQA Guidelines Section 15332 (In-Fill Development) 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. In addition, there is no substantial evidence that the project will have a significant effect on the environment. The City Council has reviewed the Community Development Director's determination of exemption, and based on its own independent judgment, concurs in staff's determination of exemption.

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. 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 17th day of December, 2014.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Exhibit A – Standard and Special Conditions of Approval

EXHIBIT A

**SPECIAL CONDITIONS OF APPROVAL FOR MODIFICATION NO. 1 TO
COMMERCIAL PLANNED DEVELOPMENT PERMIT NO. 2012-02 AND
CONDITIONAL USE PERMIT NO. 2012-07**

1. This Modification No. 1 to Commercial Planned Development Permit No. 2012-02 and Conditional Use Permit No. 2012-07 will expire one 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 Modification to the Planned Development Permit and Conditional Use 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 shall be made in writing, at least thirty (30) days prior to the expiration date of this Modification and shall be accompanied by applicable entitlement processing deposits.
2. The applicant's acceptance of this approval of the Modification No. 1 to Commercial Planned Development Permit No. 2012-02 and Conditional Use Permit No. 2012-07 and/or commencement of construction and/or operations under this Modification is deemed to be acceptance of all conditions of this permit, as amended by Modification No. 1. If any of the conditions or limitations of this approval are held to be invalid, that holding will not invalidate any of the remaining conditions or limitations set forth.
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 development shall be in substantial conformance with the plans presented in conjunction with the application for Modification No. 1 to Commercial Planned Development Permit No. 2012-02 and Conditional Use Permit No. 2012-07, except any modifications as may be required to meet specific Code standards or other conditions stipulated herein.
5. All other conditions of approval for Commercial Planned Development Permit No. 2012-02 and Conditional Use Permit No. 2012-07 shall continue to apply, except as revised herein. Should there be any conflict between the conditions of this Modification No. 1 and the conditions for Commercial Planned Development Permit No. 2012-02 and Conditional Use Permit No. 2012-07, the conditions of this Modification No. 1 shall prevail.

6. 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;
 - 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.
7. 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. Approval of a Zoning Clearance is required prior to the issuance of building permits. All other permit and fee requirements must be met.
8. All contractors doing work in Moorpark shall have or obtain a current Business Registration prior to initiation of work.
9. On-site valet parking for a minimum of 32 vehicles shall be provided at any time that attendance is expected to exceed 80 percent of capacity of the available parking spaces.
10. Valet parking operations, which include vehicle drop-off/pick-up points, waiting areas, kiosks, storage and delivery routes, shall be limited to the parking lot of the Kim Clement Center.
11. A minimum vehicle queuing distance to accommodate no less than three (3) vehicles shall be provided from the entrance of the parking lot to the first valet stopping point (i.e., drop-off/pick-up points).

12. All valet service employees shall wear distinctive, identifiable uniforms with identification tags.
13. A valet service employee shall be available to move vehicles at all times that valet parking is provided.
14. Valet parking must at all times comply with drive aisle, turning radius, and access requirements of the Ventura County Fire Department. Ventura County Fire Department approval shall be required for final location of valet parked vehicles.

-END-