

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David A. Bobardt, Community Development Director
Prepared by: Joseph Fiss, Planning Manager

DATE: January 6, 2015 (CC Meeting of 1/21/2015)

SUBJECT: Consider a Resolution Approving Modification No. 1 to Commercial Planned Development (CPD) No. 2006-01 and Conditional Use Permit (CUP) No. 2006-07, a Request to Amend the Approved Architecture and Permit Expiration Date to Allow Construction and Operation of a Previously Approved 112-Room (Now 108-Room) Hotel on a 2.38 Acre Parcel Located at 14350 White Sage Road on the Application of Moorpark Hospitality, Inc. (Peter Bhakta)

BACKGROUND

On May 2, 2007, the City Council adopted Resolution No. 2007-2583 approving Commercial Planned Development (CPD) No. 2006-01 and Conditional Use Permit (CUP) No. 2006-07, to allow construction and operation of a 112-room hotel on a 2.38 acre parcel located at 14350 White Sage Road.

On December 8, 2014, an application was submitted for a modification to amend the approved architecture and permit expiration date.

Existing Site Conditions:

The 2.38 project site is located on the south side of White Sage Road just east of the Los Angeles Avenue off-ramp of the northbound SR-23 freeway. A development pad has been rough graded on the site as part of the Special Devices, Inc. project. The pad is between 15 and 25 feet above the off-ramp.

DISCUSSION

The architecture and site planning for Commercial Planned Development (CPD) No. 2006-01 and Conditional Use Permit (CUP) No. 2006-07 were originally approved by the City Council on May 2, 2007. Resolution No. 2007-2583 approved construction of a 68,444 square-foot, 112-room hotel with indoor pool and spa, breakfast area, and meeting and conference rooms.

ANALYSIS

Issues

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

- Architecture
- Interior Changes
- Timing of Expiration

Architecture:

The project site is at a prominent entry location into Moorpark that is highly visible from the SR-23 freeway. The architectural design of the hotel must create a positive, distinctive first impression of the city to be compatible with Goal 17 of the Land Use Element, "Enhance the physical and visual image of the community." This goal is generally achieved by the proposed design, along with recommended conditions to ensure that a high quality visual appeal of the building is achieved.

The hotel building is centrally located on the 2.38-acre site, surrounded on all sides by parking. The general theme of the building was originally approved as a modern Mediterranean-style architecture with the use of a clay-tile hipped roofs with a centrally-located corniced parapet roof element, stone and earth-toned stucco walls, and copper roofs on the side entrance towers, porte cochere and front and rear tower elements. The 242-foot wide front of the building faces generally north towards White Sage Road, with the 89-foot wide west side of the building facing toward the SR-23 freeway.

As originally approved, the project was consistent with the design language then in effect by Marriott Hotels for their Fairfield Inn line. Since then, Marriott has changed the design for this line. The proposed plans are now consistent with this next generation of design. This design can be described as modern and sophisticated, but not radically so. The exterior materials include stucco, cultured stacked stone veneer, and porcelain tile cladding, as well as a modern style metal and stone porte-cochere and an architectural roof trellis. The proposed architectural design is appropriate for the area and no additional conditions of approval are required.

At four stories and over 60 feet in height to its tallest point, as originally approved, this would have been one of the tallest buildings in Moorpark. Staff worked with the applicant to reduce the massing by using hipped roof elements instead of gable elements, providing articulation in the facades, and breaking up the height of the building through the use of stone veneer on the entire first story façade. As currently proposed, with a flat roof, most of the building is about 44 feet high, with a decorative tower and trellis elements approximately 10 feet higher. The CPD Zone does not have a maximum building height requirement; building height is established through the CPD Permit approval. The proposed scale and massing is appropriate for the site and for a building of this type. Conditions related to the roof height will be deleted and no additional conditions of approval related to height are required.

Interior Changes

The first floor public areas have been redesigned from the previously approved hotel, but they still include the same essential features. A 780 square-foot multipurpose meeting room has been relocated and is now approximately 800 square feet, whereas a 430 square-foot board room is now 338 square feet. The lobby has been redesigned to eliminate a seating area, expanding the business center and adding a small sundries market. The breakfast area has been expanded to accommodate approximately 40 people, versus fewer than 20 people as previously approved. The 400 square foot exercise room is now approximately 360 square feet. The indoor pool has been relocated to a larger outdoor deck area and the spa has been eliminated. As mentioned above, the room count has been reduced from 112 to 108. The original plan showed 100 suites, whereas this plan shows 55 suites. These interior changes do not affect the conclusions of the analysis or the findings adopted for the previous hotel project.

Timing of Expiration:

Subsequent to the original project approval, two 1-year extensions were granted administratively by the Community Development Director to May 2, 2010, consistent with Standard Condition No. 2 of Resolution No. 2007-2583. Prior to the final expiration the developer requested a Permit Adjustment to extend the timeframe of expiration.

Although a Permit Adjustment is normally considered by the Community Development Director, this one involved a change to a condition approved by the City Council. Therefore, direction was sought by the City Council on this Permit Adjustment application.

At the City Council meeting of May 5, 2010, the City Council directed the Community Development Director to approve Permit Adjustment No. 1 to Commercial Planned

Development No. 2006-01 and Conditional Use Permit No. 2006-07, amending Standard Condition No. 2 to extend the timeframe of the permits to May 2, 2011, with a possible additional one-year extension.

Consistent with the Permit Adjustment, two subsequent extensions were granted, ultimately to May 2, 2012, when the entitlements expired.

During the recent period of economic uncertainty the developer was unable to secure financing for construction of this project, although it was the developer's desire to construct and operate this facility. The developer submitted building plans for plan check, and gone through several rounds of plan check. Additionally, the developer finalized grading plans, and was prepared to obtain grading permits by submitting Mylars © to the City Engineer.

The applicant has requested approval to submit for building plan check at this time and has indicated a desire to start grading in spring of 2015, after the rainy season, with construction shortly thereafter. Standard Condition No. 2 of the previous approval, which addressed the timeframe for which the entitlements were valid, is recommended to be deleted and replaced by Modification Condition No. 2 in the attached draft resolution, which will allow sufficient time for construction to commence under the Modification.

The Moorpark Municipal Code allows for a Permit Modification for any proposed change to a discretionary permit that exceeds the criteria of a permit adjustment, but is not extensive enough to be considered a substantial or fundamental change in the approved entitlement or use relative to the permit, would not have a substantial adverse impact on surrounding properties and would not change any findings contained in the environmental documentation prepared for the permit. Action on the permit modification application shall be by the decision-making body that approved the original permit by the same type of public action process (i.e., action item without public hearing or public hearing item) and public noticing as required for the original project application. There is no timing requirement after approval for when a permit modification can be filed as long as it meets this criteria.

Findings

Commercial Planned Development Permit Findings:

1. The site design, including structure location, size, height, setbacks, massing, scale, architectural style and colors and landscaping, as modified by Modification No. 1 to CPD No. 2006-01 and CUP No. 2006-07, continues to be consistent with the provisions of the general plan, zoning ordinance, and other applicable regulations, as it meets or exceeds the Ordinance requirements and the proposed project as conditioned enhances the physical and visual image of the

community.

2. The site plan design, as modified by Modification No. 1 to CPD No. 2006-01 and CUP No. 2006-07, continues to not create negative impacts nor impair the utility of properties, structures or uses in the surrounding area as the property was planned and graded to accommodate a commercial use such as a hotel.
3. The proposed hotel project as modified by Modification No. 1 to CPD No. 2006-01 and CUP No. 2006-07 continues to be compatible with existing and permitted uses in the surrounding area as the area around the site is used, planned and zoned for commercial and industrial uses.

Conditional Use Permit Findings:

1. The proposed hotel use as modified by Modification No. 1 to CPD No. 2006-01 and CUP No. 2006-07 continues to be consistent with the provisions of the general plan, zoning ordinance, and any other applicable regulations, as it meets or exceeds the Ordinance requirements and the proposed project as conditioned enhances the physical and visual image of the community.
2. The proposed hotel use as modified by Modification No. 1 to CPD No. 2006-01 and CUP No. 2006-07 continues to be compatible with existing and permitted uses in the surrounding area as the area around the site is used, planned and zoned for commercial and industrial uses.
3. The proposed hotel use as modified by Modification No. 1 to CPD No. 2006-01 and CUP No. 2006-07 continues to be compatible with the scale, visual character and design of surrounding properties in that it is in an area characterized by large commercial structures and it shares compatible architectural elements with newer development in the project vicinity.
4. The proposed hotel use as modified by Modification No. 1 to CPD No. 2006-01 and CUP No. 2006-07 continues to not be obnoxious or harmful, or impair the utility of neighboring property or uses in the surrounding area as the property was planned and graded to accommodate a commercial use such as a hotel, and it is isolated from residential neighborhoods in the City.
5. The proposed hotel use as modified by Modification No. 1 to CPD No. 2006-01 and CUP No. 2006-07 continues to not be detrimental to the public health, safety, convenience, or welfare in that would be located on a site planned and designed to accommodate a commercial use such as a hotel, has convenient freeway access and is close to the Los Angeles Avenue commercial corridor.

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: January 7, 2015
Planning Commission Action Deadline: Not Applicable
City Council Action Deadline: April 8, 2015

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

The Community Development Director has determined that this project as modified by Modification No. 1 to CPD No. 2006-01 and CUP No. 2006-07 continues to be consistent with the findings of the certified Final Environmental Impact Report for Special Devices Incorporated (State Clearinghouse No. 95071057) that was used for the approval of CPD No. 2006-01 and CUP No. 2006-07 and that no additional environmental documentation is required.

The project site is not on any of the lists enumerated under Section 65962.5 of the Government Code related to hazardous waste property or facilities.

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 January 11, 2015.
2. Mailing. The notice of the public hearing was mailed on January 7, 2015, 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 January 9, 2015.

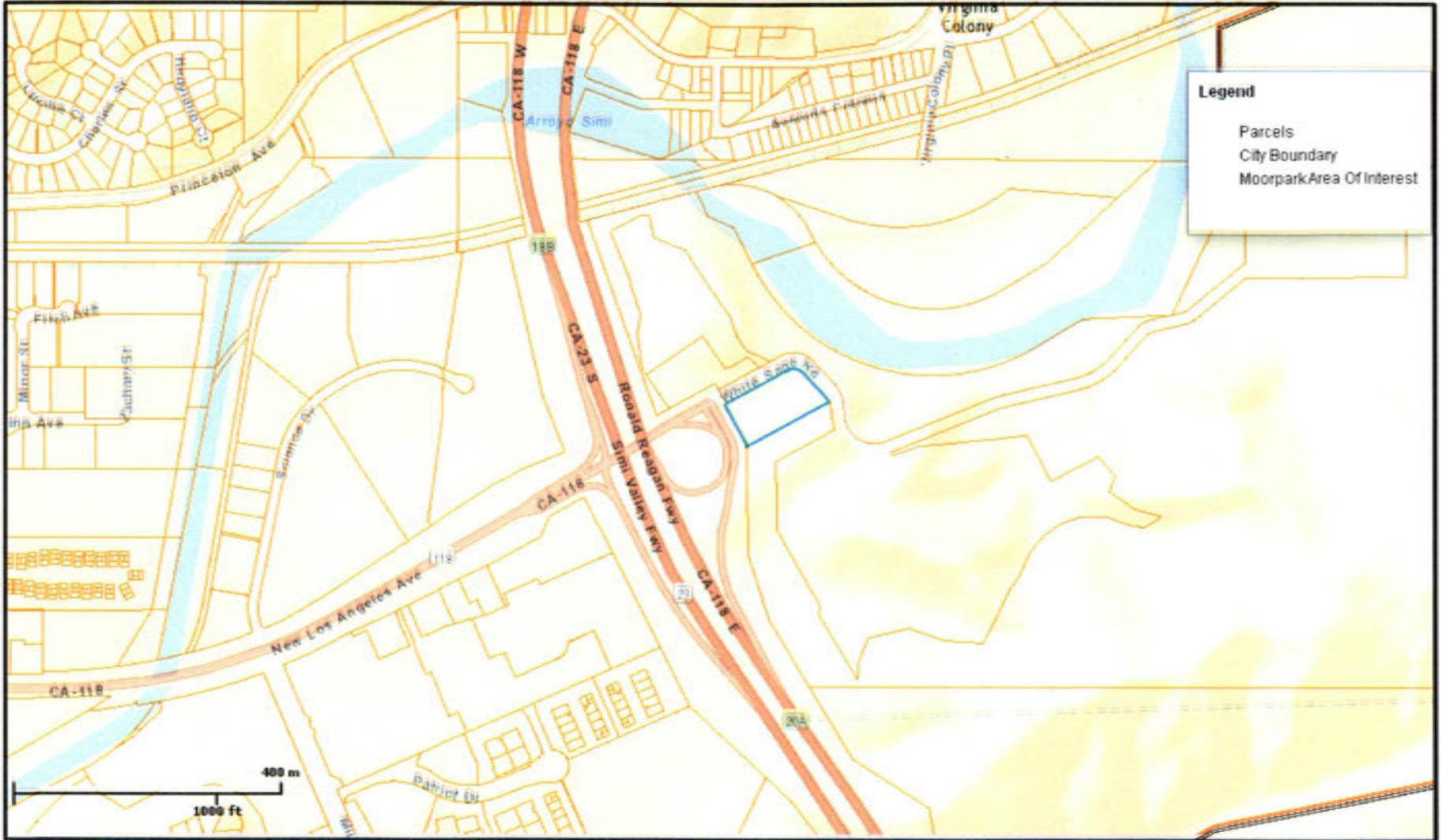
STAFF RECOMMENDATION

1. Open the public hearing, accept public testimony and close the public hearing.
2. Adopt Resolution No. 2015-_____ approving Modification No. 1 to Commercial Planned Development (CPD) No. 2006-01 and Conditional Use Permit (CUP) No. 2006-07.

ATTACHMENTS:

1. Location Map
2. Aerial Photograph
3. Site Plan, Floor Plan, and Elevations (Under Separate Cover)
4. Draft Resolution Approving Modification No. 1 to Commercial Planned Development (CPD) No. 2006-01 and Conditional Use Permit (CUP) No. 2006-07.

Location Map

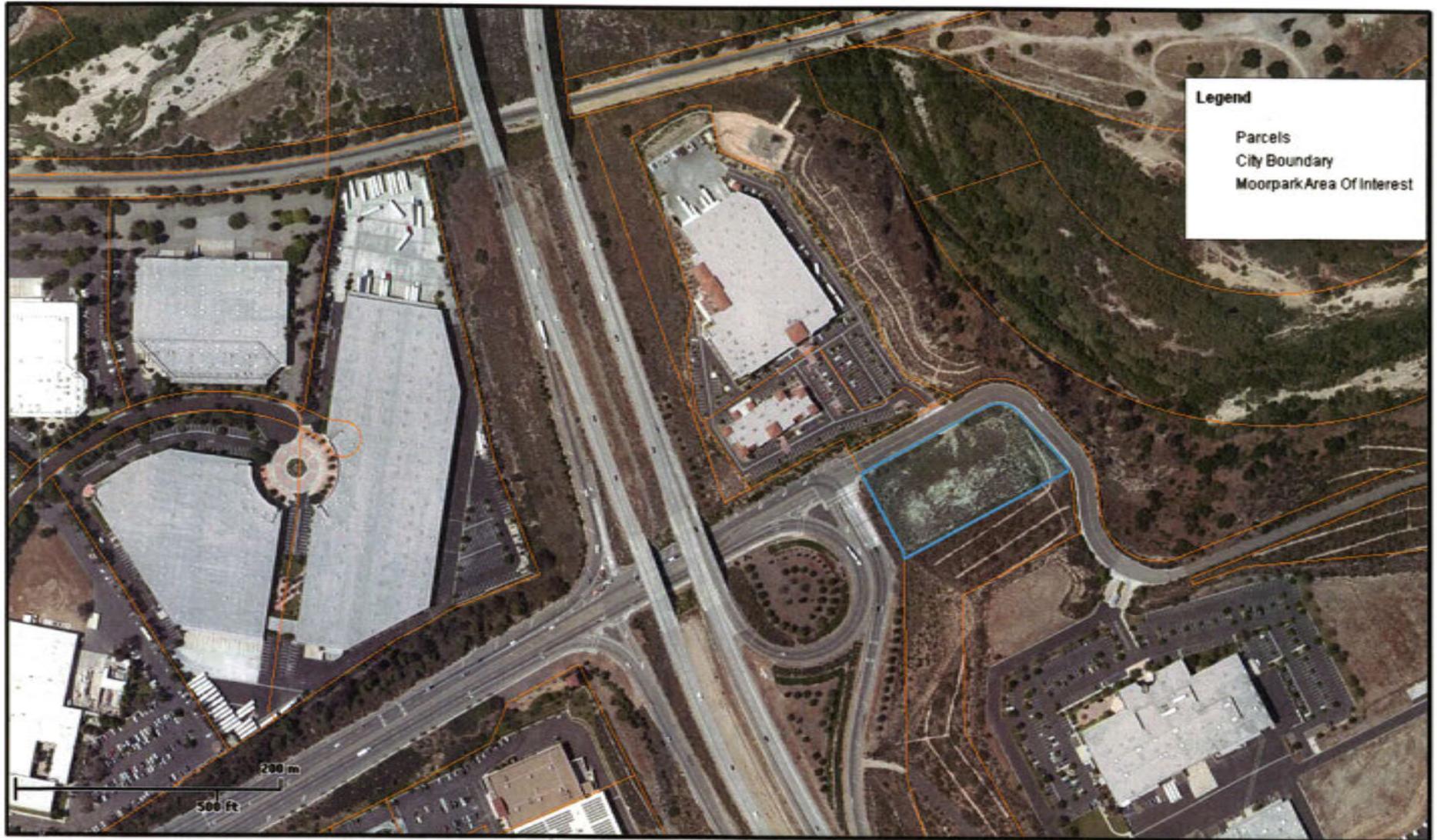


CC ATTACHMENT 1

<p>1" = 752 ft</p>	<p>13950 White Sage Road</p>	<p>1/21/2015</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.

Aerial Photograph



CC ATTACHMENT 2

1" = 376 ft	13950 White Sage Road	01/06/2015		
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

- T-1 Title Sheet**
- A-1 Site Plan**
- A-1.1 Trash Enclosure and Wall Elevations**
- A-1.2 Fire Lane Plan**
- A-1.3 Landscape Plan**
- A-2 Ground Floor Plan**
- A-3 Second and Third Floor Plans**
- A-4 Fourth Floor and Roof Plans**
- A-5 North and East Elevations**
- A-6 South and West Elevations**
- Elevations (3)**

(UNDER SEPARATE COVER)

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

CC ATTACHMENT 3

RESOLUTION NO. 2015-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING MODIFICATION NO. 1 TO COMMERCIAL PLANNED DEVELOPMENT (CPD) NO. 2006-01 AND CONDITIONAL USE PERMIT (CUP) NO. 2006-07, A REQUEST TO AMEND THE APPROVED ARCHITECTURE AND PERMIT EXPIRATION DATE TO ALLOW CONSTRUCTION AND OPERATION OF A PREVIOUSLY APPROVED 112-ROOM (NOW 108-ROOM) HOTEL ON A 2.38 ACRE PARCEL LOCATED AT 14350 WHITE SAGE ROAD ON THE APPLICATION OF MOORPARK HOSPITALITY, INC. (PETER BHAKTA)

WHEREAS, at a duly noticed public hearing on January 21, 2015, the City Council considered Modification No. 1 to Commercial Planned Development (CPD) No. 2006-01 and Conditional Use Permit (CUP) No. 2006-07 to amend the approved architecture and permit expiration date to allow construction and operation of a previously approved 112-room (now 108-room) hotel on a 2.38 acre parcel located at 14350 White Sage Road on the application of Moorpark Hospitality, Inc. (Peter Bhakta); and

WHEREAS, at its meeting of January 21, 2015, 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 this project as modified by Modification No. 1 to CPD No. 2006-01 and CUP No. 2006-07 continues to be consistent with the findings of the certified Final Environmental Impact Report for Special Devices Incorporated (State Clearinghouse No. 95071057) that was used for the approval of CPD No. 2006-01 and CUP No. 2006-07 and that no additional environmental documentation is required.

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

SECTION 1. ENVIRONMENTAL DOCUMENTATION: The City Council concurs with the Community Development Director's determination that this project as modified by Modification No. 1 to CPD No. 2006-01 and CUP No. 2006-07 continues to be consistent with the findings of the certified Final Environmental Impact Report for Special Devices Incorporated (State Clearinghouse No. 95071057) that was used for the approval of CPD No. 2006-01 and CUP No. 2006-07 and that no additional environmental documentation is required.

CC ATTACHMENT 4

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 hotel use as modified by Modification No. 1 to CPD No. 2006-01 and CUP No. 2006-07 continues to be consistent with the provisions of the general plan, zoning ordinance, and any other applicable regulations, as it meets or exceeds the Ordinance requirements and the proposed project as conditioned enhances the physical and visual image of the community.
- B. The proposed hotel use as modified by Modification No. 1 to CPD No. 2006-01 and CUP No. 2006-07 continues to be compatible with existing and permitted uses in the surrounding area as the area around the site is used, planned and zoned for commercial and industrial uses.
- C. The proposed hotel use as modified by Modification No. 1 to CPD No. 2006-01 and CUP No. 2006-07 continues to be compatible with the scale, visual character and design of surrounding properties in that it is in an area characterized by large commercial structures and it shares compatible architectural elements with newer development in the project vicinity.
- D. The proposed hotel use as modified by Modification No. 1 to CPD No. 2006-01 and CUP No. 2006-07 continues to not be obnoxious or harmful, or impair the utility of neighboring property or uses in the surrounding area as the property was planned and graded to accommodate a commercial use such as a hotel, and it is isolated from residential neighborhoods in the City.
- E. The proposed hotel use as modified by Modification No. 1 to CPD No. 2006-01 and CUP No. 2006-07 continues to not be detrimental to the public health, safety, convenience, or welfare in that would be located on a site planned and designed to accommodate a commercial use such as a hotel, has convenient freeway access and is close to the Los Angeles Avenue commercial corridor.

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, as modified by Modification No. 1 to CPD No. 2006-01 and CUP No. 2006-07, continues to be consistent with the provisions of the general plan, zoning ordinance, and other applicable regulations, as it meets or exceeds the Ordinance requirements and the proposed project as conditioned enhances the physical and visual image of the community.

- B. The site plan design, as modified by Modification No. 1 to CPD No. 2006-01 and CUP No. 2006-07, continues to not create negative impacts nor impair the utility of properties, structures or uses in the surrounding area as the property was planned and graded to accommodate a commercial use such as a hotel.
- C. The proposed hotel project as modified by Modification No. 1 to CPD No. 2006-01 and CUP No. 2006-07 continues to be compatible with existing and permitted uses in the surrounding area as the area around the site is used, planned and zoned for commercial and industrial uses.

SECTION 4. APPROVAL OF MODIFICATION NO. 1: The City Council hereby approves Modification No. 1 to CPD No. 2006-01 and CUP No. 2006-07, subject to Conditions of Approval attached hereto as Exhibit A and incorporated herein.

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 21st day of January, 2015.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Exhibit A – Conditions of Approval

EXHIBIT A

CONDITIONS OF APPROVAL FOR MODIFICATION NO. 1 TO COMMERCIAL PLANNED DEVELOPMENT (CPD) NO. 2006-01 AND CONDITIONAL USE PERMIT (CUP) NO. 2006-07

1. Standard Condition No. 2 for Commercial Planned Development No. 2006-01 is hereby deleted as follows:
 2. ~~*This planned development permit and conditional use permit will expire 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 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.*~~
2. This Modification No. 1 to Commercial Planned Development (CPD) No. 2006-01 and Conditional Use Permit (CUP) No. 2006-07 will expire 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 Modification No. 1 to CPD No. 2006-01 and CUP No. 2006-07, 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.
3. The applicant's acceptance of this approval of the Modification No. 1 to Commercial Planned Development (CPD) No. 2006-01 and Conditional Use Permit (CUP) No. 2006-07 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.
4. 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.

5. The development shall be in substantial conformance with the plans presented in conjunction with the application for Modification No. 1 to Commercial Planned Development (CPD) No. 2006-01 and Conditional Use Permit (CUP) No. 2006-07, except any modifications as may be required to meet specific Code standards or other conditions stipulated herein.
6. All conditions of approval for Commercial Planned Development (CPD) No. 2006-01 and Conditional Use Permit (CUP) No. 2006-07 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 (CPD) No. 2006-01 and Conditional Use Permit (CUP) No. 2006-07, the conditions of this Modification No. 1 shall prevail.
7. 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.
8. 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.
9. All contractors doing work in Moorpark shall have or obtain a current Business Registration prior to initiation of work.

10. Special Condition Nos. 1 and 2 for Commercial Planned Development No. 2006-01 are hereby deleted as follows:

- ~~1. Clay two piece barrel tile with variegation and exposed mortar is required for all areas of the building where tile roofing is proposed. Roof overhangs must extend beyond all walls with decorative eaves, a minimum 5/12 roof pitch must be used on all clay tile roof elements, and dormer roof vents shall be incorporated into the design to the satisfaction of the Community Development Director.~~
- ~~2. Stone veneer on the façade of the first floor level must be a heavier, darker material than that used for the tower elements, and must be transitioned with a well defined ledge stone cap from the stone veneer upward to the stucco. All stone veneered sides must include returns to the next plane, with all corners wrapped in stone without visible joints, with materials, colors, and design all to the satisfaction of the Community Development Director.~~

11. Special Condition Nos. 1, 2, and 4 for Conditional Use Permit No. 2006-07 are hereby amended as follows:

1. *Guests may not occupy any individual room for a period exceeding thirty (30) days. Records of registration must be maintained and provided for inspection as required by Chapter 5.44 of the Moorpark Municipal Code.*
2. *Prior to occupancy, the hotel operator and hotel owner shall provide a signed statement indicating that the operator is aware of and will comply with the provisions of Chapter 9.32 of the Moorpark Municipal Code (Social Host).*
4. *The hotel operator shall be responsible for the collection, record keeping, reporting, and remission to the City of the transient occupancy tax as required by Chapter 3.48 of the Moorpark Municipal Code.*

-END-