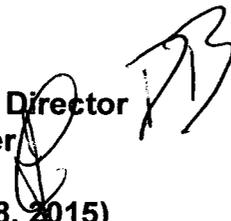


**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

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

**DATE:** February 4, 2015 (CC Meeting of February 18, 2015)

**SUBJECT:** Consider a Resolution Approving Modification No. 1 to Industrial Planned Development (IPD) Permit No. 2009-01 and Conditional Use Permit (CUP) No. 2009-01, a Request to Extend the Expiration Date for an Approved Motion Picture Studio Complex at 11289 Los Angeles Avenue, and Finding the Previously Adopted Mitigated Negative Declaration Applicable Thereto, on the Application of Triliad Development, Inc.

**BACKGROUND/DISCUSSION**

On October 5, 2011, the City Council adopted Resolution Nos. 2011-3062 and 2011-3063, adopting a Mitigated Negative Declaration, approving a General Plan Amendment, and approving Industrial Planned Development (IPD) Permit No. 2009-01 and Conditional Use Permit (CUP) No. 2009-01, to allow construction and operation of a 559,450 square-foot motion picture studio complex with 12 sound stages totaling 296,000 square-feet of building area, 3 office buildings totaling 145,500 square feet of building area, 18 studio support buildings totaling 117,950 square feet of building area, and 1,696 surface parking spaces, on a 44.467 acre site located on the north side of Los Angeles Avenue, west of Gabbert Road at 11289 Los Angeles Avenue (West of SCE Substation). Ordinance Nos. 408 and 409, approving a Zone Change and adopting a Development Agreement for this project, were approved by the City Council on October 19, 2011. The Development Agreement is valid through November 18, 2021, but can be extended an additional 10 years by Council action. On November 5, 2014, the City Council extended the IPD Permit and CUP through November 18, 2015, by which time a foundation for the first building must be completed to maintain the entitlements. These permits are eligible for one more one-year extension.

On December 18, 2014, the applicant requested a Modification to IPD Permit No. 2009-01 and CUP No. 2009-01 to extend the permit expiration date an additional three years.

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.

A development of this scale could take several years from plan check submittal to final inspection of a foundation; therefore, the applicant is requesting this extension far in advance of the actual expiration date to ensure that there is sufficient time for processing on the part of all parties, including local, state, and federal agencies.

During the recent period of economic uncertainty the developer has been unable to secure financing for construction of this project, although it has been the developer's desire to develop this facility as approved. The proposed modification would continue to allow the City to achieve its goals with respect to Los Angeles Avenue Improvements, and construction of North Hills Parkway, as part of the proposed development albeit within a slightly longer time frame. Other than timing, no other aspects of the project would be affected by the proposed amendments.

The applicant has been proceeding diligently by working with other agencies (Caltrans and Ventura County Flood Protection District) on obtaining approvals for this project, and construction of improvements to the flood control channel to allow road crossings is complete. The applicant has completed a lot line adjustment to allow transferring of ownership of an adjacent property.

In the attached draft resolution, staff is recommending an extension of the IPD Permit and CUP to November 18, 2019 (3 additional years beyond the original approval). Any additional extension would require an extension of the term of the Development Agreement, which must be initiated by the developer at least 180 days before its expiration on November 18, 2021.

## **Findings**

The proposed change in expiration date of IPD Permit No. 2009-01 and CUP No. 2009-01 would not have a substantial adverse impact on surrounding properties, nor change the findings in the Mitigated Negative Declaration prepared for the project.

**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 17, 2015  
**Planning Commission Action Deadline:** Not Applicable  
**City Council Action Deadline:** April 18, 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 amended by Modification No. 1 is consistent with the Mitigated Negative Declaration adopted for the original project, including IPD Permit No. 2009-01 and CUP No. 2009-01 in that there are no substantial changes to the project which will require revisions to the previously adopted Mitigated Negative Declaration, there are no changes to the circumstances under which the project is undertaken that would require revisions to the previously adopted Mitigated Negative Declaration, and there is no new information of substantial importance that shows that the project would have one or more significant effects not discussed in the previously adopted Mitigated Negative Declaration, or that significant effects previously examined will be substantially more severe than shown in the previous Mitigated Negative Declaration, in that the only change to the project is a 3-year extension of the IPD Permit and CUP. No additional environmental review 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 Sunday, February 8, 2015.
2. Mailing. The notice of the public hearing was mailed on Friday, February 6, 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 Sunday, February 8, 2015.

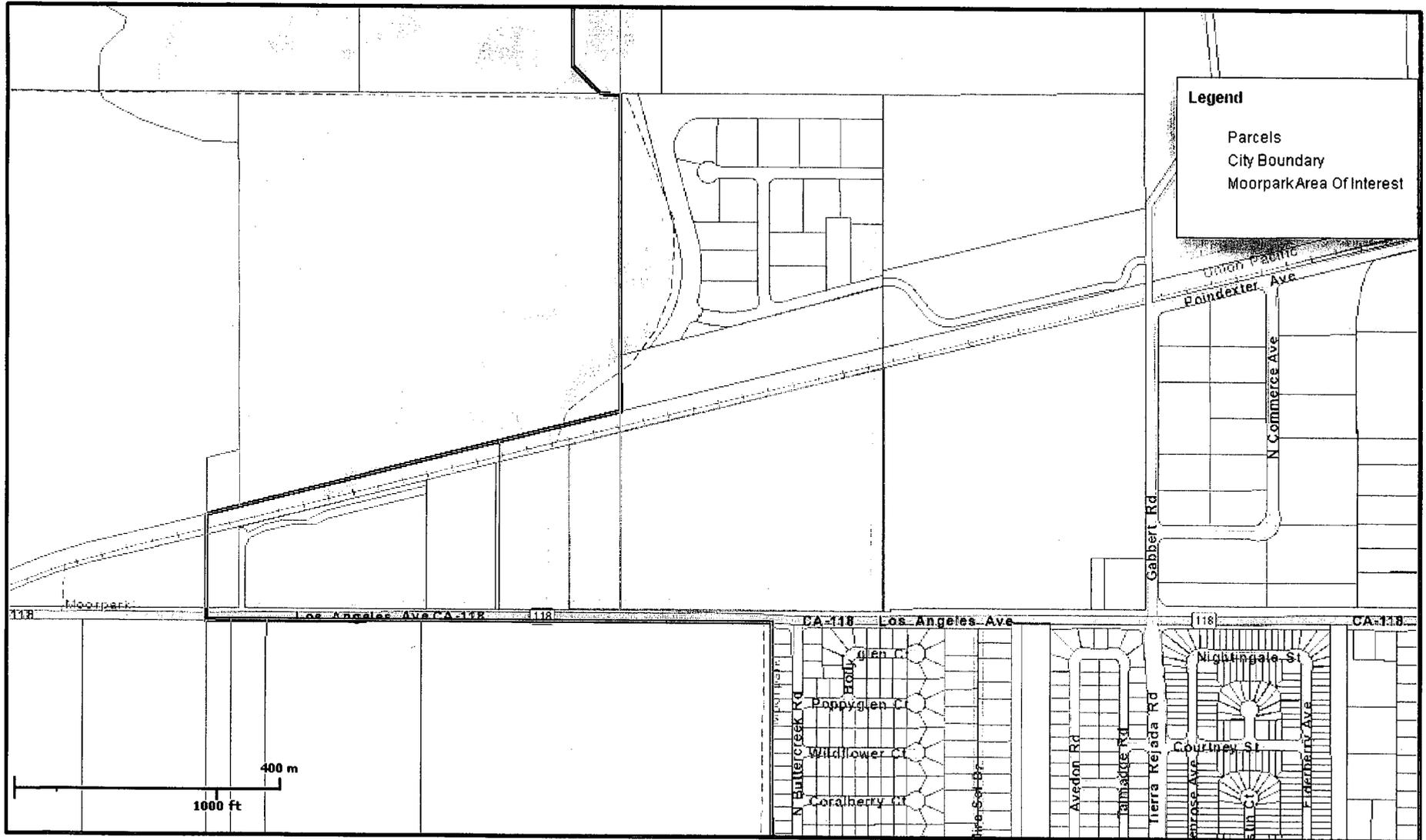
**STAFF RECOMMENDATION**

1. Open the public hearing, accept public testimony and close the public hearing.
2. Adopt Resolution No. 2015-\_\_\_\_ approving Modification No. 1 to Industrial Planned Development No. 2009-01 and Conditional Use Permit No. 2009-01.

**ATTACHMENTS:**

1. Location Map
2. Draft Resolution Approving Modification No. 1 to Industrial Planned Development No. 2009-01 and Conditional Use Permit No. 2009-01.

# Location Map



CC ATTACHMENT 1

<p>1" = 752 ft</p>	<p>11289 Los Angeles Avenue</p>	<p>12/18/2014</p>		
<p>This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Moorpark staff for the most up-to-date information.</p>				

RESOLUTION NO. 2015-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING MODIFICATION NO. 1 TO INDUSTRIAL PLANNED DEVELOPMENT (IPD) PERMIT NO. 2009-01 AND CONDITIONAL USE PERMIT (CUP) NO. 2009-01, A REQUEST TO EXTEND THE EXPIRATION DATE FOR AN APPROVED MOTION PICTURE STUDIO COMPLEX AT 11289 LOS ANGELES AVENUE, AND FINDING THE PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION APPLICABLE THERETO, ON THE APPLICATION OF TRILIAD DEVELOPMENT, INC.

WHEREAS, on December 18, 2014, Triliad Development, Inc., filed an application for Modification No. 1 to IPD Permit No. 2009-01 and CUP No. 2009-01 to extend the expiration date for an approved motion picture studio complex at 11289 Los Angeles Avenue; and

WHEREAS, at a duly noticed public hearing on February 18, 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, closed the public hearing, and reached a decision on this matter; and

WHEREAS, the Community Development Director has determined that this project as amended by Modification No. 1 is consistent with the Mitigated Negative Declaration adopted for the original project, including IPD Permit No. 2009-01 and CUP No. 2009-01 in that there are no substantial changes to the project which will require revisions to the previously adopted Mitigated Negative Declaration, there are no changes to the circumstances under which the project is undertaken that would require revisions to the previously adopted Mitigated Negative Declaration, and there is no new information of substantial importance that shows that the project would have one or more significant effects not discussed in the previously adopted Mitigated Negative Declaration, or that significant effects previously examined will be substantially more severe than shown in the previous Mitigated Negative Declaration, in that the only change to the project is a 3-year extension of the IPD Permit and CUP, and that no additional environmental review 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 has determined that this project as amended by Modification No. 1 is consistent with the Mitigated Negative Declaration adopted for the original project, including IPD Permit No. 2009-01 and CUP No. 2009-01 in that there are no substantial changes to the project which will require revisions to the previously adopted Mitigated Negative Declaration, there are no changes to the

circumstances under which the project is undertaken that would require revisions to the previously adopted Mitigated Negative Declaration, and there is no new information of substantial importance that shows that the project would have one or more significant effects not discussed in the previously adopted Mitigated Negative Declaration, or that significant effects previously examined will be substantially more severe than shown in the previous Mitigated Negative Declaration, in that the only change to the project is a 3-year extension of the IPD Permit and CUP, and that no additional environmental review is required.

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

The proposed change in expiration date of IPD Permit No. 2009-01 and CUP No. 2009-01 would not have a substantial adverse impact on surrounding properties, nor change the findings in the Mitigated Negative Declaration prepared for the project.

SECTION 3. CITY COUNCIL APPROVAL: The City Council hereby approves Modification No. 1 to IPD Permit No. 2009-01 and CUP No. 2009-01 subject to the Conditions of Approval included in Exhibit A, attached hereto and incorporated herein by reference.

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 18th day of February, 2015.

\_\_\_\_\_  
Janice S. Parvin, Mayor

ATTEST:

\_\_\_\_\_  
Maureen Benson, City Clerk

Exhibit A – Conditions of Approval

**CONDITIONS OF APPROVAL FOR MODIFICATION NO. 1 TO INDUSTRIAL  
PLANNED DEVELOPMENT NO. 2009-01  
AND CONDITIONAL USE PERMIT NO. 2009-01**

1. Industrial Planned Development (IPD) Permit No. 2009-01 and Conditional Use Permit (CUP) No. 2009-01 will expire November 18, 2019 unless the use has been inaugurated by issuance of a building permit for construction. Any additional extension of the term of the IPD Permit and CUP requires an extension of the term of the Development Agreement through the process specified in Section 19 of the Development Agreement.
2. All other conditions of approval for Modification No. 1 to Industrial Planned Development No. 2009-01 and Conditional Use Permit No. 2009-01 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 Industrial Planned Development No. 2009-01 and Conditional Use Permit No. 2009-01, the conditions of this Modification No. 1 shall prevail.

-END-