

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David A. Bobardt, Community Development Director *DB*
Prepared by: Freddy A. Carrillo, Associate Planner *✓*

DATE: March 12, 2015, (CC Meeting of 3/18/2015)

SUBJECT: Consider Resolution Approving Conditional Use Permit No. 2014-08, to Allow the Operation of the 11,035 Square-Foot Boys and Girls Club at 200 Casey Road, Including Use of the Facility for Special Events, and Making a Determination of Exemption under CEQA in Connection Therewith, on the Application of John W. Newton for the Boys and Girls Club of Moorpark

BACKGROUND

On October 14, 2014, a Conditional Use Permit application was filed by John W. Newton, to allow the Boys and Girls Club of Moorpark located at 200 Casey Road, to operate as a non-profit recreational facility, and, to rent the facility for special events (including alcohol service), when the facility is not in use by members.

As a non-profit recreational facility, the Boys and Girls Club provides services and activities that serve local youth. They offer program activities in five major categories: Character and Leadership Development, Education and Career Development, Health and Life Skills, the Arts, and Sports, Fitness, and Recreation.

Specific programs that the Boys and Girls Club provides include before and after school programs, sports programs, summer camp, academic and tutoring programs, good character and citizenship programs and healthy lifestyle programs.

The club has been renting their facility for private events on an ongoing basis. In 2014, five Temporary Use Permits have been issued to allow the Boys and Girls Club to rent the facility to the public for private events. Staff has worked very closely and diligently with the applicant and Moorpark Police Department to address security concerns. Approving this permit would allow the Boys and Girls Club to continue to operate as a non-profit recreational facility on a day to day basis and, to rent the facility to the public permanently without a need of a Temporary Use Permit for every event.

DISCUSSION

Project Setting

Existing Site Conditions:

The property is approximately 17,800 square feet in area and is located on Casey Road, east of Walnut Canyon School, approximately 300 feet west of Walnut Canyon Road. The building is approximately 11,000 square-feet in area and includes a gymnasium/multipurpose room, learning center, classrooms/craft rooms, and offices.

The Boys and Girls Club has a joint-use agreement with the Moorpark Unified School District related to access of parking spaces (unsigned copy and email confirmation attached). Members have access to 12 of 62 parking spaces located in the east (lower) parking lot of Walnut Canyon School Monday through Friday before 3:00 p.m., and access to all 158 parking spaces after 3:00 p.m. every day, and all day Saturday and Sunday. A condition of approval has been added requiring the Boys and Girls Club to provide a signed copy of the joint use agreement prior to any additional assembly events. Members also have access to a basketball court and parking lot that is located east of the facility. This portion was owned by the Boys and Girls Club but has been sold to Essex Moorpark as part of the 10.57 acre site proposed for construction of 200 apartment units. The 30 spaces in that parking lot will no longer be available, once the Essex project is developed.

The building occupancy of the assembly area of the gymnasium is approximately 700 people. A common standard for parking at this type of facility is 1 parking space for every 3 attendees. Such standard would require at least 233 parking spaces. Since there are not this many parking spaces available, staff recommends limiting occupancy for private or public events to 500 people.

There are only two permanent toilets inside of the gymnasium. Staff recommends a condition of approval requiring that temporary and permanent restrooms be provided during public or private events at a rate of 1 toilet for every 50 attendees (including the existing permanent facilities).

Previous Applications:

No previous applications are on file for this project site; however, two agenda items were considered by the City Council in 1991 regarding the requirement of a Conditional Use Permit for the operation of the Boys and Girls Club.

- On March 1, 1991, the City Council directed staff to assist the Boys and Girls Club in filing and processing a CUP and waive all City processing cost except City Engineer, mailing and posting, and to expedite processing.

- On May 20, 1991, the City Council directed staff to allow the Boys and Girls Club to operate during the entitlement process as long as the application is determined complete and a zoning clearance has been obtained.

City records do not show that a CUP application was ever submitted for the operation of the Boys and Girls Club.

General Plan and Zoning Consistency:

The Specific Plan 9 land use designation in the General Plan is intended to provide residential units but excluding the Boys and Girls Club property. Without a specific plan, the Land Use Element overlay designation for this portion of the site is for school development. The Zoning Ordinance requires a Conditional Use Permit for "Recreational Facilities, Non-Profit" in the Rural Exclusive (RE) Zone. Since the City Council had been previously involved in direction on this permit, it is being elevated for consideration by the City Council.

This allows for consideration of the compatibility of the proposed use with surrounding uses in making findings on the application, and adoption of conditions of approval as deemed necessary.

GENERAL PLAN/ZONING			
Direction	General Plan	Zoning	Land Use
Site	Specific Plan 9 (School Overlay) and Public/Institutional	Rural Exclusive	Gymnasium
North	High Density Residential (7 DU/AC)	Rural Exclusive	Single Family Residential
South	Specific Plan 9	Rural Exclusive	Vacant
East	Very High Density Residential (15 DU/AC)	Residential Planned Development	Parking Lot / Basketball Court
West	Specific Plan 9	Rural Exclusive	School

ANALYSIS

Issues

Staff analysis of the proposed project has identified Security and Hours of Operation during private events for City Council consideration in their decision.

Security / Hours of Operation

Staff analysis of the proposed project has identified security and hours of operation for special events as the primary issues for the City Council consideration in their review of the CUP application. Conditions are recommended by staff to address security concerns associated with the service of alcoholic beverages during special events. Staff has recommended the following condition, "The applicant or his/her designee shall be responsible to police the exterior of the business to assure that no beer, wine, or liquor is consumed within the parking lot. The applicant shall not permit any loitering in the parking lot or in areas adjacent to the facility". In addition, to minimize the noise level around the residential community, the hours of operation of the facility shall be limited. Staff is recommending a special condition of approval limiting the hours of operation for the facility during private parties from 9:00 a.m. to 11:00 p.m. Friday, Saturday, and Sunday, and from 9:00 a.m. to 10:00 p.m. Monday through Thursday.

The Moorpark Police Department has reviewed this application and concurs with applying the following conditions to private events at this location:

- A minimum of one uniformed security personnel must be provided for every 50 attendees, or fraction thereof, to monitor both the parking area and the indoor facility. A copy of the security contract shall be provided to the Community Development Department and Police Department.
- No person under the age of eighteen (18) may serve distilled spirits, beer, and wine to attendees.
- "Walk-in" alcohol service for non-attendees is not permitted at any time. Alcoholic beverages may only be served to attendees of the event. A guest list must also be monitored.
- Alcoholic beverages shall be contained in a secured area where they can be monitored and served only to persons over the age of 21 years (no self-serve).
- Temporary restrooms shall be available to all attendees during public or private events. A minimum of one toilet per fifty people is required.
- Prior to the event, permittee must provide a list, in writing, to the Police Department, of the event coordinator(s), including telephone number(s), who are responsible for the event.

These conditions are similar to those that have been applied to the Temporary Use Permits that have been approved for private events at this site.

To maintain consistency with the future goals of the neighborhood, a condition of approval has been added to review this CUP in the future. The condition is as follows, "This permit will be valid for twenty (20) years from the date of final approval.

Findings

- A. The proposed use of the facility as a non-profit recreational facility is consistent with the provisions of the City's General Plan, Zoning Ordinance, and other applicable regulations as conditioned in that the land is planned and zoned for such uses, including special event uses of the intensity proposed and sufficient security will be provided.
- B. The proposed use is compatible with both existing and permitted land uses in the surrounding area, in that the ongoing use of the facility, including special events (with alcohol service) complements the surrounding uses and is a use that is not unanticipated within an existing gymnasium building originally constructed for institutional and assembly uses.
- C. The proposed use is compatible with the scale, visual character, and design of surrounding properties, in that the use does not require modification to the exterior of the approved building.
- D. The proposed use would not be obnoxious or harmful, or impair the utility of neighboring property or uses in that conditions are required to ensure safety inside and outside of the facility during the special events with uniformed security.
- E. The proposed use would not be detrimental to the public interest, health, safety, convenience, or welfare, in that the facility will be operated as approved and rented for special events where uniformed security will be required.

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:

Upon agreement by the City and Applicant, one 90-day extension can be granted to the date action must be taken on the application. The City and Applicant have agreed to a 90-day extension and therefore the City Council Action Deadline is May 13, 2015.

Date Application Determined Complete: November 14, 2014
Planning Commission Action Deadline: N/A
City Council Action Deadline: May 13, 2015

ENVIRONMENTAL DETERMINATION

In accordance with the City's environmental review procedures adopted by resolution, the Community Development Director determines the level of review necessary for a project to comply with the California Environmental Quality Act (CEQA). Some projects may be exempt from review based upon a specific category listed in CEQA. Other projects may be exempt under a general rule that environmental review is not necessary where it can be determined that there would be no possibility of significant effect upon the environment. A project which does not qualify for an exemption requires the preparation of an Initial Study to assess the level of potential environmental impacts.

Based upon the results of an Initial Study, the Director may determine that a project will not have a significant effect upon the environment. In such a case, a Notice of Intent to Adopt a Negative Declaration or a Mitigated Negative Declaration is prepared. For many projects, a Negative Declaration or Mitigated Negative Declaration will prove to be sufficient environmental documentation. If the Director determines that a project has the potential for significant adverse impacts and adequate mitigation cannot be readily identified, an Environmental Impact Report (EIR) is prepared.

The Director has reviewed this project and found it to be Categorical Exempt in accordance with Section 15301 (Class 1, Existing Facilities) of California Code of Regulations (CEQA Guidelines) in that this development is within an existing facility with appropriate access, parking and circulation for this proposal. No further environmental documentation is required.

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 March 8, 2015.
2. Mailing. The notice of the public hearing was mailed on Friday, March 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 is to be placed on the street frontage by Friday, March 6, 2015.

STAFF RECOMMENDATION

1. Open the public hearing, accept public testimony and close the public hearing.
2. Adopt Resolution No. 2015-____ approving Conditional Use Permit No. 2014-08 with conditions of approval and making determination of exemption under CEQA in connection therewith.

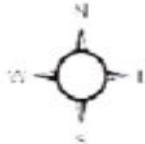
ATTACHMENTS:

1. Aerial Photograph
2. Email from Moorpark Unified School District dated June 20, 2014
3. Unsigned Joint-Use Agreement with Moorpark Unified School District
4. Draft CC Resolution No. 2015-____

Aerial Map - 200 Casey Road

CC ATTACHMENT 1



<p>1" = 94 ft</p>	<p>CUP No. 2014-08</p>	<p>03/12/2015</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.

Freddy Carrillo

From: David Bobardt
Sent: Friday, June 20, 2014 1:50 PM
To: 'BGCMoorpark@aol.com'
Cc: Freddy Carrillo
Subject: RE: permission to use lot parking lot at Walnut Canyon School

Thanks Scott. This works for us.
Dave Bobardt

From: BGCMoorpark@aol.com [mailto:BGCMoorpark@aol.com]
Sent: Friday, June 20, 2014 12:07 PM
To: David Bobardt
Subject: Fwd: permission to use lot parking lot at Walnut Canyon School

Dave,

Please see the written permission from the school district as requested to utilize the lower parking lot of Walnut Canyon School.

Thanks!

Scott
W. Scott Mosher
Chief Professional Officer
Boys & Girls Club of Moorpark
(805) 529-1140 office
(805) 501-9184 cell

From: twilliams@mrpk.org
To: bgcmoorpark@aol.com
Sent: 6/20/2014 11:51:34 A.M. Pacific Daylight Time
Subj: permission to use lot parking lot at Walnut Canyon School

Hi Scott,

This is to notify you that The Boys and Girls Club has permission from the Moorpark Unified School District to utilize the lower parking lot at Walnut Canyon School (when school is not in session) as needed for club events.

Teresa Williams

Superintendent

Moorpark Unified School District

AGREEMENT
BETWEEN THE
MOORPARK UNIFIED SCHOOL DISTRICT
AND THE
BOYS & GIRLS CLUB OF MOORPARK, INC.

This Agreement is entered into by and between the Moorpark Unified School District (hereinafter "District") a public school district located in Moorpark, Ventura County, California, and the Boys & Girls Club of Moorpark, Inc. (hereafter "B&G Club"), a charitable corporation, also located in Moorpark. The District and the B&G Club hereby agree to the following terms and conditions:

I. Restructuring of Debt for Real Property

1. In December of 1991 the District and the B&G Club entered into a "Purchase-Sale Agreement" regarding the purchase by the B&G Club of real property from the District consisting of 1.3+ acres of land including a 10,000 square foot gymnasium, shower/locker rooms, tennis courts, lower East parking lot, ancillary facilities, and vacant land to the East parking lot, all of which was a portion of the Moorpark Memorial High School Site.
2. Attached to the 1991 "Purchase-Sale Agreement" as Exhibit B is an amortization schedule of required monthly payments by the B&G Club to the District. The B&G Club has not fully complied with the terms covering the required monthly payments and documentation of work performed to improve the Gym building property.
3. In consideration of the other terms and conditions of this Agreement, the District and the B&G Club agree to modify the amortization schedule in Exhibit B to the 1991 "Purchase-Sale Agreement" to be the amortization schedule as in Exhibit 1 to this Agreement. This Agreement does not modify any other term or condition in the 1991 "Purchase-Sale Agreement," excepting: (1) the final date for full payment of the balance due which shall be extended from January 1, 1999 to January 1, 2004, and (2) the accrual of interest on the unpaid balance which shall no longer be offset by improvement credits. This provision cures the lack of compliance by the B&G Club referenced in I.2 above.
4. Interest or principal, as calculated on Exhibit 1, will be reduced by the value of the real property conveyed to the District, pursuant to provision II immediately below, which will be determined by a neutral appraiser acceptable to both parties, for use in road, sidewalk and gutter construction on the south side of Casey Road and Walnut Canyon Road. The remaining interest that accrues will be deferred for payment purposes until January 1, 2004. The interest itself will not accrue additional interest.

II Conveyance of Real Property

1. The B&G Club shall convey the real property described in Exhibit 2 of this Agreement to the District or at the District's request to the City of Moorpark and to the California Department of Transportation (CALTRANS) respectively so that the District may make various improvements to Casey Road and Walnut Canyon Road. ~~Such conveyance shall take place immediately and no~~ B&G Club shall, later than October 31, 1998, agree to convey the property.
2. The District shall reimburse the B&G Club for the cost of construction of a new entrance to the B&G Club on the west end of the building located at Casey Road and other necessary improvements as required on the real property of the B&G Club because of the various improvements made by the District to Casey Road and Walnut Canyon Road. The reimbursement from the District to the B&G Club shall not exceed \$37,000, and shall be payable by the District within thirty (30) days of receipt of the invoice from the B&G Club.
3. The District shall have right of reasonable access and use of the real property of the B&G Club for the purpose of making its improvements to Casey Road and Walnut Canyon Road during the period of such improvements. The District and B&G Club shall cooperate in an effort to create a safe environment for B&G Club operations during construction.

III. Modifications to B&G Club Building

1. B&G Club will contract with T & D Builders for the purpose of completing the necessary documentation for modifications to the B&G Club building. B&G Club shall compel T & D Builders to expedite the modifications upon execution of this agreement. Modifications include the following: removing the doors on the north side of the building and sealing the opening; adding a double door to the west side of the building; rearrange interior walls to suit the new entrance; add a false roof to redirect water runoff to the south side of the building; and other minor modifications. T & D Builders will obtain the necessary permits. T & D Builders will be the general contractor and will manage the project for the B&G Club. The B&G Club will contract out the construction and have the work listed here completed in an expeditious manner. Time is of the essence.

IV. Parking Facilities Available to the B&G Club at Walnut Canyon School

1. The District will grant parking privileges subject to reasonable regulations to B&G Club at the parking lot bordering on the B&G Club property, which is part of Walnut Canyon School. The B&G Club will have access to 12 parking spaces at the east parking facilities of Walnut Canyon School, Monday through Friday. During the day and evening on Saturday and Sunday and after 3:00 p.m. Monday through Friday the access to parking spaces in the east parking facilities is unlimited. There shall be no charge for parking space use. At such time that the school activities (i.e., Back to School Night, Open House, plays and musical

performances) would be scheduled in the late afternoon, evening or on weekends the school will coordinate parking with the B&G Club. The B&G Club will execute a hold harmless agreement with the District, which is attached as Exhibit 3. This provision shall immediately lapse upon dissolution of the B&G Club and termination of its operations.

V. Temporary Easement

1. The B&G Club has placed a relocatable building at the southeast corner of its property and upon the northeast corner of District property. In doing so the B&G Club has not complied with the original agreement that identifies two easements at that location. The first is an undefined access easement for purposes of the District creating vehicular access to its property upon which no structure was to be placed, and the second is a buffer landscaping easement.
2. In addition, the District will grant a temporary easement allowing the encroachment of the existing portable building into the existing access and buffer easements and onto District property. The temporary easement may be withdrawn at any time at the discretion of the District as it deems necessary to pursue the use of adjacent District property. The District will provide the B&G Club a 90-day notice to remove the building. The B&G Club will remove the building at its own cost.

VI. Miscellaneous

1. The District will indemnify the B&G Club for damage to the gymnasium building caused by the project construction.
2. The District will inform the B&G Club of the construction timeline for the road.
3. The B&G Club will cooperate fully with the District in expediting the conveyance of land and in coordination required for construction of the road.

This Agreement shall not become effective until ratified by the Board of Education of the District and by the B&G Club Board of Directors.

FOR THE DISTRICT:

FOR THE B&G CLUB

DATE: _____

DATE: _____

DATE RATIFIED BY THE
BOARD OF EDUCATION: _____

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RESOLUTION NO. 2015-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 2014-08, TO ALLOW THE OPERATION OF THE 11,035 SQUARE-FOOT BOYS & GIRLS CLUB AT 200 CASEY ROAD, INCLUDING USE OF THE FACILITY FOR SPECIAL EVENTS, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA IN CONNECTION THEREWITH, ON THE APPLICATION OF JOHN W. NEWTON FOR THE BOYS AND GIRLS CLUB OF MOORPARK

WHEREAS, On October 14, 2014, a Conditional Use Permit application was filed by John W. Newton, to allow the operation of the Boys and Girls Club of Moorpark at 200 Casey Road and to allow the facility to be used for special events; and

WHEREAS, on March 18, 2015, the City Council held a public hearing on proposed Conditional Use Permit No. 2014-08 on the application of John W. Newton to allow the operation of the existing 11,035 square-foot Boys & Girls Club Main Facility, located at 200 Casey Road, to operate as a non-profit recreational facility; and, to rent the facility for special events (including alcohol service) when the facility is not in use by members; and

WHEREAS, at a duly noticed public hearing held on March 18, 2015, 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

WHEREAS, the Community Development Director has determined that this project is Categorically Exempt from the provisions of CEQA pursuant to Section 15301 (Existing Facilities) 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 the 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.

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 15301 (Existing Facilities) 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 of the facility as a non-profit recreational facility is consistent with the provisions of the City's General Plan, Zoning Ordinance, and other applicable regulations as conditioned in that the land is planned and zoned for such uses, including special event uses of the intensity proposed and sufficient security will be provided.
- B. The proposed use is compatible with both existing and permitted land uses in the surrounding area, in that the ongoing use of the facility, including special events (with alcohol service) complements the surrounding uses and is a use that is not unanticipated within an existing gymnasium building originally constructed for institutional and assembly uses.
- C. The proposed use is compatible with the scale, visual character, and design of surrounding properties, in that the use does not require modification to the exterior of the approved building.
- D. The proposed use would not be obnoxious or harmful, or impair the utility of neighboring property or uses in that conditions are required to ensure safety inside and outside of the facility during the special events with uniform security.
- E. The proposed use would not be detrimental to the public interest, health, safety, convenience, or welfare, in that the facility will be operated as approved and rented for special events where uniformed security will be required.

SECTION 3. CITY COUNCIL APPROVAL: The City Council hereby approves Conditional Use Permit No. 2014-08 subject to the special and standard Conditions of Approval included in Exhibit A (Special and Standard Conditions of Approval), attached hereto and incorporated herein by reference.

SECTION 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 March, 2015.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Exhibit A - Special and Standard Conditions of Approval for Conditional Use Permit No.
2014-08

EXHIBIT A

STANDARD AND SPECIAL CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (CUP) No. 2014-08

STANDARD CONDITIONS OF APPROVAL

The applicant shall comply with Standard Conditions of Approval for Conditional Use Permits as adopted by City Council Resolution No. 2009-2799 (Exhibit 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. For indoor or outdoor events that are not considered part of the everyday operation of the facility, except private events as approved by this permit, 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.
3. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit is deemed to be acceptance of all conditions of this permit.
4. The Conditions of Approval of this permit, City of Moorpark Municipal Code and adopted city policies at the time of the permit approval supersede all conflicting notations, specifications, dimensions, typical sections and the like which may be shown on plans.
5. 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.
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. If any of the conditions or limitations of this approval are held to be invalid, that holding shall not invalidate any of the remaining conditions or limitations set forth.
 8. The development must be in substantial conformance with the plans presented in conjunction with the application for Conditional Use Permit No. 2014-08, except any modifications as may be required to meet specific Code standards or other conditions stipulated herein. Any future changes to the parking or vehicle storage layout shall require review and approval by the Community Development Director.
 9. The City of Moorpark reserves the right to modify, suspend or revoke for cause this Conditional Use Permit consistent with Chapter 17.44 of the Moorpark Municipal Code or as may be amended in the future.
 10. Conditional Use Permit No. 2014-08 may be revoked or its use suspended by the City, if any of the causes listed in Section 17.44.080.B of the Zoning Code are found to apply, including if the use for which the permit was granted has not been exercised for at least twelve (12) consecutive months, has ceased to exist, or has been abandoned. The discontinuance for a period of one hundred eighty (180) or more days of a nonconforming use or a change of nonconforming use to a conforming use constitutes abandonment and termination of the nonconforming status of the use.
 11. This permit will be valid for twenty (20) years from the date of final approval.

12. A signed copy of the Joint-Use Parking Agreement with Moorpark Unified School District shall be provided to the Community Development Director within 30 days of this approval and shall remain in full force during the term of the Conditional Use Permit.

CONDITIONS FOR USE OF THE FACILITY FOR SPECIAL EVENTS

13. The Community Development Director and Police Chief (or designee) shall be notified of all special events at least 30 days prior to the event with information including name of the person or group renting the facility, purpose of the event, number of persons expecting to attend, whether amplified music will be included in the event, and whether alcoholic beverages will be served.
14. Special events may only take place when parking at Walnut Canyon School is not being used by the school or any other group and is made available for the event by the Moorpark Unified School District. One parking space must be made available for every three event participants. Event sponsors shall notify all invitees in advance where parking is available and that the Civic Center parking shall not be used for this facility.
15. Under this permit, the facility may only be leased for private events, not open to the general public. Special events open to the general public would require a separate Temporary Use Permit.
16. Outdoor sales or service of alcoholic beverages is not permitted.
17. Games or contests requiring or involving the consumption of alcoholic beverages shall not be permitted at any time.
18. Food items shall be available for on-site consumption during all hours of operation to the satisfaction of the Community Development Director.
19. Music, whether live or pre-recorded, may only take place inside the building and not exceed a volume that can be heard from beyond the property. Live music must be acoustic and may not be amplified. All activities on the property must comply with the City's noise regulations.
20. Security personnel must be provided to monitor the parking area(s) designated for use by customers of the facility during any activity that may require the need for additional security. The applicant shall work with the Police Department, Fire Department, and Community Development Department staff to determine which activities shall require additional security. The owner/manager shall be required to obtain Temporary Use Permit approval from the City of Moorpark when a scheduled activity is outside of the scope of this permit or could create a need for increased police presence.

21. The applicant shall reimburse the City of Moorpark for any additional police or other costs incurred by the City as a result of operations approved by this Conditional Use Permit, including fifteen (15%) percent overhead on any such services.
22. The permittee must correct any safety or security problem within three (3) days upon written notice of such a problem from the Moorpark Police Department.
23. The applicant shall comply with Chapter 8.32 PROHIBITING SMOKING IN PUBLIC PLACES at all times and shall provide signs consistent with Section 8.32.040 of the Moorpark Municipal Code to the satisfaction of the Community Development Director, prior to initiation of the uses allowed by this permit.
24. All exterior areas of the site, including parking areas under use by the facility, shall be maintained free of litter and debris at all times.
25. The hours of operation for the facility during private parties shall be from 9:00 a.m. to 11:00 p.m. Friday, Saturday, and Sunday; and from 9:00 a.m. to 10:00 p.m. Monday through Thursday.
26. The applicant or his/her designee shall be responsible to police the exterior of the business to assure that no beer, wine, or liquor is consumed within the parking lot. The applicant shall not permit any loitering in the parking lot or in areas adjacent to the facility.
27. No increase of floor area is permitted without approval of an additional permit.
28. Prior to the issuance of a Zoning Clearance for tenant occupancy, the applicant shall submit a Developer Waste Reduction and Recycling Plan to the satisfaction of the Senior Management Analyst.
29. The occupancy for private or public events shall be limited to 500 people.
30. Temporary and permanent restrooms shall be provided during public or private events at a rate of 1 toilet for every 50 attendees.

POLICE CONDITIONS

31. A minimum of one uniformed security personnel must be provided for every 50 attendees, or fraction thereof, to monitor both the parking area and the indoor facility. A copy of the security contract shall be provided to the Community Development Department and Police Department.
32. No person under the age of eighteen (18) may serve distilled spirits, beer, and wine to attendees.

33. "Walk-in" alcohol service for non-attendees is not permitted at any time. Alcoholic beverages may only be served to attendees of the event. A guest list must also be monitored.
34. Alcoholic beverages shall be contained in a secured area where they can be monitored and served only to persons over the age of 21 years (no self-serve).
35. Prior to the event, permittee must provide a list, in writing, to the Police Department, of the event coordinator(s), including telephone number(s), who are responsible for the event.

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