

AGENDA ITEM: 7.

DATE: 04-19-10

STAFF REPORT

CONDITIONAL USE PERMIT NO. 10-05

DATE: April 19, 2010

TO: Lancaster Planning Commission

FROM: Planning Department

APPLICANT: Lancaster Promenade II, LLC

LOCATION: 0.27± gross acre located at the southwest corner of Fig Avenue and Lancaster Boulevard

REQUEST: Construction of a 23,375 square-foot, three-story, mixed-use building for an independent movie theater, office space, book store, café, including on-site sale and consumption of alcohol (beer and wine) in conjunction with the movie theatre

RECOMMENDATION: Adopt Resolution No. 10-14 approving Conditional Use Permit No. 10-05.

BACKGROUND: There have been no prior hearings before either the City Council or the Planning Commission concerning this property.

GENERAL PLAN DESIGNATION, EXISTING ZONING AND LAND USE: The subject location is designated C (Commercial) by the General Plan and is zoned Specific Plan 08-01 (Downtown Lancaster Specific Plan) and is currently developed as a public parking lot. The General Plan designation, zoning, and land use of the surrounding properties are as follows:

	<u>GENERAL PLAN</u>	<u>ZONING</u>	<u>LAND USE</u>
NORTH	Commercial	SP 08-01	Restaurant/Retail
EAST	Commercial	SP 08-01	Restaurant/Bank
SOUTH	Commercial	SP 08-01	Parking lot
WEST	Commercial	SP 08-01	Performing Arts Center

PUBLIC IMPROVEMENTS: The site is bounded to the east by Fig Avenue, which is a two-lane undivided roadway, and to the north by Lancaster Boulevard, which is undergoing a transformation and is to be narrowed from its current four-lane cross section to a two-lane cross section between 10th Street West and Sierra Highway. All necessary utilities and public services are available to serve the site.

ENVIRONMENTAL REVIEW: The project qualifies as an infill project under Class 32, Section 15332, of the State CEQA Guidelines. The project meets the conditions described in this section; specifically, it is consistent with the applicable general plan designation, policies, and zoning designation; it is on a site of less than five (5) acres substantially surrounded by urban uses; the site has no value as habitat for endangered, rare, or threatened species; approval of the project will not result in significant effects related to traffic, noise, air or water quality; the site can be served by utilities and public services. Based upon this determination, staff recommends that a notice of exemption be approved and filed for this project. Notice of intent to approve an exemption finding for the project has been legally advertised.

LEGAL NOTICE: Notice of Public Hearing was mailed to all property owners within a 500-foot radius of the project, posted in three places, posted on the subject property, and noticed in a newspaper of general circulation per prescribed procedure.

ANALYSIS: This project would provide for the construction of a mixed-use building containing a three screen movie theatre to include approximately 160 seats, which would span the first and second floors. The largest screening room would accommodate 64 persons, and would include a 36-person stage. Other uses proposed include a café for the first floor, a two-story book store, and office space for the third floor. On-site alcohol sales and consumption are proposed in conjunction with the movie theater. A conditional use permit is required in the SP 08-01 zone for a movie theater and for alcohol sales.

The subject site is a 0.27 acre located at the southwest corner of Fig Avenue and Lancaster Boulevard in the Boulevard District within the Downtown Lancaster Specific Plan. The site is currently developed as a parking lot. The property adjacent to the subject site is the Lancaster Performing Arts Center (LPAC), which is the anchor for the district. Within the Boulevard District, the Specific Plan envisions this District providing a variety of entertainment, retail, and service uses in buildings with heights ranging from one to five stories. The proposed three-story building and proposed uses, such as office space, book store, café, and the independent movie-theater with alcohol sales, would enhance and fulfill the vision of the district.

The Boulevard District has evolved with no overall architectural context apart from LPAC, which contains a modern theme. The directly surrounding buildings range from one-to-two stories, but just across the street from the project on Fig Avenue behind Bank of America is the Sagebrush Apartments. Once completed, the tallest buildings will reach five (5) stories tall. The Downtown Lancaster Specific Plan calls for higher densities and heights along the corridor of Lancaster Boulevard. The project proposes the construction of a three-story mixed-use building (two stories with a Mezzanine, forming the third level). Plans show the project built to the property line for the

front, interior side, street side, and rear property lines with the exception of a four-to-eight-foot setback at the corner of Fig Avenue and Lancaster Boulevard. The project steps down to two stories toward the rear and street side yard that faces Fig Avenue consistent with the height of the Sagebrush buildings that will front Fig Avenue.

Parking would be provided off-site in public parking lots to the south of the project site, as well as parallel parking along Lancaster Boulevard. Future parking would also be available in the ramblas area currently under construction in Lancaster Boulevard, which will be completed in October 2010. Fig Avenue is being considered to be reconfigured to provide for "one-way" traffic with angled parking and planters. The City supports the "Park Once" concept within the Downtown Lancaster Specific Plan, which is designed to reduce traffic congestion and promotes "stops on foot" rather than driving from one destination to another within the downtown area, as would occur with a car-oriented strip mall area.

The proposed reconfiguration of Fig Avenue with angled parking and street planters would need council action at a future date. The applicant would be required to work with the City to provide pavers and street lights in Fig Avenue to the end of the southerly parking lot match the downtown design for Lancaster Boulevard.

The applicant has indicated to staff that the approval of the conditional use permit is important to the timing of the proposed theatre use, as well as the access to funding sources for the project. Due to the time restrictions, the elevations will require additional work and are not available for review at this time. Staff is recommending that the elevations be returned to the Planning Director for review and conformance with the Downtown Lancaster Specific Plan. The Director would transmit the elevations to the Planning Commission for their concurrence.

The proposed Conditional Use Permit would establish office space, bookstore, café, independent movie theatre, and offer on-site alcohol sales that would provide services that are not currently available in Lancaster. Given the proposed design the project is consistent with the provisions of the Downtown Lancaster Specific Plan (SP 08-01), and in conformance with the General Plan Policy 16.4, which states: "Promote the revitalization of downtown Lancaster as an Urban Center of the Antelope Valley creating a mix of cultural, recreational, social, economic and residential activities." Hours of operation for the establishment would generally be from 11:00 a.m. to 11:00 p.m., Monday through Thursday, and 11:00 a.m. to 1:30 p.m., Friday through Sunday.

Staff is recommending that the Commission approve the request subject to the proposed conditions of the project based on the site having sufficient area to accommodate the proposed theatre development, as the request for alcohol, adequate access and services being available for the use, and the lack of significant adverse effects on the surrounding areas. Staff believes that this project would

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bring a unique signature building to Lancaster Boulevard, and set an example for future projects in the area to follow. Therefore, staff is recommending to the Commission approval of Conditional Use Permit No. 10-05.

Respectfully submitted,

Christopher Aune, Assistant Planner

cc: Applicant
Engineer

RESOLUTION NO. 10-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 10-05

WHEREAS, conditional use permit was requested by Lancaster Promenade II, LLC to construct a 23,375 square-foot, three-story, mixed use building for an independent movie theater, office space, book store, café, including on-site sale and consumption of alcohol (beer and wine) in conjunction with the movie theatre in the SP 08-01 Zone, located on 0.27 acre located at the southwest corner of Fig Avenue and Lancaster Boulevard, as shown on the attached site map; and

WHEREAS, an application for the above-described conditional use permit has been filed pursuant to the regulations contained in Article I of Chapter 17.32 of the Lancaster Municipal Code; and

WHEREAS, notice of intention to consider the granting of a Conditional Use Permit has been given as required in Article V of Chapter 17.32 of the Lancaster Municipal Code and in Section 65905 of the Government Code of the State of California; and

WHEREAS, staff has performed necessary investigations, prepared a written report, and recommended that the conditional use permit request be approved; and

WHEREAS, a public hearing on the conditional use permit request was held on April 19, 2010; and

WHEREAS, this Commission hereby finds that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Class 32, Section 15332 of the State CEQA Guidelines for the reasons as stated in the environmental review section of the staff report; and

WHEREAS, this Commission hereby adopts the following finding in support of approval of the application:

1. The proposed project is consistent with the General Plan land use designation of C (Commercial) for the subject property, and with the following various goals, objectives, policies, and specific actions of the General Plan:
 - Objective 16.04. “Promote the revitalization of Downtown Lancaster as the Urban Center of the Antelope Valley creating a mix of cultural, recreational, social, economic and residential activities.”
 - Policy 16.4.2(a). “Continue to provide Redevelopment Agency assistance to promote the improvement and development of the downtown Lancaster area.”

- Policy 16.4.4 “Support Redevelopment Agency efforts to encourage appropriate professional offices, and services and related uses and commercial development in downtown Lancaster.”
2. The requested use at the location proposed will not:
 - a. Adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, because the uses are compatible with the surrounding businesses and housing mix.
 - b. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, because City development standards will be met, and the proposed buildings are of a height compatible with the height limits of the commercial zones, and are designed with adequate articulation and setbacks from nearby residences.
 - c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare, because adequate sewer, water, drainage, and traffic facilities and improvements will be part of the project.
 3. The proposed 0.27± net acre is adequate in size and shape to accommodate the building and other development features prescribed in the Zoning Ordinance or as is otherwise required in order to integrate said use with the uses in the surrounding area.
 4. The proposed site is adequately served:
 - a. By Fig Avenue and Lancaster Boulevard, which are of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; and
 - b. By other public or private service facilities, including sewer, water, fire, and police services are required.
 5. The project site is located in downtown Lancaster and the uses within the building will provide for goods and services to serve the immediate area as well as contribute to the goal of transforming Lancaster Boulevard into a regional destination.

WHEREAS, this Commission hereby adopts the following Conditional Use Permit findings per Section 17.42.050 in support of approval of this application:

1. The proposed theatre is located in the Downtown Lancaster Specific Plan (SP 08-01) which permits alcoholic beverages to be sold, served or given away for on-sale consumption with a conditional use permit.

2. The proposed use will not adversely affect nearby residents and facilities primarily devoted to use by children, families, and the general public, after giving consideration to the distance or proximity of the proposed alcoholic beverage establishment to residential districts, schools (public or private), day care centers, public parks, playgrounds and other recreational facilities, churches or other places of religious worship, hospitals, clinics or other health care facilities, because it is consistent with the objective of creating a walkable, diverse, mixed use area.
3. The proposed theatre serves the public convenience and necessity based on all factors outlined in Section 17.42.060 of the Municipal Code.

WHEREAS, this Commission, after considering all evidence presented, further finds that approval of the proposed conditional use permit will promote the orderly growth and development of the City.

NOW, THEREFORE, BE IT RESOLVED:

This Commission hereby approves Conditional Use Permit No. 10-05, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 19th day of April 2010, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster

ATTACHMENT TO PC RESOLUTION NO. 10-14
CONDITIONAL USE PERMIT NO. 10-05
CONDITIONS LIST
April 19, 2010

GENERAL ADVISORY

1. All standard conditions as set forth in Planning Commission Resolution Number 06-16 for Conditional Use Permits shall apply except for Condition No. 11-21, 22-23, 29, 31, 32, 37-39 and modified condition No. 30 (revised below).
2. Per the Director of Public Works, complete any necessary street improvements on Lancaster Boulevard.
3. Per the direction of the Director of Public Works, extend decorative pavers and street lights used on Lancaster Boulevard to the southerly end of the existing parking lot on Fig Avenue.
4. Per the direction of the Director of Public Works, provide irrigation to the existing a four-to six-foot wide parkway planter in Fig Avenue.
5. Per the direction of the Planning Director, provide irrigation to the planters adjacent to the building, and, as the design of the building continues to evolve, ensure that a positive aesthetic relationship is created between the building and the Fig Avenue frontage.
6. The applicant shall coordinate construction with the downtown project by working closely with representatives from Public Works.
7. The reconfiguration for Fig Avenue necessitates approval by the City Council, to extend curb line on Lancaster Boulevard, and to provide planters and angled parking.
8. The applicant shall submit the elevations to the Planning Director for review and conformance to the form base code in the Downtown Lancaster Specific Plan. The Planning Director shall transmit the final recommended elevations to the Planning Commission for concurrence.

ALCOHOL CONDITIONS

9. A copy of the conditions of approval for the conditional use permit must be kept on the premises of the establishment, and be presented to the City of Lancaster of Los Angeles County Sherriff's personnel upon request.
10. Per the direction of the Planning Director, the applicant shall comply with Lancaster Municipal Code Section 17.42.070 (Conditions of Approval for On-Sale Alcoholic Beverage Establishments) except as specifically modified in these conditions.

11. The City reserves the right to review the Conditional Use Permit (CUP) one year from the date the CUP was first approved and at one-year intervals thereafter.
12. The typical hours of operation of the theatre shall be Monday through Thursday from 11:00 a.m. to 11:00 p.m., and Friday through Sunday from 11:00 a.m. to 1:30 p.m.
13. This Conditional Use Permit must be used within two (2) years from the date of approval; the Conditional Use Permit will expire. The applicant may, no less than sixty (60) days prior to the expiration date, request a one-year extension for each year for the next three (3) years for a total of 5 years, in writing to the Planning Director. Modifications to the plan, including timing of on- and off-site improvements that do not raise significant new issues or extend the overall time frame beyond the approval period may be approved by the Planning Director.

NOTE: Issuance of building permits, installation of off-site improvements, and grading of the site do not constitute "use" of the conditional use permit. Under the Zoning Ordinance, construction or other development authorized by the conditional use permit must have commenced. Generally, the City requires that the slab of a major building in the project be poured and inspected in order to consider the permit used, although the circumstances of each case may vary depending on the land use involved. (Modification of Condition No. 30)