

**AGENDA ITEM:** 2.

**DATE:** 04-16-12

**STAFF REPORT**

**CONDITIONAL USE PERMIT NO. 12-03**

**DATE:** April 16, 2012

**TO:** Lancaster Planning Commission

**FROM:** Planning Department

**APPLICANT:** University of Antelope Valley (UAV), c/o Marco Johnson

**LOCATION:** 45000 Valley Central Way

**REQUEST:** A Conditional Use Permit to allow a Type 47 Alcoholic Beverage Control License at the Pioneer Event Center (PEC) including the sale of beer, wine, and distilled spirits for consumption on the premises, as well as live entertainment, sporting events, concerts, and ceremonies, in the CPD (Commercial Planned Development) Zone

**RECOMMENDATION:** Adopt Resolution No. 12-05 approving Conditional Use Permit No. 12-03.

**BACKGROUND:** On December 29, 1998, Site Plan Review No. 98-12 was approved to allow the construction of the Wayne Gretzky Roller Hockey Center. On March 19, 2012, the Planning Commission continued the public hearing on Conditional Use Permit No. 12-03 to the April 16, 2012, Planning Commission meeting, per applicant's request.

**GENERAL PLAN DESIGNATION, EXISTING ZONING AND LAND USE:** The subject location is designated C (Commercial) by the General Plan and is zoned CPD (Commercial Planned Development), and is currently a 41,213± square-foot building. 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	C	CPD	Vacant / Baseball Stadium
EAST	C	CPD	Vacant / Hotel / Retail
SOUTH	C	CPD	Retail
WEST	C	CPD	Vacant

PUBLIC IMPROVEMENTS: The site is bounded to the west by Valley Central Way, which is improved with two lanes in each direction, and to the south by Mall Loop Road, which is improved with one lane in each direction. All utilities are available to serve the site.

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: The project site is currently developed with a 41,213 square-foot, two-story building and a parking lot, including 147 spaces. The building was originally the Wayne Gretzky's Roller Hockey Center which operated from 1999 to 2001. The building has been vacant since it closed. Marco Johnson, owner of University of Antelope Valley (UAV) and the proposed Pioneer Event Center (PEC), is seeking approval of a conditional use permit to operate the PEC for various events, including: conventions, speaking engagements, dances, concerts, sporting events, weddings, and other UAV business. In addition, the applicant is requesting a Type 47 (on-sale general) Alcoholic Beverage Control License that would permit the sale of beer, wine, and distilled spirits on the premises. A conditional use permit is required to allow live entertainment use per Lancaster Municipal Code Section 17.16.070.A.1.c.d, and is required for an Alcoholic Beverage Control license per Lancaster Municipal Code Section 17.42.030 for an incidental on-sale alcoholic beverage establishment.

The applicant wishes to obtain approval to operate daily from 8:00 a.m. to 2:00 a.m. Alcohol sales would end at 1:30 a.m. However, the property is at-will usage, and not operated as a day-to-day operation. No exterior modifications are proposed, with the exception of the addition of a few exterior access doors. The project includes interior tenant improvements to accommodate a kitchen and the addition of the required number of toilets for the proposed occupancy. The applicant is conditioned to complete the installation of the additional toilets within three years of approval of the Conditional Use Permit. In addition, the applicant is conditioned to pave underneath the temporary toilet facilities.

There are four floor plans proposed depending on the type of event, including one for sporting events, two for concerts, and one for ceremonies. The maximum seating capacity is 1,750 persons. There is a 1,957 square-foot concrete raised platform in the middle of the space to act as a stage for the different events. For the sports events floor plan, seating would be provided on both sides of the stage with four mobile alcohol sales counters located in the four corners. For one of the concert floor plans, there would be a general admission area south of the stage with tables and chairs towards the south wall. A semi-enclosed 3,220 square-foot area would also include tables and chairs, as well as an alcohol sales counter. The second concert floor plan includes a three-foot high raised stage at the southern part of the building with seating placed between the three-foot high stage and the raised concrete platform. Seating would be placed on the raised concrete platform as well. An alcohol sales counter would be placed at either end of the raised concrete platform. Seating for ceremonies would be located on the south side of the stage. Alcohol could be served at ceremony events as well. The second floor plan includes three 160 square-foot offices and one 226 square-foot office. The remainder square-footage is devoted to kitchen facilities, restrooms, storage, and administrative uses. For a complete description of the floor plan, see "First Floor Keynotes" on the floor plan.

Sufficient parking exists for the project due to UAV's agreement to use Clear Channel Stadium for overflow parking, which is located approximately 450 feet away to the north. There are 150 existing parking spaces at the PEC. With the proposed parking layout, the number would be reduced to 147 parking spaces, as a result of the added Americans with Disabilities Act (ADA) spaces needing more width. The maximum seating arrangement for PEC events is 1,750 seats. The parking is calculated at one parking space per every three seats (1/3). At 1,750 seats, the parking requirement is 583 spaces. Clear Channel Stadium includes 922 parking spaces, which is sufficient for even the largest events at the PEC.

Staff has received documentation from the applicant regarding the agreement to use the parking at Clear Channel Stadium. The applicant is conditioned to submit a contract between UAV and Clear Channel Stadium for the parking spaces and to immediately contact the City if the contract is terminated. Staff also received a parking management plan from UAV, which would be activated when there is an event that would generate a parking demand that exceeds the 150 parking spaces available at the PEC. Depending on the size of the event, parking would be managed by four to six UAV parking attendants to direct drivers to the designated parking spaces. Upon the filling of the available parking spaces at the PEC, driveways would be closed via temporary barriers. Parking personnel would place A-frame signage at key driveways, which would state, "Additional Parking – Clear Channel Stadium". Parking attendants would provide assistance through the use of their light-wands and through verbal communication to direct motorists to continue onto the overflow parking areas, where UAV parking attendants would be waiting to assist in directing vehicles to the appropriate parking stalls. UAV parking attendants would encourage the use of pedestrian sidewalks that are in place between the stadium and the PEC. Attendants would remain in the overflow area to ensure the safety of guests and vehicles. At the end of events, UAV parking attendants would assist motorists to safely leave the overflow parking area through the use of light-wands and verbal communication. PEC staff would work to ensure that PEC overflow parking would not interfere with Clear Stadium Channel events, in the case when there are both PEC and Clear Channel events scheduled during the same time. UAV will coordinate event schedules with Clear Channel to ensure that there are no parking conflicts for proposed events between the two venues.

There are currently six handicapped parking spaces at the PEC. In order to meet American Disabilities Act (ADA) requirements, the applicant is conditioned to include six additional spaces for a total of 12 handicapped parking spaces, two of which must be van accessible. This approach accounts for the amount of off-site parking available to ensure that adequate ADA parking is available for larger events.

Alcoholic Beverage Control staff has determined that the proposed use would require a license Type 47, which is considered a bona fide restaurant, and, therefore, would not require any distance separation requirements or age restrictions for those in attendance at events. Due to the proposed function of the PEC, the applicant would not have to comply with the condition for a bona-fide restaurant that states, "not less than 51% of the business enterprise is derived from the sale of food and non-alcoholic beverages". A condition has been included stating that the use of a nightclub is prohibited.

Security would be provided by UAV's internal security team, and all guards would hold Bureau of Security and Investigative Services (BSIS) cards. Guards would utilize a wristband system for

identifying persons age 21 and over, and would perform searches at the door. PEC staff would adhere to the ABC guidelines by asking for identification for those purchasing alcohol that appear under 30 years of age. The applicant would be conditioned for all special entertainment/sport events to have a ratio of not less than one security officer per 100 anticipated patrons.

The Sheriff's Department was contacted as part of the initial review of this request. The Los Angeles County Sheriff's Department (Lancaster Station) was not opposed to the issuance of the conditional use permit, based on a conducted investigation and the applicant's agreement to added conditions.

The PEC was approved for two concerts and a fighting event in January and February of 2012, under Director's Review No. 12-06. According to the Sherriff's Department, no calls for assistance were received, and the applicant reported no problems. Parking for the previous events were managed in a similar manner as described in the proposed parking plan, through signage and active direction by UAV staff.

Staff believes that the applicant's proposal would provide the City with a unique venue that could host various large events, and that the PEC will meet a specific community need.

Staff is recommending approval of the proposed alcohol and entertainment use for Pioneer Event Center, because the proposed project meets the requirements of the zone; will meet a community need; will not adversely affect nearby residences or businesses; will provide active parking management; and will provide security inside and outside the premises. The conditions of approval have been included, which would ensure that the safety and general welfare of the surrounding area. Staff believes the Planning Commission could make a favorable determination in support of the proposal.

Respectfully submitted,

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Christopher Aune, Assistant Planner

cc: Applicant  
Engineer

## RESOLUTION NO. 12-05

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 12-03

WHEREAS, a conditional use permit has been requested by the University of Antelope Valley (UAV), c/o Marco Johnson, to allow a Type 47 Alcoholic Beverage Control License at the Pioneer Event Center including the sale of beer, wine, and distilled spirits for consumption on the premises, as well as live entertainment, including sporting events, concerts, and ceremonies, located at 45000 Valley Central Way in the CPD (Commercial Planned Development) Zone, as shown on the attached site map; and

WHEREAS, this request is made for an existing building that will require physical alteration to meet all applicable City development and building codes, and the application indicates that these improvements will be provided in a phased manner, necessitating the use of interim and temporary facilities, and the long-term use of off-site parking for various events; 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 and Chapter 17.42, of the Lancaster Municipal Code; and

WHEREAS, a 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 approval of this conditional use application, subject to conditions; and

WHEREAS, public notice was provided as required by law and a public hearing was held on April 16, 2012; and

WHEREAS, the proposed project is not subject to the California Environmental Quality Act (CEQA) per Section 15061(b)(3), which states that “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA”. As the proposed project is a use permit for the sale of alcohol at an existing facility, no impacts on environmental resources would be expected to occur.”

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

1. The proposed Pioneer Event Center would be located within an existing building, and will be in conformance with the General Plan land use designation of (C) Commercial.
2. The requested use for a multi-use center, including sports events, concerts, and ceremonial events 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 business would be located in the Commercial Planned

- Development (CPD) zone, close to Clear Channel Stadium, Cinemark 22, Hotels, The Marketplace, and because no homes are located nearby.
- 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 have been met, parking management has been addressed, adequate parking is available on and off-site, and on-site security would be provided by University of Antelope Valley staff.
  - c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare, because adequate sewer, water, drainage, and improvements, are or will be made available including required bathroom facilities and ADA-compliant parking will be provided in a phased manner on-site, with ultimate completion within three (3) years. In the interim, temporary bathroom facilities will be provided for all events with appropriate lighting and security.
3. The proposed site is adequately served:
    - a. By Valley Central Way and Mall Loop Road, which is of sufficient width and improved to carry the anticipated daily vehicle trips such use would generate; and
    - b. By other public or private service facilities, including sewer, water, fire, and police services as required.
  4. The proposed use will not result in a significant effect on the environment, because the site is already developed and adequately served by necessary street and utilities.
  5. The use proposed is unique within the City of Lancaster, and the re-use of the building is of benefit to the public at large correcting and preventing blighted property conditions; the factors justify the phased nature of certain property improvements called out in the conditions of approval.

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 multi-use center, including sports events, concerts, and ceremonial events, is located in the CPD (Commercial Planned Development) Zone, which permits this use with a conditional use permit.
2. The proposed use will not adversely affect the 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 places of religious worship, hospitals, clinics or other health care facilities, because security and control of potential loitering is being required, which will provide an adequate level of safety.

3. The proposed Pioneer Event Center serves the public convenience and necessity based on all factors outlined in Section 17.42.060 of the Municipal Code, because security provisions are required that will adequately ensure that the use will not adversely affect nearby uses and the general public.

NOW, THEREFORE, BE IT RESOLVED:

This Commission hereby approves Conditional Use Permit No. 12-03, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 16<sup>th</sup> day of April 2012, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:

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BRIAN S. LUDICKE, Planning Director  
City of Lancaster

**ATTACHMENT TO PC RESOLUTION NO. 12-05**  
**CONDITIONAL USE PERMIT NO. 12-03**  
**CONDITIONS LIST**  
**April 16, 2012**

**GENERAL ADVISORY**

1. All standard conditions as set forth in Planning Commission Resolution No. 10-23 for Conditional Use Permits shall apply except for Condition Nos. 4, 7a, 7c, 7d, 7e, 8, 10, 11, 13, 14, 16-30, and 43-46.

**ADDITIONAL CONDITIONS**

2. Per the direction of the Planning Director, the applicant shall comply with applicable provisions of Chapter 17.42 of the Lancaster Municipal Code.
3. Hours of operation shall be between the hours of 8:00 a.m. to 2:00 a.m. Alcohol sales shall end at 1:30 a.m.
4. The applicant shall complete the installation of the additional toilets as calculated by the maximum occupancy within three years of approval of the Conditional Use Permit.
5. The temporary toilet facilities shall be located on a paved surface, meet Public Works Standards, and be kept clean. Security personnel shall monitor this area, and adequate lighting shall be provided for nighttime events.
6. The use of the PEC center for nightclub use is prohibited.
7. Overflow parking for the Pioneer Event Center (PEC) shall be located at the Clear Channel Stadium.
8. PEC staff shall direct overflow parking to Clear Channel Stadium and not onto any other lot unless approved by the Planning Director.
9. Parking queuing for the PEC shall not back up onto the adjacent streets.
10. PEC staff shall coordinate event parking with Clear Channel Stadium staff to ensure no conflicts between the two venues.
11. The applicant shall submit a parking contract with Clear Channel Stadium to the City.
12. Upon any cancellation of the parking contract with Clear Channel Stadium, the applicant shall notify the City immediately to allow for review of the parking situation.
13. Alcoholic beverages shall not be permitted to be consumed in the parking area or other exterior areas of the premises.
14. The licensee shall be active in the management of the entertainment activities; if facility/space is rented or leased to outside promoters who would bring in their own entertainment (concerts), the applicant or at least one member of applicant's business



management team shall be present on-site to provide for a safe controlled environment that adheres to these conditions of approval.

15. The licensee shall provide security from University of Antelope Valley (UAV) staff or a licensed professional security company for all special entertainment/events at a ratio of not less than one security officer per 100 anticipated patrons.
16. There shall be no payphones maintained on the exterior of the premises.
17. The licensee shall be responsible for maintaining free of litter the areas over which they have control and which are adjacent to the premises.
18. The licensee shall monitor the area under its control, in an effort to prevent the loitering of persons about the premises.
19. Due to the proposed function of the PEC, the applicant would not have to comply with the condition for a bona-fide restaurant that states, "not less than 51% of the business enterprise is derived from the sale of food and non-alcoholic beverages".
20. A phone number of the responsible representative of the owner/applicant shall be posted for the purposes of allowing neighboring uses to report an emergency or to file a complaint for any other incident of concern.
21. No person under the age of 21 shall sell or serve alcoholic beverages.
22. No self-service of alcoholic beverages shall be permitted.
23. Loitering in the parking lot shall be prohibited. The onsite manager shall inform all clients that as they arrive or leave the building, they shall not congregate in the parking lot.
24. Management/Security officers shall patrol the parking lot, and will remain in the parking lot until all the patrons have left. The applicant shall develop a policy on how security officers will address intoxicated patrons leaving the parking lot; the policy must be approved by the Los Angeles County Sheriff's Department and placed in the case file.
25. The Sheriff's Department reserves the right to increase the required number of security guards based on the nature of the event and the number of patrons expected to attend the event.
26. Security personnel shall wear clothing/uniforms that is/are easily identifiable or possess forms of identification approved by the Los Angeles County Sheriff's Department. Each security guard shall be licensed and possess a current "guard card". Security personnel shall not be armed at any time. All personal protective equipment used by security officers must be approved by the Sheriff's Department prior to being deployed.

27. Pyrotechnic displays are prohibited at any events unless approved in advance by the Fire Marshal.
28. Special effects that diminish the effectiveness of fire protection systems, occupant notification systems, or infringe upon the means of egress are prohibited.
29. All exterior doors shall be kept closed at all times when amplified or live music is being played.
30. The applicant shall install a video camera surveillance system for all entrances and exits, compatible with the requirements of the City's forthcoming surveillance ordinance.
31. In addition to posting maximum occupant load signs, the applicant and facility operator shall provide the current occupant load count to Los Angeles County Sheriff or Fire Department upon request. One employee or one member of the security team shall monitor occupancy loads at all times while the facilities are in use.