

STAFF REPORT
City of Lancaster, California

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06/24/08
MVB

Date: June 24, 2008

To: Mayor Parris and Council Members

From: Brian S. Ludicke, Planning Director

Subject: **Appeal of Planning Commission Action on Conditional Use Permit No. 07-09 (Holiday Skating Rink)**

Recommendation:

Adopt Resolution No. 08-56, a resolution of the City Council of the City of Lancaster, California, denying the appeal and upholding the Planning Commission decision to deny Conditional Use Permit 07-09.

Background:

On May 9, 2007, the applicant filed the application for Conditional Use permit to hold special events at the Holiday Skating Rink in the Commercial Zone. The original proposal was to use the facility as a banquet hall for wedding receptions, quinceñeras, birthday parties, and live entertainment incidental to private parties and for the sale of beer in the C Zone. Prior to the Planning Commission hearing, the applicant held several special events through the Director Review process for concerts.

The Sheriff's Department had previously indicated concerns with having concerts at this location due to previous incident call-outs to the skating rink; however, this proposed project does not include concert events. In the future, should the applicant be able to provide sufficient parking for concert events, a separate application request for an amended Conditional Use Permit would need to be approved. Once sufficient parking is provided the applicant could apply for a Special Event application for occasional concerts to be approved by the Planning Director prior to receiving approval for the amended Conditional Use Permit.

At the March 17, 2008, Planning Commission meeting the project was continued to the April 21, 2008, with direction to staff to meet with the applicant to clarify the following issues: live entertainment vs. live performance; number of required security personnel; completion requirements for employee training program; alcohol related issues; and clarification on fencing requirements, and aesthetic color palette (for the exterior front elevation), as listed in the background section of the April 21, 2008, Planning Commission Staff Report.

Staff met with the applicant on at least two occasions (March 20 and 31, 2008) to clarify issues relating to the use. The majority of issues were resolved during the March 20, 2008, meeting; however, additional time was needed by the applicant to determine the use (type of entertainment) and hours of operation. It was clear during the March 31, 2008, discussion that

the applicant's intent was for the skating rink to remain open to the public, while having the option to offer various activities outside of skating, and sell alcohol whenever skating was not in progress. The proposed hours of operation were confusing and did not clearly define when alcohol was being served and when skating would be available.

Staff returned the request as modified by the applicant to the April 21, 2008, Planning Commission meeting with the recommendation to approve the project subject to the conditions for the use and alcohol sales as stated in the staff report. The Planning Commission, upon the review of the project, objected to the requested use, due to the incompatibility of use between the night club entertainment and the skating rink; thereby, denying the project (by a 3-0 vote). A primary concern was the inclusion of all the events with the potential for alcohol sales (quinceñeras, banquets, weddings, etc.) with the operation of the skating rink.

On May 1, 2008, the applicant appealed the Planning Commission decision to the City Council. In response to the Planning Commission decision, the applicant has offered to make changes to the proposed operation by limiting the alcohol sales to evenings after 9 p.m., Sunday through Saturday, and during private banquets as indicated in the attached letter dated May 12, 2008.

Discussion:

The applicant is requesting a conditional use permit to allow the expansion of use of the Holiday Skating Rink to include a banquet hall for private events (wedding receptions, birthday parties, quinceñeras, etc.), and a nightclub for activities open to the public (dancing, pay-per-view, special events, etc.). This request would also include the sale of alcohol (Type-40) license during the nightclub and private banquets. No alcohol would be sold during skating events.

The Planning Commission reviewed the original request by the applicant and exercised sound judgment regarding the proposal. The facility has operated as a skating rink for many years, typically used by children under 18 years of age as a recreational center and place for birthday parties. The request to add multiple entertainment uses with alcohol during various hours of operation could create uncertainty as to when the facility would be used for entertainment and when the skating rink would be opened. The inclusion of all the events (quinceñeras, banquets, weddings, etc.) with the operation of the skating rink creates an incompatibility between the skating events and nightclub entertainment and the times when adults and children would be present.

In response to the Commission's concerns, the applicant offered to change the hours of operation for the scheduled events, and to define hours when the facility would be used as a nightclub. The proposed hours of operation for the nightclub would be held Sunday through Saturday from 9:00 p.m. to 2:00 a.m. Skating events would be scheduled during the day prior to 9:00 p.m., and private banquets would continue on a case by case basis. No beer would be sold during any skating event. Live entertainment would be allowed only during skating and banquet events.

A letter from the Sheriff's department dated June 4, 2008, has been received that supports the project subject to the modified conditions. Staff's position is to uphold the Planning Commission recommendation to deny the nightclub as the conditions do not mitigate all the concerns of incompatibility between the uses. Should the City Council decide not to uphold the Planning Commission decision, it is recommended that the approval be limited to the original

request to also use the Skating Rink as a private banquet hall for wedding receptions, birthday parties, etc, including appurtenant live music incidental to the private party, and for the sale of beer in the C Zone subject to the modified conditions.

Attachments:

Resolution No. 08-56

PC Staff Report – April 21, 2008

PC Staff Report – March 17, 2008

Applicant's Letter – May 12, 2008

Letter from Sheriff's Department – June 4, 2008

RESOLUTION NO. 08-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF LANCASTER, CALIFORNIA, DENYING
CONDITIONAL USE PERMIT NO. 07-09

WHEREAS, a conditional use permit has been requested by Pedro Arevalo, to allow the existing skating rink to be used as a banquet hall for wedding receptions, quinceaneras, birthday parties, etc., including appurtenant live music incidental to private party; and a nightclub for dancing, pay-per-view events; and for the sale of beer (Type 40 License) in the C Zone located at 45341 23rd Street West, as shown on the attached 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, public notice was provided as required by law and a public hearing was held by the Planning Commission on April 21, 2008 and by the City Council June 24, 2008; and

WHEREAS, the Planning Commission reviewed the request for CUP No. 07-09 and on April 21, 2008 denied the applicants request due to the incompatibility of uses; and

WHEREAS, this Council hereby adopts the following findings in denial of this application:

1. The goals, objectives, policies, and specific action of the General Plan; Objective 1.8 “Provide a safe, crime free environment in which to work and live.”; and
2. Policy 17.1.4 “Provide for office-and industrial-based employment-generating lands which are highly accessible and compatible with other uses in the community;” and
3. The requested use at the location proposed will:
 - a. Adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, because insufficient on-site parking will be provided.

- 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 not be met because adequate on-site parking will not be provided. The proposed buildings are of a height compatible with the height limits of the commercial zones and are designed with adequate setbacks from the adjacent streets.
3. The proposed 2.5± acres is not adequate in size and shape to accommodate the building, landscape setback, parking spaces, and loading facilities, landscaping, buildings and other development features prescribed in the Zoning Ordinance or as otherwise required in order to integrate said use with the uses in the surrounding area.
4. The proposed request, if approved could have a long term impact by mixing inappropriate uses which could have long term social impacts.

NOW, THEREFORE, BE IT RESOLVED:

WHEREAS, this Council, after considering all the evidence presented, hereby denies the appeal and upholds the Planning Commission denial of Conditional Use Permit No. 07-09.

PASSED, APPROVED and ADOPTED this ____ day of _____ 2008, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss
CITY OF LANCASTER }

CERTIFICATION OF RESOLUTION
CITY COUNCIL

I, _____, _____ City of Lancaster,
California, do hereby certify that this is a true and correct copy of the original Ordinance No. 08-
56, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this
_____ day of _____, _____.

(seal)