

AGENDA ITEM: 4.

DATE: 01-20-09

STAFF REPORT

CONDITIONAL USE PERMIT NO. 08-05

DATE: January 20, 2009

TO: Lancaster Planning Commission

FROM: Planning Department

APPLICANT: Quartz Hill Assembly of God of Lancaster

LOCATION: 5± gross acres located on the north side of Avenue L approximately 650 feet east of Challenger Way/10th Street East

REQUEST: Construction of a church facility consisting of a 9,960 square-foot interim sanctuary and classroom facility (Phase I), a 7,365 square-foot sanctuary (Phase II), and a 5,000 square-foot office building (Phase III) in the Light Industrial Zone

RECOMMENDATION: Adopt Resolution No. 09-01 approving Conditional Use Permit No. 08-05.

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 property is designated LI (Light Industrial) by the General Plan, is zoned LI (Light Industrial), and is currently vacant. 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	UR	R-7,000	Single Family Residential
EAST	LI	LI	Vacant
SOUTH	M-1	M-1 (City of Palmdale)	Vacant (Light Industrial – City of Palmdale)
WEST	LI	LI	Vacant

PUBLIC IMPROVEMENTS: The site is bounded on the south by Avenue L, which is developed with one lane of travel in each direction. All public utilities are available or can be extended to serve the site.

ENVIRONMENTAL REVIEW: Review of pertinent environmental documents has disclosed no significant adverse impacts resulting from the proposed project after mitigation measures have been applied. Potential effects are discussed more fully in the attached Initial Study. The Initial Study prepared for the proposed project was sent to the State Clearinghouse (SCH # 2008121047) for public review. This 30-day public review period ended on January 11, 2009. Based on this information, staff had determined that a mitigated Negative Declaration is warranted. Notice of intent to prepare a mitigated Negative Declaration has been legally advertised.

Effective January 1, 1991, applicants whose projects have the potential to result in the loss of fish, wildlife, or habitat through urbanization and/or land use conversion are required to pay filing fees as set forth under Section 711.4 of the Fish and Game Code. Pursuant to Section 21089(b) of the Public Resources Code, the approval of a project is not valid, and no development right is vested, until such fees are paid. However, State law specifies that lead agencies may determine that a project will have a de minimis effect on fish and wildlife and the fees waived. Said determination shall be based on findings of fact and incorporated into a Certificate of Fee Exemption.

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 applicant is requesting a conditional use permit to construct a church facility. The project would consist of a 9,960 square-foot interim sanctuary and classroom facility (Phase I), a 7,365 square-foot sanctuary (Phase II), and a 5,000 square-foot office building (Phase III). A conditional use permit is required for a church located in an industrial zone to ensure compatibility with industrial uses.

Phase I would be constructed within one year of approval, Phase II would start construction within 4 years of the completion of Phase I, and Phase III would begin construction 3 years after the completion of Phase II if there is sufficient funding. The applicant would provide 129 parking spaces as part of Phase I (a temporary sanctuary) based on the largest assembly area of 5,368 square feet ($5,368/45=120$ parking spaces) which exceeds the city requirements by 9 spaces. An additional 168 parking spaces would be provided upon completion of Phase II, which exceeds the City requirements of 164 spaces ($7,365/45=164$) for the sanctuary's largest gathering area by 133 spaces.

The proposed project would be developed in three phases over 10 years. All development requirements would be met for each particular phase, including parking, landscaping, street improvements, trash enclosures, etc. The applicant has been conditioned to dedicate and construct a 25-foot wide drainage channel in Phase I (align with channel to the north) or extend the drainage pipe to Avenue L in Phase I. Any additional drainage facilities would be constructed and approved

prior to occupancy of any buildings within the project per the direction of Director of Public Works. If the project is phased, all drainage facilities for each phase would be constructed and approved prior to occupancy of any buildings within that phase. The actual requirements for each additional phase would, to some extent, be determined at the time of plan review as the building sizes are finalized.

The church would be located on the north side of Avenue L approximately 650 east of Challenger Way/10th Street East. The primary access into the project upon completion of Phase I would be provided from the shared 30-foot-wide driveway located on the eastern property line. The applicant has been conditioned to submit a reciprocal access agreement to include the property to the east (APN 3170-003-015). Upon completion of Phase II, a second 30-foot-wide driveway would be provided along the western property. The applicant has been conditioned to submit a cash deposit to cover the cost for constructing the required median in Avenue L. The median would be constructed as future development occurs.

A 20-foot-wide enhanced landscaped area with evergreen trees planted every 30 feet on center would be provided to the north in order to create a buffer to the residential development. A 20-foot-wide landscape setback area with a 3-foot high berm for screening is required along Avenue L. Additional landscaping would be provided on-site. A 6-foot high decorative masonry wall would be provided along the northern, eastern, and western property lines. The on-site lighting would be constructed with directional shields to direct lighting away from the residential development to the north. The applicant shall post signs stating "No Loitering" and "No Loud Music" in the parking lot. This would help reduce impacts on the residential community to the north of the project site. A temporary chain link fence would be installed between construction phases to prevent vehicles from driving on unpaved surfaces. The applicant has also been conditioned that prior to grading, the applicant shall provide 24 hours, 7 days a week, a contact name and valid phone number regarding blowing dust or debris from the site. Due to the proximity of the residential development to the north, the applicant has been conditioned to relocate the trash enclosure approximately 300 feet south of the northern property line.

The proposed project has the potential to generate 203 vehicular trips per day. It is anticipated that the project traffic would not adversely affect traffic flow on any of the adjoining public streets, and the improvements to be provided as part of the project would ensure necessary, adequate circulation and safety levels for both project-related traffic and long-term. These trips would generate air emissions; however, due to the small amount of traffic generated, these emissions would not be sufficient to create or significantly contribute towards violations of the air quality standards.

The church would operate on weekends and weekdays for church activities. The applicant has indicated that the primary use of the church facility would occur Sundays from 9:00 a.m. to 8:30 p.m. Additional activities would take place Monday through Saturday from 7:00 p.m. to 9:30 p.m. These activities may include but not limited to additional classes, smaller services, special events, and weddings; however, the hours would not extend beyond 9:30 p.m. Sunday through Thursday and beyond 10:00 p.m. on Friday and Saturday.

The proposed elevations indicate that the church facility, as well as all future buildings on the site, will be constructed of light steel framed with a high central bay. The exterior walls will be two shades of earth-tone stucco, with dark green aluminum window frames and energy-efficient dark green double glazed windows. The roofs will be a dark green metal seam roof throughout, with overhangs, and a steel framed covered arcade for sun protection on the south. High clear story windows will be located on the north side of the central high-bay interim sanctuary, to take advantage of natural light. The Building will be well insulated for sound and thermal energy conservation. Entry paving, bollards, perimeter masonry walls, and light standard bases, as well as other site amenities will be color-coordinated throughout. Staff would verify the compatibility of all the buildings through building plan check with each phase. The general height of the buildings would be approximately 17 feet with the highest point at 20.9 feet.

The applicant is aware of future conflicts that would arise as the surrounding site develop, such as noise, odors and other typical industrial uses that could impact the church use, specifically the sensitive population.

A biological resources survey was conducted for the project by Mark Hagan, on February 23, 2008. As a result of the study, no endangered, threatened, rare or sensitive plant species or animal species were found on the site; however, the habitat on the project site appeared to be potentially suitable to support Mohave ground squirrels. In addition three inactive bird nests were observed in Joshua trees. Mitigation measures have been added to the conditions of approval as part of the project to reduce these impacts.

A Phase I Cultural Resources Study was conducted for the proposed site by RT Factfinders, on February 26, 2008. Development of the site would not directly or indirectly destroy a unique paleontological resource, site, or geologic feature, and no human remains, including those interred outside of formal cemeteries, were discovered on the site. As a result of the investigation, no impacts to cultural resources would occur. In the event that cultural resources are encountered during the course of construction activities, all work shall cease until a qualified archaeologist determines the proper disposition of the resource.

A Phase I Environmental Site Assessment was conducted by BRUIN GSI, on March 3, 2008. The site was viewed for hazardous materials storage and use, as well as signs that such material had been spilled or dumped. No evidence of any contamination was found on the site and according to historical records, the site has been vacant from at least 1953 to the present. Therefore, the site does not warrant additional investigation.

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Staff is recommending approval of the proposed sanctuary, classroom, facility and office building based on the site having sufficient area to accommodate the proposed development, adequate access and services being available for the use, and the lack of adverse effects on nearby residential uses.

Respectfully submitted,

Randie Davis, Assistant Planner

cc: Applicant
Engineer

RESOLUTION NO. 09-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 08-05

WHEREAS, a conditional use permit has been requested by Quartz Hill Assembly of God of Lancaster to construct a church facility consisting of a 9,960 square-foot interim sanctuary and classroom facility (Phase I), a 7,365 square-foot sanctuary (Phase II), and a 5,000 square-foot office building (Phase III) in the Light Industrial Zone on 4.62± gross acres located on the north side of Avenue L approximately 650 east of Challenger Way/10th Street East, 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 approval of this application, subject to conditions; and

WHEREAS, public notice was provided as required by law and a public hearing was held on January 20, 2009; and

WHEREAS, the initial study was performed for this project in accordance with the requirements of CEQA; and

WHEREAS, the initial study determined that, although the project could have a significant effect on the environment, however; there would not be a significant effect in this case with the implementation of mitigation measures as detailed in "Exhibit A" and of the Initial Study; and

WHEREAS, this Commission hereby finds, pursuant to Section 21082.1 of the Public Resources Code, that the mitigated Negative Declaration prepared for this proposed project reflects the independent judgment of the City of Lancaster; and

WHEREAS, this Commission hereby certifies that it has reviewed and considered the information contained in the mitigated Negative Declaration prepared for the proposed project in compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act prior to taking action on the project; and

WHEREAS, based on the Initial Study prepared for the project, this Commission hereby finds that the proposal will have a de minimis impact on wildlife resources as defined in Section 711.2 of the Fish and Game Code of the State of California and hereby authorizes staff to file a

Certificate of Fee Exemption pursuant to Section 753.5, Title 14, California Code of Regulations; and

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

1. The proposed church facility would be in conformance with the General Plan land use designation of LI (Light Industrial Zone) for the subject property, as follows and with Objective 1.4 and Specific Actions 18.1.5(b), 19.1.4(b), and 19.1.5(d) of the General Plan states as follows:

Objective

- 1.4 “Provide a wide range of opportunities for recreational, cultural, and social interaction and expression by a diverse population.”

Specific Actions

- 18.1.5(b) “When a high intensity land use abuts or is adjacent to a less intensive residential land use, additional setbacks, landscape treatment and walls or fencing shall be required as a condition of project approval to the extent dictated by individual circumstances in order to provide an appropriate buffer between land uses.”

Specific Actions

- 19.1.4(b) “Through the development review process, ensure that new development creates pleasing transitions to surrounding development, for example:
 - (1) The bulk of new structures should relate to the prevailing or planned scale of adjacent development.
 - (2) Setbacks from streets and adjacent properties should relate to the scale of the structure and the function of the street and shall be to encourage pedestrian scale and uses when appropriate.
 - (3) Tall structures should be made less imposing by physically stepping them back from street level, if deemed appropriate.”

Specific Actions

- 19.5.5(d) “Through the development review process, ensure all exterior wall elevations of buildings and screen walls have architectural treatments that enhance the appearance of the building or wall.
 - (1) Uniform materials and consistent style should be evident within a development project in all exterior elevations. Decorative

block walls (i.e. split-face, colored trim with caps) shall be install along the

(2) Secondary accent materials and colors should be used to highlight building features and provide visual interest.”

The adequate landscaping and setbacks would be provided for the development to create a transition between the residential areas to the north, and future industrial development to the east, south and west. Building setbacks would be provided that a are consistent with the proposed size and scale of the buildings, and the primary buildings would utilize building materials, accent colors, and architectural elements to provide visual interest and diversity.

2. The requested use at the location proposed would not:

a. Adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, because the proposed hours of operation (Sunday through Saturdays from 9:00 a.m. to 9:30 p.m., with occasional activities extended until 10:00 p.m. on Fridays and Saturdays) are compatible with nearby residential uses to the north and future industrial uses to the east, south and west. Sufficient on-site parking would be provided as part of the proposed project.

b. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, because land use to the north is residential and to the east, south, and west in Light Industrial. The landscape areas would have a combination of tress, berms, hedges, grass and various other planting materials. In addition 20 feet of landscaping would be provided along the northern and southern property lines. The enhanced landscaped area would create a buffer between the church site and the residential development to the north. The proposed buildings are of a height compatible with the height limits of the Light Industrial areas and are designed with adequate setbacks from the adjacent streets.

c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare, because adequate parking for the church facilities would be provide.

3. The proposed 5± gross acre site is adequate in size and shape to accommodate the building, landscape setback, 297 parking spaces, 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 Avenue L which is, or would be, of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; and

b. By adequate sewer, water, gas, and other urban services which exist or can be provided to the site in a phased manner as development occurs.

5. The design and improvement of the proposed project are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the site is not within a sensitive habitat area and all potential impacts are insignificant once mitigation measures are followed as noted in the environmental review section of the staff report.

NOW, THEREFORE, BE IT RESOLVED:

1. This Commission hereby approves the mitigated Negative Declaration prepared for this project with the finding that, although the proposed conditional use permit could have a significant effect on the environment, there would not be a significant effect in this case because mitigation measures have been added to the project.

2. This Commission hereby adopts the Mitigation Monitoring Program, Exhibit "A".

3. This Commission hereby approves Conditional Use Permit No. 08-05, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 20th day of January, 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. 09-01
CONDITIONAL USE PERMIT NO. 08-05
CONDITIONS OF APPROVAL
January 20, 2009

GENERAL ADVISORY

1. All standard conditions as set forth in Planning Commission Resolution No. 06-16 shall apply, except Condition Nos. 5d and 30 (modified below)
2. Per the direction of the Director of Public Works, improve and offer for dedication,
 - Avenue L at 80 feet of an ultimate 120-foot right-of-way (Phase I shall include all improvements along Avenue L)
3. Per the direction of the Director of Public Works, street improvements include pavement, curb, gutter, sidewalk, street lights, undergrounding of utilities, etc. The applicant is to reconstruct the street to centerline if the existing pavement section does not meet the Department of Public Works required structural section. Additional pavement to transition to existing pavement or as needed to provide additional turn lanes opposing new improvements shall also be included in the street plans.
4. Per the direction of the Director of Public Works, prior to issuance of grading permit the applicant shall submit a cash deposit to cover the cost for constructing a median along Avenue L frontage.
5. The project may be developed in phases provided that approval of the proposed phasing has been granted by the Planning Commission and/or Planning Director.
6. Modifications to the phasing plan, including timing of on and off-site improvements that do not raise significant new issues or extend the overall time frame beyond the approved 10 years may be approved by the Director of Community Development. Phase I shall be used within two years from the date of Planning Commission approval, or the permit will expire.

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 Standard Condition No. 30)

7. All the development requirements shall be met for each phase including parking, landscaping, trash enclosures, drainage, etc.

8. Prior to occupancy, construct a decorative perimeter masonry wall along the north, east, and west, property lines in accordance with Section 17.28.030.C. of the Lancaster Municipal Code; color and design must match the current color and design that exist on site. The requirement for peripheral walls may be waived or modified by the Planning Director in order to prevent the creation of double walls where an adequate wall which would meet the intent of this condition is already in existence. All perimeter walls would meet the structural requirements of the City of Lancaster as specified by the Director of Public Works.
9. Landscape plans shall be prepared in accordance with Ordinance No. 907 and submitted to the Building and Safety Department, along with required plan check fees, for review and approval prior to the installation of landscaping or irrigation systems. Such plans are to be incorporated into development of the site and shall show size, type, and location of all plants, trees and irrigation facilities. (Modification of Standard Condition No. 5d)
10. Prior to occupancy, per the direction of the Planning Director, install a 3-foot berm along the along the southern portion of the property along Avenue L.
11. The applicant shall install evergreen trees 30 feet on center along the northern property line.
12. Per the direction of the Director of Public Works, dedicated and construct a 25-foot wide drainage channel in Phase I (align with channel to the north) or extend the drainage pipe to Avenue L in Phase I.
13. All drainage facilities are to be constructed and approved prior to occupancy of any buildings within the project per the Direction of Public Works. If the project is phased, all drainage facilities for each phase will be constructed and approved prior to occupancy of any buildings within that phase.
14. Per the direction of the Planning Director, modify site plan prior to submittal of grading plan to show the relocation of the trash enclosure approximately 300 feet south of the northern property line.
15. Per the direction of the Director of Public Works, the submission of a hydrology study will be required with the grading plan check.
16. Per the direction of the Planning Director, no unscreened outdoor storage of any kind would be allowed on the site or on the undeveloped portion of the site.
17. Prior to certificate of occupancy, provide a copy of a reciprocal access agreement for A.P.N. 3170-003-013 and A.P.N. 3170-003-015 shall be submitted to the Planning Division for approval by the City Attorney and the Planning Director.
18. Per the direction of the Director of Public Works, all street lighting systems designed after July 1, 2007, shall be designed as City owned and maintained street lighting systems. The

Developer's engineer shall prepare all plans necessary to build said street lighting system in accordance with Southern California Edison and City of Lancaster standards.

19. Contact the Los Angeles County Waterworks District to determine if there are additional off-site improvements or conditions which would be required. The proposed development will also be required to pay all applicable Waterworks District fees.
20. Use of on-site septic systems is subject to approval of the Lahontan Regional water Quality Control Board (LRWQCB). Should the LRWQCB not approve the use of the on-site septic systems, the project would be required to connect to sanitary sewer.
21. Prior to grading, the applicant shall provide 24 hours, 7 days a week, a contact name and valid phone number regarding blowing dust or debris from the site.

ENVIRONMENTAL

22. Per the direction of the Planning Director and the Biological Report, a nesting bird survey shall be conducted within 30 days prior to the start of construction/ground disturbing activities. If nesting birds are encountered, all work in the area shall cease until either the young birds have fledged or the appropriate permits are obtained from CDFG.
23. Per the direction of the Planning Director and the Biological Report, a Focused trapping surveys for Mohave ground squirrel shall be conducted by a CDFG approved biologist to determine the presence/absence of this species on the project site. These surveys shall be conducted in accordance with standard protocol established by CDFG. If Mohave ground squirrels are determined to be present on the project site, consultation with CDFG shall be required in order to obtain an Incidental Take Permit under §2081 of the CDFG Code.
24. Per the direction of the Planning Director, the applicant shall coordinate with the Lahontan Regional Water Quality Control Board to determine whether the applicant is required to obtain a Report of Waste Discharge prior to the development of the project site.
25. Per the direction of the Planning Director and the Geology Report, the project shall be designed to elevate the finished floor to meet the standards of the Flood Insurance Rate Map, prior to issuance of a building permit.