

AGENDA ITEM: 6.

DATE: 04-20-09

STAFF REPORT

CONDITIONAL USE PERMIT NO. 08-21

DATE: April 20, 2009

TO: Lancaster Planning Commission

FROM: Planning Department

APPLICANT: Michael Ossola

LOCATION: 1028 West Avenue L-12

REQUEST: Location of a church within an existing industrial building in the Light Industrial Zone

RECOMMENDATION: Adopt Resolution No. 09-10 approving Conditional Use Permit No. 08-21.

BACKGROUND: On September 15, 2008, the Planning Commission approved Tentative Tract Map (TTM) No. 69294, a one lot subdivision for 21 industrial airspace condominiums.

There currently exists an 11,310 square-foot seven-unit building and a 7,518 square-foot seven-unit building on the project site that were previously approved by Site Plan Review No. 96-01 on March 19, 1996. In addition, a Site Plan Review application (SPR 07-26) was submitted concurrently with the TTM 69294 application. The Site Plan Review application proposed a new eight-unit building totaling 8,162 square feet, south of the existing buildings and adjacent to Avenue L-14. The three buildings together would total 26,990 square feet and comprise 21 individual units. However, due to the current economy, this project has been put on hold.

GENERAL PLAN DESIGNATION, EXISTING ZONING, AND LAND USE: The subject property is designated LI (Light Industry) by the General Plan, is zoned LI (Light Industrial), and is currently partially developed with two industrial office buildings. The surrounding properties general plan, zoning, and land use are as follows:

	<u>GENERAL PLAN</u>	<u>ZONING</u>	<u>LAND USE</u>
NORTH	LI	LI	Industrial office building
EAST	LI	LI	Office building
SOUTH	LI	LI	Vacant
WEST	LI	LI	Builders Supply Business

PUBLIC IMPROVEMENTS: The site is bounded on the north by Avenue L-12 and on the south by future Avenue L-14, Avenue L-12 is improved with one travel lane in each direction. All utilities are available or can be extended to serve the site.

ENVIRONMENTAL REVIEW: The proposed project is classified as a Class 1 categorical exemption from the California Environmental Quality Act (CEQA) under Section 15301 (existing facilities) because the request would not result in any physical change on the site. Notice of intent to find that the action is categorically exempt 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: The applicant, Michael Ossola, is requesting a conditional use permit to locate a church totaling 3,486 square feet within an existing 7,518 square-foot industrial building. The church would occupy three of the seven suites. A conditional use permit is required for a church located in an industrial zone to ensure compatibility with industrial uses. The applicant is proposing minor tenant improvements to the interior to satisfy the church, an office for the pastor, two classrooms, a cry room, a platform for the podium and a snack room.

Access to the facility and the parking lot is provided from an existing driveway from Avenue L-12.

In addition to compatibility, parking for churches in industrial zones is another factor analyzed for the conditional use permit because the required parking ratio for churches is greater than industrial uses. The parking for a church is calculated at one space for every 45 square feet (when seats are not fixed) of building floor area used for the largest area of assembly. The proposed church auditorium is approximately 1,200 square feet, and would require 27 parking spaces. There currently exists a church on site within suites 105 & 107 that is approximately 3,500 square feet of the 11,310 square-foot industrial building located on the north end of the site (1034 West Avenue L-12). This church also has a 1,200 square-foot auditorium and is required to have 27 parking spaces. Together the two churches would require 54 parking spaces. Since 71 parking spaces are provided for the two industrial buildings, and both churches are only open on Sundays from 9:00 am to 12:00 pm, and on Wednesdays from 7:00 pm to 9:00 pm, when the other tenants are closed, there would be 17 extra

spaces available to serve the two churches. It is important to note that the previous church received their Certificate of Occupancy in June of 2006, prior to the requirement of a Conditional Use Permit for a church in an Industrial Zone. Should this church want to expand their auditorium or hours of operation beyond Sundays and Wednesday evenings, they would be required to file a Conditional Use Permit and abide by conditions regarding hours of operation and parking.

The applicant is aware of future conflicts such as noise, odors, and other typical industrial uses that could impact the church use. Currently the surrounding industrial businesses are also closed on Sundays and the yet to be completed three-story office building to the east would have compatible office users.

Staff is recommending approval of the church based on the site having sufficient parking, adequate access, and being compatible with the existing uses.

Respectfully submitted,

Dan Miller, Assistant Planner

cc: Applicant
Engineer

RESOLUTION NO. 09-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 08-21

WHEREAS, a conditional use permit has been requested by Michael Ossola, to locate a church totaling 3,486 square feet in an existing industrial building in the Light Industrial Zone at 1024 West Avenue L-12, 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, 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 20, 2009; and

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

1. The proposed church 3,486 square-foot church within an existing industrial building will be in conformance with the General Plan land use designation of Light Industrial.
2. The proposed church would be located in the Light Industrial Zone which permits similar uses such as Colleges/Universities to gather and share knowledge. Therefore, the same principles apply to churches, religious and social organizations.
3. 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 use is held within an enclosed building.
 - 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 adequate parking is provided since no other use is open during church service hours. The buildings are of a height compatible with the height limits of the Industrial zones and are designed with adequate setbacks from the adjacent street.
 - c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare, because adequate sewer, water, drainage, and improvements will be part of the project.

4. The proposed 3,486 square-foot tenant space within the industrial building is adequate in size and shape to accommodate the building setback, 27 required parking spaces or the church, landscaping, and other development features prescribed in the Zoning Ordinance or as otherwise required in order to integrate said use with the use in the surrounding areas.
5. The proposed site is adequately served:
 - d. By Avenue L-12, which is of sufficient width and improved as necessary to carry the anticipated daily vehicle trips such use would generate; and
 - e. By other public or private service facilities, including sewer, water, fire, and police services are required.
6. The proposed use is categorically exempt because the request would not result in any physical change on the site.

NOW, THEREFORE, BE IT RESOLVED:

This Commission hereby approves Conditional Use Permit No. 08-21, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 20th day of April 2009, 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. 09-10
CONDITIONAL USE PERMIT NO. 08-21
CONDITIONS LIST
April 20, 2009

GENERAL ADVISORY

1. All standard conditions as set forth in Planning Commission Resolution No. 06-16 for Conditional Use Permits shall apply except for Condition Nos. 5, 7, 9, 11-24, 31, 32, 37, 38, and 39.

2. The church shall only be permitted to operate after 6:00 p.m., Monday through Saturday, and on Sunday. At the present time, the church's actual operating hours are 9:00 a.m. to 12:00 p.m. on Sunday, and 7:00 p.m. to 9:00 p.m. on Wednesday. Any expansion of the church operating hours shall be subject to review by the Director for possible amendment of the conditional use permit.