

# Agenda Report

**TO:** CITY COUNCIL **DATE:** JUNE 18, 2001  
**FROM:** CITY MANAGER  
**SUBJECT:** CALL FOR REVIEW OF VARIANCE #11319, THE RAYMOND THEATER  
AT 121-129 NORTH RAYMOND AVENUE

## **CITY MANAGER'S RECOMMENDATION:**

It is recommend that the City Council:

- 1) Certify the revised final environmental impact report for the Raymond Theater;
- 2) Adopt revised findings of fact as contained in Attachment A;
- 3) Adopt a mitigation monitoring program as contained in Attachment B, adopt a de minimus finding as required by California Fish and Game Code 711.4(d)(1) and Title 14, California Code of Regulations Section 735.5(a)(3); and
- 4) Adopt the revised variance findings contained in Attachment B, the revised conditions of approval contained in Attachment C and approve the proposed variances.

## **BACKGROUND:**

The City Council called for review Variance #11319, and scheduled a public hearing for March 26, 2001. Prior to that public hearing, the partnership of Knell/O'Donnell began negotiating with the current owner, AJB Enterprises Inc., for the purchase of the Raymond Theater. The Council continued the public hearing in order to facilitate their purchase of the theater. The purchaser and the owner have since reached an agreement for purchasing the theater.

There are two significant differences between the Knell/O'Donnell proposal and the previous submittal. While the previous plans called for the preservation of a portion of the interior, the location of a parking structure below the theater, and the use of the flyshaft for residential units, the Knell/O'Donnell plan proposes to retain and restore the theater and convert the balcony into two additional small theaters. The purchasers proposed to use the theater as a performing arts school and performance venue. Secondly, the new proposal does not include subterranean parking under the theater. The restoration of the theater eliminates the significant impact on a historic resource and proposes a use consistent with the historic theater. The Council is not being asked to adopt a statement of overriding consideration because the revised project will not have a significant impact on the interior of the theater. Additionally, as a condition of approval, the rehabilitation of the theater will be required to comply with the Secretary of the Interior's Guidelines for Rehabilitation.

As with the previous project, the Knell/O'Donnell project proposes new construction on the parking lot site to the south to include 61 residential units, roughly 1,500 square feet of retail use and parking. The Environmental Impact Report (EIR) reviewed the impacts of the residential portion of the use but did not review the impacts of reestablishing a theater use. The recommendation is to certify the EIR and approve the variances so that this portion of the project can be completed.

The variance requests are: (1) to allow tandem parking; (2) to allow the proposed new structure on the south side to be setback about 5 feet from the Raymond Avenue property line to be consistent with the Raymond Theater setback; (3) to allow the proposed new structure to be 65 feet in height when the regulations allow only for a 45 foot structure and to allow the building to have six stories where the zoning code allows only 4 stories; and (4) to allow for a higher percentage of compact parking spaces than allowed by the zoning code.

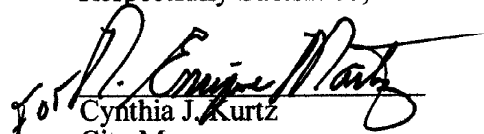
The new owners will apply for an expressive use permit before the theater can operate. As part of the expressive use permit, there will be a supplement to the certified EIR that will include an analysis of the traffic and parking impacts of the proposed performing arts theater.

**Fiscal Impact:**

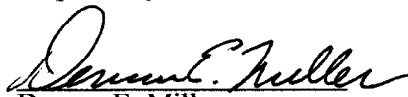
It is anticipated that the approval of this variance application will provide the following fees to the City.

Plan check fees of \$116,430  
Permit and construction tax fees of \$130,955  
Residential impact fee of \$46,116  
Initial mitigation monitoring fee \$5,000

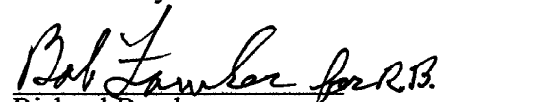
Respectfully Submitted,

  
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City Manager

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