

## **RESOLUTION NO. 25-07**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 25-003 TO ALLOW FOR THE OPERATION OF A RECUPERATIVE CARE FACILITY WITHIN EXISTING BUILDINGS AT 44748 AND 44758 ELM AVENUE (APN: 3134-017-011) IN THE TRANSIT ORIENTED DEVELOPMENT – NEIGHBORHOOD MEDIUM (TOD-NM) ZONE AND FINDING THE PROJECT CATEGORICALLY EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AUTHORIZING STAFF TO EXECUTE AND FILE A NOTICE OF EXEMPTION

WHEREAS, a Conditional Use Permit (CUP No. 25-003) has been requested by David Delaplane (“Applicant”), to allow for the operation of a recuperative care facility within existing buildings at 44748 and 44758 Elm Avenue (APN: 3134-017-011) ) in the Transit Oriented Development – Neighborhood Medium (TOD-NM) zone; and

WHEREAS, an application for CUP No. 25-003 has been filed pursuant to the regulations contained in Article I of Chapter 17.32 of the Lancaster Municipal Code (“LMC”); and

WHEREAS, a notice of intention to consider the granting of a Conditional Use Permit has been given as required by Article V of Chapter 17.32 of the LMC, and 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 permit application, subject to conditions; and

WHEREAS, the project was reviewed for compliance with the California Environmental Quality Act (“CEQA”) and staff determined that the project is exempt from further environmental review under CEQA Section 15301, Existing Facilities; and

WHEREAS, the public notice was provided, as required by law, and a public hearing was held by the City of Lancaster Planning Commission (“Planning Commission”) on May 19, 2025; and

WHEREAS, the Planning Commission, after considering all evidence presented, desires to approve the Applicant’s requested Conditional Use Permit.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LANCASTER, DOES HEREBY RESOLVE, DETERMINE AND ORDER, AS FOLLOWS:

Section 1. This Planning Commission hereby finds the foregoing recitals are true, correct and a substantive part of this Resolution.

Section 2. That the Planning Commission finds the project exempt from the provisions of the California Environmental Quality Act under Article 9, Section 15332 of the State CEQA Guidelines. Community Development Department, Planning and Permitting staff is hereby authorized and directed to prepare, execute, and file a Notice of Exemption pursuant to CEQA and the State CEQA Guidelines.

Section 3. That the Planning Commission hereby adopts the following findings pursuant to Section 17.32.090 of the LMC, in support of approving this application:

- a. That the proposed use will not be in substantial conflict with the adopted general plan for the area.

As discussed in the staff report, the proposed CUP would be in conformance with the General Plan Land Use Designation of Commercial. In addition, the CUP would be consistent with the goals, objectives, policies, and specific actions identified within the General Plan.

- b. The requested use at the location proposed will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area.

The proposed facility is within an existing building on a developed site. The adjacent properties are generally developed with similar, compatible uses. The applicant is also conditioned to ensure a nuisance-free operation of the proposed use. Therefore, the proposed project would not affect the health, peace, comfort, or welfare of persons residing or working in the area.

2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site.

The proposed project is located within an existing building. The TOD-NM zone allows a variety of uses, including care facilities. The proposed use would be consistent with the zone and surrounding properties and would not be materially detrimental to the use, enjoyment or valuation of other properties.

3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

Staff would be trained to handle any noise or other related concerns and patients will be prohibited from loitering in the surrounding area. In addition, adequate sewer, water, drainage and improvements are available to serve the project. Therefore, the proposed use would not jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare of the public or surrounding community.

- c. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The existing building was previously approved and permitted, and additional improvements will be required to comply with current development standards and guidelines for the proposed use.

- d. The proposed site is adequately served:

1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate.

The proposed project is bounded by Elm Avenue and Milling Street, which have sufficient width and are improved to carry the daily vehicle trips generated by proposed use; and

2. By other public or private service facilities as are required.

The proposed site location has adequate sewer, water, fire, and police services to service the site.

Section 4. This Planning Commission hereby approves Conditional Use Permit No. 25-003, subject to the conditions attached hereto and incorporated herein.

Section 5. The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at Lancaster City Hall, 44933 Fern Avenue, Lancaster, CA 93534. This information is provided in compliance with Public Resources Code Section 21081.6.

Section 6. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application.

PASSED, APPROVED and ADOPTED this 19<sup>th</sup> day of May 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

RECUSED:

ABSENT:

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JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:

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HAI NGUYEN, Planning Manager  
City of Lancaster

**Attachment:**  
Conditions of Approval

Within 10 working days of the date of this decision by the Commission, an applicant or an interest City resident may submit to the City Clerk a notice of appeal pursuant to LMC Sections 17.36.030 and 2.44.010 *et seq.*

Any action to challenge the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Code of Civil Procedure Section 1094.6.