

RESOLUTION NO. 24-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 23-005 TO ALLOW FOR THE ONGOING OPERATION OF A BAR WITH THE ADDITION OF INDOOR AND OUTDOOR LIVE ENTERTAINMENT, LOCATED IN THE COMMERCIAL (CPD) ZONE, AT 2822 EAST AVENUE I (APN: 3150-017-017 AND 3150-017-023) AND FINDING CONDITIONAL USE PERMIT NO. 23-005 CATEGORICALLY EXEPMT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AUTHORIZING STAFF TO EXECUTE AND FILE A NOTICE OF EXEMPTION.

WHEREAS, a Conditional Use Permit has been requested by Abdou Abdullah Maida, (“Applicant”), to allow for the ongoing operation of a bar (The King Bar), with the addition of live indoor and outdoor entertainment at an existing building located in the Commercial (CPD) zone at 2822 East Avenue I (APN 3150-017-023 and 3150-017-017); and

WHEREAS, an application for the above-described Conditional Use Permit has been filed pursuant to 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 published and provided as required by Chapter 17.32 of the LMC and Section 65905 of the Government Code; and

WHEREAS, staff has performed the necessary investigations, prepared a written report, and recommended approval of this conditional use application, subject to conditions; and

WHEREAS, public notice was published and given as required by law, and a public hearing was held on June 17, 2024; and

WHEREAS, the Planning Commission, after considering all evidence presented, desires to approve 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. That the foregoing Recitals are true, correct and a substantive part of this Resolution.

Section 2. That the Planning Commission hereby adopts the following findings pursuant to Section 17.32.090 of the LMC:

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

The 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.

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B. That 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, or

The request for live entertainment would be incidental to the existing bar operations. The applicant is also conditioned to ensure a nuisance-free operation of the use and has provided a security plan which would be utilized onsite; therefore, the CUP would not adversely affect the health peace, comfort or welfare of persons residing or working in the surrounding area.

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

The existing bar operations with the proposed live entertainment would be located within a tenant space, and the exterior patio which is already constructed. The CPD zone allows for a mix of commercial uses, such as restaurants, retail stores, personal services, offices, and entertainment uses. The CUP would be consistent within the zone and the surrounding properties.

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

The King Bar is located within an existing building, and no new code enforcement complaints or reports have been received by the City which would lead the center to constitute menace to the public health, safety, or general welfare. The applicant has provided a security plan which would be utilized onsite and is conditioned to ensure a nuisance-free operation. All existing unpermitted conditions will be rectified with this approval. Additionally, staff of the establishment would be trained to handle issues that arise on the property.

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 commercial site meets all required development standards of the zone and no significant improvements are proposed. Minor unpermitted conditions onsite would be rectified following this approval.

D. That 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, and;

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The existing commercial center is at the southeast corner of the intersection of 30th Street East and Avenue I. Both 30th Street East and Avenue I are of sufficient width and are constructed to carry the daily vehicle trips generated by proposed use; and

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

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

This Commission hereby finds the project exempt from the provisions of the California Environmental Quality Act under Section 15301, Class 1, "Existing Facilities" of the State CEQA Guidelines. Staff is hereby authorized and directed to prepare, execute and file a Notice of Exemption pursuant to CEQA and State CEQA Guidelines.

Section 5. That the Planning Commission hereby approves Conditional Use Permit No. 23-005, subject to the conditions attached hereto and incorporated herein.

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PASSED, APPROVED and ADOPTED this 17th day of June 2024, by the following vote:

AYES: VOSE, DERRYBERRY, BIRDEN, LOA, MOORE, AND TUFTS

NOES:

ABSTAIN:

RECUSED:

ABSENT: UNDERWOOD

DocuSigned by:

James Vose

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JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

DocuSigned by:

Patricia Garibay

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PATTI GARIBAY, Assistant Director – Community Development Department
City of Lancaster

Attachments:

A. 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.