

RESOLUTION NO. 25-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, TO REVOKE CONDITIONAL USE PERMIT NO. 23-005 AND THE DEEMED APPROVED STATUS FOR THE SALE OF ALCOHOLIC BEVERAGES AT THE ESTABLISHMENT PURSUANT TO SECTION 17.42.100 OF THE LANCASTER MUNICIPAL CODE AT THE LOCATION OF 2822 EAST AVENUE I, IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS 3150-017-023 AND 3150-017-023 AND TO FIND THE ACTION CATEGORICALLY EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO STATE CEQA GUIDELINES SECTION 15321

WHEREAS, on June 17, 2024, the Planning Commission of the City of Lancaster ("Planning Commission") adopted Resolution No. 24-14, approving Conditional Use Permit No. 23-005 ("CUP23-005") with Conditions of Approval in accordance with the provisions of Chapters 17.32 and 17.42 of the Lancaster Municipal Code ("LMC"); and

WHEREAS, CUP23-005 permits the permittee, Abdou Abdullah Maida ("Permittee"), to operate a bar, "The King Bar" ("Establishment"), with indoor and outdoor live entertainment, at an existing building within the Commercial (CPD) zone and located at 2822 East Avenue I (Assessor's Parcel Numbers (APN) 3150-017-023 and 3150-017-017); and

WHEREAS, on July 11, 2024, the Permittee submitted a signed acceptance of the Conditions of Approval for CUP23-005 to the Community Development Department; and

WHEREAS, pursuant to Section 17.42 100 of the Lancaster Municipal Code ("LMC"), [a]ny establishment lawfully existing prior to December of 2016 and licensed by the state for the retail sale of alcoholic beverages for on-sale or off-sale consumption was considered to have a "deemed approved" status; and

WHEREAS, pursuant to Section 17.42.110 of the LMC operators of an alcoholic beverage establishment, whether operating with a "deemed approved" status or pursuant to a conditional use permit, shall use and maintain the premises and conduct the business in a manner that comports with all applicable local, state and federal law, including but not limited to, the California Business and Professions Code, the Lancaster Property Maintenance ordinance (codified at Chapter 8.28), and the Lancaster Zoning ordinance (codified at Title 17); and

WHEREAS, Section 17.42.110 (10) provides that operators must lawfully maintain the property and operating the business by taking all reasonable steps to ensure the conditions and activities on the property on which the alcoholic beverage establishment is located do not constitute a public nuisance, including, without limitation, to the following:

- a. Requesting those persons engaging in conduct that constitutes a nuisance to cease that conduct, unless the operator has reasonable cause to believe such request may jeopardize his or her personal safety.
- b. Calling the city's law enforcement and/or public safety personnel if the operator's attempts to abate the nuisance conduct have been unavailing or if the operator has reasonable cause to believe such attempts may jeopardize his or her personal safety.
- c. Timely undertaking actions to address conditions that facilitate loitering and other nuisance activity on the premises, such as removing furniture from areas adjacent to the entry of the establishment, prohibiting persons from using any portion of the premises for the installation and/or operation of a temporary business or other use, and/or other preventive actions.

WHEREAS, Section 17.42.120 provides that a conditional use permit for an alcoholic beverage establishment is subject to revocation if the operator has used or maintained, or permitted the use or maintenance of, the premises on which the establishment is located and/or has operated or permitted the operation of the business in violation of any condition imposed pursuant to the permit or in violation of the performance standards set forth in Section 17.42.110, or otherwise in a manner that constitutes a public nuisance and/or a threat to public health, safety and welfare; and

WHEREAS, Section 17.32.890 of the Lancaster Municipal Code ("LMC") establishes grounds for revocation of a conditional use permit; and

WHEREAS, pursuant to Section 17.32.890(C), one of the grounds for revocation is the violation of any permit conditions or the exercise of the approved use contrary to its terms or applicable laws; and

WHEREAS, Condition No. 19 of CUP23-005 states "[t]his Conditional Use Permit and associated business licenses shall be subject to immediate revocation by the Planning Commission in the event that any illegal and/or public nuisance activities are identified at the premises"; and

WHEREAS, Condition No. 15 of CUP23-005 provides that "[t]he applicant shall ensure a nuisance-free operation of the proposed use. Bar staff shall be trained to handle any potential issues which may arise on the property"; and

WHEREAS, Condition No. 21 of CUP23-005 provides that "[t]he management of the establishment shall take necessary steps to assure the orderly conduct of employees, patrons

and visitors on the premises, and to assure timely response to concerns of neighbors and local officials about problems related to service at the establishment; and

WHEREAS, on April 21, 2025, staff performed a condition compliance review of the Establishment and observed grounds for revocation, specifically noting violations of the Performance Standards in Section 17.42.110(A)(10) of the LMC and violations of Condition Nos. 15, 19, and 21 of the Conditions of Approval for CUP23-005. Incidents involving harassment, violence, and deadly weapons, as reported through the calls for service log and police reports, have led to both employees and patrons of the bar being harmed and victimized. The Permittee has failed to ensure a nuisance-free operation of the Establishment which has resulted in a use that has become detrimental to the public health and safety of the community. These constitute grounds for revocation pursuant to Sections 17.32.890 and 17.42.110; and

WHEREAS, Sections 17.32.910 to 17.32.920 of the LMC authorizes the Planning Commission to initiate a public hearing to consider revocation of a conditional use permit on any of the grounds contained in Section 17.32.890; and

WHEREAS, Section 17.42.130.B of the LMC authorizes the Planning Commission to set a public hearing to consider revocation of a deemed approved status of an alcoholic beverage establishment; and

WHEREAS, as a result of the condition compliance review of the Establishment, staff prepared a written report, and on April 21, 2025, presented its written report to the Planning Commission where it adopted Resolution No. 25-03, to initiate proceedings for the revocation of CUP23-005 and the Establishment's deemed approved status pursuant to Article VIII (Revocations or Modifications) of Chapter 17.32 and Chapter 17.42 (Chapter the Alcoholic Beverage Establishments Ordinance) of the LMC; and

WHEREAS, on May 6, 2025, letters were sent to the Permittee and the Establishment to provide the notice of intent for the revocation hearing at the Planning Commission meeting on May 19, 2025; and

WHEREAS, staff has performed the necessary investigations, conducted a condition compliance review, prepared a written report, and recommended revocation of CUP23-005 and the Establishment's deemed approved status, based upon the available evidence; and

WHEREAS, public notice was published and given as required by law, and a public hearing was held on May 19, 2025; and

WHEREAS, on May 19, 2025 the Planning Commission carefully considered all information, evidence and testimony pertaining to the revocation of CUP23-005 and the Establishment's deemed approved status.

NOW, THEREFORE, the PLANNING COMMISSION of the City of Lancaster RESOLVES as follows:

Section 1. The above recitals are true, correct and incorporated herein by this reference.

Section 2. That the Planning Commission finds that the revocation of CUP23-005 and the deemed approved status is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15321 (Class 21 – Enforcement Actions by Regulatory Agencies). Class 21 exempts "actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use," including the adoption of an administrative decision or order revoking the entitlement. The proposed revocation is an enforcement action taken by the City in response to violations of the conditions of approval associated with CUP23-005. The revocation does not involve approval of any new development or physical alteration to the environment. Furthermore, none of the exceptions to the use of categorical exemptions set forth in State CEQA Guidelines Section 15300.2 apply. The Planning Commission hereby directs staff to prepare, execute, and file a Notice of Exemption with the County Clerk and the State Clearinghouse within five (5) working days of the Project's approval and adoption of this Resolution.

Section 3. Revocation of CUP and Deemed Approved Status. Pursuant to Sections 17.32.890 and 17.42.130 of the LMC, and having considered all evidence, testimony and information presented, the Planning Commission determines and resolves that CUP23-005 and the Establishments Deemed Approved status at the Site is hereby revoked effective ten (10) working days from the date of this resolution.

Section 4. 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.

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

AYES:

NOES:

ABSTAIN:

RECUSED:

ABSENT:

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

HAI NGUYEN, Planning Manager
City of Lancaster

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.