

AGENDA ITEM: 3.

DATE: 05-16-11

STAFF REPORT

REVOCAION HEARING CONDITIONAL USE PERMIT NO. 08-08

DATE: May 16, 2011

TO: Lancaster Planning Commission

FROM: Planning Department

SUBJECT: Consideration of revocation of Conditional Use Permit No. 08-08, (Bamboo Restaurant), located at 1009-1011 West Avenue I, pursuant to Section 17.42.130.C of the Lancaster Municipal Code

RECOMMENDATION: Approve Resolution No. 11-06 revoking Conditional Use Permit No. 08-08.

BACKGROUND: A chronology of the project history is as follows:

- May 1, 2008: Application for a conditional use permit for on-site alcohol sales (beer and wine) in conjunction with the operation of a bona fide restaurant with incidental entertainment is filed with the Planning Department (copy of application documents attached as “**Exhibit A**”).
- September 15, 2008: The Planning Commission adopted Resolution No. 08-25 approving Conditional Use Permit No. 08-08, which allows for the on-site sale of beer and wine under a Type 41 Alcoholic Beverage Control (ABC) license (copy of staff report and approved resolution attached as “**Exhibit B**”).
- October 10, 2008: The applicant, Mr. Eugenio Gonzalez, signs “Affidavit of Acceptance of Conditions” for Conditional Use Permit No. 08-08, and returns the document to the Planning Department, thereby stating his acceptance of and agreement to comply with the conditions of approval established under Resolution No. 08-25 (copy of signed affidavit attached as “**Exhibit C**”).
- February 12, 2009: The City of Lancaster issues a business license for the Bamboo Restaurant; the description of the business is identified as “[R]estaurant with alcohol

& live entertainment CUP 08-08” (copy of approved business license application attached as “**Exhibit D**”).

- April 15, 2009: State ABC found the establishment in compliance except for the menu, which advertised mixed drinks. These were found to be made using a wine base. Also, the City’s Sheriff’s Department liaison felt there was a need to discuss with the applicant the apparent nightclub use established on Wednesday nights.
- August 21, 2009: The Planning Department received notice that Bamboo Restaurant was planning a “lingerie contest”.
- July 28, 2010: Based on concerns raised by the Sheriff’s Department, the Planning Department sent a letter to Mr. Eugenio Gonzales indicating that the business may be in violation of both operating conditions and City Municipal Code requirements. This letter requested written documentation regarding several concerns; specifically, to determine whether all employees selling or serving alcohol had received required ABC training; whether a full-time cook was employed on the premises during the hours of business operation; and whether the sales of food constituted at least 51% of business revenues as required for a bona fide restaurant. (A copy of the letter is attached as “**Exhibit E**”).
- August 16, 2010: The Planning Department received a response to the letter of July 28, 2010, from ABC Experts of Rancho Cucamonga, California, signed by Mr. Rene Guzman. The letter identified three individuals that sold or served alcohol, and indicated that they would receive LEAD training provided by the State ABC on August 25, 2010. Three individuals were also identified as cooks, noting that “one is available at all times the premises is open and exercising their liquor license” so that “the business is in full compliance with their CUP condition.” Attached to the letter were copies of the business books indicating revenues and expenses; a cursory review of these by staff indicated that food and non-alcoholic drink revenues were approximately 56% of total business revenue from January to April 2010. (A copy of this letter, with a summary of the revenue information, is attached as “**Exhibit F**”).
- January 2011: The Planning Department was notified by Lee D’Errico, the City’s Public Safety Manager, that advertising for the Bamboo Restaurant (aka Bamboo Lounge or Bamboo Club), as contained on its Facebook page, emphasized the entertainment and nightclub atmosphere provided to patrons. A copy of this Facebook page, which covered several months, was provided to the Planning Department on February 8, 2011 (attached as “**Exhibit G**”). Mr. D’Errico also stated that the business was only open, at most, 4 days a week (Thursday, Friday Saturday, Sunday) with an opening time of 9:00

p.m. or 10:00 p.m. The days and hours of business were also confirmed by the City's Sheriff's Department liaison, as well as the fact that the use was operating as a nightclub and generating the types of service calls a nightclub can create. This includes physical and verbal altercations outside the business, drunk and disorderly conduct, driving under the influence, burglary/property damage in the parking area and to vehicles, and similar incidents. In addition, a murder occurred in the vicinity of the business

- February 4, 2011: State ABC investigators entered the premises to conduct an investigation of the business and compliance with ABC license requirements. During this investigation, a number of ABC violations were noted, including consumption of alcohol in two areas of non-permitted expansion (an outdoor patio and adjacent room to the northeast of the permitted premises), and the lack of an extensive menu (a limited number of appetizer type items were available as written on an erasable board). The description of the premises, event, and method of operation contained in the report depict a nightclub operation. The City's Sheriff's Department liaison confirmed the report of illegal expansion of the business. The report also notes the presence of minors in the premises, as well as the distribution of potentially illegal substances from a member of a band playing at the business. A copy of the investigation report, and a supplemental report, are attached as "**Exhibit H**". A copy of the plan showing the location of the illegal expansion into the adjacent unit is attached as "**Exhibit I**".
- February 15, 2011: Based on information obtained from the February 4 investigation, as well as other information collected prior to that time, the City Manager revoked the business license for the Bamboo Restaurant. The applicant filed an appeal of the revocation with the City Clerk on February 28, 2011 (copy of appeal is attached as "**Exhibit J**"). This appeal has not yet been heard by the City Council.
- March 2011: The Sheriff's Department provides to the City a compilation of service calls tied to the address of the business between March 1, 2010, and February 22, 2011. This information confirms the statement of the Sheriff's Department liaison in January 2011 regarding the number and type of service calls to the premises. Service calls were made to premises on 40 separate days, with some instances of multiple calls on the same day. A copy of this compilation is attached as "**Exhibit K**".
- March 24, 2011: The Planning Department receives a letter of complaint regarding the Bamboo Restaurant and Mr. Eugenio Gonzales. The letter describes an alleged physical altercation early on March 19, 2011, between Mr. Gonzales and a person who has acted as a "DJ" for the business. Staff

confirmed with the Sheriff's Department liaison that a report had also been filed with their office regarding the incident described in the letter. The letter also contains a number of personal observations and allegations regarding the business operation by the writer. A copy of the letter is attached as "**Exhibit L**".

DISCUSSION: Section 17.42.130.C of the Lancaster Municipal Code (LMC) allows the Planning Commission to set a public hearing to consider revocation of a conditional use permit for noncompliance with the performance standards set forth in Section 17.42.110 of the LMC. These performance standards allow the revocation of a conditional use permit for an alcoholic beverage establishment if any of the following are found to exist:

- 1) Activities within the premises or in close proximity of the premises which constitute a nuisance under any section of this code.
- 2) Where the operation of the premises is in violation of any applicable city ordinance or state or federal regulation or statute.
- 3) Failure to comply with any condition imposed in the issuance of a conditional use permit.

Staff believes there is sufficient evidence to confirm that all three of these conditions exist, and that there are adequate grounds to revoke the conditional use permit. In summary form, staff believes that the following activities, actions, and circumstances justify the revocation of the conditional use permit, and the above category that they fall within (#1, #2, or #3):

- The applicant requested, received approval for, and acknowledged and accepted that Conditional Use Permit No. 08-08 allows the sale of alcohol in conjunction with the operation of a bona fide restaurant (Exhibits A, B, C, and D). The City has substantial evidence, including Exhibits G, H, and J, that the business is being operated and advertised as a nightclub within the definition contained in Section 17.42.020 of the Lancaster Municipal Code. (**#2, #3**)
- The applicant is in violation of Condition Nos. 6, 8, 11 of Conditional Use Permit No. 08-08 (Exhibit B), based on the written report of the State ABC investigation (Exhibit H), because no printed menu was provided or available, sales of alcoholic beverages did not occur in conjunction with the sale of food, and loitering was occurring on and around the premises. (**#3**)
- The applicant is in violation of several conditions contained in the State ABC license for the premises, including sales of alcohol not being made in conjunction with the sale of food, loitering on or around the premises occurring, and entertainment being audible outside of the area under the control of the licensee, as documented in Exhibit H. (**#2**)
- The premises was expanded for use by the public, and alcoholic beverages served and consumed in the expanded area without receiving a review for possible amendment of Conditional Use Permit No. 08-08 (violation of Standard Condition No. 36, Exhibit B), proper

building permits or fire safety inspections as required by the Lancaster Municipal Code and applicable building codes, or having proper license from the State ABC for a modified premises as documented in Exhibits H and I. (#2, #3)

- The premises has generated a significant amount of Sheriff's Department service calls as documented in Exhibit K. Although the City has not taken formal action under Chapter 8.52 of the Lancaster Municipal Code, the premises can be defined as a chronic nuisance property under Section 8.52.030, because it has generated five or more calls for service in a 12-month period of time. (#1)

The evidence and documentation contained in the various exhibits confirm a consistent pattern of violation of both City and State regulations. Further, it is clear from the information that the applicant is clearly aware of the operating conditions and regulations imposed by both the City, through Conditional Use Permit No. 08-08, and State ABC, through the alcohol license issued to the business, and agreed to abide by them. The information also shows that the method of operating the business has had adverse effects on adjacent areas, as well as on patrons of the business itself.

In adopting the City's alcohol regulations the City Council found that "[T]here is a legitimate public purpose in adopting regulations that govern the manner in which alcohol sales establishments operate relative to the surrounding area, and for establishing mechanisms to abate nuisance conditions that may be caused by such operations to ensure the promotion of public health, safety, and welfare." One of those mechanisms is the ability to revoke a conditional use permit issued to allow the sales and service of alcohol. In this case, staff believes that the evidence clearly indicates that all three of the conditions established under Section 17.42.110 of the Lancaster Municipal Code that justify the revocation of a conditional use permit have occurred. Therefore, staff is recommending that the Commission take the appropriate action to revoke Conditional Use Permit No. 08-08.

BL/jr

Attachments:

PC Resolution No. 11-06

- Exhibit "A": Conditional Use Permit Application dated May 1, 2008
- Exhibit "B": Planning Commission Staff Report dated September 15, 2008
- Exhibit "C": Affidavit of Acceptance of Conditions for CUP No. 08-08 dated October 10, 2008
- Exhibit "D": City Approved Business License dated February 12, 2009
- Exhibit "E": Letter to Mr. Eugenio Gonzales dated July 28, 2010
- Exhibit "F": Response letter received with Summary of Revenue Information dated August 16, 2010
- Exhibit "G": Bamboo Restaurant/Lounge Facebook and Mailer Advertising Pages
- Exhibit "H": State ABC Investigation Report and Supplemental Report
- Exhibit "I": Plot Plan of Illegal Expansion Area
- Exhibit "J": Appeal of Revocation filed on February 28, 2011
- Exhibit "K": Sheriff's Department's Compilation of Service Calls
- Exhibit "L": Letter of Complaint dated March 24, 2011

RESOLUTION NO. 11-06

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

WHEREAS, September 15, 2008, the Planning Commission approved Resolution No. 08-25 approving Conditional Use Permit No. 08-08 in accordance with the provisions of Chapter 17.32 and 17.42 of the Lancaster Municipal Code; and

WHEREAS, approved Conditional Use Permit No. 08-08 permits the on-site sale of beer and wine in conjunction with the operation of a bona fide restaurant; and

WHEREAS, Section 17.42.110 of the Lancaster Municipal Code establishes performance standards for alcohol establishments; and

WHEREAS, Section 17.42.130.C of the Lancaster Municipal Code allows the Planning Commission to set a public hearing to consider revocation of a conditional use permit for an alcoholic beverage establishment for noncompliance with said performance standards contained in said Section 17.42.110; and

WHEREAS, notice of intention to hold a public hearing to consider the revocation of Conditional Use Permit No. 08-08 was given as required in Chapter 17.36 and Section 17.32.920 of the Lancaster Municipal Code; and

WHEREAS, staff has performed necessary investigations, prepared a written report, and recommended revocation of Conditional Use Permit No. 08-08 based upon the available evidence; and

WHEREAS, public notice was provided as required by law and a public hearing was held on May 16, 2011; and

WHEREAS, this Commission hereby adopts the following findings in support of the revocation of Conditional Use Permit No. 08-08, based upon the referenced Exhibits attached hereto and incorporated herein as part of Resolution No. 11-06:

1. The applicant requested, received approval for, and acknowledged and accepted that Conditional Use Permit No. 08-08 allows the sale of alcohol in conjunction with the operation of a bona fide restaurant (Exhibits A, B, C, and D). The City has substantial evidence, including Exhibits G, H, and J, that the business is being operated and advertised as a nightclub within the definition contained in Section 17.42.020 of the Lancaster Municipal Code. This substantiates noncompliance with Sections 17.42.110.A and B.
2. The applicant is in violation of Condition Nos. 6, 8, 11 of Conditional Use Permit No. 08-08 (Exhibit B), based on the written report of the State ABC investigation (Exhibit H), because no printed menu was provided or available, sales of alcoholic beverages

did not occur in conjunction with the sale of food, and loitering was occurring on and around the premises. This substantiates noncompliance with Section 17.42.110.C of the Lancaster Municipal Code.

3. The applicant is in violation of several conditions contained in the State ABC license for the premises, including sales of alcohol not being made in conjunction with the sale of food, loitering on or around the premises occurring, and entertainment being audible outside of the area under the control of the licensee, as documented in Exhibit H. This substantiates noncompliance with Section 17.42.110.B of the Lancaster Municipal Code.
4. The premises was expanded for use by the public, and alcoholic beverages served and consumed in the expanded area without receiving a review for possible amendment of Conditional Use Permit No. 08-08 (violation of Standard Condition No. 36, Exhibit B), proper building permits or fire safety inspections as required by the Lancaster Municipal Code and applicable building codes, or having proper license from the State ABC for a modified premises as documented in Exhibits H and I. This substantiates noncompliance with Section 17.42.110.B and C of the Lancaster Municipal Code.
5. The premises has generated a significant amount of Sheriff's Department service calls as documented in Exhibit K. Although the City has not taken formal action under Chapter 8.52 of the Lancaster Municipal Code, the premises can be defined as a chronic nuisance property under Section 8.52.030, because it has generated five or more calls for service in a 12-month period of time. This substantiates noncompliance with Section 17.42.110.A of the Lancaster Municipal Code.
6. The chronology of the operation of the business as contained in the staff report and substantiated in the attached Exhibits, establishes a consistent pattern of violations of both City of Lancaster and State of California ABC regulations that warrant revocation of Conditional Use Permit.

PC Resolution No. 11-06
Revocation of Conditional Use Permit No. 08-08
May 16, 2011
Page 3

NOW, THEREFORE, BE IT RESOLVED:

This Commission based on the evidence presented and the findings contained herein, hereby revokes Conditional Use Permit, effective ten (10) working days from the date of this resolution, pursuant to Section 17.32.950 of the Lancaster Municipal Code.

PASSED, APPROVED and ADOPTED this 16th day of May 2011, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster

EXHIBIT "A"

Revocation of Conditional Use Permit No. 08-08

May 16, 2011

CITY OF LANCASTER
PLANNING DEPARTMENT
44933 Fern Avenue
Lancaster, California 93534
(661) 723-6100

Case No. CUP 0808

CONDITIONAL USE PERMIT APPLICATION

EUGENIO GONZALEZ
Name of Applicant (please print)

42326 BRITTLE BUSH DR. LANCASTER, CA. 93536 323 445-4081
Address City State Zip Code Phone Number Fax
Number 810-1274

JOE A. MORENO
Name of Engineer/Architect

12106 LAMBERT AVE. EL MONTE CA. 91732 626 3505944 626 350-1532
Address City State Zip Code Phone Number Fax
Number

1009-11 W. AVENUE I.
Location of Project (address or vicinity)

THE BAMBOO RESTAURANT
Name of Proposed Project

C3 Existing Zoning 3120-029-020 Assessor's Parcel Number

(The answers to the following must be made complete and full.)

1. GIVE EXACT LEGAL DESCRIPTION OF PROPERTY. Use extra sheet if necessary.

SEE ATTACHED

2. A HEARING IS BEING REQUESTED TO DETERMINE THE LAND USE PROPERTY RIGHT OF THE APPLICANT SINCE:

A. THE ZONE OR THE PROPOSED USE IN THIS ZONE REQUIRES A CONDITIONAL USE PERMIT. (State why the use should be considered for this location.)

SEE ATTACHED

Reference Case No. _____

Received by J.P.

Date filed 5-1-08

~~add a CUP~~
~~draft club~~

- B. SUCH USE WILL NOT BE MATERIALLY DETRIMENTAL TO THE PUBLIC WELFARE NOR THE PROPERTY OF OTHER PERSONS LOCATED IN THE VICINITY THEREOF BECAUSE:(State in detail why the use of property requested will not be detrimental to the surrounding community.)

SEE ATTACHED

3. USE APPLIED FOR: (Describe in detail the nature of the business, occupation or purpose for which the building, structure, improvement, or premises are to be used and what is to be done on or with the property in the way of additional improvements.)

SEE ATTACHED

4. Indicate other permits and approvals secured in compliance with the provisions of other applicable ordinances.

SEE ATTACHED

NOTE: See instructions as to the preparation of site plans, elevations, or other data or information pertinent to this particular request.

LEGAL DESCRIPTION
1009-11 AVE I, LANCASTER, CA.
3120-029-020

TRACT # 17868 LOT COM AT NE COR OF LOT 80 TH S ON E LINE OF SD LOT 255
FT TH N 89/39'48" W 135 FT TH S 0/46'33" E 125 FT TH W ON S LINE OF SD LOT
223.50 FT TH N 0/20'12" E TO N LINE OF SD LOT IN THE COUNTY OF LOS
ANGELES

CONDITIONAL USE PERMIT

1009-11 AVE. I, LANCASTER, CA

2A. A CONDITIONAL USE PERMIT IS REQUIRED WHEN THE SALES OF ALCOHOL IS REQUESTED ALONG WITH A PERMITTED USE. WE WISH TO OFFER OUR CUSTOMERS THE OPTION OF BEER OR WINE IN OUR MENU FOR OUR RESTAURANT AND LIVE MARIACHI ENTERTAINMENT FOR EVENING DINING AND SUNDAY BRUNCH. THE RESTAURANT WILL OFFER SEA FOOD AND MEXICAN CUISINE, SPECIALIZING IN PARRILLADAS. THE USE IS CONSISTENT WITHIN THE ZONE OF THE SITE AND IS IN AN ESTABLISHED RETAIL CENTER ALONG THE COMMERCIAL CORRIDOR ON AVE. I. THE TENANT SPACE WAS A RESTAURANT AND WILL BE UNDER NEW OWNERSHIP AND MANAGEMENT.

2B. THE RESTAURANT USE IS AN ALLOWABLE USE AT THIS LOCATION, THE SALES OF BEER AND WINE AND ENTERTAINMENT WILL ALLOW THE CONVENIENCE AND COMFORT TO OUR CUSTOMERS TO ENJOY A FINE MEAL WITH A BEVERAGE OF CHOICE IN A RELAXED ATMOSPHERE. THE CENTER AND ALL UNITS ARE ORIENTED TO THE BUSY 100' AVE. I HIGHWAY AND WILL PROVIDE A LOCATION FOR LOCAL RESIDENTS AND BUSINESS PEOPLE TO EASILY FREQUENT. THE COMMERCIAL CENTER IS BUFFERED TO THE RESIDENTS TO THE NORTH BY THE REAR MASONRY WALL OF THE STRUCTURE, THE 20 FT PAVED EMPLOYEE PARKING, A 20 FT. ALLEY AND THE REAR YARD ORIENTATION OF THE RESIDENCES AND THEIR GARAGES ALONG THE ALLEY. THERE ARE NO SENSITIVE USES (CHURCHES, SCHOOLS, PARKS) WITHIN 1000 FT. OF THE SITE. THE RESTAURANT WILL BE AN ASSET TO THE COMMUNITY PROVIDING A NEEDED DINING OPTION. THE USE AT THIS LOCATION WILL NOT BE DETRIMENTAL TO THE WELFARE OF THE COMMUNITY IN ANY WAY.

3. THE PROPOSED USE IS TO PROVIDE A FAMILY RESTAURANT SERVING SEAFOOD AND MEXICAN CUISINE, SPECIALIZING IN PARRILLADAS. WE WISH TO OFFER WINE AND BOTH DOMESTIC AND IMPORTED BEER TO ENJOY WITH MEALS IF DESIRED. DURING EVENING MEALS AND FOR SUNDAY BRUNCH WE WISH TO PROVIDE TRADITIONAL MARIACHI ENTERTAINMENT FOR OUR CUSTOMERS LISTENING ENJOYMENT. THE RESTAURANT WILL BE OPEN 7 DAYS A WEEK AND WILL OPEN FOR BREAKFAST TO LATE NIGHT DINING AND RELAXATION. THE EXISTING RESTAURANT WILL BE IMPROVED WITH NEW SEATING, NEW KITCHEN EQUIPMENT AND DÉCOR TO COMPLEMENT THE NEW MENU. THERE WILL BE NO STRUCTURAL CHANGES TO THE EXISTING RESTAURANT OR SITE. THE CONCEPT IS TO PROVIDE A FAMILY TYPE RESTAURANT FOR THE COMMUNITY TO ENJOY. THE RESTAURANT WILL BE CLEAN, SAFE AND AVAILABLE FOR CIVIC ORGANIZATIONS TO USE AS WELL.

SFR's

Hours

CONDITIONAL USE PERMIT CONT'D

1009-11 AVE. I, LANCASTER, CA

4. ALONG WITH THE C.U.P. FOR ON SITE SALES OF BEER AND WINE AND LIVE ENTERTAINMENT IN CONJUNCTION WITH THE FULL MENU RESTAURANT SERVICE, WE WILL ACQUIRE THE APPROPRIATE LICENSES FROM THE STATE DEPARTMENT OF ALCOHOL BEVERAGE CONTROL AND THE LOS ANGELES COUNTY DEPARTMENT OF PUBLIC HEALTH. WE WILL SECURE THE APPROPRIATE OCCUPANCY AND BUILDING SAFETY PERMITS.

CONDITIONAL USE PERMIT
JUSTIFICATION STATEMENT
1009-11 AVE. I, LANCASTER, CA

1. THE EXISTING RESTAURANT WILL OPERATE UNDER NEW OWNERSHIP AND MANAGEMENT FOR THE CONVENIENCE OF THE LOCAL COMMUNITY. IT IS ESSENTIAL THAT CITIZENS HAVE THE OPTION OF A CLEAN AND SAFE FAMILY RESTAURANT IN THEIR COMMUNITY AND NOT HAVE TO TRAVEL LONG DISTANCES OR OUTSIDE OF THE CITY LIMITS TO ENJOY THOSE SERVICES. THE SITE IS AN EXISTING RETAIL CENTER ALONG THE BUSY COMMERCIAL CORRIDOR OF AVE I AND ADJACENT RESIDENTS, WHO IT WILL SERVE CONVENIENTLY.

2. THE USE IS AN APPROVED TYPE USE WITH C.U.P. APPROVAL NEEDED FOR THE REQUEST OF ON SITE SALES OF BEER AND WINE TO ENJOY WHILE DINING AND LISTENING TO OCCASIONAL LIVE MARIACHI ENTERTAINMENT. THE USE IS APPROPRIATE IN THIS ZONE AND WILL BE AN ASSET TO THE CENTER TO DIVERSIFY THE USES PROVIDED. THE USE WILL PROVIDE NEEDED OPTIONS FOR DINING TO THE LOCAL COMMUNITY AND WILL PROMOTE A MORE POSITIVE ENVIRONMENT IN THE VICINITY, ADDING TO THE WELFARE OF PERSONS AND PROPERTIES BY NATURE OF REVITALIZATION.

3. ALL SERVICES WILL BE CONDUCTED WITHIN THE INTERIOR OF THE BUILDING. THE REAR FACING DOOR IS FOR EMERGENCY ACCESS AND DAYTIME DELIVERY ONLY AND WILL BE ALARMED TO ENSURE IT WILL NOT BE USED OTHERWISE. ALL KITCHEN EQUIPMENT WILL BE REGULARLY INSPECTED AND HOOD VENTS SERVICED FREQUENTLY. ENTERTAINMENT IS PROPOSED AT THE FRONT PORTION OF THE RESTAURANT ALMOST 100 FT AWAY AND SEPARATED BY ADJACENT ROOMS TO THE REAR SOLID MASONRY EXTERIOR WALL, ENSURING SOUNDS WILL NOT BE HEARD. A FAMILY RESTAURANT SETTING IS PROPOSED AND A STRICT POLICY FOR CONDUCT WILL BE ENFORCED.

4. THE PROPOSED RESTAURANT USE WILL HELP TO PROMOTE REVITALIZATION TO THIS CENTER AND AREA. THE TYPE AND STYLE OF BUSINESS CAN FUNCTION IN A STAND ALONE SETTING OR WITHIN A COMMERCIAL CENTER AS THIS. NEW DEVELOPMENT OF ANY TYPE WILL BE ENHANCED BY THE PROXIMITY OF THIS TYPE OF USE, WHETHER IN A STRICTLY COMMERCIAL SETTING OR MIXED USE FACILITY. THE USE IS ONE THAT NOT ONLY RESIDENTS WILL ENJOY BUT WORKING PROFESSIONALS AND BUSINESS PERSONS REQUIRE.

CONDITIONAL USE PERMIT-CONT'D
JUSTIFICATION STATEMENT
1009-11 AVE. I, LANCASTER, CA

5. THE RESTAURANT (CHANGE OF OWNERSHIP AND MANAGEMENT) WILL NOT CHANGE PHYSICALLY AND WILL NOT ADD ANY NEW OR ADDITIONAL BURDENS TO THIS CENTER. THE NEED TO PROMOTE NEW AND VIABLE BUSINESS' TO THE AREA IS IMPORTANT, ESPECIALLY IN EXISTING CENTERS TO DETOUR BLIGHT AND VACANCY. THE SITE HAS ITS ESTABLISHED PARKING AND ACCESS POINTS AND WAS DESIGNED TO ACCOMMODATE THE TRAFFIC ASSOCIATED WITH IT. NO NEW AREA IS BEING PROPOSED OR ADDITIONAL NEED FOR PARKING ACCOMMODATIONS. THE ADJACENT STREETS ARE LARGE AND CAN CONTINUE TO ACCEPT ANY TRAFFIC FROM THIS CENTER THAT WAS PLANNED FOR WHEN DEVELOPED.

6. THE APPLICANT WILL OPERATE THE RESTAURANT. IT WILL BE A FAMILY OPERATED RESTAURANT WITH EUGENIO GONZALES MANAGING ALL ASPECTS OF THE BUSINESS.

EXHIBIT "B"

Revocation of Conditional Use Permit No. 08-08

May 16, 2011

PLANNING COMMISSION

AGENDA ITEM: 6.

ACTION Approved (6-0-0-1)
Commissioner Ervin absent

DATE: 09-15-08

STAFF REPORT

CONDITIONAL USE PERMIT NO. 08-08

DATE: September 15, 2008

TO: Lancaster Planning Commission

FROM: Planning Department *BL*

APPLICANT: Eugenio Gonzalez

LOCATION: 1009-1011 West Avenue I

REQUEST: A Conditional Use Permit to establish a restaurant within an existing commercial building that is classified as a "primary on-sale alcoholic beverage establishment" (Type 41) and includes live entertainment in the Commercial Zone

RECOMMENDATION: Adopt Resolution No. 08-25 approving Conditional Use Permit No. 08-08.

BACKGROUND: There have been no prior hearings before either the City Council or the Planning Commission concerning this property.

GENERAL PLAN DESIGNATION, EXISTING ZONING AND LAND USE: The subject location is designated C (Commercial) by the General Plan and is zoned C (Commercial), and is developed as an existing 5,000 square foot suite. The General Plan designation, zoning, and land use of the surrounding properties are as follows:

	<u>GENERAL PLAN</u>	<u>ZONING</u>	<u>LAND USE</u>
NORTH	MR1	MDR	Single family residential
EAST	Commercial	C	Commercial Center
SOUTH	Commercial	C	Restaurant
WEST	Commercial	C	Commercial Center

PUBLIC IMPROVEMENTS: The site is located at 1009-1011 West Avenue I which is improved with three travel lanes in each direction. All utilities are available 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 to 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, Eugenio Gonzalez, is requesting a conditional use permit to locate a restaurant within an existing commercial building that is classified as a "primary on-sale alcoholic beverage establishment" (Type 41) and includes live entertainment. A conditional use permit is required for a "primary on-sale alcoholic beverage establishment" and for live entertainment. Access is provided from an existing driveway from 10th Street West and Avenue I. The sale of alcoholic beverages would be limited between the hours of 11:00 a.m. to 12:00 am Sunday through Thursday and between 11:00 am to 1:00 a.m. Friday through Sunday.

The Lancaster Municipal Code Section 17.42.020. states: "bona fide restaurant" shall mean a business enterprise which is conducted, or proposed to be conducted, in compliance with the following requirements:

- A. The issuance by ABC of a Type 41 or a Type 47 license;
- B. A kitchen and a dining area that constitute permanent and identifiable portions of the business premises where meals are prepared by the establishment for consumption on the premises during all hours the establishment is open for business;
- C. A printed menu which is made available to patrons by a server for the purpose of ordering meals;
- D. Not less than fifty-one percent of the business enterprise is derived from the sale of food and non-alcoholic beverages;
- E. At least one full-time cook is engaged by the business enterprise to prepare meals for patrons on the premises during the permissible hours of operation.
- F. There shall be no drinking contests or other similar activities.

Based on the floor plan and discussions with the applicant, the project meets the definition of a "bona fide restaurant".

Previously, the suite was a bar with an on-sale alcohol license (Type 41). The applicant is merely renewing the on-sale alcohol license, and is changing the use from a bar to a restaurant with live entertainment. The alcohol license (Type 41) would allow the renewed sale of beer and wine. Additionally, the restaurant would provide mariachi and trio bands, as well as salsa type dance lessons.

PC Staff Report
Conditional Use Permit No. 08-08
September 15, 2008
Page 3

The subject property is located in an over concentrated area but not in a high crime reporting district. The approval of the continued sale of beer and wine will require a finding of public convenience and necessity. This request is not an increase in the number of licenses but merely a renewal of a cancelled license. The Lancaster Sherriff's Department conducted an investigation and, based on the investigation and the applicants' agreement to the conditions, was not opposed to the issuance of the Condition Use Permit. In addition, the Alcoholic Beverage-Control Board had no negative reports for the former establishment.

The restaurant is considered a bona fide restaurant per Section 17.42.040 of the Municipal Code; therefore; distance separation requirements are not applicable. The project has been conditioned to comply with the requirements of Section 17.42.070 as well as added conditions.

Staff is recommending approval of the proposed restaurant with on-sale alcohol and live entertainment because, with added conditions, it will not adversely affect nearby residences. The alcohol sales are related to the function of the proposed use, and the live entertainment request provides a unique dining experience to this area of Lancaster.

Respectfully submitted,



Christopher Aune, Assistant Planner

cc: Applicant
Engineer

RESOLUTION NO. 08-25

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

WHEREAS, a conditional use permit has been requested by Eugenio Gonzalez, to establish a restaurant with primary on-sale of alcoholic beverages (Type 41) and live entertainment in an existing 5,000 square-foot suite in a commercial center located at 1009-1011 West Avenue I, 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 and chapter 17.42 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 September 15, 2008; and

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

1. The proposed restaurant with primary on-sale of alcoholic beverages (Type 41) and live entertainment, located in an existing 5,000 square-foot suite will be in conformance with the General Plan land use designation of Commercial.
2. The proposed restaurant with primary on-sale of alcoholic beverages (Type 41) is located in the Commercial zone which permits alcoholic beverages to be sold, served or given away for on-sale or off-sale consumption, and live entertainment with a conditional use permit.
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 existing building entrance faces the parking lot, buffers the residential use to the north with a 20-foot-wide alley and a block wall, and the hours for the sale of alcohol would be limited to the hours of 11:00 a.m. to 12:00 am Sunday through Thursday and between 11:00am to 1:00 a.m. Friday through Sunday.
 - 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. The proposed buildings are of a height compatible with the height limits of the commercial 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 use will not adversely affect nearby residents and facilities primarily devoted to use by children, families, and the general public, after giving consideration to the distance or proximity of the proposed alcoholic beverage establishments to residential districts, schools (public or private), day care centers, public parks, playgrounds and other recreational facilities, churches, or other places of religious worship, hospitals, clinics or health care facilities; because in this case the proposed use is considered a bona fide restaurant and is therefore exempt from the distance requirement; and
5. The proposed restaurant with primary on-sale of alcoholic beverages (Type 41) serves the public convenience and necessity based on all factors outlined in Section 17.42.060 of the Municipal Code.
6. The overall site is adequate in size and shape to accommodate the building setback, 25 parking spaces, and 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.
7. The proposed site is adequately served:
 - a. By Avenue I and 10th Street West, which is of sufficient width and improved to carry the anticipated daily vehicle trips such use would generate; and
 - b. By other public or private service facilities, including sewer, water, fire, and police services as required.
8. The proposed use will not result in a significant effect on the environment because all potential impacts have been found to not be significant as noted in the environmental review section of the staff report prepared for this project.
9. There is a need for the proposed commercial project to serve the immediately adjacent area because the project can serve the area with additional dining uses not currently available in this area.

NOW, THEREFORE, BE IT RESOLVED:

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

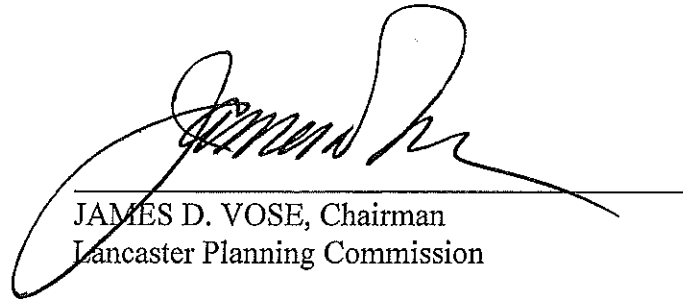
PASSED, APPROVED and ADOPTED this 15th day of September 2008, by the following vote:

AYES: Commissioners Burkey, Haycock, Jacobs and Malhi, Vice Chair Smith, Chairman Vose.

NOES: None.


ABSTAIN: None.

ABSENT: Commissioner Ervin.



JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:



BRIAN S. LUDICKE, Planning Director
City of Lancaster

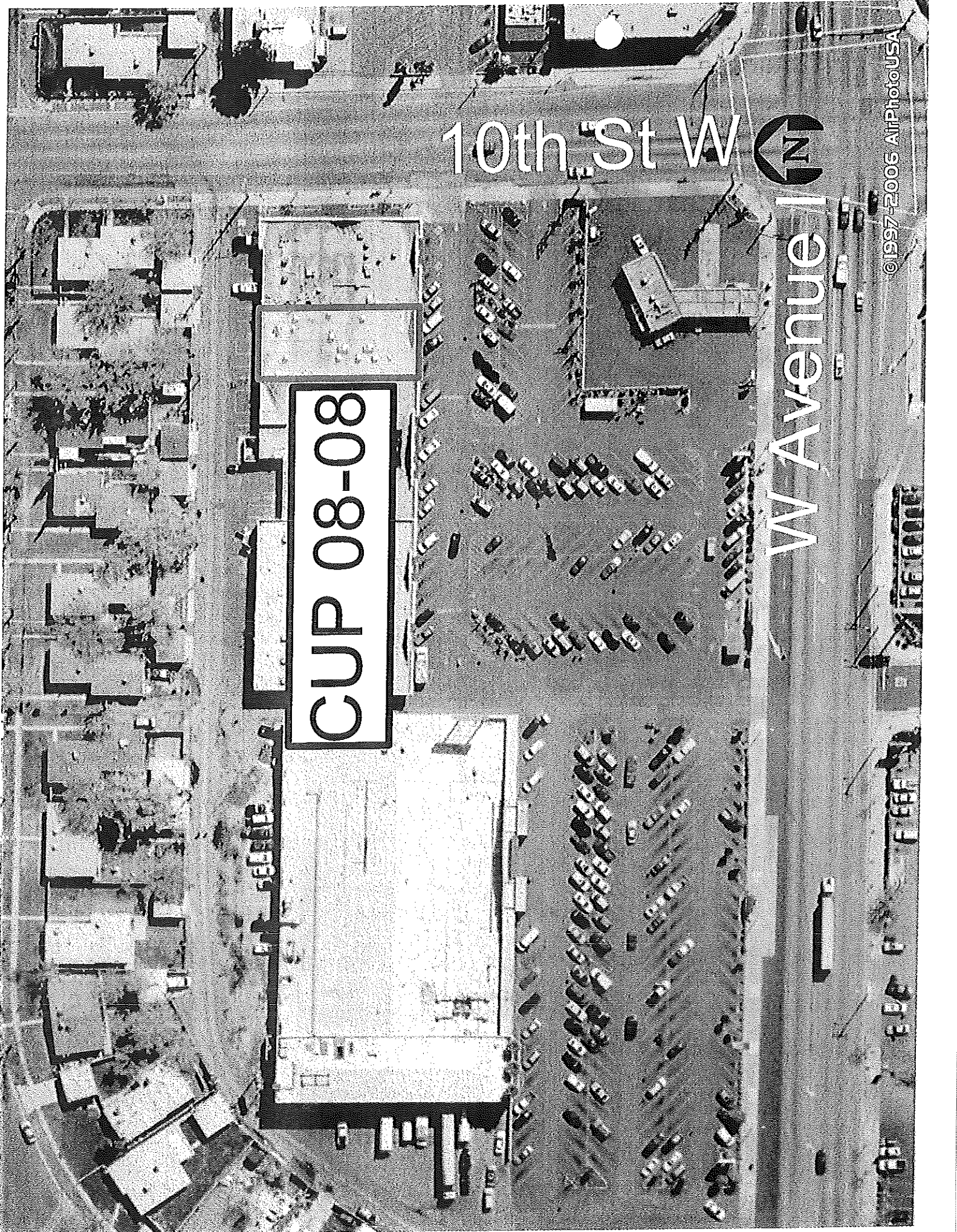
CUP 08-08

10th St W



W Avenue I

©1997-2006 AirPhotoUSA



ATTACHMENT TO PC RESOLUTION NO. 08-25
CONDITIONAL USE PERMIT NO. 08-08
CONDITIONS LIST
September 15, 2008

GENERAL ADVISORY

1. All standard conditions as set forth in Planning Commission Resolution Number 06-16 for Conditional Use Permits shall apply except for Condition Nos. 5, 7-9, 11-24, 29, 31, 32, 37, 38, 39.

ADDED CONDITIONS

2. A copy of the conditions of approval for the conditional use permit must be kept on the premises of the establishment, and be presented to the City of Lancaster of Los Angeles County Sheriff's personnel upon request.
3. Per the direction of the Planning Director, the applicant shall comply with Lancaster Municipal Code Sections 17.42.070 (Mandatory Conditions of Approval for On-Sale Alcohol Beverage Establishments), except for Section 17.42.070.F to be replaced with "The sale of alcoholic beverages shall be limited between the hours of operation which would be between the hours of 11:00 a.m. to 12:00 am Sunday through Thursday and between 11:00 am to 1:00 a.m. Friday through Sunday." Any reference to beer and wine shall apply to all alcoholic beverages.
4. The business shall employ not less than one full-time cook that is engaged in the preparation of meals for patrons during the permissible hours of operation.
5. The premises will have an operable kitchen, and a dining area that constitute permanent and identifiable portions of the business.
6. The premises shall provide a printed menu, containing an assortment of foods, to patrons by a server for the purpose of ordering meals.
7. Not less than fifty-one percent of the business enterprise shall be derived from the sale of food and non-alcoholic beverages. The business owner shall at all times maintain records, which reflect separately the gross sale of food and the gross sales of alcoholic beverages. Said records shall be kept no less frequently than on a quarterly basis, and shall be made available to the City of Lancaster, the Department of Alcoholic Beverage Control, or the Los Angeles County Sheriff's Department on demand.
8. At all times when the premises is open for business, the sale of alcoholic beverages shall be made only in conjunction with the sale of food to the person ordering the beverage.
9. There shall be no pool tables in the premises.

10. There shall be no payphones maintained on the exterior of the premises.
11. Loitering shall be prohibited on or around the premises or the area under control of the owner.
12. The applicant shall provide on-site monitoring by staff to prevent loitering during business hours.
13. The Planning Director shall periodically review the site for conformance with the Municipal Code.

RESOLUTION NO. 06-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF LANCASTER, CALIFORNIA, ADOPTING CERTAIN
STANDARDIZED CONDITIONS OF APPROVAL FOR
CONDITIONAL USE PERMITS

WHEREAS, the Planning staff presented to the Planning Commission a list of thirty-nine (39) conditions which are applied to Conditional Use Permits when they are approved by said Commission; and

WHEREAS, the staff explained to the Commission that since these are standard conditions for almost all use permits, it might be more appropriate to adopt them by resolution for reference purposes as it would save staff time in preparing the reports and Commission time in hearing said reports; and

WHEREAS, it was further explained by staff that adoption of these standard conditions and incorporating by reference would be a more efficient and consistent approach to applying said conditions to the use permits approved by the Commission; and

WHEREAS, after discussion, it was the consensus of the Commission that it would be in the best interest of all concerned that the above-mentioned conditions of approval be adopted by resolution and referred to by resolution number for all Conditional Use Permits;

NOW, THEREFORE THE LANCASTER PLANNING COMMISSION DOES HEREBY RESOLVE, DETERMINE, AND FIND AS FOLLOWS:

The Planning Commission hereby establishes the following conditions of approval as standard conditions to be used by reference in conjunction with all Conditional Use Permit approvals.

1. Unless otherwise indicated herein, the development of the site shall be in substantial conformance with approved site plans on file in the Planning Department.
2. All requirements of the Municipal Code and of the specific zoning of subject property must be complied with unless otherwise set forth in the permit or shown on the approved plot plan.
3. The applicant shall contact the City of Lancaster Fire Warden to determine improvements that may be required to protect the property from the fire hazard and shall provide and install at his expense such improvements as may be deemed necessary by the Fire Warden. Fire protection improvements shall be completed to the satisfaction of the Public Works Director prior to certification of completion and occupancy of the subject buildings.
4. Three (3) copies of a signage plan shall be submitted for approval of the Planning Director at the time of building plan issuance. Such plan shall be comprehensive and

shall include: location, height, square footage, method of attachment, construction materials, and colors of each sign proposed to be placed on the site.

5. The following items/plans shall be submitted to the Public Works Department, which shall route them to the Planning Department for concurrent review and approval prior to issuance of permits:
 - a. Lighting Plan: Such plan shall include decorative, directional, and security lighting. Such lighting shall be directed away or shielded from neighboring properties.
 - b. Building Plan: Such plan shall demonstrate adherence to design elements approved by the Planning Commission including but not limited to: building elevations (all sides), construction materials and colors, and the method of screening rooftop equipment.
 - c. Grading Plan: Such plan shall show height of finished building pads in addition to walls, berming and/or contour mounding if such features are approved by the Planning Commission.
 - d. Landscape Plan: Landscape plans shall be prepared in accordance with Ordinance No. 629 and submitted to the Planning Department, along with required plan check fees, for review and approval prior to the installation of landscaping or irrigation systems. Such plan must be approved prior to issuance of permits. Such plan is to be incorporated into development of the site and shall show size, type, and location of all plants, trees, and irrigation facilities.
 - e. Trash Enclosure Plan: Such plan shall show location, design, construction materials, and color of materials and shall be in accordance with such plans contained within the residential development guidelines.
6. All necessary permits shall be obtained from the Building and Safety Division of the Public Works Department prior to any construction, remodeling, or replacement of buildings or other structures.
7. The applicant is hereby advised that this project is subject to development fees at the time of building permit issuance, including, but not limited to, the following as applicable: 1) L.A. Co. Residential Sewer Connection Fee; 2) Interim School Facilities Financing Fee; 3) Installation or Upgrade of Traffic Signals Fee; 4) Planned Local Drainage Facilities Fee; 5) Dwelling Unit Fee; 6) Traffic Impact Fees; and 7) Urban Structure Fee (Park Development Fee, Administrative Office Fee, Corporate Yard Fee, Operations Impact Fee, etc.)

8. An encroachment permit shall be obtained from the Public Works Department prior to doing any work within the public right-of-way.
9. Per the direction of the Public Works Director, construct ADA "walk arounds" at all driveways to the specifications of the Public Works Director and install ADA curb ramps at all intersection.
10. All construction and/or installation of improvements shall be undertaken to the specifications of the City of Lancaster Municipal Code.
11. Per direction of the Public Works Director, comply with City Municipal Code, Chapter 13.20 Article II, entitled Installation/Relocation for New/Expanded Development of Overhead Utilities.
12. If determined necessary by the Public Works Director, testing of the existing pavement section is to be performed prior to submitting street plans for plan checking. The minimum allowable structural section will be per the City requirement or the soil test recommendation whichever is greater based on the City's Traffic Index for the street. Removal and reconstruction of the street centerline may be necessary to meet the required structural section.
13. Street grades shall meet the specifications of the Public Works Department.
14. Per the direction of the Public Works Director, the asphalt surface course for all arterial streets shall be constructed with rubber modified asphalt. The type of rubber modified asphalt shall be as specified by the City and shall be determined in final design.
15. Per the direction of the Public Works Director, a Dust Control Plan shall be prepared and submitted to the Antelope Valley Air Quality Management District (AVAQMD) in accordance with Rule 403 of the AVAQMD. An approved copy of the Dust Control Plan shall be submitted to Public Works prior to issuance of a grading permit within the City for residential projects of 10 acres or larger and for commercial/industrial projects of 5 acres or larger. In lieu of an approved plan, a letter waiving this requirement shall be submitted.
16. Per the direction of the Public Works Director, the Developer shall install a conduit pull rope, and pull boxes along regional, primary, and secondary arterials to the nearest arterial intersection to be used for future Traffic Signal Communication Interconnect. The interconnect system shall be installed in accordance with the specifications approved by the Traffic Section.

17. The project shall comply with the Best Management Practices (BMPs) of the National Pollutant Discharge Elimination System (NPDES) and all NPDES Permit Requirements.
18. Per the direction of the Public Works Director, install a clarifier or other BMP to treat first flush.
19. Per the direction of the Public Works Director, if the project is located in Flood Zone AO (1), elevate the building one foot above the highest adjacent grade.
20. Mitigate onsite nuisance water and developmental storm water runoff to the satisfaction of the Public Works Director.
21. Box culverts or other structures acceptable to the Public Works Director are required at all intersections with arterial streets to eliminate nuisance water from crossing the streets above ground. (No cross gutters allowed).
22. Prior to occupancy, the property shall be annexed into the Lancaster Lighting District.
23. Prior to occupancy, the property shall be annexed into the Lancaster Drainage Maintenance District.
24. Street lights are required per adopted City ordinance or policy.
25. The applicant is hereby advised that the use of any signs, strings or pennants, banners or streamers, clusters of flags and similar attention-getting devices are prohibited, except where there has been prior approval from the Planning Department.
26. If any provision of this permit is held or declared to be invalid, the permit shall be void, and the privileges granted hereunder shall lapse.
27. It is further declared and made a condition of this permit that if any condition hereof is violated, or if any law, statute, or ordinance is violated, the permit shall be suspended and the privileges granted hereunder shall lapse provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
28. Prior to occupancy of any buildings or structures, the permittee shall request, not less than forty-eight (48) hours in advance, that on-site inspection be made by the Planning Department to verify that development of the property has occurred in consonance with conditions as enumerated in this permit.
29. Landscape materials, once approved, shall be maintained in perpetuity.

30. This Conditional Use Permit must be used within two (2) years from the date of approval, the Conditional Use Permit will expire. The applicant may, not less than sixty (60) days prior to the expiration date, request a one (1) year extension in writing to the Planning Director. Modifications to the plan, including timing of on and off site improvements that do not raise significant new issues or extend the overall time frame beyond the approval period may be approved by the Planning Director.

NOTE: Issuance of building permits, installation of off-site improvements, and grading of the site do not constitute "use" of the conditional use permit. Under the Zoning Ordinance, construction or other development authorized by the conditional use permit must have commenced. Generally, the City requires that the slab of a major building in the project be poured and inspected in order to consider the permit used, although the circumstances of each case may vary depending on the land use involved.

31. If the project is developed in phases, undeveloped portions of the site shall not contribute to blowing debris, dirt or dust.
32. If the project is developed in phases, all the development requirements shall be met for each phase including parking, landscaping, trash enclosures, drainage, etc.
33. The applicant shall be responsible for notifying the Planning Department in writing of any change in ownership, designation of a new engineer, or a change in the status of the developer, within thirty (30) days of said change.
34. The Planning Director shall execute the necessary documents to ensure the recording of this permit with the County Recorder's Office.
35. This conditional use permit will not be effective until ten (10) working days after the date upon which it is granted by the Planning Commission and until the applicant has executed and returned to the Planning Department an authorized acceptance of the conditions of approval applicable to said permit.
36. Expansion or intensification of the use beyond the approval specified herein would require subsequent review and possible application for amendment. The Planning Director is authorized to approve modifications to the site plan provided such modifications do not substantially change the intent of the approved use, avoid issues raised at the public meeting, or raise new issues not previously addressed.
37. Pursuant to Section 65089.6. of the Government Code, the project will be subject to the Congestion Management Plan (CMP) mitigation requirements, including mitigation fees.

38. Per the direction of Planning, a Phase I Cultural Resource Study is required for any off-site area which will be disturbed by the development, such as staging areas and turn-arounds not covered by the Cultural Resource Study, or all work shall be conducted on the site by installation of a fence to determine limits of development.
39. Prior to the issuance of a grading permit, the applicant agrees to pay a fee to the City of Lancaster in the sum of \$770.00 per gross acre, to be held in the biological mitigation fund as established by the City Council. Additionally, should the applicant be required to pay mitigation fees under the California Department of Fish and Game, these fees can be deducted from the amount collected by the City of Lancaster. Said fee shall be submitted to the Planning Department.

PASSED, APPROVED AND ADOPTED this 21st day of February, 2006, by the following vote:

AYES: Commissioners Baldus, MacPherson and Salazar; Vice Chairman Mann;
Chairman Smith

NOES: None

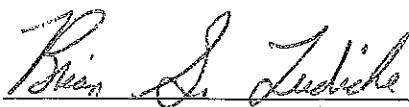
ABSTAIN: None

ABSENT: None



RONALD D. SMITH, Chairman
Lancaster Planning Commission

ATTEST:



BRIAN S. LUDICKE, Planning Director
City of Lancaster

NOES: None.
ABSTAIN: None.
ABSENT: Commissioner Ervin.

6. **Conditional Use Permit No. 08-08**

Chairman Vose opened the public hearing at 6:10 p.m. to hear a request by Eugenio Gonzalez for a Conditional Use Permit to establish a restaurant within an existing commercial building that is classified as a "primary on-sale alcoholic beverage establishment" (Type 41) and includes live entertainment in the Commercial Zone, located at 1009-1011 West Avenue I.

The reading of the staff report was waived since a letter of agreement to the conditions of approval as stated in the staff report was submitted and there were none in the audience who wished to speak in opposition to the request.

Rene Guzman, applicant's representative, stated that they are in concurrence to the conditions as stated in the staff report, and that the applicant spent \$40,000 on the interior and exterior remodeling.

Chairman Vose closed the public hearing at 6:12 p.m.

It was moved by Commissioner Mahli and seconded by Vice Chair Smith to adopt Resolution No. 08-25 approving Conditional Use Permit No. 08-08 Motion carried with the following vote:

AYES: Commissioners Burkey, Haycock, Jacobs and Malhi, Vice Chair Smith and Chairman Vose.
NOES: None.
ABSTAIN: None.
ABSENT: Commissioner Ervin.

7. **Conditional Use Permit No. 08-13**

Chairman Vose opened the public hearing at 6:13 p.m. to hear a request by Danny Fiarella (Giovanni's Italian Deli and Delights) for a Conditional Use Permit to allow for the on-site sale and consumption of alcohol, (Type 41, sale of beer and wine for a bona fide restaurant) in the LI Zone, located at 42035 10th Street West, Unit #105, Lancaster (northwest corner of 10th Street West and Avenue M).

A letter of agreement to the conditions of approval as stated in the staff report was submitted. Chairman Vose stated that he had questions; therefore, Brian Ludicke asked for the staff report to be presented by Silvia Donovan.

Chairman Vose noted that from the site plan, on the north side of building, there appears to be five sets of double doors facing east, and a series of tables appearing to be blocking access, which to him seemed odd. When staff analyzed the project, the parking requirement calculation was based not on seating but on the square-footage of the building. Silvia Donovan responded

EXHIBIT "C"

Revocation of Conditional Use Permit No. 08-08

May 16, 2011



R. Rex Parris	Mayor
Ronald D. Smith	Vice Mayor
Ken Mann	Council Member
Sherry Marquez	Council Member
Ed Sileo	Council Member
Mark V. Bozigian	City Manager

September 16, 2008

Eugenio Gonzalez
42326 Brittle Bush Drive
Lancaster, CA 93536

**Re: AFFIDAVIT OF ACCEPTANCE OF CONDITIONS/
APPROVAL OF CONDITIONAL USE PERMIT NO. 08-08**

This is to notify you that during its regular meeting of September 15, 2008, the City of Lancaster Planning Commission adopted (by a 6-0-0-1 vote) Resolution No. 08-25 approving Conditional Use Permit No. 08-08.

Also, please be advised that within 10 working days following Commission action, the decision may be appealed to the City Council, through the office of City Clerk, pursuant to City of Lancaster Uniform Appeal Procedures, including submittal of a \$751.00 filing fee. Approval of Conditional Use Permit No. 08-08 will not become effective until and unless this period has passed without an appeal and the enclosed "Affidavit of Acceptance" of the conditions of approval has been executed and returned to the Planning Department.

Should you have any questions, you may contact this office at (661) 723-6100.

Sincerely,

A handwritten signature in cursive script that reads "Brian S. Ludicke".

Brian S. Ludicke
Planning Director

BSL:tbe

Enclosures: Affidavit of Acceptance of Conditions
Resolution No. 08-25

cc: Joe A. Moreno
Gina Armstrong, Development Engineering Division
Valerie Jones, City Engineering Division

This page is part of your document - DO NOT DISCARD



20082140427



Pages:
0004

Recorded/Filed in Official Records
Recorder's Office, Los Angeles County,
California

12/05/08 AT 09:34AM

FEES:	16.00
TAXES:	0.00
OTHER:	0.00
PAID:	16.00

TITLE(S) : ACCEPTANCE



LEADSHEET



200812050800002



001125555

SEQ:
01

DAR - Mail (Hard Copy)



THIS FORM IS NOT TO BE DUPLICATED

RECORDING REQUESTED BY:
CITY OF LANCASTER, CA
WHEN RECORDED MAIL TO:

NAME: CITY OF LANCASTER
MAILING
ADDRESS: 44933 FERN AVENUE
CITY, STATE: LANCASTER, CA
ZIP CODE: 93534



2

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

AFFIDAVIT OF ACCEPTANCE OF CONDITIONS


WHEREAS, Eugenio Gonzalez submitted plans for the property located in Lancaster, California, and described more particularly in attached legal description (See Exhibit "A" attached hereto and made a part hereof):

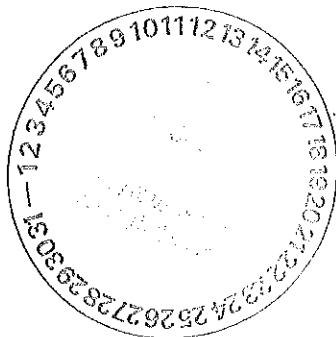
WHEREAS, the Lancaster Planning Commission approved Conditional Use Permit Application No. 08-08 on September 15, 2008 subject to the conditions of approval; and,

WHEREAS, one of the conditions of approval is the written agreement to accept the conditions of approval;

NOW THEREFORE, the undersigned owner hereby accepts and agrees to comply with the conditions of approval on Resolution No. 08-25

IN WITNESS WHEREOF, this affidavit is executed this 10 day of October, 2008:

Eugenio Gonzalez, Owner 
Printed Name, Signature and Title/Designation



State of California }
County of Los Angeles }

On 10-10-2008 before me, Maria Quintanilla, ^{notary public} personally appeared
(Insert Name of Notary Public and Title)

Eugenio Gonzalez who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature]

Notary public - Maria Quintanilla
Comm. Expired: Jan, 17, 2012.

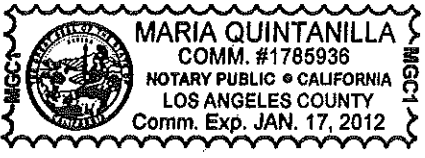


EXHIBIT "A"

LEGAL DESCRIPTION
1009-11 AVE I, LANCASTER, CA.
3120-029-020

TRACT # 17868 LOT COM AT NE COR OF LOT 80 TH S ON E LINE OF SD LOT 255
FT TH N $89/39'48''$ W 135 FT TH S $0/46'33''$ E 125 FT TH W ON S LINE OF SD LOT
223.50 FT TH N $0/20'12''$ E TO N LINE OF SD LOT IN THE COUNTY OF LOS
ANGELES

EXHIBIT "D"

Revocation of Conditional Use Permit No. 08-08

May 16, 2011



CITY OF LANCASTER
 Finance Department
 44933 Fern Avenue
 Lancaster, CA 93534-2461
 (661) 723-6237

Type of Business

- New Business
- Branch Application
- Change of Address*
- Change of Business Name*
- Change of Ownership*
- Pawn Shop/2nd Hand Dealer

* Please fill in current Business License # _____

APPLICATION FOR BUSINESS LICENSE

ALL APPLICABLE CITY REQUIREMENTS MUST BE MET. THESE INCLUDE ZONING, BUILDING, FIRE, HEALTH, SIGNAGE AND OTHER MUNICIPAL CODES. CERTAIN BUSINESSES MUST OBTAIN ADDITIONAL PERMITS APPROVALS.

PLEASE PRINT OR TYPE

Business Name THE Bamboo RESTAURANT
 Owner Name Eugenio Gonzalez
 Business Address 1009-W W AVE I City LANCASTER State CA Zip Code 93534
 (No PO Boxes)
 Mailing Address _____
 (If different)
 Business Phone # (323) 947-6466 Main Branch YES NO Number of Branches In City, Including Main Branch _____

NOTE: A SEPARATE APPLICATION MUST BE FILED FOR EACH BRANCH

Description of Business or Profession Restaurant with alcoholic live entertainment CUP 08-08

ALL INFORMATION BELOW THIS LINE IS CONFIDENTIAL: Will NOT be available to the public.

E-mail Address _____ Website Address _____
 Number of Employees, Including Owners: This Branch 4 Number of Employees: All Lancaster Branches 4
 Business Vehicles Operating in Lancaster? YES NO If YES, please list the number of vehicles _____
 Is Business Operated From a Residence? YES NO If YES, a Home Occupation Permit May be Required.
 Is Business Nonprofit? YES NO If Nonprofit, Include Proof of Nonprofit Status.
 Does Business Sell Tobacco Products? YES NO If YES, a Tobacco Retail License Application must be completed and submitted along with Business License Application.
 Do all Employees Meet the Requirements of the Immigration and Naturalization Act? YES NO

TYPE OF OWNERSHIP
 CORPORATION
 PARTNERSHIP
 SOLE PROPRIETOR

Full Name of Owners/Partners/Principal Officers Eugenio Gonzalez Complete Home address (or Corporate address) 42326 Brittle Bush DR Telephone # (661) 948 9930
LANCASTER CA 93536 (323) 947-6466

If Corporation: Corporate Name _____ Corporate # _____
Business Start Date or Relocation Date within City of Lancaster 2-1-09
 CA Driver's Lic. # and Exp. Date (All Partners) C1821105 EXP 12-12-13
 Federal Employment or Social Security # (All SS #s, If Partnership) 617-12-3592
 State Tax Identification # _____
 State Board of Equalization 01-185629 (Seller's Permit)
 Does the Proposed Business Require a California State License? YES NO
 License # _____ Expiration Date _____
 Classification _____

BUSINESS LICENSES ARE RENEWED ANNUALLY ON YOUR BUSINESS START DATE. CANCELLATION OF A BUSINESS LICENSE OR RENEWAL OF A BUSINESS LICENSE MUST BE SUBMITTED IN WRITING.

ACCEPTANCE OF A LICENSE FEE DOES NOT CONSTITUTE APPROVAL OF A BUSINESS LICENSE. IN ACCORDANCE WITH SECTION 5.04.039 OF THE LANCASTER MUNICIPAL CODE, UPON CITY ACCEPTANCE OF THIS APPLICATION AND PAYMENT OF THE REQUIRED FEE THIS DOCUMENT SHALL SERVE AS A TEMPORARY LICENSE FOR TWENTY-ONE (21) DAYS. ALL OTHER PROVISIONS OF THE LANCASTER MUNICIPAL CODE, COUNTY CODES, AND APPLICABLE FEDERAL AND STATE LAWS MUST BE COMPLIED WITH BEFORE BUSINESS CAN BE LAWFULLY CONDUCTED. I UNDERSTAND THAT INTENTIONALLY PROVIDING FALSE INFORMATION MAY BE A BASIS FOR DENIAL OF A LICENSE. I CERTIFY THAT ALL EMPLOYEES MEET THE REQUIREMENTS OF THE IMMIGRATION AND NATURALIZATION ACT.

SIGNATURE Eugenio Gonzalez TITLE OWNER DATE 1-19-2009
 PRINT NAME Eugenio Gonzalez PHONE # (323) 947-6466

DO NOT WRITE BELOW THIS LINE

Department Approvals	Date	By	Fee Summary
<u>Planning</u>	<u>2-12-09</u>	<u>[Signature]</u>	License <u>750.00</u>
<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	Penalty <u>0.00</u>
			Other <u>0.00</u>
			TOTAL DUE <u>750.00</u>
			BALANCE DUE <u>750.00</u>
Business License Number <u>10012251</u>	Payment Type <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> Credit Card	Accepted By <u>[Signature]</u>	Date <u>2-12-09</u>
Payment Receipt Number <u>0238323</u>			

EXHIBIT "E"

Revocation of Conditional Use Permit No. 08-08

May 16, 2011



R. Rex Parris Mayor
Ronald D. Smith Vice Mayor
Sherry Marquez Council Member
Ken Mann Council Member
Marvin E. Crist Council Member
Mark V. Bozigian City Manager

July 28, 2010

Mr. Eugenio Gonzalez
42326 Brittle Bush Drive
Lancaster, CA 93534
and
2214 ¾ West 14th Street
Los Angeles, CA 90006

Re: Conditional Use Permit No. 08-08

Dear Mr. Gonzalez:

Conditional Use Permit No. 08-08 was approved by the City of Lancaster on September 15, 2008, to allow for the sale of alcoholic beverages in conjunction with a bona fide restaurant at 1009-1011 West Avenue I. Information received by the City's Planning Department indicates that the business may be violating several operating conditions and requirements of the Lancaster Municipal Code as established by Conditional Use Permit No. 08-08. In order to evaluate this situation, I am requesting that you provide written documentation to substantiate compliance with the following requirements:

- Section 17.42.070.G of the Lancaster Municipal Code requires that "[a]ll employees who serve or sell alcoholic beverages shall successfully complete a responsible beverage service training program that meets the requirements of the State ABC within 90 days of hire. Records of such training shall be maintained on the premises and made available to City of Lancaster or Los Angeles County Sheriff's personnel upon request."

PLEASE PROVIDE THE NAME OF EACH EMPLOYEE CURRENTLY AUTHORIZED TO SELL OR SERVE ALCOHOLIC BEVERAGES AND THE DATE THAT THEY COMPLETED THIS REQUIRED TRAINING.

- Condition No. 4 of Conditional Use Permit No. 08-08 requires that at least one full-time cook be employed and be engaged in the preparation of meals for patrons during the permissible hours of operation.

PLEASE PROVIDE THE NAME(S) OF THESE INDIVIDUALS AND THE NORMAL WORKING HOURS FOR THEM.

- Condition No. 7 of Conditional Use Permit No. 08-08 requires that at least 51% of the business revenues be from the sale of food and non-alcoholic beverages, and requires that records be kept at least quarterly to verify compliance with this requirement. Such records

are to be made available to State ABC, the Sheriff's Department, or the City of Lancaster upon demand.

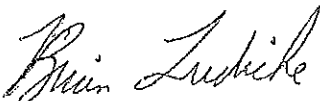
PLEASE PROVIDE THIS INFORMATION.

All written information shall be presented in person or mailed to:

City of Lancaster
Planning Department
Attn: Brian S. Ludicke, Planning Director
44933 Fern Avenue
Lancaster, CA 93534

In order to complete review of this situation in a timely manner, please provide this information by **Monday, August 9, 2010**. Should you have any questions, please contact me at 661-723-6105.

Sincerely,



Brian Ludicke
Planning Director

BL/jr

cc: Hagop Kassamanian (Property Owner)
Deputy Mike Kuper, Los Angeles County Sheriff's Department
Joseph Adams, Deputy City Attorney
Lee D'Errico, Public Safety Manager
David Duran, Department of Alcoholic Beverage Control

EXHIBIT "F"

Revocation of Conditional Use Permit No. 08-08

May 16, 2011

Conditional Use Permit No. 08-08
Mr. Eugenio Gonzalez Response

ABC Experts
PO Box 3328
Rancho Cucamonga, CA 91729



August 14, 2010

City of Lancaster
Planning Department
Attn: Brian S. Ludicke, Planning Director
44933 Fern Avenue
Lancaster, CA 93534

Re: Conditional Use Permit No. 08-08

Dear Mr. Ludicke:

It was a pleasure speaking to you a couple of days ago. Enclosed is the information you requested from the following business, in your letter dated July 28, 2010 (attachment #1):

Bamboo Restaurant
1009&1011 W Avenue I
Lancaster, CA 93534-2243

All the information contained in this letter and attachments were directly received from the management team of the above-mentioned business and forwarded to your attention.

Request No. #1:

- Nicole Story: Nicole is a waitress who was hired in January of this year. Nicole serves alcoholic beverages in conjunction with sale of food and other non-alcoholic items. Nicole is over the legal age to conduct her employee responsibilities and has no criminal history of any violations regarding the sale or service of alcoholic beverages. Nicole, is currently scheduled to attend LEAD training provided by the State of California, ABC Department. Nicole will attend this class next week (August 25, 2010).

Conditional Use Permit No. 08-08
Mr. Eugenio Gonzalez Response

- Paola Lopez: Paola is a waitress who also assists as a cook. Paola was hired on and off on a temporary basis due to the poor economical climate. Paola, has now been hired permanently effective April of this year. Paola serves alcoholic beverages in conjunction with sale of food and other non-alcoholic items. Paola is over the legal age to conduct her employee responsibilities and has no criminal history of any violations regarding the sale or service of alcoholic beverages. Paola is currently scheduled to attend LEAD training provided by the State of California, ABC Department. Paola will attend this class next week (August 25, 2010).
- Criss Genn: Criss is the premises bartender. Criss was heavily overlooked by management in sense of receiving this training. Management was under the impression Criss had received formal training regarding liquor laws but recently realized that was not a fact. Management immediately realized the mistake and took immediate corrective action by enrolling Criss to attend LEAD training provided by the State of California, ABC Department on August 25, 2010.

As you can notice, by the time you review this letter and its attachments, all employees involved with the sale or service of alcoholic beverages, would be formally trained by the State ABC Department.

Request No. #2:

The business has several cooks to ensure one is available at all times the premises is open and exercising their liquor license.

The following are the business cooks:

- Martin Diaz
- Erika Gonzalez
- Paola Lopez (alternate)

The cooks do not have "steady" hours, however, by having three cooks available, the premises ensures at least one cook is at the premises. Erika Gonzalez is a full-time cook and two more are either part time or alternates depending on the amount of business that is generating in any particular week. This ensures the business is in full compliance with their CUP condition.

Request No. #3:

I have enclosed copies of the business books and records that the management team of the business provided me to satisfy this request (attachment # 2). Attachment # 2 was provided to me by the Bamboo and I am forwarding this information per you request.

Conditional Use Permit No. 08-08
Mr. Eugenio Gonzalez Response

In your letter, you stated that you are requesting the above information because *"Information received by the City's Planning Department indicates that the business may be violating several operating conditions"*. Mr. Gonzalez is hereby requesting copies of any and all complaints in any type of format including but not limited to emails, notes, memorandums and/or letters. This request is under the Public Information Act and standard due process laws. This information should be mailed to Mr. Gonzalez no later than August 30, 2010. If you deny this request, please provide in writing the reasons and case law that allows you to legally deny this basic request.

As discussed, I am not representing the Bamboo Restaurant or its personnel other than to respond to your letter. If you have any questions regarding this letter, please contact me at the above number.

It is clear that this business is taking all necessary steps to ensure they abide by their CUP conditions and are willing to work with the City and all of its Departments and Agencies to address any deficiencies. Please do not hesitate to contact the business directly to ensure a positive working professional relationship is strengthened and a win-win situation is generated, in any issue of mutual concern.

Respectfully,



Rene Guzman

Cc: File
Bamboo

Bamboo Restaurant
(Sales and Investments)

Jan-Apr 2010

Week	(Total Sales Receipts)	(Food/Soft Drink Sales)	(Alcohol Sales)	Food/Soft + Alcohol Investment	Food/Soft Drink Investment	Alcohol Investment	Profit
1/5/2010	\$ 4,089.00	\$ 2,214.00	\$ 1,875.00	\$ 3,197.71	\$ 1,519.00	\$ 1,678.71	\$ 882.29
1/12/2010	\$ 3,756.00	\$ 1,978.00	\$ 1,778.00	\$ 2,374.19	\$ 1,065.08	\$ 1,309.11	\$ 1,381.81
1/19/2010	\$ 2,988.00	\$ 1,694.00	\$ 1,294.00	\$ 1,895.89	\$ 670.19	\$ 1,225.70	\$ 1,092.11
1/26/2010	\$ 3,765.00	\$ 2,003.00	\$ 1,762.00	\$ 2,163.05	\$ 926.05	\$ 1,237.00	\$ 1,601.95
Jan total	\$ 14,598.00	\$ 7,889.00	\$ 6,709.00	\$ 9,630.84	\$ 4,180.32	\$ 5,450.52	\$ 4,958.16
2/2/2010	\$ 5,090.00	\$ 3,010.00	\$ 2,080.00	\$ 3,126.85	\$ 1,350.00	\$ 1,776.85	\$ 1,963.15
2/10/2010	\$ 5,595.00	\$ 3,520.00	\$ 2,075.00	\$ 3,136.00	\$ 1,481.00	\$ 1,655.00	\$ 2,459.00
2/18/2010	\$ 3,127.00	\$ 1,427.00	\$ 1,700.00	\$ 2,443.40	\$ 1,196.40	\$ 1,247.00	\$ 683.60
2/23/2010	\$ 2,788.00	\$ 1,594.00	\$ 1,194.00	\$ 2,333.26	\$ 1,010.91	\$ 1,322.35	\$ 454.74
Feb total	\$ 16,600.00	\$ 9,551.00	\$ 7,049.00	\$ 11,039.51	\$ 5,038.31	\$ 6,001.20	\$ 5,560.49
3/3/2010	\$ 3,092.00	\$ 1,746.00	\$ 1,346.00	\$ 2,440.35	\$ 968.35	\$ 1,472.00	\$ 651.65
3/9/2010	\$ 4,309.00	\$ 2,618.00	\$ 1,691.00	\$ 2,244.82	\$ 927.82	\$ 1,317.00	\$ 2,064.18
3/17/2010	\$ 3,881.00	\$ 2,078.00	\$ 1,803.00	\$ 2,992.00	\$ 1,097.00	\$ 1,895.00	\$ 889.00
3/24/2010	\$ 2,967.00	\$ 1,702.00	\$ 1,265.00	\$ 2,050.00	\$ 896.00	\$ 1,154.00	\$ 917.00
Mar total	\$ 14,249.00	\$ 8,144.00	\$ 6,105.00	\$ 9,727.17	\$ 3,889.17	\$ 5,838.00	\$ 4,521.83
4/1/2010	\$ 3,610.00	\$ 2,010.00	\$ 1,600.00	\$ 2,259.50	\$ 1,062.25	\$ 1,197.25	\$ 1,350.50
4/7/2010	\$ 3,895.00	\$ 2,180.00	\$ 1,715.00	\$ 2,580.67	\$ 1,074.67	\$ 1,506.00	\$ 1,314.33
4/14/2010	\$ 4,465.00	\$ 2,500.00	\$ 1,965.00	\$ 2,986.45	\$ 1,332.05	\$ 1,654.40	\$ 1,478.55
4/21/2010	\$ 3,277.00	\$ 1,790.00	\$ 1,487.00	\$ 2,817.23	\$ 1,441.23	\$ 1,376.00	\$ 459.77
4/28/2010	\$ 3,171.00	\$ 1,885.00	\$ 1,286.00	\$ 2,405.25	\$ 1,180.90	\$ 1,224.35	\$ 765.75
Apr total	\$ 18,448.00	\$ 10,365.00	\$ 8,053.00	\$ 13,049.10	\$ 6,091.10	\$ 6,958.00	\$ 5,368.90
Jan - Apr total	\$ 63,865.00	\$ 35,949.00	\$ 27,916.00	\$ 43,446.62	\$ 19,198.90	\$ 24,247.72	\$ 20,409.38

Food & Soft Drink Sales = \$35,949 = 56%
 Total Sales Receipts = \$63,865

EXHIBIT "G"

Revocation of Conditional Use Permit No. 08-08

May 16, 2011

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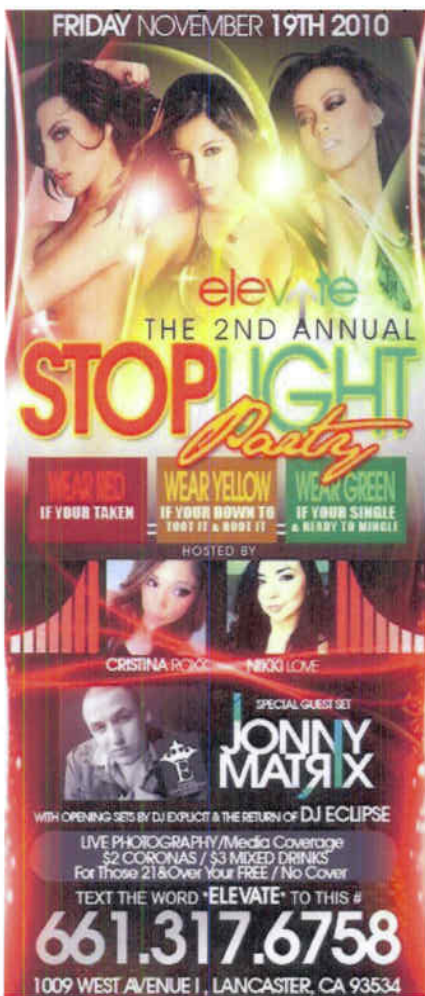
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EXHIBIT "H"

Revocation of Conditional Use Permit No. 08-08

May 16, 2011

State of California
INVESTIGATION REPORT

Department of Alcoholic Beverage Control



1. REPORT NUMBER DR# 11-05-009	2. ASSIGNMENT NUMBER	3. PAGE 1 of 5
-----------------------------------	----------------------	-------------------

4. CODE SECTIONS INVESTIGATED (SECTION NUMBER AND TITLE)
23300 B&P-Allowing consumption of alcoholic beverages within an unlicensed back room and front patio; 23355 B&P-Exceeding license privileges; 23804 B&P-Condition violations

5. DAY/DATE/TIME OF INCIDENT
Friday / February 4, 2011/ 2230 hours

6. LOCATION OF INCIDENT
1009 & 1011 W Ave. I, Lancaster CA 93534

CODE: L - Licensee; E - Employee; V - Victim; W - Witness; S - Suspect; O - Other

7. CODE
S

8. NAME (LAST, FIRST, MIDDLE)
GONZALEZ, Carmen Yolanda

9. TELEPHONE NUMBER
(661) 575-6288

10. HOME ADDRESS
42326 Brittle Bush Dr., Lancaster CA 93536

11. OTHER ADDRESS
1009 & 1011 W Ave. I, Lancaster CA 93534

12. RACE Hispanic	13. SEX Female	14. BIRTHDATE 06/03/1973	15. AGE 36	16. APPARENT AGE	17. HAIR Brown	18. EYES Brown	19. HEIGHT 5-05	20. WEIGHT 130
----------------------	-------------------	-----------------------------	---------------	------------------	-------------------	-------------------	--------------------	-------------------

21. OPERATOR'S LICENSE NUMBER
B6086225 CA ID

22. CLOTHING DESCRIPTION
N/A

23. MISCELLANEOUS INFORMATION
Manager, cited to AV Court on April 12, 2011.

7. CODE
W

8. NAME (LAST, FIRST, MIDDLE)
RAMOS, Jose

9. TELEPHONE NUMBER
(760) 521-5770

10. HOME ADDRESS
550 Los Olvolitos Blvd., Oceanside CA 92508

11. OTHER ADDRESS

12. RACE Hispanic	13. SEX male	14. BIRTHDATE 5/27/1988	15. AGE 22	16. APPARENT AGE 22	17. HAIR Black	18. EYES Brown	19. HEIGHT 5-05	20. WEIGHT 187
----------------------	-----------------	----------------------------	---------------	------------------------	-------------------	-------------------	--------------------	-------------------

21. OPERATOR'S LICENSE NUMBER

22. CLOTHING DESCRIPTION
N/A

23. MISCELLANEOUS INFORM
Patron consuming beer within unlicensed room expansion, not cited.

VEHICLE

24. LICENSE

25. STATE

26. YEAR

27. MAKE

28. MODEL

29. COLOR

30. REGISTERED OWNER

31. ADDRESS

32. SUMMARY OF REPORT

On February 4, 2011, Department Investigators were allowed to consume alcoholic beverages within an unlicensed back room and an unlicensed front patio at the below noted premises. Also, Department Investigators observed several violations of the premises license conditions.

Manager Carmen GONZALEZ was issued a misdemeanor citation for violating Section 23300 of the Business and Professions Code-Allowing consumption of alcoholic beverages within an unlicensed back room and front patio.

ABC USE ONLY		
33. LICENSEE NAME Gonzalez, Eugenio	34. DBA The Bamboo Restaurant	37. BUSINESS PHONE NUMBER
35. PREMISES ADDRESS 1009 & 1011 W Ave. I, Lancaster CA 93534	36. LICENSE NUMBER 41-467370	41. DATE 3-10-11
38. INVESTIGATOR/ID D. DURAN #741	39. OFFICE/UNIT Van Nuys	40. SUPERVISOR/ID J. PEREZ #722
42. SIGNATURE 	43. DATE 3/14/11	44. ROUTING C.M. N. & J.M. N.

State of California
INVESTIGATION REPORT

REPORT NUMBER DR# 11-05-009	ASSIGNMENT NUMBER	PAGE 2
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ADDITIONAL PERSONS INVOLVED:

CODE: L - Licensee; E - Employee; V - Victim; W - Witness; S - Suspect; O - Other

7. CODE O	8. NAME (LAST, FIRST, MIDDLE) ABC Investigators C. CLARK #749, V. WOOD #768, E. REYNOSO #789, R. CARNET #278; Supervising Investigator J. PEREZ #722	9. TELEPHONE NUMBER (818) 901-5017
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10. HOME ADDRESS	11. OTHER ADDRESS 6150 Van Nuys Blvd.#220, Van Nuys CA 91401
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12. RACE	13. SEX	14. BIRTHDATE	15. AGE	16. APPARENT AGE	17. HAIR	18. EYES	19. HEIGHT	20. WEIGHT
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21. OPERATOR'S LICENSE NUMBER	22. CLOTHING DESCRIPTION
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23. MISCELLANEOUS INFORMATION
 Assisting ABC Investigators.

7. CODE O	8. NAME (LAST, FIRST, MIDDLE) ABC Investigator R. SEGURA #520 ABC Investigator P. LOPEZ #815	9. TELEPHONE NUMBER (661) 395-2731
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10. HOME ADDRESS	11. OTHER ADDRESS 4800 Stockdale Hwy. Ste 213, Bakersfield CA 93309
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12. RACE	13. SEX	14. BIRTHDATE	15. AGE	16. APPARENT AGE	17. HAIR	18. EYES	19. HEIGHT	20. WEIGHT
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21. OPERATOR'S LICENSE NUMBER	22. CLOTHING DESCRIPTION
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23. MISCELLANEOUS INFORMATION
 Undercover Investigators assigned to Bakersfield District Office.

7. CODE O	8. NAME (LAST, FIRST, MIDDLE) LASD Deputies M. KUPER #211297, M. DONNELL #467589, S. OWEN #258449	9. TELEPHONE NUMBER (661) 948-8466
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10. HOME ADDRESS	11. OTHER ADDRESS 501 W Lancaster Blvd., Lancaster CA 93534
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12. RACE	13. SEX	14. BIRTHDATE	15. AGE	16. APPARENT AGE	17. HAIR	18. EYES	19. HEIGHT	20. WEIGHT
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21. OPERATOR'S LICENSE NUMBER	22. CLOTHING DESCRIPTION
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23. MISCELLANEOUS INFORMATION
 Assisting LASD Deputies

7. CODE O	8. NAME (LAST, FIRST, MIDDLE) ABC Investigator D. DURAN #741	9. TELEPHONE NUMBER (818) 901-5017
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10. HOME ADDRESS	11. OTHER ADDRESS 6150 Van Nuys Blvd.#220, Van Nuys CA 91401
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12. RACE	13. SEX	14. BIRTHDATE	15. AGE	16. APPARENT AGE	17. HAIR	18. EYES	19. HEIGHT	20. WEIGHT
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21. OPERATOR'S LICENSE NUMBER	22. CLOTHING DESCRIPTION
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23. MISCELLANEOUS INFORMATION
 Arresting/Reporting ABC Investigator

7. CODE	8. NAME (LAST, FIRST, MIDDLE)	9. TELEPHONE NUMBER
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10. HOME ADDRESS	11. OTHER ADDRESS
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12. RACE	13. SEX	14. BIRTHDATE	15. AGE	16. APPARENT AGE	17. HAIR	18. EYES	19. HEIGHT	20. WEIGHT
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21. OPERATOR'S LICENSE NUMBER	22. CLOTHING DESCRIPTION
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23. MISCELLANEOUS INFORMATION

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ATTACHMENTS:

1. Form ABC 320-Evidence/Property receipt/Report, 1 page.
2. Copy of form ABC 253-Supplemental Diagram, signed by Licensee Eugenio GONZLEZ and dated 3/17/11.
3. Copy of form ABC 257-Licensed Premises Diagram, signed by Licensee Eugenio GONZALEZ and dated 5/30/08.
4. Copy of form ABC 172-Petition For Conditional License, signed by Licensee Eugenio GONZALEZ and dated 7/07/08.
5. Advertisement for music festival at Bamboo Lounge, downloaded from website liveloudnlocal.com, 2 pages.
6. Supplemental Investigation Report completed by Inv. R. SEGURA.
7. Digital photograph of entrance into unlicensed room expansion, taken by Inv. D. DURAN on 2/4/11.
8. Three digital photographs within unlicensed room expansion, taken by Inv. D. DURAN on 2/4/11.
9. Department of Motor Vehicles Digital Image of Carmen GONZALEZ, obtained by Inv. DURAN.
10. Four digital photographs of unlicensed front patio, taken by Inv. D. DURAN on 2/4/11.

CIRCUMSTANCES/INVESTIGATIONS:

On October 15, 2008, the above noted premises was issued a Type 41-On Sale Beer and Wine Eating Place, Alcoholic Beverage Control (ABC) Conditional license. The premises operates as a restaurant with fixed bar and dance club.

On March 17, 2008, Licensee Eugenio GONZALEZ completed form ABC 253-Supplemental Diagram (attachment 2) as part of his application process. This form detailed adjacent structures and cross streets.

On May 30, 2008, licensee Eugenio GONZALEZ completed form ABC 257-Licensed Premises Diagram / Planned Operation (attachment 3) as part of his application process. This form detailed a restaurant with fixed bar, with areas designated for dancing and pool tables (rectangle area, 52'-2" by 99'-1"). No patio or back room was detailed on this form.

On July 7, 2008, Licensee Eugenio GONZALEZ signed Form ABC-172- Petition For Conditional License which includes the following conditions (attachment 4):

04. At all times when the premises are open for business, the sale of alcoholic beverages shall be made only in conjunction with the sale of food to the person ordering the beverage.

05. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.

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06. *No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee(s) as depicted on the ABC257 dated 05-30-2008 and ABC-253 dated 03-17-2008.*

07. *Loitering is prohibited on or around these premises or this area under control of the licensee(s) as depicted on the ABC-257 dated 05-30-2008 and ABC-253 dated 03-17-2008.*

09. *Entertainment provided shall not be audible beyond the area of control of the licensee(s) as defined on the ABC-257 dated 05-30-2008 and ABC-253 dated 03-17-2008.*

On February 4, 2011, at approximately 2045 hours, Department Investigators R. SEGURA, P LOPEZ, E. REYNOSO, R. CARNET, V. WOOD, C. CLARK, J. PEREZ (Supervisor) and I (D. DURAN) along with Los Angeles Sheriff Department (LASD) Deputies M. KUPER, M. DONNELL and S. OWEN arrived at the above noted premises to verify compliance of all applicable State laws and premises license conditions. The premises was hosting a three day music festival scheduled to commence on February 4, 2011 and end on February 6, 2011 (attachment 5).

At approximately 2055 hours, Investigators SEGURA and LOPEZ entered the premises in an undercover capacity in plain clothes. The remaining ABC Investigators and LASD Deputies remained outside as uniformed backup.

At approximately 2200 hours, LOPEZ notified me via cell phone that he and SEGURA were allowed to purchase alcoholic beverages without purchasing food (violation of premises license condition #4). They were allowed to consume their alcoholic beverages outside the premises in an unlicensed front patio and an unlicensed back room (violation of State law 23300 B&P and premises license conditions #5, #6 and #7). While in the front outside patio they heard loud amplified audible music (violation of premises license condition #9). LOPEZ also informed me that possible minors were consuming alcoholic beverages in a back room of the premises. See SEGURA's Supplemental Investigation report for further details of LOPEZ's and SEGURA's observations (attachment 6).

At approximately 2205 hours, all uniformed backup ABC Investigators and LASD Deputies entered the premises through the open rear emergency exit. Upon entering, I observed an open doorway located on the east wall of the premises which allowed access into a large room (approximately 50' by 40'). Within this room I observed a live band performing on a raised stage while approximately 60 patrons were consuming alcoholic beverages and listening to the amplified music. Patrons were entering and exiting through the open doorway.

Note: This room was not detailed on form ABC 257- Licensed Premises Diagram / Planned Operation (Attachment 2) and is an unlicensed expansion of the premises.

Supervising Investigator PEREZ and I entered the unlicensed room and contacted a youthful appearing male (later identified as 22 year old, Jose RAMOS) holding a mug of dark beer. PEREZ asked for his identification. PEREZ determined RAMOS was of legal drinking age. I asked RAMOS what he was drinking and he said it was Newcastle Brown Ale beer. I informed RAMOS that I was seizing his beer
ABC-333 (12/01)

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as evidence for violation of Section 23300 of the Business and Professions Code-Licensee allowing consumption of alcoholic beverages in an unlicensed back room. I secured RAMOS's beer and reimbursed him \$5.00 he paid for the alcoholic beverage. I then photographed of the entrance into the unlicensed back room (attachment 7) and interior (attachment 8).

I contacted manager Carmen GONZALEZ and informed her of the violations. I showed her a copy of form ABC 257- Licensed Premises Diagram, signed by Licensee Eugenio GONZALEZ, which did not include the back room (where the live band was performing) and front patio. I asked her when the business added the unlicensed back room. She said that the room was included when the Licensee leased the location. However, they did not have the money to remodel it at the time. I informed GONZALEZ that she was to cease sales, service and consumption of alcoholic beverages in the unlicensed back room and front patio immediately.

I then showed GONZALEZ a copy of form ABC 172- Petition For Conditional License, signed by Licensee Eugenio GONZALEZ which included the above license conditions. I then reviewed these conditions with her and told her that the business must be in compliance. GONZALEZ said that we (ABC) were trying to shut them down.

I issued manager Carmen GONZALEZ misdemeanor citation #82004 for violating Section 23300 of the Business and Professions Code-Allowing consumption of alcoholic beverages within an unlicensed back room and front patio.

Note: Carmen GONZALEZ did not have her California Identification available at the premises. I had previously cited her for violating Section 25609 of the Business and Professions Code-Substitution of brands on October 23, 2009. I inadvertently used bartender Jessica MONTERROSA's California Drivers License number and identifiers (from report DR# 09-05-059) on Carmen GONZALEZ's issued citation #82004. CARMEN GONZALEZ's correct California Identification number is B6086225 (attachment 9).

At approximately 2250 hours, I took photographs of the unlicensed front patio from the premises shared parking lot (attachment 10). At this time, I observed approximately 30 patrons standing in line, awaiting entry into the premises (violation of premises license condition #7). Also, I could hear loud amplified music emanating from the premises (violation of premises license condition #9).

I secured LOPEZ's and SEGURA's alcoholic beverages as evidence.

At approximately 2300 hours, Department Investigators concluded our investigation and left the premises.

SUPPLEMENTAL INVESTIGATION REPORT



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On Friday February 4, 2011, at approximately 2055 hours, Investigator Lopez and I (Investigator Segura) went to the premises known as Bamboo Club, located at 1009 & 1011 West Ave. I, in the city of Lancaster. Our purpose was to investigate compliance with the Business and Professions Codes and other statutes of law. We could hear loud music emitting from the premises. As we approached the premises on foot, we confirmed that the music was in fact coming from inside the premises.

There was a patio area in front of the premises front door. Per Department records, this patio is not licensed. The patio was defined by an approximate 4 foot high fence. The patio had several chairs available for patrons to use while smoking and/or drinking in this area.

At the front door, there were two male premises' employees, one checking identifications and one searching male patrons. Once we got to the front door, we were asked for our identifications, once the identifications were checked by one of the unidentified employees, the second employee searched Investigator Lopez for any weapons. Once inside the premises' front door, there was a third unidentified female employee behind a cash register. She charged us each a \$12 cover charge to enter the premises and gave us a wristband to put on.

The premises lighting was extremely low with various colored lights throughout commonly seen in nightclubs. There was a DJ playing recorded music on a stage on the west wall and a dance floor in front of the stage. There were several tables throughout the premises however none of the tables had any condiments or settings consistent with the service of food to patrons. Investigator Lopez and I proceeded to the full bar along the east wall.

I ordered two beers from the only on-duty, female, bartender, Hispanic female approximately 5'8" tall. We were not asked if we wanted to order food or if we wanted to look at a menu. On the south end of the bar was a small dry/erase menu with approximately 3 menu items such as; hamburgers, fries, chicken strips and tacos. There were no other menus seen in the restaurant during our visit.

Once we received our beers, we sat at the fixed bar. I saw one of the bartenders delivering food items on a tray. I inquired about the food items available and was told by the unidentified female bartender that they could make any item on the menu, referring to the dry/erase menu. During our visit, I saw one person eating at the premises.

Investigator Lopez and I walked to the rear/north of the premises. On the northeast end of the premises was a room with another stage. Per ABC-Form 257 dated 5-30-08, this room is not licensed by this Department. A premises' employee described as a White Male adult, approximately 6', 190 lbs, was posted at the entrance of this room. He checked that we had a wristband to enter this area. Both, Investigator Lopez and I were carrying beers when the employee checked our wrists for the wristbands. We then entered the room with our beers. The room was dark with tables set up on the north and south walls. The middle of the room, in front of the stage was used as a dance floor. There was a band playing live

ABC USE ONLY

LICENSEE NAME GONZALEZ, Eugenio		DBA Bamboo Club	
PREMISES ADDRESS 1009 & 1011 W. Avenue I		LICENSE NUMBER 41-467370	BUSINESS PHONE NUMBER
INVESTIGATOR/ID R. Segura #520	OFFICE/UNIT Bakersfield	SUPERVISOR/ID <i>J. PAERZ</i>	DATE 3/0-11
SIGNATURE <i>[Signature]</i>	DATE 3-8-11	ROUTING CRIMINAL ADMIN & F.I.M.	

SUPPLEMENTAL REPORT

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music on the stage. As the band was finished playing, an unidentified band member held up a clear plastic bag and said, "I have about five hits here. Who wants one?" and handed items out from the bag. From our training and experience, we believed that the items in the plastic bag were illegal substances.

The band members left the stage and another band began to set up. At this time a Hispanic female waitress, approximately 5'6" tall, walked through the crowd and asked patrons if they wanted a drink. When the waitress saw us, she asked if we wanted another beer. We declined by stating that we still had beer left and showed her our bottles as we drank from them. This was the second employee who saw us with our beer in the unlicensed room. As patrons moved about, we saw children who appeared to be approximately nine (9) years of age in this room. After approximately 10 minutes, we left the room. It was later verified that this particular room was not licensed.

A few moments later, we walked towards the front patio. Investigator Lopez asked an unidentified Black male employee, approximately 5'7", 150 lbs., if we could take our beers into the patio, to which he responded, "Yes". We entered the patio and sat in the chairs provided. Other patrons were also loitering and drinking alcoholic beverages in the unlicensed patio. We could hear the DJ's amplified music emitting from the premises. The same, two unidentified employees/security personnel were at the front door which was encircled by the patio's fence. These employees could see Investigator Lopez, I, and other patrons drinking from bottles labeled as beer in the patio area. Additionally, there were two unidentified male, Hispanic employees outside of the patio, west of the premises, looking towards the patio and front door. I had previously seen these individuals inside the premises, one of which was restocking the bar. By this time, there was a short line forming by the front door and the security personnel at the front door continued checking identifications and searching male patrons. After approximately 10 minutes, Investigator Lopez and I left the patio area and returned inside the premises. During our visit to the premises we saw approximately 6 premises employees acting in the capacity of security personnel. The male security personnel had visible ear pieces in order to communicate with each other and they were seen performing various duties such as checking identifications and wristbands, searching at the front door, restocking the bar and walking throughout the premises.

At approximately 2215 hours, Investigator Lopez and I exited the premises. Investigator Lopez and I kept our beers in our possession and secured them in our vehicle. We later gave the beers to Investigator Duran to book as evidence. While reviewing the premises conditions once again, I noted that during our visit to the restaurant, the licensee had violated conditions number 4, 6, 7, and 9 on their Petition for Conditional License dated 7-7-08.

EXHIBIT "I"

Revocation of Conditional Use Permit No. 08-08

May 16, 2011

Department of Alcoholic Beverage Control
LICENSED PREMISES DIAGRAM (RETAIL)

State of California

1. APPLICANT NAME (Last, first, middle)

Gonzalez, Eugenio

2. LICENSE TYPE

41

3. PREMISES ADDRESS (Street number and name, city, zip code)

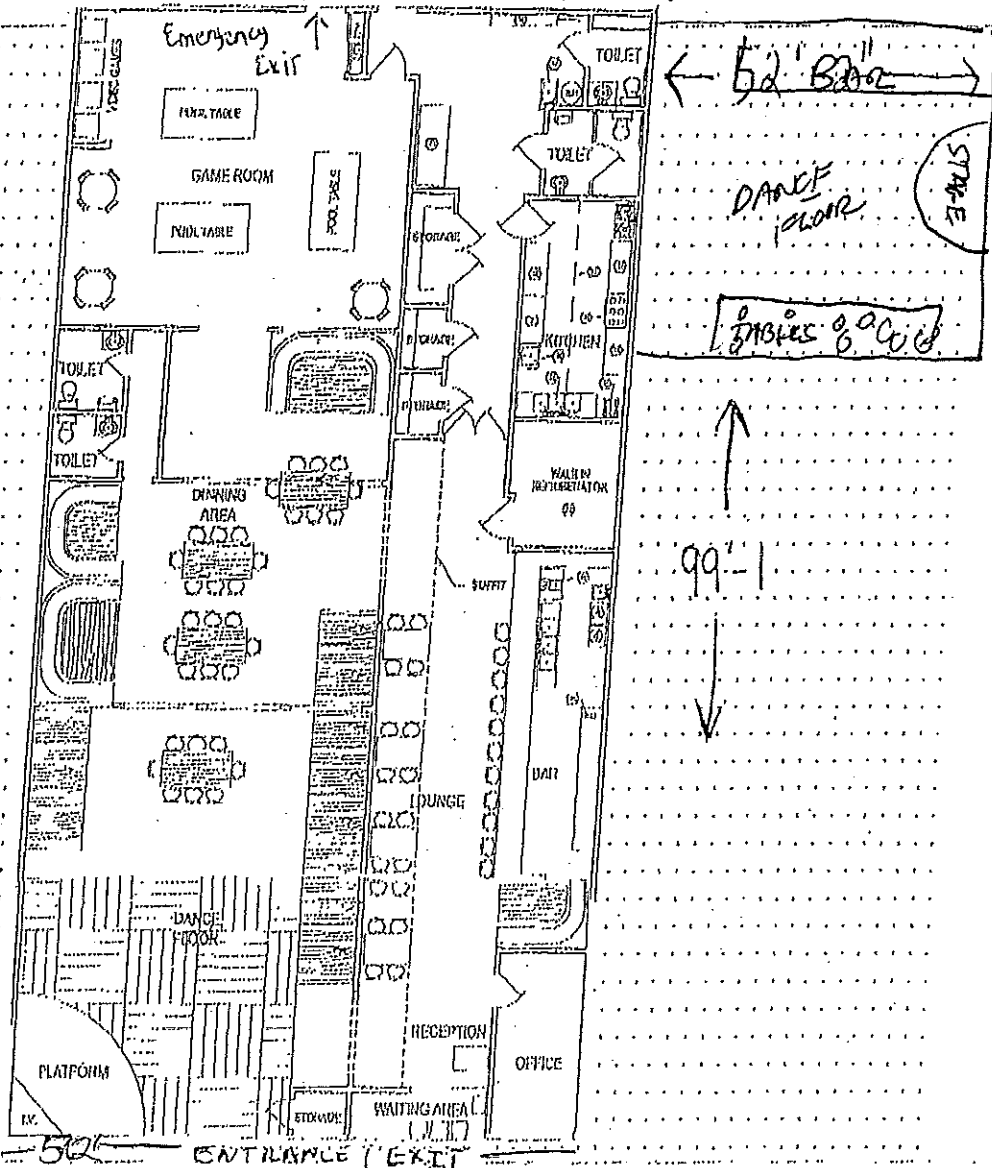
1009-11 W Avenue I, Lancaster, CA 93534

4. NEAREST CROSS STREET

10th Street West

The diagram below is a true and correct description of the entrances, exits, interior walls and exterior boundaries of the premises to be licensed, including dimensions and identification of each room (i.e., "storeroom", "office," etc.).
DIAGRAM

NORTH
↑



It is hereby declared that the above-described boundaries, entrances and planned operation as indicated on the reverse side, will not be changed without first notifying and securing prior written approval of the Department of Alcoholic Beverage Control. I declare under penalty of perjury that the foregoing is true and correct.

APPLICANT SIGNATURE (only if signature required)

DATE SIGNED

5-30-08

FOR ABC USE ONLY

CERTIFIED CORRECT (Signature)

PRINTED NAME

Vilma V. Rivera

INSPECTION DATE

6-6 2008 + 6/11/08

EXHIBIT "J"

Revocation of Conditional Use Permit No. 08-08

May 16, 2011



44933 Fern Avenue
Lancaster, CA 93534

FEB28 2011 PM9:30 CLERK

APPEAL FORM

Appeal Fees:
\$350 – City Official Decision
\$777 – Planning Commission Action

PLEASE PRINT OR TYPE:

EUGENIO GONZALEZ - BAMBOO RESTAURANT
Name of Appellant Home Telephone Number
42326 BRITTLE BRUSH DR. LANCASTER CA 93536
Home Address of Appellant City & State Zip Code Business Telephone Number

Send Correspondence and Notices to the following party: SAME AS ABOVE

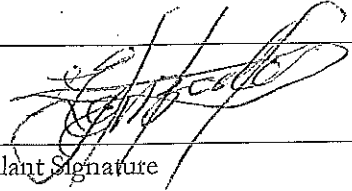
Name and Address
1009 W. AVE J RESTAURANT
Address and Description of Real Property Involved

CITY MANAGER
Commission, Board, Official or Department whose action is being appealed

Date of action/decision from which appeal is taken: FEB 15 2011 Case Number: NONE

Specific Action or Decision being appealed: REVOCAION OF BUSINESS LICENSE

Grounds for Appeal: SEE ATTACHED "ADDENDUM A"


Appellant Signature Date

If applicable, a duplicate set of mailing labels submitted for the original Planning Commission consideration shall be provided by the appellant at the time of the appeal filing.

ADDENDUM "A"

EUGENIO GONZALEZ dba BAMBOO RESTAURANT GROUNDS FOR APPEAL

1. The City Manager's action in revoking the business license amounts to a Due Process violation of Appellant's rights under LMC Section 5.04.170 since there is no right to a hearing before the revocation decision.
2. The City Manager's action in revoking the business license amounts to a Due Process violation of Appellant's rights under LMC Section 5.04.170 since Appellant's Conditional Use Permit was issued by the Planning Department.
3. The City Manager's action in revoking the business license amounts to a denial of Appellant's Equal Protection and Due Process rights since said City Manager's action lacks substantial evidence, was made prior to a hearing and is vague and ambiguous.
4. The City Manager's action in revoking the business license amounts to a denial of Appellant's Equal Protection and Due Process rights since said City Manager's action lacks substantial evidence, was made prior to a hearing and is vague and ambiguous and constitutes a "taking."
5. Substantial evidence is not the proper standard to determine whether Appellant's conduct warranted revocation. The proper test is a preponderance test to be applied at the time of hearing prior to the decision to revoke. The application of the incorrect standard resulted in a denial of Appellants' Due Process rights since Appellant's rights in the license were "vested".
6. The City Manager's action in revoking the business license resulted from discriminatory enforcement of the law.
7. There was no nexus established between the City Manager's decision to revoke the license and the alleged violations of the code cited in the decision letter of February 15, 2011.
8. The temporary decision to open only weekends was a business decision made from necessity since there was virtually no business on weekdays and Appellant's business was on the verge of failure.
9. The event of February 4th was a Christian gathering of music and dance for a Christian cause. The cover charge at the door was for payment of the bands who played during the event. Appellant served food and beverages during the event. This event was a one time event for a Christian cause.
10. The expanded area adjacent to the building has been sealed and is no longer in use.

11. Appellant reserves his right to amend the grounds of appeal upon receipt of investigative reports and Appellant's Conditional Use Permit in possession of the City of Lancaster.



R. Rex Parris	Mayor
Ronald D. Smith	Vice Mayor
Sherry Marquez	Council Member
Ken Mann	Council Member
Marvin E. Crist	Council Member
Mark V. Bozigian	City Manager

February 15, 2011

Bamboo Restaurant
Attn: Mr. Eugenio Gonzalez
42326 Brittle Bush Drive
Lancaster, CA 93536

**Re: Revocation of Business License
Bamboo Restaurant, 1009 West Avenue I**

Dear Mr. Gonzalez:

The City of Lancaster Municipal Code establishes, under Chapter 5, Article 1, the requirements for issuance and maintenance of a City business license. The Bamboo Restaurant was issued a business license on February 12, 2009, for the operation of a restaurant with on-site beer and wine sales and incidental live entertainment, which was approved under Conditional Use Permit No. 08-08 by the Lancaster Planning Commission on August 18, 2008.

Section 5.04.190 of the Lancaster Municipal Code states that "[t]he payment of a license fee and the issuance of a license shall not entitle the licensee to transact any business unless the licensee has complied with all requirements of this chapter and any other applicable federal, state or local regulations pertaining to such business including, but not limited to all applicable provision of the Lancaster Municipal Code." Further Section 5.04.170 of the Lancaster Municipal Code authorizes the City Manager to revoke any license "if it is determined that the licensee has obtained the license by misrepresentation or has failed to comply with the provisions of this chapter."

There is substantial evidence that the Bamboo Restaurant is in violation of its approvals and various City ordinances, specifically:

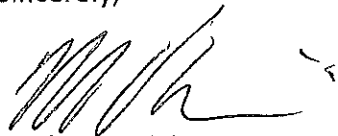
- The business is only open on a periodic basis (normally Friday and weekends beginning late in the evening), and always in conjunction with entertainment-style events, as a nightclub. Conditional Use Permit No. 08-08 does not authorize the operation of a nightclub but a bona fide restaurant., further, the State ABC license type 41 issued for the business is for a restaurant use.
- An advertised three-day event, commencing on February 4 and ending on February 6, featured on-going band entertainment and dancing, and required payment to enter the facility, once again in the style of a nightclub operation.

- On-site observation by Los Angeles County Sheriff's personnel indicated that the business has been expanded by the addition of another stage and dance area in a portion of the adjacent building space immediately east of the business, and that this area was used as part of the business operation, including the sale and serving of alcohol. This area was not authorized for use under Conditional Use Permit No. 08-08, is not included in the licensed premises description under the State-issued Alcohol Beverage Control license, and was constructed without required building permits and inspections.

Based upon this information, I have determined that the Bamboo Restaurant is not in compliance with Conditional Use Permit No. 08-08, the City's building and potentially fire safety code requirements, or the State-issued alcohol permit. Therefore, under the authority contained Section 5.04.170, I have revoked the business license for this location.

This revocation is effective immediately. Please note that, pursuant to Section 5.04.110, you do have 10 working days in which to appeal this decision to the City Council. In order to appeal the action, you must obtain from the City Clerk's Office an appeal form, complete it, and submit it to the City Clerk along with the appeal fee of \$350.00. If you choose to appeal the revocation, and operate the business while the appeal is being considered, please be aware that the business must be operated in accordance with all conditions, requirements, and ordinances of the City of Lancaster, including all conditions of operation approved under Conditional Use Permit No. 08-08.

Sincerely,



Mark V. Bozigian
City Manager

MVB:BL/jr

EXHIBIT "K"

Revocation of Conditional Use Permit No. 08-08

May 16, 2011

Incident Date: 03/06/2010

S R P Location
O D R 1009 W AV I, LAN
O D R 1009 W AV I, LAN BAMBOO
Incident Date: 03/07/2010

S R P Location
O D R 1009 W AV I, LAN
O D R 1009 W AV I, LAN
Incident Date: 03/13/2010

S R P Location
C D R 1009 W AV I, LAN "BAMBOO"
Incident Date: 03/26/2010

S R P Location
O D R 1009 W AV I, LAN
Incident Date: 04/15/2010

S R P Location
C D R 1009 W AV I, LAN "BAMBOO CLUB"
C D R 1009 W AV I, LAN "BAMBOO CLUB"
Incident Date: 04/17/2010

S R P Location
O D R 1009 W AV I, LAN
Incident Date: 05/01/2010

S R P Location

<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
9	BAMBOO	PAT CK, PARKING CITES.	112J	31	55
23	TO VEH, FLAG DOWN	488 ONLY. NON DES OF RPT	111J	102	108
<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
22	BAMBOO CLUB BAR CHK	CITED VEH 4000 VC	112K	50	139
28	BAMBOO	PAT CK, PARKING CITES.	112J	113	130
<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
64	INF PASSENGER WINDOW IS SMASHED AND HIS IPOD IS MISSING,, INF IS IN BACK ALLEY WITH HIS VEH	V/JOSHUA HOPPER TRUCK BROKEN INTO... SEE REPORT FOR FURTHER	111B	426	428
<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
495	BAMBOO	PATROL CK, PARKING CITES.	112J	2313	2331
<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
8	NUMEROUS MB/A,S IN P/LOT OF LOC DEALING DOPE, REFUSING TO LEAVE. INF (SECURITY) WILL DRECT	LRG CROWD AT LOC RE OPEN FOR BUSINESS.D/P DISPURSED PTA	111	34	54
8	NUMEROUS MB/A,S IN P/LOT OF LOC DEALING DOPE, REFUSING TO LEAVE. INF (SECURITY) WILL DRECT	DPS GPA UTL.	111A	34	115
<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
39		PAT CK RE RECENT 415,S	111J	203	233
<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>

Incident Date: 05/01/2010

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
O	D	R	1009 W AV I, LAN CLUB	356	BAMBOO CLUB	CITED RUBY ROWE FB/060557 RE 9.20.030 LMC	112J	2347	2352

Incident Date: 05/06/2010

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
C	D	R	1009 W AV I, LAN CLUB "BAMBOO CLUB"	1	INF STATES SUSPECTED DRUG DEALERS WALKING AROUND PLOT INF REFUSED TO GIVE DESCRIPTION SAYING HE WILL CONTACT DEPS WHEN THEY PULL UP NFD	A/C/R DANIELLE POWELL FB/102186	111D	2	103

C	B	P	1009 W AV I, LAN CLUB "BAMBOO CLUB"	38	MB/A WEARING WHT SHRT BLU POLO UNK WEAPONS ACTING IRRATE WITH SECURITY AT LOC UNK IF 390 YELLING HEARD IN BACKGROUND		110S	147	204
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C	B	P	1009 W AV I, LAN CLUB "BAMBOO CLUB"	38	MB/A WEARING WHT SHRT BLU POLO UNK WEAPONS ACTING IRRATE WITH SECURITY AT LOC UNK IF 390 YELLING HEARD IN BACKGROUND		111	147	211
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C	B	P	1009 W AV I, LAN CLUB "BAMBOO CLUB"	38	MB/A WEARING WHT SHRT BLU POLO UNK WEAPONS ACTING IRRATE WITH SECURITY AT LOC UNK IF 390 YELLING HEARD IN BACKGROUND	DISPERSED LARGE CROWD, CAFE INCIDENT CARD SUBMITTED.	111A	147	210
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C	B	P	1009 W AV I, LAN CLUB "BAMBOO CLUB"	38	MB/A WEARING WHT SHRT BLU POLO UNK WEAPONS ACTING IRRATE WITH SECURITY AT LOC UNK IF 390 YELLING HEARD IN BACKGROUND		112D	147	310
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C	B	P	1009 W AV I, LAN CLUB "BAMBOO CLUB"	38	MB/A WEARING WHT SHRT BLU POLO UNK WEAPONS ACTING IRRATE WITH SECURITY AT LOC UNK IF 390 YELLING HEARD IN BACKGROUND		113S	147	205
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Incident Date: 05/07/2010

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
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<u>S R P Location</u>		<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
O	D R 1009 W AV I, LAN	458	BAMBOO CLUB	NO EVID OF CRIMINAL ACTIVITY IN AREA	112J	2350	2358
<u>Incident Date: 05/21/2010</u>							
<u>S R P Location</u>		<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
O	D R 1009 W AV I, LAN	479	BAMBOO CLUB	CITED VEH, S RE PKG VIOLATION	112J	2323	14
<u>Incident Date: 05/29/2010</u>							
<u>S R P Location</u>		<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
O	D R 1009 W AV I, LAN	22		PAT CHK CLUB @ PK LOT.SUPVSD CLOSING.	111J	116	202
<u>Incident Date: 05/30/2010</u>							
<u>S R P Location</u>		<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
C	D R 1009 W AV I, LAN "BAMBOO"	54	WINDOW SMASH TO A VEH, NO SUSP INFO	DROVE THROUGH PARKING LOT. UTL INF. NO ANSWER ON CALL BACK.	111B	236	413
<u>Incident Date: 06/05/2010</u>							
<u>S R P Location</u>		<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
O	D R 1009 W AV I	18		CK, D AREA @ NIGHT CLUB	112K	48	126
O	D R 1009 W AV I, LAN	36			111J	203	223
<u>Incident Date: 06/06/2010</u>							
<u>S R P Location</u>		<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
O	D R 1009 W AV I, LAN	59		PAT CKS RE RECENT 415,S	111J	215	230
<u>Incident Date: 06/09/2010</u>							
<u>S R P Location</u>		<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
C	D R 1009 W AV I, LAN "BAMBOO RESTAURANT"	468	3MOTORCYCLES SPEEDING/DONUTS IN P/LOT	CHK LOC RE:510. UTL VEHS IN AREA. C4	111T1	2228	2331
<u>Incident Date: 06/10/2010</u>							
<u>S R P Location</u>		<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
O	D R 1009 W AV I, LAN	33	RE BAMBOO CROWD CONTROL	BACKUP 111T1 RE CROWD CONTROL	112A	154	217
<u>Incident Date: 06/25/2010</u>							

Incident Date: 06/25/2010

S R P Location
O D R 1009 W AV I, LAN
Incident Date: 07/03/2010

S R P Location
O D R 1009 W AV I, LAN
Incident Date: 07/07/2010

S R P Location
O D R 1009 W AV I, LAN
O D R 1009 W AV I, LAN
Incident Date: 07/11/2010

S R P Location
O D R 1009 W AV I, LAN
C D R 1009 W AV I, LAN "BAMBOO"

Incident Date: 07/18/2010

S R P Location
O D R 1009 W AV I, LAN
C B P 1009 W AV I, LAN "BAMBOO"

C B P 1009 W AV I, LAN "BAMBOO"
C B P 1009 W AV I, LAN "BAMBOO"

C B P 1009 W AV I, LAN "BAMBOO"
O D R 1009 W AV I, LAN

Tag Dispatch Text Clearance Text Unit Entry 10/98
421
THINGS QUIET RIGHT NOW
112K 2312 2323

Tag Dispatch Text Clearance Text Unit Entry 10/98
35
111J 144 228

Tag Dispatch Text Clearance Text Unit Entry 10/98
511 BAMBOO 927C THE AREA 111T1 2144 2145
564 BAMBOO 927C THE AREA 111T1 2348 2355

Tag Dispatch Text Clearance Text Unit Entry 10/98
1 BAMBOO CLUB AREA CHK CLR CRIMINAL ACTIVITY 112J 3 7
37 POSS NARCO ACTIVITY IN CALLED IN BY DISSATIFIED P/LOT AT LOC CUSTOMER. MIKE JONES IS NOT SEC. NO NARCO ACTIVITY AT LOC. HANDLED BY 112S. 110D 143 150

Tag Dispatch Text Clearance Text Unit Entry 10/98
2 BAMBOO X-111B AS NEEDED 111J 2 16
36 SEVERAL M/A AND F/A FIGHTING INF FRONT OF LOC, NO WEAPONS SEEN 111 156 216

36 SEVERAL M/A AND F/A FIGHTING INF FRONT OF LOC, NO WEAPONS SEEN 111B 156 218
36 SEVERAL M/A AND F/A FIGHTING INF FRONT OF LOC, NO WEAPONS SEEN 112S 156 205

44 ASST 112S RE 415FT AT BAMBOO CLUB ASST 112S RE 415FT. SEE 242 RPT 113 238 321

Regional Allocation of Police Services

Location Inquiry from 03/01/2010 To 02/21/2011

Incident Date: 07/18/2010

S R P Location
O D R 1009 W AV I, LAN BAMBOO CLUB
Incident Date: 07/20/2010

Tag	Dispatch Text	Clearance Text	Unit	Entry	10/98
50	RE 2ND 415 IN PARKING LOT	ASSIST AS NEEDED	112B	255	302

S R P Location
O D R 1009 W AV I, LAN BAMBOO
Incident Date: 07/24/2010

Tag	Dispatch Text	Clearance Text	Unit	Entry	10/98
42		C/GREG MERK MW/A RE: 925	113	313	314

S R P Location
O D R 1009 W AV I, LAN
Incident Date: 07/26/2010

Tag	Dispatch Text	Clearance Text	Unit	Entry	10/98
35	BAMBOO P-LOT	927C BAMBOO P-LOT RE LARGE CROWD..	111A	158	203

S R P Location
C D R 1009 W AV I, LAN "BAMBOO"
Incident Date: 07/29/2010

Tag	Dispatch Text	Clearance Text	Unit	Entry	10/98
11	//10-22 PER INF, DPS ATTEMPTING TO LV LOC	10-22 PER INF	110D	43	106

O D R 1009 W AV I, LAN
Incident Date: 07/29/2010

Tag	Dispatch Text	Clearance Text	Unit	Entry	10/98
33		PATROL CHECK OF BAMBOO P- LOTFOR 925	111T1	340	342

S R P Location
O D R 1009 W AV I, LAN
Incident Date: 08/04/2010

Tag	Dispatch Text	Clearance Text	Unit	Entry	10/98
36	BAMBOO	PATROL CHECK OF BAMBOO	112T2	204	206

S R P Location
O D R 1009 W AV I, LAN
Incident Date: 08/07/2010

Tag	Dispatch Text	Clearance Text	Unit	Entry	10/98
475		A/CITY, AND ABC RE INSP/CHK N	111F	2037	2135
517		CHECK SECURE.	111	2228	2236

S R P Location
O D R 1009 W AV I, LAN
Incident Date: 08/29/2010

Tag	Dispatch Text	Clearance Text	Unit	Entry	10/98
52		PATROL CHECK	111B	246	248

S R P Location

Tag	Dispatch Text	Clearance Text	Unit	Entry	10/98

Incident Date: 02/04/2011

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
O	D	R	1009 W AV I, LAN CLUB"	453	B/UP RE 111F, S ABC OPERATION	A/111F AS NEEDED	111J	2247	2339

Incident Date: 02/06/2011

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
C	B	P	1009 W AV I, LAN "BAMBOO CLUB"	19	INF STATES LARGE GROUP INSIDE OF CLUB POSS GETTING READY TO FIGHT//UD**GROUP HEADING OUTSIDE TO PARKING LOT	C/ SEC NELSON GONZALES MH/083072 STD NO 415FT.	111B	112	131

C	B	P	1009 W AV I, LAN "BAMBOO CLUB"	19	INF STATES LARGE GROUP INSIDE OF CLUB POSS GETTING READY TO FIGHT//UD**GROUP HEADING OUTSIDE TO PARKING LOT		111S	112	129
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C	B	P	1009 W AV I, LAN "BAMBOO CLUB"	19	INF STATES LARGE GROUP INSIDE OF CLUB POSS GETTING READY TO FIGHT//UD**GROUP HEADING OUTSIDE TO PARKING LOT	ASSTD 111B AS NEEDED	112B	112	125
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C	B	P	1009 W AV I, LAN "BAMBOO CLUB"	19	INF STATES LARGE GROUP INSIDE OF CLUB POSS GETTING READY TO FIGHT//UD**GROUP HEADING OUTSIDE TO PARKING LOT		112G	112	125
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Incident Date: 02/19/2011

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
O	D	R	1009 W AV I, LAN CLUB"	23		ON GOING PROB LOC RE:SECURITY W/O GAURD CARD, DRINKING IN PLOT OPEN CONT OBS IN SEVRL VEH. SECAT LOC VALET VEH IN HANDICAP, PSPOTS, CAFE INC ON FILE	112D	102	111

Incident Date: 02/20/2011

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
O	D	R	1009 W AV I, LAN BAMECO	35		ALL CHKD CLR	111J	159	206

EXHIBIT "L"

Revocation of Conditional Use Permit No. 08-08

May 16, 2011

3/24/2011

Raymond V. Young
2017 Slayton St
Palmdale, CA

Brian Luidicke
Planning Director
City of Lancaster

Attention: Brian Luidicke

I am filing a formal complaint with your office against Eugenio Gonzales; DBA Bamboo Restaurant located at 1009 W. Avenue I in the city of Lancaster CA.

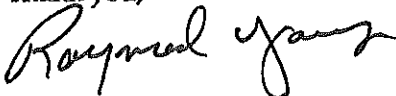
Mr. Gonzales assaulted my son, Raymond S. Young on the morning of 3/19/11 at his place of business. Mr. Gonzales hit my son with a closed fist striking him in the face near his left eye causing him to fall to the ground, striking his head on the stairs, and then going unconscious for approximately 5 minutes due to my son asking for his pay for DJ'ing this night.

My son has been employed by Mr. Gonzales for 2 years, and still till this day has never received the appropriate amount of pay based on the implied contract between the two parties. I have filled battery charges against Mr. Gonzales with the local Police Department. I will be taking legal action against Mr. Gonzales for all the medical bills and pain and suffering he has caused.

Mr. Gonzales has been operating his business as a Night Club and not a restaurant as required by his lease. He has also made illegal structure changes inside to the rear of his establishment without approvals and permits from the City of Lancaster. Mr. Gonzales has allowed minors under the age of 18 years into his place of business and has served them alcohol. Mr. Gonzales charges a fee at the door which he collects and does not report it to the IRS. He has also been known to sell cocaine out of his place of business to his customers. I know this first hand due to him offering me to buy cocaine from him while I was a customer.

The Bamboo Restaurant is a nuisance to the City of Lancaster, an establishment that has had a killing in the past, assaults his employee, sells cocaine, and for these reason should be shut down permanently.

Thank you,



Raymond V. Young

661-575-9836

