

STAFF REPORT
City of Lancaster

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06/28/11
MVB

Date: June 28, 2011

To: Mayor Parris and City Council Members

From: Brian S. Ludicke, Planning Director

Subject: **Appeals--Planning Commission Revocation of Conditional Use Permit No. 08-08, and City Manager Revocation of Business License (Bamboo Restaurant, 1009 West Avenue I)**

Recommendation:

Adopt **Resolution No. 11-37**, revoking Conditional Use Permit No. 08-08, and the business license for Bamboo Restaurant.

Background:

Conditional Use Permit was originally approved by the Planning Commission on September 15, 2008, to allow the sale of beer and wine in conjunction with the operation of a bona fide restaurant. A business license was originally issued by the City for this business on February 12, 2009.

City staff, the Los Angeles County Sheriff's Department, and State Alcoholic Beverage Control investigators have been monitoring the operation of the Bamboo Restaurant for approximately the past 18 months. Based on information provided by these agencies, the City Manager revoked the business license on February 15, 2011, for violations of both State alcohol regulations and the Lancaster Municipal Code. An appeal of this revocation was filed by the business owner on February 28, 2011.

The Planning Commission held a hearing on May 16, 2011, to consider whether the evidence compiled in the review of the business warranted revocation of Conditional Use Permit No. 08-08. The Commission, after reviewing the evidence and hearing testimony, revoked the conditional use permit. The business owner also appealed this revocation on May 31, 2011.

Discussion: The Lancaster Municipal Code defines the circumstances under which a conditional use permit may be revoked. The attached Planning Commission staff report dated May 16, 2011, identifies these circumstances and establishes a factual basis for the revocation of Conditional Use Permit No. 08-08. The appellant has not submitted any additional information regarding this issue as part of the appeal other than to state a desire "to make the necessary adjustments in order to comply with City rules and regulations". However, staff believes that the information provided in the Planning Commission report documents a repeated and continuing violation of both City and State regulations that warrant revocation of the use permit under the circumstances established in the Municipal Code. Therefore, staff recommends that the Council affirm the Commission's decision and act to revoke Conditional Use Permit 08-08.

The Lancaster Municipal Code also allows for the revocation of a business license for “failure to comply with the provisions of this chapter” (Section 5.04.170). Section 5.04.190 of the Municipal Code specifically states that a licensee must comply with “any other applicable federal, state, or local regulations pertaining to such business including, but not limited to all applicable provisions of the Lancaster Municipal Code.” Staff believes the facts used to establish grounds for revocation of the conditional use permit also document the appellant’s failure to comply with these regulations and provisions, and therefore recommends that the business license also be revoked.

Attachments:

Resolution No. 11-37

Appeal Form filed May 31, 2011

Planning Commission Staff Report, Resolution, and Exhibits of May 16, 2011

Available for review in the City Clerk Department

CCN:BSL/jr