



Legislation Details (With Text)

File #: 16-0722 **Version:** 1 **Name:** DS/FM - Designate PC as Hrg Officer for Miko's BL Revocation D7

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Title: Recommendation to appoint Planning Commission as the Hearing Officer, in accordance with Long Beach Municipal Code 2.93.050, for the purpose of conducting a revocation hearing for the revocation of a business license issued to Damitresse Yancey, dba Miko's Sports Lounge, and for the commercial industrial business license issued to the Ronald L. and Peggy C. Mackey Trust for the operation of a business located at 710 West Willow Street, as well as a hearing on the revocation of the Conditional Use Permit (CUP) for 710 West Willow Street based upon violations of the Conditions of Approval associated with the CUP pursuant to Long Beach Municipal Code 21.21.601. (District 7)

Sponsors: Development Services, Financial Management

Indexes:

Code sections:

Attachments: 1. 080916-R-16sr&att.pdf

Date	Ver.	Action By	Action	Result
8/9/2016	1	City Council	approve recommendation	Pass

Recommendation to appoint Planning Commission as the Hearing Officer, in accordance with Long Beach Municipal Code 2.93.050, for the purpose of conducting a revocation hearing for the revocation of a business license issued to Damitresse Yancey, dba Miko's Sports Lounge, and for the commercial industrial business license issued to the Ronald L. and Peggy C. Mackey Trust for the operation of a business located at 710 West Willow Street, as well as a hearing on the revocation of the Conditional Use Permit (CUP) for 710 West Willow Street based upon violations of the Conditions of Approval associated with the CUP pursuant to Long Beach Municipal Code 21.21.601. (District 7)

The property at 710 W. Willow Street (Property) was granted a Conditional Use Permit (CUP) and a Standards Variance on June 15, 1995. When this permit was granted, the property owner(s) agreed to a list of Conditions of Approval and signed an Acknowledgement form agreeing to said conditions. Over the past few years, the Property has been subject to numerous complaints related to the Property itself, as well as the operation of a business associated with the property. The Department of Development Services has determined that the Property is in violation of the Conditions of Approval associated with its CUP. On June 27, 2016, the Department of Development Services issued a letter of non-compliance to the Property located at 710 W. Willow Street (Exhibit A - Letter of Non-compliance). Violations include lack of security, lack of parking, construction work without permits, and public nuisance activities. The Director of Development Services has the responsibility for monitoring compliance with conditions of approval under the provisions of the Long Beach Municipal Code (LBMC) 21.21.404. As the issuing authority for a CUP, the Planning Commission is the Hearing Officer for the revocation of a CUP pursuant to LBMC 21.21.601.

Staff will schedule a public hearing for the proposed revocation of the CUP and Standards Variance for a Planning Commission meeting in the coming weeks.

In December 2013, Damitresse Yancey was issued a business license to operate a bar at the Property, DBA Miko's Sports Lounge. The owner of the business voluntarily agreed to additional conditions at the time of issuance that included additional signage and a requirement to keep the back door closed. This license was issued conditionally at the time for a period of six months and later the regular license was issued. Since that time, the Police Department has responded to hundreds of calls for service regarding the business, including acts of violence that pose a continuing threat to the public at large. Although City representatives have met and spoken with the business owner on several occasions, the business owner is either unwilling or unable to abate the nuisance activities caused by the business. On June 20, 2016, the Chief of Police requested the Department of Financial Management revoke the business license for Miko's Sports Lounge (Exhibit B - Request for Business License Revocation). The Director of Financial Management is the issuing authority for business licenses issued pursuant to LBMC 3.80.410. The Director of Financial Management also has the authority to recommend revocation of a business license. The City Council is the authorized hearing entity for the revocation of a business license. Additionally, LBMC 2.93.050 provides the City Council discretion to either conduct the hearing itself or to appoint a Hearing Officer to conduct said hearing.

Many of the issues identified by the Department of Development Services related to the CUP are also causes of action for the revocation of the business license. These include the nuisance activities listed above, as well as approximately 250 calls for service between January 2014 and May 2016, and conducting entertainment activities without issuance of the required Entertainment Permits. City Council denied the application for an entertainment permit in March 2015 following a hearing. The continued violations of the terms of the CUP and business license form the basis for the revocation of the Property entitlements and the right to operate a business at the Property.

In order to address all nuisance issues associated with the Property and the operation of the business, a consolidated public hearing by the Planning Commission for both the CUP and the business license is recommended. Should the City Council appoint the Planning Commission as the Hearing Officer for the conduct of a public hearing on the business license, a single public hearing on both issues will be scheduled at a future date.

This matter was reviewed by Deputy City Attorney Arturo D. Sanchez and by Budget Analysis Officer Rhutu Amin Gharib on July 20, 2016.

City Council action is requested on August 9, 2016, to ensure timely conduct of the necessary public hearings(s).

There is no fiscal impact associated with this recommendation.

Approve recommendation.

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APPROVED:

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