

TRANSMITTAL TO COUNCIL

Case No. DIR 2008-4412(RV)	Planning Staff Name(s) and Contact No. Patricia Brown - 213-978-1306	C.D. No. 9 ✓
Related Case No(s).		Last Day to Appeal January 22, 2009

Location of Project (Include project titles, if any.) 7535 South Broadway

Applicant(s) and Representative(s) Name(s) and Contact Information, including phone numbers, if available. Office of Zoning Administration City of Los Angeles 200 North Spring Street, #763 Los Angeles, CA 90012 213-978-1318


Appellant(s) and Representative(s) Name(s) and Contact Information, including phone numbers, if available. Erica I. Han Erica Ivy Corporation 6036 Jeffrey Mark Street Cypress, CA 90630 Work Phone - 714-356-9063
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Final Project Description (Description is for consideration by Committee/Council, and for use on agendas and official public notices. If a General Plan Amendment and/or Zone Change case, please include the prior land use designation and zone, as well as the proposed land use designation and zone change (i.e. "from Very Low Density Residential land use designation to Low Density land use designation and concurrent zone change from RA-1-K to (T)(Q)R1-1-K). In addition, for all cases appealed in the Council, please include in the description <u>only</u> those items which are appealable to Council.) In accordance with Municipal Code Section 12.27.1, the above-captioned files, which are the subject of the attached appeal, are transmitted for your consideration. The operator is appealing part of the determination of the Zoning Administrator to impose various conditions with respect to the operation of Ken's Liquor. On January 7, 2009, Zoning Administrator Patricia Brown, acting for the Director of Planning, pursuant to the provisions of Section 12.27.1 found that the business has been a public nuisance and imposed corrective conditions. The appellant is appealing part of the determination of the Zoning Administrator.
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Items Appealable to Council DIR 2007-4412(RV)

Fiscal Impact Statement Yes No X	ENV. No., if applicable ENV 2008-4413-CE	Commission Vote:
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- Please note: In addition to this transmittal sheet, Council needs:
- (1) One original and two copies of the Commission, Zoning Administrator or Director of Planning report
 - (2) Staff recommendation report
 - (3) Appeal, if applicable;
 - (4) environmental document used to approve the project, if applicable;
 - (5) public hearing notice; and (6) mailing labels
 - (7) Condo projects only: 2 copies of Determination labels (including tenants and 500 ft. radius).

Prepared by  Michael LoGrande	Date January 30, 2009	Contact Number 213-978-1318
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MICHAEL LOGRANDE
CHIEF ZONING ADMINISTRATOR

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

DEPARTMENT OF
CITY PLANNING
S. GAIL GOLDBERG, AICP
DIRECTOR

OFFICE OF
ZONING ADMINISTRATION
200 N. SPRING STREET, 7TH FLOOR
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ASSOCIATE ZONING ADMINISTRATORS

PATRICIA BROWN
R. NICOLAS BROWN
SUE CHANG
ANIK CHARRON
LARRY FRIEDMAN
LOURDES GREEN
ERIC RITTER
LINN K. WYATT
MICHAEL S.Y. YOUNG
MAYA E. ZAITZEVSKY

January 30, 2009

Honorable City Council
City of Los Angeles
Room 395, City Hall
Los Angeles, CA 90012

CASE NO. DIR 2008-4412(RV)
IMPOSITION OF CONDITIONS
7535 South Broadway
South Los Angeles Planning Area
Zone : C2-1VL
D. M. : 099B201
C. D. : 9
CEQA : ENV-2008-4413-CE
Legal Description : Fr. of Lot 52,
Peckham's Moneta Avenue
Square No. 1 Tract

Honorable Members:

In accordance with Municipal Code Section 12.27.1, the above-captioned files, which are the subject of the attached appeal, are transmitted for your consideration.

Appeal Request: The appellant, Erica I. Han for Erica Ivy Corporation, is appealing various conditions imposed upon the operation of Ken's Liquor. Conditions appealed relate to hours of operation (No. 9) and security guard (No. 17).

Background: On January 7, 2009, Zoning Administrator Patricia Brown, acting for the Director of Planning, pursuant to the provisions of Section 12.27.1 found that the operation of the business known as Ken's Liquor, has resulted in some public nuisance and requires the modification of its operation and the future operation of any liquor store at the same location to mitigate adverse impacts associated with that use on persons and property.

MICHAEL LOGRANDE
Chief Zoning Administrator

ML:lmc

CITY OF LOS ANGELES
PLANNING DEPARTMENT

MASTER APPEAL FORM

APPEAL TO THE: City Council

REGARDING CASE NO.: DIR 2008-4412 (RV)

This application is to be used for any authorized appeals of discretionary actions administered by the Planning Department. Appeals must be delivered in person with the following information filled out and be in accordance with the Municipal Code. **A copy of the action being appealed must be included. If the appellant is the original applicant, a copy of the receipt must also be included.**

APPELLANT INFORMATION: PLEASE PRINT CLEARLY

Name Erica I. Han FOR ERICA IVY CORPORATION

Mailing Address 6036 JEFFREY MARK STREET

CYPRESS, CA. Zip: 90630

Work Phone: (714) 356-9063 Home Phone: (714) 356-9063

- a) Are you or do you represent the original applicant?
(Circle One) YES NO
- b) Are you filing to support the original applicant's position?
(Circle One) YES NO
- c) Are you filing for yourself or on behalf of other parties, an organization or company?
(Circle One) SELF OTHER
- d) If "other" please state the name of the person(s), organization or company (print clearly or type)

N/A

REPRESENTATIVE

Name SAME AS APPELLANT

Mailing Address _____

_____ Zip _____

Work Phone: () _____ Home Phone : () _____

APPEAL INFORMATION

A complete copy of the decision letter is necessary to determine the final date to appeal, under what authorizing legislation, and what, if any, additional materials are needed to file the appeal.

Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.

Final Date to Appeal: JAN. 22, 2009

EXHIBIT 'A'

The Appellant would like to request the following items to be reconsidered by the City of Los Angeles:

The item no. #9: “The hours of operation for the market shall not exceed the hours of 7 a.m. to 10 p.m. seven days per week. The hours shall be posted in a visible location near the front entrance to the store.”

Currently, we are permitted and licensed to operate the market until 2 A.M. seven days a week. We do understand the concern by the City and the Neighbors based on our prior record, a state licensed uniform security guard has placed on the exterior of the store to patrol the site. The security guard patrols the premises during his working hours and discourages any foreseen and any suspected illicit activities, loitering, and consumption of alcohol on the property until closing hours. Since we stationed a security guard at the site, and the undivided cooperation of full time managers working hand in hand, there are no foreseen and suspected illicit activities at the present time. Therefore, the appellant would like the City and the Neighbors to **reconsider the closing hours from 8 a.m. to 12 a.m. seven days a week.**

** The arrest/crime reports submitted by the LAPD supports there is **no arrest/crime** occurred between 10 p.m. thru 12 a.m.

The item no. #17: “A state licensed uniform security guard shall be stationed on the exterior of the store to patrol the site to discourage loitering and other illicit activities on the property. The security guard shall patrol the premises during all hours in which the store is opened. The security guard cannot be the owner or have any association with the operation of the establishment.”

The business owners have hired full time managers around the clock who have an experience in the market industry. The managers are very familiar with Imposition of Conditions imposed by the City, and are working from opening to closing. One of the owners, Erica I. Han, is also working at the market full time when the market is opened at 8 a.m. Currently a uniform security guard is stationed from 4 p.m. to close of business. The managers and the owner discourage loitering, consuming alcohol on the premises prior to the security guard's arrival and there are no such activities at the subject market at present time. Therefore, please let us **continue with the present working hours of a security guard, which is 4 p.m. to 12 a.m.**

REASONS FOR APPEALING

Are you appealing the entire decision or parts of it?

Entire Part ITEMS #9 and #17 only

Indicate: 1) How you are aggrieved by the decision; and 2) Why do you believe the decision-maker erred or abused their discretion? If you are not appealing the whole determination, please explain and specifically identify which part of the determination you are appealing.

Attach additional sheets if necessary.

SEE ATTACHED EXHIBIT "A"

ADDITIONAL INFORMATION

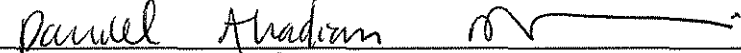
- Original receipt required to calculate 85% filing fee from original applicants.
- Original applicants must pay mailing fees to BTC and submit copy of receipt.
- Any additional information or materials required for filing an appeal must be provided in accordance with the LAMC regulations as specified in the original determination letter. **A copy of the determination/decision letter is required.**
- Acceptance of a complete and timely appeal is based upon successful completion and examination of all the required information.
- **Seven copies and the original appeal are required.**


I certify that the statements contained in this application are complete and true:

Appellant 
Erica I. Han FOR ERICA IVY CORPORATION

OFFICIAL USE ONLY

Receipt No. 280801 Amount \$ 95 Date 1/13/09

Application Received 

Application Deemed Complete 

Copies provided: Determination Receipt (original applicant only)

Determination Authority Notified (if necessary)

MICHAEL LOGRANDE
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

PATRICIA BROWN
R. NICOLAS BROWN
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200 N. SPRING STREET, 7TH FLOOR
LOS ANGELES, CA 90012

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www.lacity.org/PLN

January 7, 2009

Office of Zoning Administration (A)
City of Los Angeles
200 North Spring Street, #763
Los Angeles, CA 90012

Sadofsky Investments LLC (O)
2142 Century Park Lane, #401
Los Angeles, CA 90067

Erica Ivy Corporation (Op)
Myung Soon Sik
6036 Jeffrey Mark Street
Cypress, CA 90630

Ken's Liquor
7535 South Broadway
Los Angeles, CA 90003

CASE NO. DIR 2008-4412(RV)
IMPOSITION OF CONDITIONS
7535 South Broadway
South Los Angeles Planning Area
Zone : C2-1VL
D. M. : 099B201
C. D. : 9
CEQA : ENV 2008-4413-CE
Legal Description : Fr. of Lot 52,
Peckham's Moneta Avenue Square
No. 1 Tract

Pursuant to Section 12.27.1 of the Los Angeles Municipal Code, I hereby DETERMINE:

that the operation of Ken's Liquor located at 7535 South Broadway, is a public nuisance and requires modification of the operation to mitigate adverse impacts on persons or property associated with its use,

as follows:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.



3. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
4. The property owner shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the property owner of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the property owner of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the property owner shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
5. All exterior signs shall be in conformance with the provisions of the Municipal Code.
6. The business owner shall ensure that all employees are made completely familiar with these conditions and implement them as applicable. Copies of the conditions shall be maintained on the premises at all times.
7. All exterior portions of the site including the area adjacent to the rear alley shall be adequately illuminated at night to the satisfaction of the Los Angeles Police Department. All lighting shall be directed onto the site and no floodlighting shall be located so as to be seen directly by the adjacent properties.
8. The property owner shall post and maintain signs on the exterior of the building in English and Spanish at the liquor store and in the parking lot advising against public drinking, loitering, trespassing and drugs and the applicable statute.
9. The hours of operation for the market shall not exceed the hours of 7 a.m. to 10 p.m. seven days per week. These hours shall be posted in a visible location near the front entrance to the store.
10. No video games or arcade type games (pinball, video, computer) are permitted on the property.
11. A video surveillance system shall be provided on the exterior of the market to the satisfaction of the Los Angeles Police Department. The video surveillance tapes shall be maintained for a period of not less than 30 days or longer time period as required by the LAPD.
12. No outside pay phones are permitted on the property.
13. Lighting shall be installed along the building perimeter (Broadway Avenue frontage, parking area adjacent to 76th Street and the rear alley) to make persons discernible to law enforcement personnel.
14. There shall be no loitering at the market nor any area adjacent to the market under the property owner's control. The market operator shall not allow any patron to

remain on the premises nor shall they direct patrons to loiter or consume alcohol on any adjacent property.

15. No alcoholic beverages shall be consumed on the exterior of nor the area adjacent to the subject premises or on any property adjacent to the licensed premises which is under the control of the licensee.
16. The property shall be kept free of trash and debris at all times. The store employees shall inspect the outside of the premises throughout the day to ensure the property is free of trash.
17. A state-licensed uniformed security guard shall be stationed on the exterior of the store to patrol the site to discourage loitering and other illicit activities on the property. The security guard shall patrol the premises during all hours in which the store is open. The security guard cannot be the owner or have any association with the operation of the establishment.
18. All signs and advertising of alcohol visible to the exterior of the establishment shall be removed including signs on the doors.
19. No individual cups, nor individual servings of ice shall be sold or distributed.
20. All outside trash containers on the subject property shall be enclosed and locked after business hours and shall be located so as not to result in noise or odor impact on any adjacent residential use.
21. The store shall offer no narcotic paraphernalia or related items for sales.
22. A 6-foot in height wrought iron fence shall be installed along the southerly and westerly perimeters of the property to discourage loitering.
23. The business owner shall meet quarterly (March, June, September, and December) with the Detective Support and Vice Division -Community Problems Unit, 77th Senior Lead Officer of the Area, and 77th Vice ABC Coordinator.
24. Within 90 days of the effective date of this determination, all persons at the store involved in the direct sale of alcoholic beverages to the public shall enroll in STAR training offered by the Los Angeles Police Department. Confirmation of attendance at such training shall be provided to the Zoning Administrator.
25. Complaint monitoring.
 - a. A "hot line" phone number shall be provided for immediate response to complaints during the hours of operation of the business. The "hot line" shall also provide for messages after hours with response within 24 hours of receipt of the message. This phone line shall be used for receipt of complaints regarding the market. The number shall be:

- 1) Provided to the Los Angeles Police Department
 - 2) Provided to the immediate neighbors, the Community Coalition and local neighborhood association.
 - 3) Posted at the entry
 - 4) Posted at the Customer Service desk
- b. Log. The property owner/operator shall keep a log of complaints received, the date and time received and the disposition of the response. The log shall be retained for consideration by the Zoning Administrator.
- c. The property owner/operator shall designate a community liaison. The liaison shall meet with representatives of the neighborhood and/or neighborhood association, at their request, to resolve neighborhood issues regarding the subject property.
26. The market shall strictly comply with all ABC laws and conditions, specifically those addressing retail operating standards.
27. The owner/operator shall verify that patrons attempting to purchase alcohol are of legal drinking age by requiring identification from anyone appearing to be under age.
28. Within 30 days of the effective date of this action, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Zoning Administrator for approval before recordation. After recordation, a certified copy bearing The Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.
29. A Plan Approval application shall be filed within six months of the effective date of this action to allow for a review of the effectiveness in implementing the conditions established herein and to determine whether the public nuisance problems identified in the "Findings" section of this determination have been eliminated. A public hearing shall be conducted. Notice of the public hearing shall be mailed to all property owners and occupants located within 500 feet of the property. The Zoning Administrator conducting the hearing may add, modify or delete conditions as determined appropriate. The Zoning Administrator may also require the discontinuance of the use, or any portion of the property or individual lease space if the applicable findings can be made.

TRANSFERABILITY

This action runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than the current owner, it is incumbent that the owner advise them regarding the conditions of this action.

VIOLATIONS OF THESE CONDITIONS IS A MISDEMEANOR

It shall be unlawful to violate or fail to comply with any requirement or condition imposed by final action of the Zoning Administrator, Board or Council. Such violation or failure to comply shall constitute a violation of Chapter 1 of the Municipal Code and shall be subject to the same penalties as any other violation of such Chapter. (Section 12.27.1 of the Municipal Code)

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment. (Section 11.00-M of the Municipal Code)

APPEAL PERIOD - EFFECTIVE DATE

The Zoning Administrator's determination in this matter will become effective after JANUARY 22, 2009, unless an appeal therefrom is filed with the City Planning Department.

It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted.

Forms are available on-line at www.lacity.org/pln. Public offices are located at:

Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077

Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Room 251
Van Nuys, CA 91401
(818) 374-5050

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure

that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements and correspondence contained in the file, the report of the Zoning Analyst thereon, the statements made at the public hearing before the Zoning Administrator on December 2, 2008, all of which are by reference made a part hereof, as well as knowledge of the property and the surrounding district, I find that there is cause for imposition of corrective Conditions based upon the provisions of Section 12.27.1 of the Municipal Code which has been established by the following facts:

NUISANCE ABATEMENT AUTHORITY - SECTION 12.27.1 OF THE LOS ANGELES MUNICIPAL CODE

On May 25, 1989, Ordinance No. 164,749 became effective, establishing procedures for the modification, discontinuance or removal of a use, building or structure that constitutes a public nuisance or endangers the public health or safety or violates any provision of City, State or Federal statutes or ordinance. That ordinance became Section 12.21-A,15 of the Los Angeles Municipal Code.

On October 27, 1997, Ordinance No. 171,740 became effective, amending the language in the earlier ordinance. The corresponding Municipal Code Section is now 12.27.1.

Prior to an action by the Zoning Administrator requiring that a use be discontinued, it must be found that prior governmental efforts to eliminate the problems associated with the use have failed and the owner or lessee has failed to demonstrate to the satisfaction of the Zoning Administrator a willingness and ability to eliminate the problems associated with the use.

BACKGROUND

Community concerns and Los Angeles Police Department police calls and arrest reports documentation were received of repeated nuisance activities including possession of illegal drug paraphernalia, public drinking and felony warrants.

The subject site is a level, 6,600 square-foot, rectangular-shaped, corner lot developed with a one-story, approximately 2,000 square-foot commercial building occupied by the subject liquor store, and a surface parking lot with approximately 10 parking spaces. The subject lot has 50 linear feet of frontage along the west side of Broadway, and a depth of 131.89 linear feet. The site is also located across from the Los Angeles Police Department's 77th Street Division.

Properties to the north are classified in the C2-1VL Zone and developed with a two-story multi-family residential building and one-story single-family dwellings.

Properties to the east, across Broadway, are classified in the C2-1VL Zone and developed with a two-story multi-family residential building, a church, and a small commercial building.

There is a public elementary school one block east of Broadway on the north side of 76th Street. The LAPD's 77th Street Division is located east of the subject site on the southeast corner of Broadway and 76th Street.

Properties to the south, across 76th Street, are classified in the C2-1VL Zone and developed with a recycling center, a used car lot and two-story multi-family residential buildings.

Properties to the west, across the alley, are classified in the R2-1 Zone and developed with one- and two-story multi-family residential buildings.

Previous zoning related actions on the site include:

License No. 433386 - California Department of Alcoholic Beverage Control license Type 21 (off-sale general) issued to Erica Ivy Corporation doing business as Ken's Liquor. This license is active and expires on March 31, 2009.

License No. 471447 - California Department of Alcoholic Beverage Control license Type 21 (off-sale general) issued to Myung Soon Sik doing business as Ken's Liquor. This license is a transfer and is pending.

Order to Comply No. A-1560849 - On August 29, 2007, an inspector from the Department of Building and Safety cited the property owner of 7535 South Broadway, Ken's Liquor, for failure to maintain the exterior of the building free from graffiti which could be viewed from the public street. Compliance was achieved on January 15, 2008 and the Order was officially closed on January 25, 2008.

The LAPD submitted the following arrest/crime reports:

1. January 11, 2006 - Drinking in Public arrest report, occurred approximately 9:15 p.m. - Officers observe suspect standing on sidewalk in front of the parking lot to Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
2. January 12, 2006 - Drinking in Public arrest report, occurred approximately 6:45 p.m. - Officers observe suspect standing on sidewalk in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
3. January 31, 2006 - Drinking in Public arrest report, occurred approximately 2:15 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
4. April 11, 2006 - Drinking in Public arrest report, occurred approximately 12:05 p.m. - Officers observe suspect sitting in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
5. April 11, 2006 - Drinking in Public arrest report, occurred approximately 12:05 p.m. - Officers observe suspect sitting in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.

6. April 11, 2006 - Drinking in Public arrest report, occurred approximately 12:05 p.m. - Officers observe suspect sitting in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
7. April 17, 2006 - Drinking in Public arrest report, occurred approximately 10:15 a.m. - Officers observe suspect standing in parking lot against the south wall of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
8. April 17, 2006 - Drinking in Public arrest report, occurred approximately 10:15 a.m. - Officers observe suspect standing in parking lot against the south wall of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
9. April 17, 2006 - Drinking in Public arrest report, occurred approximately 10:15 a.m. - Officers observe suspect standing in parking lot against the south wall of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
10. June 24, 2006 - Furnishing Alcoholic Beverage to Minor arrest report, occurred approximately 7:00 p.m. - Minor decoy sent to Ken's Liquor to solicit persons entering the liquor store to purchase alcohol for the minor; suspect observed purchasing alcohol and furnishing it to the minor decoy; suspect arrested and released at the scene.
11. November 30, 2006 - Drinking in Public arrest report, occurred approximately 4:00 p.m. - Officers observe suspect sitting in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
12. December 15, 2006 - Drinking in Public arrest report, occurred approximately 4:45 p.m. - Officers observe suspect standing on sidewalk in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
13. January 11, 2007 - Drinking in Public arrest report, occurred approximately 12:30 p.m. - Officers observe suspect in the alley directly behind Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
14. March 28, 2007 - Drinking in Public arrest report, occurred approximately 12:25 p.m. - Officers observe suspect sitting on bus bench in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
15. March 28, 2007 - Drinking in Public arrest report, occurred approximately 12:30 p.m. - Officers observe suspect in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
16. July 13, 2007 - Drinking in Public arrest report, occurred approximately 12:20 p.m. - Officers observe suspect standing on sidewalk in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.

17. July 31, 2007 - Drinking in Public arrest report, occurred approximately 8:40 p.m. - Officers observe suspect sitting in a chair in the parking lot of Ken's Liquor holding an open alcoholic beverage; suspect arrested and released at the scene.
18. July 31, 2007 - Drinking in Public arrest report, occurred approximately 8:45 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
19. July 31, 2007 - Drinking in Public arrest report, occurred approximately 8:50 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
20. July 31, 2007 - Drinking in Public arrest report, occurred approximately 10:00 p.m. - Officers observe suspect standing in front of Ken's Liquor holding an alcoholic beverage; suspect arrested and released at the scene.
21. September 20, 2007 - Drinking in Public arrest report, occurred approximately 7:05 p.m. - Officers observe suspect seated in the alley behind Ken's Liquor holding an alcoholic beverage; suspect arrested and released at the scene.
22. September 26, 2007 - Drinking in Public arrest report, occurred approximately 1:05 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor holding an alcoholic beverage; suspect arrested and released at the scene.
23. September 26, 2007 - Drinking in Public arrest report, occurred approximately 7:00 p.m. - Officers observe suspect standing against wall of Ken's Liquor holding an alcoholic beverage; suspect arrested and released at the scene.
24. September 26, 2007 - Drinking in Public arrest report, occurred approximately 7:15 p.m. - Officers observe suspect standing by Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
25. September 27, 2007 - Drinking in Public arrest report, occurred approximately 4:20 p.m. - Officers observe suspect sitting in the parking lot of Ken's Liquor holding an open alcoholic beverage; suspect arrested and released at the scene.
26. January 10, 2008 - Drinking in Public arrest report, occurred approximately 4:30 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
27. January 10, 2008 - Drinking in Public arrest report, occurred approximately 4:30 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
28. January 11, 2008 - Drinking in Public arrest report, occurred approximately 4:00 p.m. - Officers observe suspect standing on sidewalk on the south side of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.

29. January 17, 2008 - Drinking in Public arrest report, occurred approximately 4:45 p.m. - Officers observe suspect standing on sidewalk on the south side of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
30. January 19, 2008 - Drinking in Public arrest report, occurred approximately 3:45 p.m. - Officers observe suspect walking in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
31. February 5, 2008 - Drinking in Public arrest report, occurred approximately 12:10 p.m. - Officers observe suspect standing in alley behind Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
32. February 5, 2008 - Drinking in Public arrest report, occurred approximately 12:10 p.m. - Officers observe suspect standing in alley behind Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
33. February 5, 2008 - Drinking in Public arrest report, occurred approximately 4:00 p.m. - Officers observe suspect standing on sidewalk in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
34. February 8, 2008 - Drinking in Public arrest report, occurred approximately 12:15 p.m. - Officers observe suspect sitting on sidewalk in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
35. February 11, 2008 - Drinking in Public arrest report, occurred approximately 1:10 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
36. February 12, 2008 - Drinking in Public arrest report, occurred approximately 4:10 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
37. February 17, 2008 - Drinking in Public arrest report, occurred approximately 1:00 p.m. - Officers observe suspect standing on sidewalk in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
38. March 25, 2008 - Drinking in Public arrest report, occurred approximately 8:05 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
39. April 24, 2008 - Drinking in Public arrest report, occurred approximately 4:50 p.m. - Officers observe suspect sitting on sidewalk in front of Ken's Liquor holding an alcoholic beverage; suspect arrested and released at the scene.
40. May 6, 2008 - Loitering arrest report, occurred approximately 8:00 a.m. - Officers observe five persons standing in the southwest corner of the parking lot at Ken's Liquor; officers leave then return approximately 20 minutes later to find the same persons still standing in the same location; all five persons arrested for loitering.

41. March 25, 2008 - Drinking in Public arrest report, occurred approximately 8:05 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
42. May 14, 2008 - Drinking in Public arrest report, occurred approximately 8:50 p.m. - Officers observe suspect standing on sidewalk in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
43. May 15, 2008 - Drinking in Public arrest report, occurred approximately 8:30 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor holding an alcoholic beverage; suspect arrested and released at the scene.
44. June 26, 2008 - Drinking in Public arrest report, occurred approximately 2:25 p.m. - Officers observe suspect sitting on sidewalk in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
45. July 5, 2008 - Drinking in Public arrest report, occurred approximately 10:00 a.m. - Officers observe suspect sitting on a milk crate in the alley behind Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
46. July 5, 2008 - Drinking in Public arrest report, occurred approximately 10:00 a.m. - Officers observe suspect standing in the alley behind Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
47. July 5, 2008 - Drinking in Public arrest report, occurred approximately 10:00 a.m. - Officers observe suspect standing in the alley behind Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
48. October 8, 2008 - Drinking in Public arrest report, occurred approximately 9:15 a.m. - Officer observes suspect sitting on curb on the side of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
49. October 13, 2008 - Drinking in Public arrest report, occurred approximately 7:15 p.m. - Officers observe suspect standing on sidewalk in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
50. October 15, 2008 - Drinking in Public arrest report, occurred approximately 10:10 a.m. - Officer observes suspect standing next to south wall of Ken's Liquor disrobing; officer investigates then observes suspect take a drink from an alcoholic beverage; suspect arrested.
51. October 22, 2008 - Drinking in Public arrest report, occurred approximately 8:30 a.m. - Officer observes suspect drinking alcoholic beverage at Ken's Liquor; suspect arrested and released at the scene.

52. October 31, 2008 - Drinking in Public arrest report, occurred approximately 2:15 p.m. - Officers observe suspect standing on sidewalk in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.

PUBLIC HEARING

A public hearing was held on December 2, 2008 at which approximately 20 people were in attendance. Following is a summary of the testimony at the hearing.

A representative for Ken's Liquor provided the following testimony:

- Apologize for the problems caused by the negligence
- Police officers are clients, so thought well protected
- Recycling place across the street has people drinking
- Liquor store has no fence at the rear
- Notified in March by the ABC
- Fence has been added (photos submitted)
- Lighting has been enhanced three months ago
- Armed security beginning around 5:30 p.m.; summer at 7 p.m. was added two weeks ago
- Now there is no nuisance
- Three weeks ago stopped selling individual cups
- Two weeks ago the surveillance cameras were increased to 15
- Entering a contract to re-pave the parking lot. It will take place within 60 days
- Would appreciate another chance
- Want three months to make improvements

A representative for the Community Coalition provided the following testimony:

- We are in opposition
- See what takes place between the liquor store and the recycling center
- A minimum of 26 citations for drinking have been issued
- A 3-foot fence as a division does not resolve the issue
- Recycling Center contributes to odors
- There is the smell of urine at the store
- Trash bin is not locked
- Pay phone should be removed
- Want to remove the bench
- Drinking in public continues in 2008
- Want use revoked or very stringent conditions imposed
- Single alcohol, and cigarettes are sold
- Need to respect the community

A resident provided the following testimony:

- Have lived here for 15 years
- Ken's was here and it was clean
- When the recycling use came in problems started

- People go straight to Ken's after the recycling and hang out in the neighborhood
- Public urination and other activities take place in the alley
- Resident's are challenged by individuals in the alley

A second resident provided the following testimony:

- I live behind the liquor store
- People buy beer and hang around at the rear and threaten neighbors
- The owner ignores
- Homeless take cans to recycle
- People drink, cuss you out, threaten you and the liquor store does nothing

A third resident provided the following testimony:

- Have problems with trailer homes parking in front by persons purchasing drugs
- Recycling Center also does tire and automotive work
- When Ken owned the site it was clean. Now the site is not maintained
- Owner doesn't work with the neighbors
- Kids can't play because of public urine et al.
- Dumpsters are not closed or locked
- Persons 18 and younger buy blunts at the shop, 2-11 beer and individual cups and ice
- The business has been a problem since Ken sold it
- Business was sold in 1998 or 1999
- Fence is short running only from the dumpster to the end of the sidewalk
- People beg and when you don't give, cuss you out
- Haven't seen the security

A fourth resident provided the following testimony:

- I live to the rear
- Drugs and alcohol are sold from the liquor store and is a problem
- We call LAPD frequently
- Men and women urinate in public
- Call LAPD to get the vagrants to move
- It is still dark at the rear and side
- Haven't seen security
- Site is not clean
- Can the alley be blocked?
- Would like the recycling use to leave

Senior Lead Officer Martinez of the Los Angeles Police Department provided the following testimony:

- We have had to respond several times
- Patrons have been observed vomiting, urinating and exhibiting nudity
- Calls are generated as a result of violence with an incredible number of calls
- Recycling Center is part but not all of the equation

- There is aggressive panhandling
- Want management and the employees to assist in improving

Officer Casanos with 77th Vice provided the following testimony:

- We cite using patrol officers
- We can see violations from our station windows
- Parking lot is adjacent to the alley and there is constant loitering
- We have issued citations and have made arrests numerous times
- There is no security
- Active security is needed
- Reduction in hours may help
- Homes are adjacent to the alley with access provided via the alley
- Many individuals drink in the alley

A representative for Council District 9 provided the following testimony:

- We are requesting revocation
- Site is near schools
- Have no confidence in compliance with conditions if imposed

A representative for the property owner provided the following testimony:

- Owner became aware about three weeks ago
- Wasn't aware of the problem previously
- Owner is ready to take steps to alleviate the problems
- There needs to be more light
- Will recommend to the owner that no single cups are sold
- Want security at all hours and will patrol the exterior
- We are agreeable to any other requirements you set
- Will have our own investigator to make sure all steps are followed

The operator provided the following testimony:

- We clean the site twice a day
- Two to three employees are on the site at any one time. There are two in the morning and three at night
- One security guard is present at night beginning at 5 p.m. until closing (contract submitted)
- Have regular meetings with the Los Angeles Police Department

Written Correspondence

A letter, dated July 10, 2008, was received from ABC written to the operators of Ken's Liquor. The letter states that the LAPD has issued numerous citations to persons drinking in public on the premises of Ken's Liquor thus, the liquor store has been operating as a public nuisance and faces disciplinary action by ABC. The operator of Ken's Liquor replied

in a letter dated July 30, 2008, stating that he has taken the following steps to address nuisance problems:

1. Installed new 3-foot fence on western side of parking lot;
2. Posted three new "NO DRINKING" signs on the wall facing the parking lot;
3. Continuous vigilance through monitoring the video system;
4. Refusal to sell alcoholic beverages to anyone who continues to drink in public.

SAVED AS N: DIR 2008-4412(RV)LETTERS

EXHIBIT "A"

A letter was received with the following concerns:

- I reside in the area
- Problems began with the opening of the recycling center which drew basket pushers, alcoholics, drug addicts people exposing themselves, and people eliminating in public
- People in the apartment across from Ken's cannot sleep because of the loud noise from those who hang around in the alley.
- People get money for recycling then go to Ken's, buy beer and liquor then hang out in the alley causing problems

The Community Coalition submitted a letter with the following concerns:

- The operators have failed to comply with various verbal and written citations issued by LAPD regarding drinking in public
- Revocation of the conditional use would be consistent with the community's desire to reduce the availability of alcohol in South Los Angeles
- (outlined the work of the Coalition)
- (noted study by Dr. R.A. Scribner on violent assaults in relation to the number of liquor outlets)
- Most beneficial economic developments are those that meet the immediate needs of the community. Alcohol is not an immediate need
- Proximity of Ken's Liquor to a recycling center enhances it's business by allowing rummaging of its trash for recycling which is turned into cash and used to purchase items from the store
- Exterior of store has a foul odor of trash combined with urine. This is a major health concern for the community
- State licensed security from 6 pm to midnight is not a remedy when many of the citations take place during the daylight hours
- Owner/operator provides cups upon request after the purchase of alcohol which encourage more drinking in public
- California ABC has advised operator to correct or face disciplinary action
- LAPD has repeatedly responded to made investigations of and arrests for drinking in public

- (listed nearby sensitive sites, schools and churches -19)
- (listed nearby alcohol outlets - 9)

DISCUSSION

Under this action, conditions have been imposed to ensure improvement at the site. These conditions will serve as a mechanism to measure improvement. Should corrective conditions prove ineffective, the Municipal Code authorizes the discontinuance of that use.

In the following section, the rationale for each condition is set forth.

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
3. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
4. The property owner shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the property owner of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the property owner of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the property owner shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

Zoning Administrator's Comments: The above conditions seek to remind the business owner and property owner that all applicable sections of the Municipal Code apply to the subject property and no deviations are permitted. The use of the property shall be operated in a manner that does not adversely affect the neighborhood.

5. All exterior signs shall be in conformance with the provisions of the Municipal Code.

Zoning Administrator's Comments: There are an excessive number of signs on the subject property. This detracts from the neighborhood.

6. The business owner shall ensure that all employees are made completely familiar with these conditions and implement them as applicable. Copies of the conditions shall be maintained on the premises at all times.

Zoning Administrator's Comments: This condition has been imposed to ensure that the employees are aware of the conditions which they will be responsible for enforcing in the absence of the business owner.

7. All exterior portions of the site including the area adjacent to the rear alley shall be adequately illuminated at night to the satisfaction of the Los Angeles Police Department. All lighting shall be directed onto the site and no floodlighting shall be located so as to be seen directly by the adjacent properties.

Zoning Administrator's Comments: To discourage criminal activities including public drinking in the alley and on the property, lighting is required around the perimeter of property.

8. The property owner shall post and maintain signs on the exterior of the building in English and Spanish at the liquor store and in the parking lot advising against public drinking, loitering, trespassing and drugs and the applicable statute.

Zoning Administrator's Comments: Posting and maintenance of the signs is required to inform patrons that these activities are not allowed.

9. The hours of operation for the market shall not exceed the hours of 7 a.m. to 10 p.m. seven days per week. These hours shall be posted in a visible location near the front entrance to the store.

Zoning Administrator's Comments: The hours have been limited to 7 a.m. to 10 p.m. Of the 40 calls for service identified by the police, 12 calls representing 30 percent occurred after the hours of 10 p.m. Testimony was provided of drinking in the alley at night. Given the number of problems occurring and the proximity of residential uses, the limitation on the hours should assist in limiting the late night drink, loitering and defecation currently associated with the property.

10. No video games or arcade type games (pinball, video, computer) are permitted on the property.

Zoning Administrator's Comments: Condition has been imposed to discourage loitering on the site.

11. A video surveillance system shall be provided on the exterior of the market to the satisfaction of the Los Angeles Police Department. The video surveillance tapes shall be maintained for a period of not less than 30 days or longer time period as required by the LAPD.

Zoning Administrator's Comments: The video surveillance system will provide an opportunity for the employees to observe activity on the exterior of the property and to provide to the Police tapes of criminal activities should they occur.

12. No outside pay phones are permitted on the property.

Zoning Administrator's Comments: The condition has been imposed to discourage loitering and criminal activities.

13. Lighting shall be installed along the building perimeter (Broadway Avenue frontage, parking area adjacent to 76th Street and the rear alley) to make persons discernible to law enforcement personnel.

Zoning Administrator's Comments: Lighting is required along the building perimeter to provide for safety and visibility around the exterior of the site including visibility by police.

14. There shall be no loitering at the market nor any area adjacent to the market under the property owners control. The market operator shall not allow any patron to remain on the premises nor shall they direct patrons to loiter or consume alcohol on any adjacent property.

Zoning Administrator's Comments: There have been complaints and documented arrests for illegal public drinking on and around the site. The condition is intended to ensure that these nuisance activities are eliminated.

15. No alcoholic beverages shall be consumed on the exterior of nor the area adjacent to the subject premises or on any property adjacent to the licensed premises which is under the control of the licensee.

Zoning Administrator's Comments: There have been complaints and documented arrests for illegal public drinking on and around the site. The condition is intended to ensure that these nuisance activities are eliminated.

16. The property shall be kept free of trash and debris at all times. The store employees shall inspect the outside of the premises throughout the day to ensure the property is free of trash.

Zoning Administrator's Comments: The site has not been well maintained. This distracts not only from the site, but from the community as well. The condition has been imposed to remind the business owner that the operation of the market not only includes the sale of merchandise but the maintenance of the property as well.

17. A state-licensed uniformed security guard shall be stationed on the exterior of the store to patrol the site to discourage loitering and other illicit activities on the property. The security guard shall patrol the premises during all hours in which the store is open. The security guard cannot be the owner or have any association with the operation of the establishment.

Zoning Administrator's Comments: Beginning January 10, 2008 through October 31, 2008, there were 26 arrests, 25 of which were for public drinking. The condition has been imposed to reduce the loitering, drinking in public and other criminal activities at the site. Arrests were made at the site as early as 8 a.m. and as late as 10 p.m. Hence, the security guard service is needed during all hours in which the store is open.

18. All signs and advertising of alcohol visible to the exterior of the establishment shall be removed including signs on the doors.

Zoning Administrator's Comments: Advertisements for the sale of alcohol are visible on many surfaces and visible from the exterior of the store. This has an adverse visual impact upon the surrounding uses. The proliferation of alcohol signage focuses greater emphasis on the availability of alcohol and less on the grocery use.

19. No individual cups, nor individual servings of ice shall be sold or distributed.

Zoning Administrator's Comments: The staff investigator found individual cups for distribution at the counter. The provision of individual cups encourages consumption of alcohol on and around the site and encourages communal sharing of alcoholic beverages.

20. All outside trash containers on the subject property shall be enclosed and locked after business hours and shall be located so as not to result in noise or odor impact on any adjacent residential use.

Zoning Administrator's Comments: Residential uses are located to the rear of the subject site across an alley. To reduce impacts on the residential uses resulting from the visibility of trash bins, and persons rummaging for recyclables, the bins shall be enclosed and locked after hours.

21. The store shall offer no narcotic paraphernalia or related items for sales.

Zoning Administrator's Comments: The condition has been imposed to discourage drug activity.

22. A 6-foot in height wrought iron fence shall be installed along the southerly and westerly perimeters of the property to discourage loitering.

Zoning Administrator's Comments: Fencing has been required to limit access and loitering on the side of the store adjacent to the alley and along 76th Street. There have been complaints regarding the activities by patrons of the market in the alley. A fence of wrought iron composition is required to ensure visibility by the market owner, employees and surveillance camera into the alley and surrounding sidewalk for policing of activities related to the site.

23. The business owner shall meet quarterly (March, June, September and December) with the Detective Support and Vice Division -Community Problems Unit, 77th Senior Lead Officer of the Area, and 77th Vice ABC Coordinator.

Zoning Administrator's Comments: The condition has been imposed to provide for regular monitoring and coordination with the Los Angeles Police Department.

24. Within 90 days of the effective date of this determination, all persons at the store involved in the direct sale of alcoholic beverages to the public shall enroll in STAR training offered by the Los Angeles Police Department. Confirmation of attendance at such training shall be provided to the Zoning Administrator.

Zoning Administrator's Comments: This condition has been imposed to assist the owner and all employees in the prevention of alcohol sales to intoxicated persons and to provide educational training in the handling and sales of alcoholic beverages.

25. Complaint monitoring.

- a. A "hot line" phone number shall be provided for immediate response to complaints during the hours of operation of the business. The "hot line" shall also provide for messages after hours with response within 24 hours of receipt of the message. This phone line shall be used for receipt of complaints regarding the market use on the site. The number shall be:
- 1) Provided to the Los Angeles Police Department
 - 2) Provided to the immediate neighbors, the Community Coalition and local neighborhood association.
 - 3) Posted at the entry
 - 4) Posted at the Customer Service desk
- b. Log. The property owner/operator shall keep a log of complaints received, the date and time received and the disposition of the response. The log shall be retained for consideration by the Zoning Administrator.
- c. The property owner/operator shall designate a community liaison. The liaison shall meet with representatives of the neighborhood and/or neighborhood association, at their request, to resolve neighborhood issues regarding the subject property.

Zoning Administrator's Comments: This condition has been imposed to provide for communication between the Police, neighbors, and community organizations. Testimony was provided by the adjacent neighbors that the owner has been less than cooperative in addressing problems. The business owner has a responsibility to not only his customers, but the surrounding residents and businesses. The liaison provides a consistent contact for the community.

26. The market shall strictly comply with all ABC laws and conditions, specifically those addressing retail operating standards.

Zoning Administrator's Comments: The condition has been imposed to remind the business owner that compliance with the law is not only required but full compliance is expected.

27. The owner/operator shall verify that patrons attempting to purchase alcohol are of legal drinking age by requiring identification from anyone appearing to be under age.

Zoning Administrator's Comments: The condition has been imposed to remind the business owner that compliance with the law is not only required but full compliance is expected as well.

28. Within 30 days of the effective date of this action, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Zoning Administrator for approval before recordation. After recordation, a certified copy bearing The Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

Zoning Administrator's Comments: The recordation of the covenant serves as a promise by the current owner and an alert to any future owner of the existence of these conditions with notice that compliance is required.

29. A Plan Approval application shall be filed within six months of the effective date of this action to allow for a review of the effectiveness in implementing the conditions established herein and to determine whether the public nuisance problems identified in the "Findings" section of this determination have been eliminated. A public hearing shall be conducted. Notice of the public hearing shall be mailed to all property owners and occupants located within 500 feet of the property. The Zoning Administrator conducting the hearing may add, modify or delete conditions as determined appropriate. The Zoning Administrator may also require the discontinuance of the use, or any portion of the property or individual lease space if the applicable findings can be made.

Zoning Administrator's Comments: The condition is designed to evaluate progress on the elimination of the problems identified at this location. A six month time period has been established due to the severity of the problems. The location of the business in close proximity to residential uses necessitates immediate correction of the problems and monitoring of progress.

FINDINGS

In order to preclude problems identified at the property from continuing, the Zoning Administrator has determined that the use is a public nuisance as established in Section 12.27.1 of the Los Angeles Municipal Code. The Zoning Administrator hereby finds that the site at 7535 South Broadway:

1. **Adversely impacts nearby residential or commercial uses.**

The Office of Zoning Administration has initiated revocation procedures on the subject liquor store after numerous complaints regarding activities at and surrounding the subject business. These activities are jeopardizing and/or endangering the public health and safety of persons residing or working in the surrounding area, thereby constituting a public nuisance, and contributing to the deterioration of the adjacent community.

The staff investigator conducted a site visit and noted in his report lack of exterior lights on the west side of the building adjacent to the alley, odor of trash and urine; parking lot in state of disrepair, trash bins not located within an enclosure, graffiti on the exterior, and a public pay phone on the property. Police reports identified a consistent pattern of public drinking on the site, with arrests many on the same day for the same offense - public drinking. At the hearing, neighbors provided testimony corroborating the pattern of drinking on the site and harassment by intoxicated persons.

2. **Jeopardizes or endangers the public health or safety of persons residing or working on the premises or in the surrounding area.**

The criminals on the site and unhealthy condition of the site not only jeopardize the residents in the area, but other business patrons and the patrons of this market. According to the staff investigator and the testimony received, there are intoxicated patrons in the alley, with odors from the trash and unenclosed trash bins. The site had graffiti. The neighbors complained of the harassment received from the intoxicated persons which is a threat to public safety. According to neighbors, the business owner is unresponsive to their concerns. The public drinking as noted in the police reports has continued unabated.

3. **Constitutes a public nuisance.**

The criminal activities on the site have spilled over into the alley and in the adjacent residential area. This negatively affects the entire community and the safety and health of the residents and business owners.

4. **Has resulted in repeated nuisance activities including but not limited to disturbances of the peace, illegal drug activity, harassment of passerby, prostitution, theft, assaults, batteries, loitering, police detentions and arrests.**

The activities on the site have resulted in repeated harassment, disturbances of the peace, loitering and arrests. The activities on the site have utilized limited police resources, have left residents afraid and uncomfortable. The owner has taken no action to abate these conditions. Police reports identify numerous arrests on the same day at different times for the same crimes. A school is located in close proximity of the site, with additional educational and church uses nearby.

5. **Violates provisions of Chapter 1 of the Municipal Code, or any other city, state, or federal regulations, ordinance or statute.**

Police reports list a number of calls for service and arrests. The establishment has been a nuisance for the surrounding residential, educational and commercial uses and detracts from the neighborhood.

It is the purpose of these proceedings under Ordinance No. 171,740 to provide a just and equitable method to be cumulative and in addition to any other remedy available for the abatement of certain public nuisance activities. This action is, therefore, to advise the owner and any future owner or lessee that this determination constitutes the **first** governmental action (provided by the above noted ordinance) and to make the herein cited correction and changes. **Failure to comply with the conditions cited herein will put you at risk of revocation and the issue of an order directing the discontinuance of the use located at 7535 South Boardway.**

It is further determined that the instant action by the Zoning Administrator on behalf of the Director of Planning is in compliance with Section 12.27.1 of the Municipal code and has been conducted so as not to impair the constitutional right of any person. The owner/operator of the business has been afforded the opportunity to review the file both in advance of and after the hearing which was duly noticed and testify and respond to the allegations concerning the impacts of the operation of Ken's Liquor. Further, the conditions imposed are not so onerous as to prevent the viable operation of the business.

S. GAIL GOLDBERG
Director of Planning



PATRICIA BROWN
Associate Zoning Administrator
Direct Telephone No. (213) 978-1306

PB:lmc

cc: Councilmember Jan Perry
Ninth District
Adjoining Property Owners
County Assessor

Office:

Downtown

Van Nuys

Date 1/13/09



No 280801

Department of City Planning
Los Angeles

City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

Applicant <u>Erica I Han</u>			
Representative			
Project Address <u>7535 S Broadway</u>			
Telephone Number <u>714 356 9063</u>			
Case Number and Description	Task	SubTask	Ordinance Fee
<u>DIR 2008 4412 RV 1A</u>			\$ <u>89</u>
			\$
			\$
			\$
Sub Total Fees Paid			\$ <u>89</u>
OSS Surcharge - 2%			\$ <u>2</u>
Development Surcharge - 6%			\$ <u>5</u>
Operating Surcharge - 7%			\$ <u>8</u>
Expediting Fee			\$
Bad Check Fee			\$
Miscellaneous/Photocopy			\$
			\$
TOTAL FEES PAID			\$ <u>95</u>

() Cash
() Check # 2580
() Money Order # _____

Council District 1
Plan Area South LA

LA Department of Buildings and Safety
LA 01 41 231428 01/13/09 02:19PM

Processed by Daniel Anderson
Print & sign

PLAN & LAND USE	\$89.00
ONE STOP CITY PL	\$2.00
DEVELOPMT SURCHG	\$5.00
OPERATING SURCHG	\$8.00

Total Due:	\$104.00
Check:	\$95.00
Credit Cards:	\$9.00



MICHAEL LOGRANDE
CHIEF ZONING ADMINISTRATOR

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

DEPARTMENT OF
CITY PLANNING

S. GAIL GOLDBERG, AICP
DIRECTOR

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January 7, 2009

Office of Zoning Administration (A)
City of Los Angeles
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Los Angeles, CA 90012

Sadofsky Investments LLC (O)
2142 Century Park Lane, #401
Los Angeles, CA 90067

Erica Ivy Corporation (Op)
Myung Soon Sik
6036 Jeffrey Mark Street
Cypress, CA 90630

Ken's Liquor
7535 South Broadway
Los Angeles, CA 90003

CASE NO. DIR 2008-4412(RV)
IMPOSITION OF CONDITIONS
7535 South Broadway
South Los Angeles Planning Area
Zone : C2-1VL
D. M. : 099B201
C. D. : 9
CEQA : ENV 2008-4413-CE
Legal Description : Fr. of Lot 52,
Peckham's Moneta Avenue Square
No. 1 Tract

Pursuant to Section 12.27.1 of the Los Angeles Municipal Code, I hereby DETERMINE:

that the operation of Ken's Liquor located at 7535 South Broadway, is a public nuisance and requires modification of the operation to mitigate adverse impacts on persons or property associated with its use,

as follows:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

3. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
4. The property owner shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the property owner of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the property owner of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the property owner shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
5. All exterior signs shall be in conformance with the provisions of the Municipal Code.
6. The business owner shall ensure that all employees are made completely familiar with these conditions and implement them as applicable. Copies of the conditions shall be maintained on the premises at all times.
7. All exterior portions of the site including the area adjacent to the rear alley shall be adequately illuminated at night to the satisfaction of the Los Angeles Police Department. All lighting shall be directed onto the site and no floodlighting shall be located so as to be seen directly by the adjacent properties.
8. The property owner shall post and maintain signs on the exterior of the building in English and Spanish at the liquor store and in the parking lot advising against public drinking, loitering, trespassing and drugs and the applicable statute.
9. The hours of operation for the market shall not exceed the hours of 7 a.m. to 10 p.m. seven days per week. These hours shall be posted in a visible location near the front entrance to the store.
10. No video games or arcade type games (pinball, video, computer) are permitted on the property.
11. A video surveillance system shall be provided on the exterior of the market to the satisfaction of the Los Angeles Police Department. The video surveillance tapes shall be maintained for a period of not less than 30 days or longer time period as required by the LAPD.
12. No outside pay phones are permitted on the property.
13. Lighting shall be installed along the building perimeter (Broadway Avenue frontage, parking area adjacent to 76th Street and the rear alley) to make persons discernible to law enforcement personnel.
14. There shall be no loitering at the market nor any area adjacent to the market under the property owner's control. The market operator shall not allow any patron to

remain on the premises nor shall they direct patrons to loiter or consume alcohol on any adjacent property.

15. No alcoholic beverages shall be consumed on the exterior of nor the area adjacent to the subject premises or on any property adjacent to the licensed premises which is under the control of the licensee.
16. The property shall be kept free of trash and debris at all times. The store employees shall inspect the outside of the premises throughout the day to ensure the property is free of trash.
17. A state-licensed uniformed security guard shall be stationed on the exterior of the store to patrol the site to discourage loitering and other illicit activities on the property. The security guard shall patrol the premises during all hours in which the store is open. The security guard cannot be the owner or have any association with the operation of the establishment.
18. All signs and advertising of alcohol visible to the exterior of the establishment shall be removed including signs on the doors.
19. No individual cups, nor individual servings of ice shall be sold or distributed.
20. All outside trash containers on the subject property shall be enclosed and locked after business hours and shall be located so as not to result in noise or odor impact on any adjacent residential use.
21. The store shall offer no narcotic paraphernalia or related items for sales.
22. A 6-foot in height wrought iron fence shall be installed along the southerly and westerly perimeters of the property to discourage loitering.
23. The business owner shall meet quarterly (March, June, September, and December) with the Detective Support and Vice Division -Community Problems Unit, 77th Senior Lead Officer of the Area, and 77th Vice ABC Coordinator.
24. Within 90 days of the effective date of this determination, all persons at the store involved in the direct sale of alcoholic beverages to the public shall enroll in STAR training offered by the Los Angeles Police Department. Confirmation of attendance at such training shall be provided to the Zoning Administrator.
25. Complaint monitoring.
 - a. A "hot line" phone number shall be provided for immediate response to complaints during the hours of operation of the business. The "hot line" shall also provide for messages after hours with response within 24 hours of receipt of the message. This phone line shall be used for receipt of complaints regarding the market. The number shall be:

- 1) Provided to the Los Angeles Police Department
 - 2) Provided to the immediate neighbors, the Community Coalition and local neighborhood association.
 - 3) Posted at the entry
 - 4) Posted at the Customer Service desk
- b. Log. The property owner/operator shall keep a log of complaints received, the date and time received and the disposition of the response. The log shall be retained for consideration by the Zoning Administrator.
- c. The property owner/operator shall designate a community liaison. The liaison shall meet with representatives of the neighborhood and/or neighborhood association, at their request, to resolve neighborhood issues regarding the subject property.
26. The market shall strictly comply with all ABC laws and conditions, specifically those addressing retail operating standards.
27. The owner/operator shall verify that patrons attempting to purchase alcohol are of legal drinking age by requiring identification from anyone appearing to be under age.
28. Within 30 days of the effective date of this action, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Zoning Administrator for approval before recordation. After recordation, a certified copy bearing The Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.
29. A Plan Approval application shall be filed within six months of the effective date of this action to allow for a review of the effectiveness in implementing the conditions established herein and to determine whether the public nuisance problems identified in the "Findings" section of this determination have been eliminated. A public hearing shall be conducted. Notice of the public hearing shall be mailed to all property owners and occupants located within 500 feet of the property. The Zoning Administrator conducting the hearing may add, modify or delete conditions as determined appropriate. The Zoning Administrator may also require the discontinuance of the use, or any portion of the property or individual lease space if the applicable findings can be made.

TRANSFERABILITY

This action runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than the current owner, it is incumbent that the owner advise them regarding the conditions of this action.

VIOLATIONS OF THESE CONDITIONS IS A MISDEMEANOR

It shall be unlawful to violate or fail to comply with any requirement or condition imposed by final action of the Zoning Administrator, Board or Council. Such violation or failure to comply shall constitute a violation of Chapter 1 of the Municipal Code and shall be subject to the same penalties as any other violation of such Chapter. (Section 12.27.1 of the Municipal Code)

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment. (Section 11.00-M of the Municipal Code)

APPEAL PERIOD - EFFECTIVE DATE

The Zoning Administrator's determination in this matter will become effective after JANUARY 22, 2009, unless an appeal therefrom is filed with the City Planning Department.

It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted.

Forms are available on-line at www.lacity.org/pln. Public offices are located at:

Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077

Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Room 251
Van Nuys, CA 91401
(818) 374-5050

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure

that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements and correspondence contained in the file, the report of the Zoning Analyst thereon, the statements made at the public hearing before the Zoning Administrator on December 2, 2008, all of which are by reference made a part hereof, as well as knowledge of the property and the surrounding district, I find that there is cause for imposition of corrective Conditions based upon the provisions of Section 12.27.1 of the Municipal Code which has been established by the following facts:

NUISANCE ABATEMENT AUTHORITY - SECTION 12.27.1 OF THE LOS ANGELES MUNICIPAL CODE

On May 25, 1989, Ordinance No. 164,749 became effective, establishing procedures for the modification, discontinuance or removal of a use, building or structure that constitutes a public nuisance or endangers the public health or safety or violates any provision of City, State or Federal statutes or ordinance. That ordinance became Section 12.21-A,15 of the Los Angeles Municipal Code.

On October 27, 1997, Ordinance No. 171,740 became effective, amending the language in the earlier ordinance. The corresponding Municipal Code Section is now 12.27.1.

Prior to an action by the Zoning Administrator requiring that a use be discontinued, it must be found that prior governmental efforts to eliminate the problems associated with the use have failed and the owner or lessee has failed to demonstrate to the satisfaction of the Zoning Administrator a willingness and ability to eliminate the problems associated with the use.

BACKGROUND

Community concerns and Los Angeles Police Department police calls and arrest reports documentation were received of repeated nuisance activities including possession of illegal drug paraphernalia, public drinking and felony warrants.

The subject site is a level, 6,600 square-foot, rectangular-shaped, corner lot developed with a one-story, approximately 2,000 square-foot commercial building occupied by the subject liquor store, and a surface parking lot with approximately 10 parking spaces. The subject lot has 50 linear feet of frontage along the west side of Broadway, and a depth of 131.89 linear feet. The site is also located across from the Los Angeles Police Department's 77th Street Division.

Properties to the north are classified in the C2-1VL Zone and developed with a two-story multi-family residential building and one-story single-family dwellings.

Properties to the east, across Broadway, are classified in the C2-1VL Zone and developed with a two-story multi-family residential building, a church, and a small commercial building.

There is a public elementary school one block east of Broadway on the north side of 76th Street. The LAPD's 77th Street Division is located east of the subject site on the southeast corner of Broadway and 76th Street.

Properties to the south, across 76th Street, are classified in the C2-1VL Zone and developed with a recycling center, a used car lot and two-story multi-family residential buildings.

Properties to the west, across the alley, are classified in the R2-1 Zone and developed with one- and two-story multi-family residential buildings.

Previous zoning related actions on the site include:

License No. 433386 – California Department of Alcoholic Beverage Control license Type 21 (off-sale general) issued to Erica Ivy Corporation doing business as Ken's Liquor. This license is active and expires on March 31, 2009.

License No. 471447 – California Department of Alcoholic Beverage Control license Type 21 (off-sale general) issued to Myung Soon Sik doing business as Ken's Liquor. This license is a transfer and is pending.

Order to Comply No. A-1560849 – On August 29, 2007, an inspector from the Department of Building and Safety cited the property owner of 7535 South Broadway, Ken's Liquor, for failure to maintain the exterior of the building free from graffiti which could be viewed from the public street. Compliance was achieved on January 15, 2008 and the Order was officially closed on January 25, 2008.

The LAPD submitted the following arrest/crime reports:

1. January 11, 2006 - Drinking in Public arrest report, occurred approximately 9:15 p.m. - Officers observe suspect standing on sidewalk in front of the parking lot to Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
2. January 12, 2006 - Drinking in Public arrest report, occurred approximately 6:45 p.m. - Officers observe suspect standing on sidewalk in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
3. January 31, 2006 - Drinking in Public arrest report, occurred approximately 2:15 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
4. April 11, 2006 - Drinking in Public arrest report, occurred approximately 12:05 p.m. - Officers observe suspect sitting in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
5. April 11, 2006 - Drinking in Public arrest report, occurred approximately 12:05 p.m. - Officers observe suspect sitting in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.

6. April 11, 2006 - Drinking in Public arrest report, occurred approximately 12:05 p.m. - Officers observe suspect sitting in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
7. April 17, 2006 - Drinking in Public arrest report, occurred approximately 10:15 a.m. - Officers observe suspect standing in parking lot against the south wall of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
8. April 17, 2006 - Drinking in Public arrest report, occurred approximately 10:15 a.m. - Officers observe suspect standing in parking lot against the south wall of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
9. April 17, 2006 - Drinking in Public arrest report, occurred approximately 10:15 a.m. - Officers observe suspect standing in parking lot against the south wall of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
10. June 24, 2006 - Furnishing Alcoholic Beverage to Minor arrest report, occurred approximately 7:00 p.m. - Minor decoy sent to Ken's Liquor to solicit persons entering the liquor store to purchase alcohol for the minor; suspect observed purchasing alcohol and furnishing it to the minor decoy; suspect arrested and released at the scene.
11. November 30, 2006 - Drinking in Public arrest report, occurred approximately 4:00 p.m. - Officers observe suspect sitting in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
12. December 15, 2006 - Drinking in Public arrest report, occurred approximately 4:45 p.m. - Officers observe suspect standing on sidewalk in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
13. January 11, 2007 - Drinking in Public arrest report, occurred approximately 12:30 p.m. - Officers observe suspect in the alley directly behind Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
14. March 28, 2007 - Drinking in Public arrest report, occurred approximately 12:25 p.m. - Officers observe suspect sitting on bus bench in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
15. March 28, 2007 - Drinking in Public arrest report, occurred approximately 12:30 p.m. - Officers observe suspect in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
16. July 13, 2007 - Drinking in Public arrest report, occurred approximately 12:20 p.m. - Officers observe suspect standing on sidewalk in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.

17. July 31, 2007 - Drinking in Public arrest report, occurred approximately 8:40 p.m. - Officers observe suspect sitting in a chair in the parking lot of Ken's Liquor holding an open alcoholic beverage; suspect arrested and released at the scene.
18. July 31, 2007 - Drinking in Public arrest report, occurred approximately 8:45 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
19. July 31, 2007 - Drinking in Public arrest report, occurred approximately 8:50 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
20. July 31, 2007 - Drinking in Public arrest report, occurred approximately 10:00 p.m. - Officers observe suspect standing in front of Ken's Liquor holding an alcoholic beverage; suspect arrested and released at the scene.
21. September 20, 2007 - Drinking in Public arrest report, occurred approximately 7:05 p.m. - Officers observe suspect seated in the alley behind Ken's Liquor holding an alcoholic beverage; suspect arrested and released at the scene.
22. September 26, 2007 - Drinking in Public arrest report, occurred approximately 1:05 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor holding an alcoholic beverage; suspect arrested and released at the scene.
23. September 26, 2007 - Drinking in Public arrest report, occurred approximately 7:00 p.m. - Officers observe suspect standing against wall of Ken's Liquor holding an alcoholic beverage; suspect arrested and released at the scene.
24. September 26, 2007 - Drinking in Public arrest report, occurred approximately 7:15 p.m. - Officers observe suspect standing by Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
25. September 27, 2007 - Drinking in Public arrest report, occurred approximately 4:20 p.m. - Officers observe suspect sitting in the parking lot of Ken's Liquor holding an open alcoholic beverage; suspect arrested and released at the scene.
26. January 10, 2008 - Drinking in Public arrest report, occurred approximately 4:30 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
27. January 10, 2008 - Drinking in Public arrest report, occurred approximately 4:30 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
28. January 11, 2008 - Drinking in Public arrest report, occurred approximately 4:00 p.m. - Officers observe suspect standing on sidewalk on the south side of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.

29. January 17, 2008 - Drinking in Public arrest report, occurred approximately 4:45 p.m. - Officers observe suspect standing on sidewalk on the south side of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
30. January 19, 2008 - Drinking in Public arrest report, occurred approximately 3:45 p.m. - Officers observe suspect walking in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
31. February 5, 2008 - Drinking in Public arrest report, occurred approximately 12:10 p.m. - Officers observe suspect standing in alley behind Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
32. February 5, 2008 - Drinking in Public arrest report, occurred approximately 12:10 p.m. - Officers observe suspect standing in alley behind Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
33. February 5, 2008 - Drinking in Public arrest report, occurred approximately 4:00 p.m. - Officers observe suspect standing on sidewalk in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
34. February 8, 2008 - Drinking in Public arrest report, occurred approximately 12:15 p.m. - Officers observe suspect sitting on sidewalk in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
35. February 11, 2008 - Drinking in Public arrest report, occurred approximately 1:10 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
36. February 12, 2008 - Drinking in Public arrest report, occurred approximately 4:10 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
37. February 17, 2008 - Drinking in Public arrest report, occurred approximately 1:00 p.m. - Officers observe suspect standing on sidewalk in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
38. March 25, 2008 - Drinking in Public arrest report, occurred approximately 8:05 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
39. April 24, 2008 - Drinking in Public arrest report, occurred approximately 4:50 p.m. - Officers observe suspect sitting on sidewalk in front of Ken's Liquor holding an alcoholic beverage; suspect arrested and released at the scene.
40. May 6, 2008 - Loitering arrest report, occurred approximately 8:00 a.m. - Officers observe five persons standing in the southwest corner of the parking lot at Ken's Liquor; officers leave then return approximately 20 minutes later to find the same persons still standing in the same location; all five persons arrested for loitering.

41. March 25, 2008 - Drinking in Public arrest report, occurred approximately 8:05 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
42. May 14, 2008 - Drinking in Public arrest report, occurred approximately 8:50 p.m. - Officers observe suspect standing on sidewalk in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
43. May 15, 2008 - Drinking in Public arrest report, occurred approximately 8:30 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor holding an alcoholic beverage; suspect arrested and released at the scene.
44. June 26, 2008 - Drinking in Public arrest report, occurred approximately 2:25 p.m. - Officers observe suspect sitting on sidewalk in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
45. July 5, 2008 - Drinking in Public arrest report, occurred approximately 10:00 a.m. - Officers observe suspect sitting on a milk crate in the alley behind Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
46. July 5, 2008 - Drinking in Public arrest report, occurred approximately 10:00 a.m. - Officers observe suspect standing in the alley behind Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
47. July 5, 2008 - Drinking in Public arrest report, occurred approximately 10:00 a.m. - Officers observe suspect standing in the alley behind Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
48. October 8, 2008 - Drinking in Public arrest report, occurred approximately 9:15 a.m. - Officer observes suspect sitting on curb on the side of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
49. October 13, 2008 - Drinking in Public arrest report, occurred approximately 7:15 p.m. - Officers observe suspect standing on sidewalk in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
50. October 15, 2008 - Drinking in Public arrest report, occurred approximately 10:10 a.m. - Officer observes suspect standing next to south wall of Ken's Liquor disrobing; officer investigates then observes suspect take a drink from an alcoholic beverage; suspect arrested.
51. October 22, 2008 - Drinking in Public arrest report, occurred approximately 8:30 a.m. - Officer observes suspect drinking alcoholic beverage at Ken's Liquor; suspect arrested and released at the scene.

52. October 31, 2008 - Drinking in Public arrest report, occurred approximately 2:15 p.m. - Officers observe suspect standing on sidewalk in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.

PUBLIC HEARING

A public hearing was held on December 2, 2008 at which approximately 20 people were in attendance. Following is a summary of the testimony at the hearing.

A representative for Ken's Liquor provided the following testimony:

- Apologize for the problems caused by the negligence
- Police officers are clients, so thought well protected
- Recycling place across the street has people drinking
- Liquor store has no fence at the rear
- Notified in March by the ABC
- Fence has been added (photos submitted)
- Lighting has been enhanced three months ago
- Armed security beginning around 5:30 p.m.; summer at 7 p.m. was added two weeks ago
- Now there is no nuisance
- Three weeks ago stopped selling individual cups
- Two weeks ago the surveillance cameras were increased to 15
- Entering a contract to re-pave the parking lot. It will take place within 60 days
- Would appreciate another chance
- Want three months to make improvements

A representative for the Community Coalition provided the following testimony:

- We are in opposition
- See what takes place between the liquor store and the recycling center
- A minimum of 26 citations for drinking have been issued
- A 3-foot fence as a division does not resolve the issue
- Recycling Center contributes to odors
- There is the smell of urine at the store
- Trash bin is not locked
- Pay phone should be removed
- Want to remove the bench
- Drinking in public continues in 2008
- Want use revoked or very stringent conditions imposed
- Single alcohol, and cigarettes are sold
- Need to respect the community

A resident provided the following testimony:

- Have lived here for 15 years
- Ken's was here and it was clean
- When the recycling use came in problems started

- People go straight to Ken's after the recycling and hang out in the neighborhood
- Public urination and other activities take place in the alley
- Resident's are challenged by individuals in the alley

A second resident provided the following testimony:

- I live behind the liquor store
- People buy beer and hang around at the rear and threaten neighbors
- The owner ignores
- Homeless take cans to recycle
- People drink, cuss you out, threaten you and the liquor store does nothing

A third resident provided the following testimony:

- Have problems with trailer homes parking in front by persons purchasing drugs
- Recycling Center also does tire and automotive work
- When Ken owned the site it was clean. Now the site is not maintained
- Owner doesn't work with the neighbors
- Kids can't play because of public urine et al.
- Dumpsters are not closed or locked
- Persons 18 and younger buy blunts at the shop, 2-11 beer and individual cups and ice
- The business has been a problem since Ken sold it
- Business was sold in 1998 or 1999
- Fence is short running only from the dumpster to the end of the sidewalk
- People beg and when you don't give, cuss you out
- Haven't seen the security

A fourth resident provided the following testimony:

- I live to the rear
- Drugs and alcohol are sold from the liquor store and is a problem
- We call LAPD frequently
- Men and women urinate in public
- Call LAPD to get the vagrants to move
- It is still dark at the rear and side
- Haven't seen security
- Site is not clean
- Can the alley be blocked?
- Would like the recycling use to leave

Senior Lead Officer Martinez of the Los Angeles Police Department provided the following testimony:

- We have had to respond several times
- Patrons have been observed vomiting, urinating and exhibiting nudity
- Calls are generated as a result of violence with an incredible number of calls
- Recycling Center is part but not all of the equation

- There is aggressive panhandling
- Want management and the employees to assist in improving

Officer Casanos with 77th Vice provided the following testimony:

- We cite using patrol officers
- We can see violations from our station windows
- Parking lot is adjacent to the alley and there is constant loitering
- We have issued citations and have made arrests numerous times
- There is no security
- Active security is needed
- Reduction in hours may help
- Homes are adjacent to the alley with access provided via the alley
- Many individuals drink in the alley

A representative for Council District 9 provided the following testimony:

- We are requesting revocation
- Site is near schools
- Have no confidence in compliance with conditions if imposed

A representative for the property owner provided the following testimony:

- Owner became aware about three weeks ago
- Wasn't aware of the problem previously
- Owner is ready to take steps to alleviate the problems
- There needs to be more light
- Will recommend to the owner that no single cups are sold
- Want security at all hours and will patrol the exterior
- We are agreeable to any other requirements you set
- Will have our own investigator to make sure all steps are followed

The operator provided the following testimony:

- We clean the site twice a day
- Two to three employees are on the site at any one time. There are two in the morning and three at night
- One security guard is present at night beginning at 5 p.m. until closing (contract submitted)
- Have regular meetings with the Los Angeles Police Department

Written Correspondence

A letter, dated July 10, 2008, was received from ABC written to the operators of Ken's Liquor. The letter states that the LAPD has issued numerous citations to persons drinking in public on the premises of Ken's Liquor thus, the liquor store has been operating as a public nuisance and faces disciplinary action by ABC. The operator of Ken's Liquor replied

in a letter dated July 30, 2008, stating that he has taken the following steps to address nuisance problems:

1. Installed new 3-foot fence on western side of parking lot;
2. Posted three new "NO DRINKING" signs on the wall facing the parking lot;
3. Continuous vigilance through monitoring the video system;
4. Refusal to sell alcoholic beverages to anyone who continues to drink in public.

SAVED AS N: DIR 2008-4412(RV)LETTERS

EXHIBIT "A"

A letter was received with the following concerns:

- I reside in the area
- Problems began with the opening of the recycling center which drew basket pushers, alcoholics, drug addicts people exposing themselves, and people eliminating in public
- People in the apartment across from Ken's cannot sleep because of the loud noise from those who hang around in the alley.
- People get money for recycling then go to Ken's, buy beer and liquor then hang out in the alley causing problems

The Community Coalition submitted a letter with the following concerns:

- The operators have failed to comply with various verbal and written citations issued by LAPD regarding drinking in public
- Revocation of the conditional use would be consistent with the community's desire to reduce the availability of alcohol in South Los Angeles
- (outlined the work of the Coalition)
- (noted study by Dr. R.A. Scribner on violent assaults in relation to the number of liquor outlets)
- Most beneficial economic developments are those that meet the immediate needs of the community. Alcohol is not an immediate need
- Proximity of Ken's Liquor to a recycling center enhances it's business by allowing rummaging of its trash for recycling which is turned into cash and used to purchase items from the store
- Exterior of store has a foul odor of trash combined with urine. This is a major health concern for the community
- State licensed security from 6 pm to midnight is not a remedy when many of the citations take place during the daylight hours
- Owner/operator provides cups upon request after the purchase of alcohol which encourage more drinking in public
- California ABC has advised operator to correct or face disciplinary action
- LAPD has repeatedly responded to made investigations of and arrests for drinking in public

- (listed nearby sensitive sites, schools and churches -19)
- (listed nearby alcohol outlets - 9)

DISCUSSION

Under this action, conditions have been imposed to ensure improvement at the site. These conditions will serve as a mechanism to measure improvement. Should corrective conditions prove ineffective, the Municipal Code authorizes the discontinuance of that use.

In the following section, the rationale for each condition is set forth.

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
3. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
4. The property owner shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the property owner of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the property owner of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the property owner shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

Zoning Administrator's Comments: The above conditions seek to remind the business owner and property owner that all applicable sections of the Municipal Code apply to the subject property and no deviations are permitted. The use of the property shall be operated in a manner that does not adversely affect the neighborhood.

5. All exterior signs shall be in conformance with the provisions of the Municipal Code.

Zoning Administrator's Comments: There are an excessive number of signs on the subject property. This detracts from the neighborhood.

6. The business owner shall ensure that all employees are made completely familiar with these conditions and implement them as applicable. Copies of the conditions shall be maintained on the premises at all times.

Zoning Administrator's Comments: This condition has been imposed to ensure that the employees are aware of the conditions which they will be responsible for enforcing in the absence of the business owner.

7. All exterior portions of the site including the area adjacent to the rear alley shall be adequately illuminated at night to the satisfaction of the Los Angeles Police Department. All lighting shall be directed onto the site and no floodlighting shall be located so as to be seen directly by the adjacent properties.

Zoning Administrator's Comments: To discourage criminal activities including public drinking in the alley and on the property, lighting is required around the perimeter of property.

8. The property owner shall post and maintain signs on the exterior of the building in English and Spanish at the liquor store and in the parking lot advising against public drinking, loitering, trespassing and drugs and the applicable statute.

Zoning Administrator's Comments: Posting and maintenance of the signs is required to inform patrons that these activities are not allowed.

9. The hours of operation for the market shall not exceed the hours of 7 a.m. to 10 p.m. seven days per week. These hours shall be posted in a visible location near the front entrance to the store.

Zoning Administrator's Comments: The hours have been limited to 7 a.m. to 10 p.m. Of the 40 calls for service identified by the police, 12 calls representing 30 percent occurred after the hours of 10 p.m. Testimony was provided of drinking in the alley at night. Given the number of problems occurring and the proximity of residential uses, the limitation on the hours should assist in limiting the late night drink, loitering and defecation currently associated with the property.

10. No video games or arcade type games (pinball, video, computer) are permitted on the property.

Zoning Administrator's Comments: Condition has been imposed to discourage loitering on the site.

11. A video surveillance system shall be provided on the exterior of the market to the satisfaction of the Los Angeles Police Department. The video surveillance tapes shall be maintained for a period of not less than 30 days or longer time period as required by the LAPD.

Zoning Administrator's Comments: The video surveillance system will provide an opportunity for the employees to observe activity on the exterior of the property and to provide to the Police tapes of criminal activities should they occur.

12. No outside pay phones are permitted on the property.

Zoning Administrator's Comments: The condition has been imposed to discourage loitering and criminal activities.

13. Lighting shall be installed along the building perimeter (Broadway Avenue frontage, parking area adjacent to 76th Street and the rear alley) to make persons discernible to law enforcement personnel.

Zoning Administrator's Comments: Lighting is required along the building perimeter to provide for safety and visibility around the exterior of the site including visibility by police.

14. There shall be no loitering at the market nor any area adjacent to the market under the property owners control. The market operator shall not allow any patron to remain on the premises nor shall they direct patrons to loiter or consume alcohol on any adjacent property.

Zoning Administrator's Comments: There have been complaints and documented arrests for illegal public drinking on and around the site. The condition is intended to ensure that these nuisance activities are eliminated.

15. No alcoholic beverages shall be consumed on the exterior of nor the area adjacent to the subject premises or on any property adjacent to the licensed premises which is under the control of the licensee.

Zoning Administrator's Comments: There have been complaints and documented arrests for illegal public drinking on and around the site. The condition is intended to ensure that these nuisance activities are eliminated.

16. The property shall be kept free of trash and debris at all times. The store employees shall inspect the outside of the premises throughout the day to ensure the property is free of trash.

Zoning Administrator's Comments: The site has not been well maintained. This distracts not only from the site, but from the community as well. The condition has been imposed to remind the business owner that the operation of the market not only includes the sale of merchandise but the maintenance of the property as well.

17. A state-licensed uniformed security guard shall be stationed on the exterior of the store to patrol the site to discourage loitering and other illicit activities on the property. The security guard shall patrol the premises during all hours in which the store is open. The security guard cannot be the owner or have any association with the operation of the establishment.

Zoning Administrator's Comments: Beginning January 10, 2008 through October 31, 2008, there were 26 arrests, 25 of which were for public drinking. The condition has been imposed to reduce the loitering, drinking in public and other criminal activities at the site. Arrests were made at the site as early as 8 a.m. and as late as 10 p.m. Hence, the security guard service is needed during all hours in which the store is open.

18. All signs and advertising of alcohol visible to the exterior of the establishment shall be removed including signs on the doors.

Zoning Administrator's Comments: Advertisements for the sale of alcohol are visible on many surfaces and visible from the exterior of the store. This has an adverse visual impact upon the surrounding uses. The proliferation of alcohol signage focuses greater emphasis on the availability of alcohol and less on the grocery use.

19. No individual cups, nor individual servings of ice shall be sold or distributed.

Zoning Administrator's Comments: The staff investigator found individual cups for distribution at the counter. The provision of individual cups encourages consumption of alcohol on and around the site and encourages communal sharing of alcoholic beverages.

20. All outside trash containers on the subject property shall be enclosed and locked after business hours and shall be located so as not to result in noise or odor impact on any adjacent residential use.

Zoning Administrator's Comments: Residential uses are located to the rear of the subject site across an alley. To reduce impacts on the residential uses resulting from the visibility of trash bins, and persons rummaging for recyclables, the bins shall be enclosed and locked after hours.

21. The store shall offer no narcotic paraphernalia or related items for sales.

Zoning Administrator's Comments: The condition has been imposed to discourage drug activity.

22. A 6-foot in height wrought iron fence shall be installed along the southerly and westerly perimeters of the property to discourage loitering.

Zoning Administrator's Comments: Fencing has been required to limit access and loitering on the side of the store adjacent to the alley and along 76th Street. There have been complaints regarding the activities by patrons of the market in the alley. A fence of wrought iron composition is required to ensure visibility by the market owner, employees and surveillance camera into the alley and surrounding sidewalk for policing of activities related to the site.

23. The business owner shall meet quarterly (March, June, September and December) with the Detective Support and Vice Division -Community Problems Unit, 77th Senior Lead Officer of the Area, and 77th Vice ABC Coordinator.

Zoning Administrator's Comments: The condition has been imposed to provide for regular monitoring and coordination with the Los Angeles Police Department.

24. Within 90 days of the effective date of this determination, all persons at the store involved in the direct sale of alcoholic beverages to the public shall enroll in STAR training offered by the Los Angeles Police Department. Confirmation of attendance at such training shall be provided to the Zoning Administrator.

Zoning Administrator's Comments: This condition has been imposed to assist the owner and all employees in the prevention of alcohol sales to intoxicated persons and to provide educational training in the handling and sales of alcoholic beverages.

25. Complaint monitoring.
- a. A "hot line" phone number shall be provided for immediate response to complaints during the hours of operation of the business. The "hot line" shall also provide for messages after hours with response within 24 hours of receipt of the message. This phone line shall be used for receipt of complaints regarding the market use on the site. The number shall be:
 - 1) Provided to the Los Angeles Police Department
 - 2) Provided to the immediate neighbors, the Community Coalition and local neighborhood association.
 - 3) Posted at the entry
 - 4) Posted at the Customer Service desk
 - b. Log. The property owner/operator shall keep a log of complaints received, the date and time received and the disposition of the response. The log shall be retained for consideration by the Zoning Administrator.
 - c. The property owner/operator shall designate a community liaison. The liaison shall meet with representatives of the neighborhood and/or neighborhood association, at their request, to resolve neighborhood issues regarding the subject property.

Zoning Administrator's Comments: This condition has been imposed to provide for communication between the Police, neighbors, and community organizations. Testimony was provided by the adjacent neighbors that the owner has been less than cooperative in addressing problems. The business owner has a responsibility to not only his customers, but the surrounding residents and businesses. The liaison provides a consistent contact for the community.

26. The market shall strictly comply with all ABC laws and conditions, specifically those addressing retail operating standards.

Zoning Administrator's Comments: The condition has been imposed to remind the business owner that compliance with the law is not only required but full compliance is expected.

27. The owner/operator shall verify that patrons attempting to purchase alcohol are of legal drinking age by requiring identification from anyone appearing to be under age.

Zoning Administrator's Comments: The condition has been imposed to remind the business owner that compliance with the law is not only required but full compliance is expected as well.

28. Within 30 days of the effective date of this action, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Zoning Administrator for approval before recordation. After recordation, a certified copy bearing The Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

Zoning Administrator's Comments: The recordation of the covenant serves as a promise by the current owner and an alert to any future owner of the existence of these conditions with notice that compliance is required.

29. A Plan Approval application shall be filed within six months of the effective date of this action to allow for a review of the effectiveness in implementing the conditions established herein and to determine whether the public nuisance problems identified in the "Findings" section of this determination have been eliminated. A public hearing shall be conducted. Notice of the public hearing shall be mailed to all property owners and occupants located within 500 feet of the property. The Zoning Administrator conducting the hearing may add, modify or delete conditions as determined appropriate. The Zoning Administrator may also require the discontinuance of the use, or any portion of the property or individual lease space if the applicable findings can be made.

Zoning Administrator's Comments: The condition is designed to evaluate progress on the elimination of the problems identified at this location. A six month time period has been established due to the severity of the problems. The location of the business in close proximity to residential uses necessitates immediate correction of the problems and monitoring of progress.

FINDINGS

In order to preclude problems identified at the property from continuing, the Zoning Administrator has determined that the use is a public nuisance as established in Section 12.27.1 of the Los Angeles Municipal Code. The Zoning Administrator hereby finds that the site at 7535 South Broadway:

1. **Adversely impacts nearby residential or commercial uses.**

The Office of Zoning Administration has initiated revocation procedures on the subject liquor store after numerous complaints regarding activities at and surrounding the subject business. These activities are jeopardizing and/or endangering the public health and safety of persons residing or working in the surrounding area, thereby constituting a public nuisance, and contributing to the deterioration of the adjacent community.

The staff investigator conducted a site visit and noted in his report lack of exterior lights on the west side of the building adjacent to the alley, odor of trash and urine; parking lot in state of disrepair, trash bins not located within an enclosure, graffiti on the exterior, and a public pay phone on the property. Police reports identified a consistent pattern of public drinking on the site, with arrests many on the same day for the same offense - public drinking. At the hearing, neighbors provided testimony corroborating the pattern of drinking on the site and harassment by intoxicated persons.

2. **Jeopardizes or endangers the public health or safety of persons residing or working on the premises or in the surrounding area.**

The criminals on the site and unhealthy condition of the site not only jeopardize the residents in the area, but other business patrons and the patrons of this market. According to the staff investigator and the testimony received, there are intoxicated patrons in the alley, with odors from the trash and unenclosed trash bins. The site had graffiti. The neighbors complained of the harassment received from the intoxicated persons which is a threat to public safety. According to neighbors, the business owner is unresponsive to their concerns. The public drinking as noted in the police reports has continued unabated.

3. **Constitutes a public nuisance.**

The criminal activities on the site have spilled over into the alley and in the adjacent residential area. This negatively affects the entire community and the safety and health of the residents and business owners.

4. **Has resulted in repeated nuisance activities including but not limited to disturbances of the peace, illegal drug activity, harassment of passerby, prostitution, theft, assaults, batteries, loitering, police detentions and arrests.**

The activities on the site have resulted in repeated harassment, disturbances of the peace, loitering and arrests. The activities on the site have utilized limited police resources, have left residents afraid and uncomfortable. The owner has taken no action to abate these conditions. Police reports identify numerous arrests on the same day at different times for the same crimes. A school is located in close proximity of the site, with additional educational and church uses nearby.

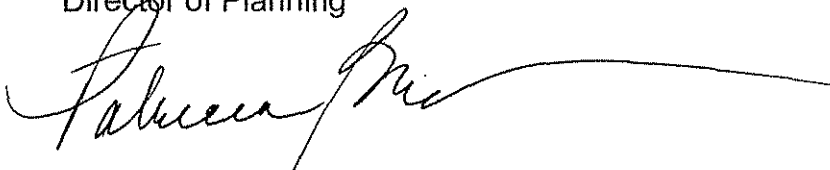
5. **Violates provisions of Chapter 1 of the Municipal Code, or any other city, state, or federal regulations, ordinance or statute.**

Police reports list a number of calls for service and arrests. The establishment has been a nuisance for the surrounding residential, educational and commercial uses and detracts from the neighborhood.

It is the purpose of these proceedings under Ordinance No. 171,740 to provide a just and equitable method to be cumulative and in addition to any other remedy available for the abatement of certain public nuisance activities. This action is, therefore, to advise the owner and any future owner or lessee that this determination constitutes the **first** governmental action (provided by the above noted ordinance) and to make the herein cited correction and changes. **Failure to comply with the conditions cited herein will put you at risk of revocation and the issue of an order directing the discontinuance of the use located at 7535 South Boardway.**

It is further determined that the instant action by the Zoning Administrator on behalf of the Director of Planning is in compliance with Section 12.27.1 of the Municipal code and has been conducted so as not to impair the constitutional right of any person. The owner/operator of the business has been afforded the opportunity to review the file both in advance of and after the hearing which was duly noticed and testify and respond to the allegations concerning the impacts of the operation of Ken's Liquor. Further, the conditions imposed are not so onerous as to prevent the viable operation of the business.

S. GAIL GOLDBERG
Director of Planning



PATRICIA BROWN
Associate Zoning Administrator
Direct Telephone No. (213) 978-1306

PB:Imc

cc: Councilmember Jan Perry
Ninth District
Adjoining Property Owners
County Assessor

CITY OF LOS ANGELES
DEPARTMENT OF CITY PLANNING
OFFICE OF ZONING ADMINISTRATION

STAFF INVESTIGATOR REPORT

November 25, 2008

Office of Zoning Administration (A)
City of Los Angeles
200 North Spring Street, #763
Los Angeles, CA 90012

Sadofsky Investments LLC (O)
2142 Century Park Lane, #401
Los Angeles, CA 90067

Erica Ivy Corporation (Op)
Myung Soon Sik
6036 Jeffrey Mark Street
Cypress, CA 90630

Ken's Liquor
7535 South Broadway
Los Angeles, CA 90003

CASE NO. DIR 2008-4412(RV)
POSSIBLE IMPOSITION OF
CONDITIONS TO ABATE NUISANCE
OR REVOCATION OF USE
7535 South Broadway
South Los Angeles Planning Area
Zone : C2-1VL
D. M. : 099B201
C. D. : 9
CEQA : ENV 2008-4413-CE
Legal Description : Fr. of Lot 52,
Peckham's Moneta Avenue Square
No. 1 Tract.

Request

The purpose of the hearing is to obtain testimony of the property owner and/or business operator, plus affected and/or interested persons regarding the operation of Ken's Liquor located at 7535 South Broadway. The subject liquor store is open from 7 a.m. to midnight seven days a week. Following the hearing, the Zoning Administrator may require the discontinuance of the use, or may impose corrective conditions regarding its use as a liquor store selling a full line of alcoholic beverages for off-site consumption in order to mitigate any land use impacts caused by the use.

Property Description

The subject site is a level, 6,600 square-foot, rectangular-shaped, corner lot developed with a one-story, approximate 2,000 square-foot commercial building containing the subject liquor store, and a surface parking lot containing approximately 10 parking spaces. The subject lot has 50 linear feet of frontage along the west side of Broadway, and a depth of 131.89 linear feet. LAPD's 77th Street Division is located across Broadway on the southeast corner of Broadway and 76th Street.

There are three vehicular access points to the site; Broadway, 76th Street and the rear alley. The 12-foot wide through alley runs the length of the block between 75th Street and

76th Street. The alley was generally free of trash and debris, however, much of the wall space has been sprayed with graffiti.

There is a free standing trash bin located on the south side of the building on the western end of the parking lot adjacent to the alley. There is no trash enclosure constructed on the site.

There are three exterior lights attached to the south side of the building illuminating the parking area. The entrance/east side of the building is illuminated by overhead fluorescent lights. In addition, there is a large pole-type light fixture located at the southeast corner of the lot. There are no exterior lights on the rear/west side of the building to illuminate the alley.

At the time of field investigation, the site was very dirty with trash and debris strewn throughout the parking lot and the parkway areas surrounding the site. A pile of cardboard was stacked against the south side of the building in the parking area. The parkway areas had sparse landscaping which was unkempt. The exterior area of the liquor store had a foul odor of trash combined with urine. The sidewalks and parking lot were in a state of disrepair with much of the concrete being broken along the sidewalks as well as the asphalt in the parking lot. The alley abutting the rear of the property contained a small amount of trash and debris.

Graffiti was present on the exterior of the liquor store at the time of field investigation. The front doors and windows contained graffiti as well as various structures around the liquor store. The exterior walls of the liquor store showed signs of having graffiti painted over.

There is a public pay phone located on the southeast corner of the liquor store property under the parking lot lightpole. Adjacent to the pay phone is a bus bench.

There are eight cameras monitoring the liquor store property. Two cameras are located on the building exterior aimed at the front entrance area. The remaining six cameras are located within the interior of the liquor store at various locations such that the entire interior can be monitored by the store clerk. The monitor is located in the office in the rear storage area. The recording system is a DVR-type system which essentially records onto a computer hard drive. The date and time stamp shown on the video monitor needed to be reset as the year, date, and time were incorrect.

The interior of the liquor store appeared fairly orderly and clean. The liquor store's primary sales item is alcoholic beverages although the store also sells household goods and groceries, which provides a convenience for local residents. Single cans of alcoholic beverages are sold. Staff observed an open bag of small plastic cups next to the cash register which the clerk admitted to giving away with purchases of alcoholic beverages if asked by the customer. Individual cigarettes are not sold however, blunt cigars packaged in boxes of six, are opened and sold individually.

The operators have stated that they recently hired a security guard (as of November 17, 2008) although the guard is only on the premises from 6 p.m. to midnight. The operators did not have a copy, on the premises, of any signed contract with the security company.

The Project

There are community allegations and Los Angeles Police Department police call and arrest report documentation of: repeated nuisance activity associated with the site including possession of illegal drug paraphernalia, public drinking, and felony warrants. These activities are jeopardizing and/or endangering the public health and safety of persons residing or working on the premises or in the surrounding area, thereby constituting a public nuisance, and contributing to the deterioration of the adjacent community. The activities occurring in and around the premises have generated numerous police responses thereby straining the resources of the Police Department.

According to statements from LAPD officers, Ken's Liquor has been the source of many problems over the last few years. The trash bin has been a source of problems because the lid is unlocked and it is located next to the alley, away from view of the liquor store employees. Transients continually rummage through the trash bin then loiter in the alley area and liquor store parking lot. LAPD officers would like to see a trash enclosure constructed around the bin and also require that the lid remain locked at all times.

LAPD officers state that lighting at the subject site is inadequate to illuminate the entire parking area and abutting alley at night. The rear of the liquor store does not contain any exterior light fixtures, therefore, the alley is very dark at night. Residents of the apartments on the west side of the alley across from the subject liquor store have made numerous complaints to the LAPD regarding various nuisance activities occurring at all hours of the day but especially at night when the alley is dark. LAPD officers would like to see increased lighting for the entire site.

LAPD officers would like to see the public pay phone removed from the southeast corner of the property due to the loitering that it invites. In addition, the bus bench near the phone is also a source of problems as people will purchase then drink their alcoholic beverages while sitting on the bus stop bench. These people are not riding the buses, they are merely using the bench to sit down and loiter while they drink their alcoholic beverages at all hours of the day and night. If possible, LAPD officers would like to see both the pay phone and the bus bench removed.

The subject liquor store is open from 7 a.m. until midnight seven days a week. LAPD officers would like to see the hours of operation reduced as the late night hours add to the nuisance problems.

Another contributor to the problems at Ken's Liquor, is the recycling center located to the south directly across 76th Street. As with other locations throughout the city where recycling centers are in close proximity to liquor stores, people scavenge for recyclables in the surrounding commercial and residential neighborhoods, turn them in for cash at the recycling center, then go across the street to the liquor store to purchase alcohol which they proceed to drink in and around the parking lot of Ken's Liquor.

Staff met with the liquor store operator during the field investigation. The operator stated that he had just recently hired a security guard whose first day was on November 17, 2008. The operator stated that the guard's hours are from 6 p.m. until midnight seven days a week. The operator stated that he did not have a copy of the contract with the security company. LAPD officers stated they would check on the guard's credentials.

The operator stated that he has taken some measures to curb the nuisance activity such as hiring the security guard and erecting a 3-foot wrought iron fence. However, the fence only runs 15 to 20 feet along the rear property line abutting the alley. It is not clear as to how this fence is able to deter any nuisance activity since all one has to do is merely walk around it to get onto the liquor store property. Also, being only 3 feet tall, the fence is not much of a deterrent as people can easily climb/jump over it. LAPD officers would like to see a 6-foot wrought iron fence installed around the entire perimeter of the property.

As a note, high-ranking LAPD officials have taken notice of the conditions at Ken's Liquor and have implored the Captain of the 77th Street Division to find a solution to the ongoing problems at the liquor store.

According to the State Department of Alcoholic Beverage Control licensing criteria, 4 on-site and 3 off-site licenses are allocated to Census Tract No. 2377.10. There are currently 2 on-site and 4 off-site licenses in this Census Tract.

Statistics from the Los Angeles Police Department reveal that in the subject Crime Reporting District No. 1256, the number of crimes reported were 773 compared to the Citywide average 256 crimes and the high crime reporting district average of 307 crimes for the same period.

Surrounding Land Uses

Properties to the north are classified in the C2-1VL Zone and are developed with a two-story multi-family residential building and one-story single-family dwellings.

Properties to the east, across Broadway, are classified in the C2-1VL Zone and are developed with a two-story multi-family residential building, a church, and a small commercial building. There is a public elementary school one block east of Broadway on the north side of 76th Street. The LAPD's 77th Street Division is located east of the subject site on the southeast corner of Broadway and 76th Street.

Properties to the south, across 76th Street, are classified in the C2-1VL Zone and are developed with a recycling center, a used car lot and two-story multi-family residential buildings.

Properties to the west, across the alley, are classified in the R2-1 Zone and are developed with one- and two-story multi-family residential buildings.

Previous Cases, Affidavits, Permits, and Orders On the Applicant's Property

License No. 433386 – California Department of Alcoholic Beverage Control license Type 21 (off-sale general) issued to Erica Ivy Corporation doing business as Ken's Liquor. This license is active and expires on March 31, 2009.

License No. 471447 – California Department of Alcoholic Beverage Control license Type 21 (off-sale general) issued to Myung Soon Sik doing business as Ken's Liquor. This license is a transfer and is pending.

Order to Comply No. A-1560849 – On August 29, 2007, an inspector from the Department of Building and Safety cited the property owner of 7535 South Broadway, Ken's Liquor, for failure to maintain the exterior of the building free from graffiti which could be viewed from

the public street. Compliance was achieved on January 15, 2008 and the Order was officially closed on January 25, 2008.

Previous Cases, Affidavits, Permits, and Orders On Surrounding Properties

There are no similar or relevant ZA or CPC cases.

General Plan, Specific Plans and Interim Control Ordinances

Community Plan:

The Southeast Los Angeles Community Plan designates the property for General Commercial land uses with corresponding zones of C1.5, C2, C4, RAS3 and RAS4, with Height District No. 1.

Specific Plans and Interim Control Ordinances:

The property is within the area of the South Los Angeles Alcohol Sales Specific Plan. The subject project is not affected.

CPC-2007-3827-ICO pertains to the South Los Angeles Fast Food Interim Control Ordinance.

Streets

Broadway, adjoining the property to the east, is a designated Major Highway II dedicated a width of 100 feet and is improved.

76th Street, adjoining the property to the south, is a Local Street dedicated a width of 60 feet and is improved.

The alley, adjoining the property to the west, is dedicated a width of 10 feet and is improved.

Flood Hazard Evaluation

The property is not located in an area for which a flood insurance rate map has been prepared.

Environmental Clearance

On August 21, 2008, the project was issued a Notice of Exemption (Article III, Section 3, City CEQA Guidelines), log reference ENV 2008-4413-CE, for a Categorical Exemption, Class 21, Category 2, City CEQA Guidelines, Article VII, Section 1, State EIR Guidelines, Section 15100.

Comments from Other Departments or the General Public

The LAPD submitted the following information:

Consolidated Crime Analysis Database (CCAD) report for the period from August 14, 2004 to August 14, 2007 lists one incident in 2004; eight incidents in

2005; 25 incidents in 2006; and 12 incidents in 2007. An additional CCAD report for the period from January 1, 2008 to November 20, 2008 lists 18 incidents in 2008.

The LAPD submitted the following arrest/crime reports:

1. January 11, 2006 - Drinking in Public arrest report, occurred approximately 9:15 p.m. - Officers observe suspect standing on sidewalk in front of the parking lot to Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
2. January 12, 2006 - Drinking in Public arrest report, occurred approximately 6:45 p.m. - Officers observe suspect standing on sidewalk in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
3. January 31, 2006 - Drinking in Public arrest report, occurred approximately 2:15 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
4. April 11, 2006 - Drinking in Public arrest report, occurred approximately 12:05 p.m. - Officers observe suspect sitting in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
5. April 11, 2006 - Drinking in Public arrest report, occurred approximately 12:05 p.m. - Officers observe suspect sitting in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
6. April 11, 2006 - Drinking in Public arrest report, occurred approximately 12:05 p.m. - Officers observe suspect sitting in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
7. April 17, 2006 - Drinking in Public arrest report, occurred approximately 10:15 a.m. - Officers observe suspect standing in parking lot against the south wall of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
8. April 17, 2006 - Drinking in Public arrest report, occurred approximately 10:15 a.m. - Officers observe suspect standing in parking lot against the south wall of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
9. April 17, 2006 - Drinking in Public arrest report, occurred approximately 10:15 a.m. - Officers observe suspect standing in parking lot against the south wall of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
10. June 24, 2006 - Furnishing Alcoholic Beverage to Minor arrest report, occurred approximately 7:00 p.m. - Minor decoy sent to Ken's Liquor to solicit persons entering the liquor store to purchase alcohol for the minor; suspect observed purchasing alcohol and furnishing it to the minor decoy; suspect arrested and released at the scene.
11. November 30, 2006 - Drinking in Public arrest report, occurred approximately 4:00 p.m. - Officers observe suspect sitting in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.

12. December 15, 2006 - Drinking in Public arrest report, occurred approximately 4:45 p.m. - Officers observe suspect standing on sidewalk in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
13. January 11, 2007 - Drinking in Public arrest report, occurred approximately 12:30 p.m. - Officers observe suspect in the alley directly behind Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
14. March 28, 2007 - Drinking in Public arrest report, occurred approximately 12:25 p.m. - Officers observe suspect sitting on bus bench in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
15. March 28, 2007 - Drinking in Public arrest report, occurred approximately 12:30 p.m. - Officers observe suspect in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
16. July 13, 2007 - Drinking in Public arrest report, occurred approximately 12:20 p.m. - Officers observe suspect standing on sidewalk in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
17. July 31, 2007 - Drinking in Public arrest report, occurred approximately 8:40 p.m. - Officers observe suspect sitting in a chair in the parking lot of Ken's Liquor holding an open alcoholic beverage; suspect arrested and released at the scene.
18. July 31, 2007 - Drinking in Public arrest report, occurred approximately 8:45 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
19. July 31, 2007 - Drinking in Public arrest report, occurred approximately 8:50 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
20. July 31, 2007 - Drinking in Public arrest report, occurred approximately 10:00 p.m. - Officers observe suspect standing in front of Ken's Liquor holding an alcoholic beverage; suspect arrested and released at the scene.
21. September 20, 2007 - Drinking in Public arrest report, occurred approximately 7:05 p.m. - Officers observe suspect seated in the alley behind Ken's Liquor holding an alcoholic beverage; suspect arrested and released at the scene.
22. September 26, 2007 - Drinking in Public arrest report, occurred approximately 1:05 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor holding an alcoholic beverage; suspect arrested and released at the scene.
23. September 26, 2007 - Drinking in Public arrest report, occurred approximately 7:00 p.m. - Officers observe suspect standing against wall of Ken's Liquor holding an alcoholic beverage; suspect arrested and released at the scene.
24. September 26, 2007 - Drinking in Public arrest report, occurred approximately 7:15 p.m. - Officers observe suspect standing by Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.

25. September 27, 2007 - Drinking in Public arrest report, occurred approximately 4:20 p.m. - Officers observe suspect sitting in the parking lot of Ken's Liquor holding an open alcoholic beverage; suspect arrested and released at the scene.
26. January 10, 2008 - Drinking in Public arrest report, occurred approximately 4:30 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
27. January 10, 2008 - Drinking in Public arrest report, occurred approximately 4:30 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
28. January 11, 2008 - Drinking in Public arrest report, occurred approximately 4:00 p.m. - Officers observe suspect standing on sidewalk on the south side of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
29. January 17, 2008 - Drinking in Public arrest report, occurred approximately 4:45 p.m. - Officers observe suspect standing on sidewalk on the south side of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
30. January 19, 2008 - Drinking in Public arrest report, occurred approximately 3:45 p.m. - Officers observe suspect walking in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
31. February 5, 2008 - Drinking in Public arrest report, occurred approximately 12:10 p.m. - Officers observe suspect standing in alley behind Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
32. February 5, 2008 - Drinking in Public arrest report, occurred approximately 12:10 p.m. - Officers observe suspect standing in alley behind Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
33. February 5, 2008 - Drinking in Public arrest report, occurred approximately 4:00 p.m. - Officers observe suspect standing on sidewalk in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
34. February 8, 2008 - Drinking in Public arrest report, occurred approximately 12:15 p.m. - Officers observe suspect sitting on sidewalk in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
35. February 11, 2008 - Drinking in Public arrest report, occurred approximately 1:10 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
36. February 12, 2008 - Drinking in Public arrest report, occurred approximately 4:10 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
37. February 17, 2008 - Drinking in Public arrest report, occurred approximately 1:00 p.m. - Officers observe suspect standing on sidewalk in front of Ken's Liquor

- drinking an alcoholic beverage; suspect arrested and released at the scene.
38. March 25, 2008 - Drinking in Public arrest report, occurred approximately 8:05 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
 39. April 24, 2008 - Drinking in Public arrest report, occurred approximately 4:50 p.m. - Officers observe suspect sitting on sidewalk in front of Ken's Liquor holding an alcoholic beverage; suspect arrested and released at the scene.
 40. May 6, 2008 - Loitering arrest report, occurred approximately 8:00 a.m. - Officers observe five persons standing in the southwest corner of the parking lot at Ken's Liquor; officers leave then return approximately 20 minutes later to find the same persons still standing in the same location; all five persons arrested for loitering.
 41. March 25, 2008 - Drinking in Public arrest report, occurred approximately 8:05 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
 42. May 14, 2008 - Drinking in Public arrest report, occurred approximately 8:50 p.m. - Officers observe suspect standing on sidewalk in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
 43. May 15, 2008 - Drinking in Public arrest report, occurred approximately 8:30 p.m. - Officers observe suspect standing in parking lot of Ken's Liquor holding an alcoholic beverage; suspect arrested and released at the scene.
 44. June 26, 2008 - Drinking in Public arrest report, occurred approximately 2:25 p.m. - Officers observe suspect sitting on sidewalk in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
 45. July 5, 2008 - Drinking in Public arrest report, occurred approximately 10:00 a.m. - Officers observe suspect sitting on a milk crate in the alley behind Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
 46. July 5, 2008 - Drinking in Public arrest report, occurred approximately 10:00 a.m. - Officers observe suspect standing in the alley behind Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
 47. July 5, 2008 - Drinking in Public arrest report, occurred approximately 10:00 a.m. - Officers observe suspect standing in the alley behind Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
 48. October 8, 2008 - Drinking in Public arrest report, occurred approximately 9:15 a.m. - Officer observes suspect sitting on curb on the side of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
 49. October 13, 2008 - Drinking in Public arrest report, occurred approximately 7:15 p.m. - Officers observe suspect standing on sidewalk in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.
 50. October 15, 2008 - Drinking in Public arrest report, occurred approximately

10:10 a.m. - Officer observes suspect standing next to south wall of Ken's Liquor disrobing; officer investigates then observes suspect take a drink from an alcoholic beverage; suspect arrested.

51. October 22, 2008 - Drinking in Public arrest report, occurred approximately 8:30 a.m. - Officer observes suspect drinking alcoholic beverage at Ken's Liquor; suspect arrested and released at the scene.
52. October 31, 2008 - Drinking in Public arrest report, occurred approximately 2:15 p.m. - Officers observe suspect standing on sidewalk in front of Ken's Liquor drinking an alcoholic beverage; suspect arrested and released at the scene.

A letter, dated July 10, 2008, was received which is from ABC written to the operators of Ken's Liquor. The letter states that the LAPD has issued numerous citations to persons drinking in public on the premises of Ken's Liquor thus, the liquor store has been operating as a public nuisance and faces disciplinary action by ABC. The operator of Ken's Liquor replied in a letter dated July 30, 2008, stating that he has taken the following steps to address that nuisance problems:

1. Installed new 3-foot fence on western side of parking lot;
2. Posted three new "NO DRINKING" signs on the wall facing the parking lot;
3. Continuous vigilance through monitoring the video system;
4. Refusal to sell alcoholic beverages to anyone who continues to drink in public.

No other correspondence was received.



KIT AWAKUNI
Zoning Investigator

KA:rg

COUNTY CLERK'S USE CITY CLERK'S USE

CITY OF LOS ANGELES
 OFFICE OF THE CITY CLERK
 ROOM 395, CITY HALL
 LOS ANGELES, CALIFORNIA 90012
 CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

(Article III, Section 3—City CEQA Guidelines)

Submission of this form is optional. The form shall be filed with the County Clerk, 111 No. Hill St., Los Angeles, California 90012, pursuant to Public Resources Code Section 21252 (b). Pursuant to Public Resources Code Section 21188 (d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations being extended to 180 days.

LEAD CITY AGENCY City of Los Angeles Department of City Planning	COUNCIL DISTRICT 9
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PROJECT TITLE * Revocation Action	LOG REFERENCE ENV 2008-4413-CE
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PROJECT LOCATION
* 7535 South Broadway

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:
* Mitigate nuisance activities on-site and upon adjacent properties by imposition of conditions and/or revocation of use

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY:
* Chief Zoning Administrator

CONTACT PERSON * Kit Awakuni	AREA CODE * 213	TELEPHONE NUMBER * 978-1345	EXT.
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EXEMPT STATUS: (Check One)

	CITY CEQA GUIDELINES	STATE EIR GUIDELINE
<input type="checkbox"/> MINISTERIAL	Art. III, Sec. 2b	Sec. 15073
<input type="checkbox"/> DECLARED EMERGENCY	Art. III, Sec. 2a (1)	Sec. 15071 (a)
<input type="checkbox"/> EMERGENCY PROJECT	Art. III, Sec. 2a (2) & (3)	Sec. 15071 (b) & (c)
<input type="checkbox"/> GENERAL EXEMPTION	Art. III, Sec. 1	Sec. 15060
<input type="checkbox"/> CATEGORICAL EXEMPTION	Art. VII, Sec. 1	Sec. 15100
Class <u>21</u> Category <u>2</u> (City CEQA Guidelines)		
<input type="checkbox"/> OTHER (See Public Resources Code Sec. 21080 (b) and set forth state and city guideline provision.)		

JUSTIFICATION FOR PROJECT EXEMPTION:
The adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate or other entitlement for use or enforcing the general rule, standard or objective

IF FILED BY APPLICANT ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.

SIGNATURE 	TITLE City Planning Associate	DATE 10/28/08
FEE:	RECEIPT NO.	REC'D. BY
		DATE

DISTRIBUTION: (1) County Clerk, (2) City Clerk, (3) Agency Record
Form Gen. 183 (Rev. 8-90) (Appendix A) (C.S. 4/98)

THE APPLICANT CERTIFIES THAT HE OR SHE UNDERSTANDS THE FOLLOWING:
Completion of this form by an employee of the City constitutes only a staff recommendation that an exemption from CEQA be granted. A Notice of Exemption is only effective if, after a public review and any required public hearings, it is adopted by the City agency having final jurisdiction (including any appeals) over the project application. If a CEQA exemption is found inappropriate, preparation of a Negative Declaration or Environmental Impact Report will be required. IF THE INFORMATION SUBMITTED BY THE APPLICANT IS INCORRECT OR INCOMPLETE SUCH ERROR OR OMISSION COULD INVALIDATE ANY CITY ACTIONS ON THE PROJECT, INCLUDING CEQA FINDINGS.

* _____
NAME (PRINTED)

* _____
SIGNATURE



Address Any Communications to:
OFFICE OF ZONING ADMINISTRATION
 200 N. SPRING ST., 7TH FLOOR
 LOS ANGELES, CA 90012
 (213) 978-1318
 FAX - (213) 978-1334

- Within a 100-Foot Radius
 Within a 500-Foot Radius
 Abutting a Proposed Development Site
 And Occupants within a 100-Foot Radius
 And Occupants within a 500-Foot Radius

NOTICE OF PUBLIC HEARING TO PROPERTY OWNERS

CASE NO. DIR 2008-4412(RV)
 POSSIBLE IMPOSITION OF CONDITIONS
 TO ABATE NUISANCE OR REVOCATION
 OF USE

SOUTH LOS ANGELES PLANNING AREA
 DISTRICT MAP NO. 99B201
 COUNCIL DISTRICT NO. 9

The Office of Zoning Administration will conduct a public hearing which you may attend.

PLACE: Los Angeles City Hall
 200 North Spring Street, Room 1020
 (Enter From Main Street)
 Los Angeles, CA 90012

TIME: **TUESDAY, DECEMBER 2, 2008 AT 10:00 A.M.**

APPLICANT: CITY OF LOS ANGELES
 DEPARTMENT OF CITY PLANNING
 OFFICE OF ZONING ADMINISTRATION

The purpose of the hearing is to obtain testimony of the property owner and/or business operator, plus affected and/or interested persons regarding the operation of the Ken's Liquor, use location address: 7535 South Broadway. Following the hearing, the Zoning Administrator may require the discontinuance of the use; or may impose corrective conditions regarding its use as a liquor store selling full-line of alcoholic beverages for off-site consumption in order to mitigate any land use impacts caused by the use. The public is also invited to submit written comments prior to the hearing.

ISSUES: There are community allegations and Los Angeles Police Department police call and arrest report documentation of: repeated nuisance activity associated with the site including possession of illegal drug paraphernalia, public drinking, and felony warrants. These activities are jeopardizing and/or endangering the public health and safety of persons residing or working on the premises or in the surrounding area, thereby constituting a public nuisance, and contributing to the deterioration of the adjacent community. The activities occurring in and around the premises have generated numerous police responses thereby straining the resources of the Police Department.

AUTHORITY: The Director of Planning, through the Office of Zoning Administration, has the authority to revoke the use or impose corrective conditions on the operation of the existing business as a liquor store under Section 12.27.1 (land use impacts caused by any use) of the Los Angeles Municipal Code.

PROPERTY INVOLVED: The business conducted at the subject property is known as the Ken's Liquor and is located at 7535 South Broadway. The property is legally described as Fr. Lot 52, Peckham's Moneta Avenue Square No. 1 Tract. The property is zoned C2-1VL.

REVIEW OF FILE: Case No. DIR 2008-4412(RV) containing the file, maps and exhibits, is available in the Office of Zoning Administration, 200 North Spring Street, Room 763, Los Angeles, CA 90012, between the hours of 7:15 a.m. and 4 p.m., Monday through Friday. Please call (213) 978-1318, (818) 756-8121 or (310) 548-7721 in advance to assure that the file will be available. The file will be unavailable for review the day of the hearing.

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities.

Pursuant to California Government Code Section 65009(b)(2), any court challenge to the Zoning Administrator's action on this matter may be limited to only those issues raised prior to the close of the public hearing.

IF YOU ARE NO LONGER THE OWNER OF THE PROPERTY WITHIN THIS AREA, PLEASE FORWARD THIS NOTICE OF HEARING TO THE NEW OWNER.