

**TO THE COUNCIL OF THE
CITY OF LOS ANGELES**

FILE NO. 09-0226

Your

PLANNING AND LAND USE MANAGEMENT

Committee

reports as follows:

CATEGORICAL EXEMPTION and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to an appeal on conditions imposed on the operation of Ken's Liquor located at 7535 South Broadway Street.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. FIND that this action is categorically exempt from California Environmental Quality Act pursuant to Article VII, Section 1, Class 21 (2) of the City's Environmental Guidelines.
2. ADOPT the FINDINGS of the Zoning Administrator as the Findings of Council.
3. RESOLVE TO DENY APPEAL filed by Erica I. Han (on behalf of Erica Ivy Corporation), from the decision of the Zoning Administrator in part, and THEREBY SUSTAIN the decision of the Zoning Administrator and APPROVE imposed Condition No. 9 (hours of operation) and Condition No. 17 (Security Guard), with respect to the operation of the business known as Ken's Liquor located at 7535 South Broadway Street.

Applicant: City of Los Angeles, Office of Zoning Administration

DIR 2008-4412 (RV)

Fiscal Impact Statement: The Planning Department reports that there is no General Fund impact, as administrative costs are recovered through fees.

Community Impact Statement: None submitted.

TIME LIMIT FILE - APRIL 7, 2009

(LAST DAY FOR COUNCIL ACTION - APRIL 7, 2009)

Summary:

At its meeting held on March 24, 2009, the Planning and Land Use Management (PLUM) Committee conducted a public hearing and denied the appeal and sustained the decision of the Zoning Administrator on an appeal filed by Erica I. Han (on behalf of Erica Ivy Corporation), from the decision of the Zoning Administrator, in part, in imposing Condition No. 9 (hours of operation) and Condition No. 17 (Security Guard), with respect to the operation of the business known as Ken's Liquor located at 7535 South Broadway Street.

Respectfully submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
REYES:	YES
HUIZAR:	ABSENT
WEISS:	YES

BG:ys
3-26-09
CD 9

Attachment: Conditions of Approval
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- Not Official Until Council Acts -

CONDITIONS OF APPROVAL

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.