

TRANSMITTAL TO COUNCIL

Case No.	Planning Staff Name(s) and Contact No.	C.D. No.
DIR 2008-3094(RV)	Albert Landini - 213-369-0552	9
Related Case No(s).	Last Day to Appeal March 23, 2009	

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

7026 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.

Miguel Vasquez/Edwin Monterossa 7026 South Broadway Los Angeles, CA 90011 Work Phone - 818-884-3777 Home Phone - 818-261-7909	Armando Chavira, Attorney 20700 Ventura Boulevard, #227 Woodland Hills, CA 91364 Work Phone - 818-884-3777 Home Phone - 818-261-7909
---	--

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 only 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 appellants, Miguel Vasquez (operator) and Edwin Monterossa (owner), are appealing the entire determination in conjunction with conditions imposed upon the operation of a bar known as Los Amigos Bar.

On March 6, 2009, Zoning Administrator Albert Landini, acting for the Director of Planning, pursuant to the provisions of Section 12.27.1 found that the operation of the business known as Los Amigos Bar, has resulted in public nuisance and requires the modification of its operation to mitigate adverse impacts associated with that use on persons and property.

Items Appealable to Council
DIR 2008-3094(RV)

Fiscal Impact Statement		ENV. No., if applicable	Commission Vote:
Yes	No X	ENV 2008-3095-MND	

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 April 23, 2009	Contact Number 213-978-1318
---	------------------------	--------------------------------

MICHAEL LOGRANDE
CHIEF ZONING ADMINISTRATOR

CITY OF LOS ANGELES
CALIFORNIA

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



ANTONIO R. VILLARAIGOSA
MAYOR

DEPARTMENT OF
CITY PLANNING

S. GAIL GOLDBERG, AICP
DIRECTOR

OFFICE OF
ZONING ADMINISTRATION
200 N. SPRING STREET, 7TH FLOOR
LOS ANGELES, CA 90012
(213) 978-1318
FAX: (213) 978-1334
www.lacity.org/PLN

April 23, 2009

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

Case No. DIR 2008-3094(RV)
Appellant: Miguel Vasquez and
Edwin Monterossa
Address: 7026 South Broadway
Council District: 9
Plan: Southeast Los Angeles
Environmental: ENV 2008-3095-MND

Honorable Members:

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

Appeal Request: The appellants, Miguel Vasquez (Op) and Edwin Monterossa (O) are appealing the entire Zoning Administrator's determination to impose conditions with respect to the operation of a bar known as Los Amigos Bar.

Background: On March 6, 2009, Zoning Administrator Albert Landini, acting for the Director of Planning, pursuant to the provisions of Section 12.27.1 found that the business is a public nuisance and required modification of its operation to mitigate adverse impacts to the surrounding area.

The Zoning Administrator's determination required the modification of the operation of the bar in order to mitigate adverse impacts caused by its operation.

MICHAEL LOGRANDE
Chief Zoning Administrator

ML:imc



CITY OF LOS ANGELES
PLANNING DEPARTMENT

MASTER APPEAL FORM

APPEAL TO THE: Southeast Los Angeles Planning Area
 REGARDING CASE NO.: DIR 2008-3094 (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 Miguel Vazquez (op) Edwin Montrossa (o)
 Mailing Address 7026 South Broadway Street
Los Angeles, CA Zip: 90011
 Work Phone: (818) 884-3777 Home Phone: (818) 261-7909

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)

REPRESENTATIVE

Name Armando H Chavira Attorney at Law

Mailing Address 20700 Ventura Blvd #227

Woodland Hills, CA Zip 91364
 Work Phone: (818) 884-3777 Home Phone: (818) 261-7909

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: March 23, 2009

REASONS FOR APPEALING

Are you appealing the entire decision or parts of it?

Entire Part

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.

- ① Evidence does not support finding of public nuisance.
- ② No nexus between crime evidence and subject use.
- ③ Video taping and security guard requirement not supported.
- ④ \$1 200.00 administrative fee not warranted by evidence.
- ⑤ Plan approval requirement not supported by evidence.
- ⑥ Hours operation language is vague and ambiguous.

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 Miguel Vergara

OFFICIAL USE ONLY

Receipt No. 276146 Amount 97+088=112 Date 3/23/09

Application Received 11am DEPARTMENT

Application Deemed Complete 1pm REMITTANCE

Copies provided:

Determination

Receipt (original applicant only)

Determination Authority Notified (if necessary)

DR COLE
ZPS

MICHAEL LOGRANDE
CHIEF ZONING ADMINISTRATOR

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

CITY OF LOS ANGELE
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

DEPARTMENT OF
CITY PLANNING

S. GAIL GOLDBERG, AICP
DIRECTOR

OFFICE OF
ZONING ADMINISTRATION
200 N. SPRING STREET, 7TH FLOOR
LOS ANGELES, CA 90012
(213) 978-1318
FAX: (213) 978-1334
www.lacity.org/PLN

March 6, 2009

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

Edwin Monterossa, Jr. (O)
11533 South St. Andrews Place
Los Angeles, CA 90047

Miguel A. Vasquez (Op)
5400 South Central Avenue
Los Angeles, CA 90011

Maria Placenica
Los Amigos Bar
7026 South Broadway
Los Angeles, CA 90003

CASE NOS. DIR 2008-3094(RV)
and ZA 2003-2234(CUB)
IMPOSITION OF CONDITIONS
7026 South Broadway
Southeast Los Angeles Planning Area
Zone : C2-1VL
D. M. : 102B201
C. D. : 9
CEQA: ENV 2008-3095-MND
Legal Description: Lots 72-74,
Tract 4791

Pursuant to Case No. ZA 2003-2234(CUB) - July 14, 2003, I hereby DISMISS:

the requirement for Plan Approval review as thought to have been required under Condition No. 3 of the Zoning Administrator's determination of June 16, 1994 (Case No. ZA 94-0284(PAB)) for a review of compliance with Conditions inasmuch as said case subsequently determined that the subject site has deemed-to-be approved conditional use status, and

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

the modification of the operation of a bar, known as the Los Amigos Bar, located at 7026 South Broadway, in order to mitigate adverse impacts caused by said operation and to insure that no public nuisance shall be caused by the operation of the use,

upon the following additional terms and conditions:

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.



AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER



2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized 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.
4. 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.
5. The applicant 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 applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the city fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

Conditions Originating in the City Attorney Conference of December 6, 2007

6. The property owner and/or operator of the subject bar shall immediately inform the Los Angeles Police Department ("LAPD") if any person is observed or suspected of being engaged in vice or alcohol related criminal activity at the bar.
7. The business owners/operators shall obtain all licenses and permits necessary for operating the business at the property, including a liquor license and a dance hall permit. The property owners shall ensure that their lessee maintains such licenses or permits.
8. The property owner and/or operator of the subject bar shall provide at least two (2) security guards on duty at the bar at all times during hours of operation. One guard shall be posted inside the front door of the bar to monitor all patrons as well as check valid identification at the door.
9. All security guards working at the bar should be licensed by the California Bureau of Security and Investigative Services shall be employed by a licensed private patrol operator (i.e., not an employee of the property owner or the bar).
10. The security guards working at the bar shall comply with the requirements of the California Business and Professions Code Section 7582.26(f) which requires that guards wear a distinctive uniform, with a patch on each shoulder reading "private security," containing the name of the private security company for which the guards are employed. The guard shall possess his or her guard permit at all times with photographic identification and present them to law enforcement personnel upon request. Guards shall have radio communication with each other.

11. The security guards working at the bar shall be given adequate training and clear instructions to enforce applicable conditions and uphold the law.
12. The property owners, business owners/operators, and bar employees to shall attend Standardized Training for Alcohol Retailers (STAR) session sponsored by the Los Angeles Police Department within 30 days of the effective date of this Letter of Determination. The property owners and business owners/operators shall maintain proof of each employee's attendance and have it available on the premise for inspection by the Los Angeles Police Department or Alcoholic Beverage Control. The property owner and/or operator of the subject bar shall require subsequent hires to attend the STAR training program within 60 days of their date of hire.
13. The property owner and/or operator of the subject bar shall require all employees working in the capacity of a waitress or bartender to wear a uniform and a name tag. The business owner/operator shall provide uniforms and name tags for all bar employees.
14. Signs shall be prominently posted in English and Spanish stating that California State Law prohibits sales of alcoholic beverages to persons who are under 21 years of age. Said signs shall be posted by the business owner/operator. The signs should state in at least 2-inch letters: "No Loitering or Public Drinking" signs shall be posted outside of the location. The said signs shall be in English and Spanish.
15. Signs shall be prominently posted in English and Spanish stating that California State Law prohibits the soliciting of alcoholic beverages 303(b) PC. Said signs shall be posted in the owner/operator facility and visible to patrons.
16. The bar shall prohibit dancing at the bar.
17. The "dance floor" area of the bar shall be covered up (e.g., tables added) to discourage non-permitted dancing.
18. Signs in English and Spanish shall be posted indicating "No Dancing Allowed." The signage shall have lettering of at least 2 inches in height.
19. Amplified or band music shall not be audible outside of the bar or property.
20. A single jukebox or stereo may be maintained at the bar. However, the music shall not be audible outside of the premises.
21. The business owner/operator shall ensure adherence to the maximum occupancy for the premise (security shall use a counter at the door).
22. The hours of operations shall be limited to 10 a.m. to 12 midnight, Sunday through Thursday and 10 a.m. to 2 a.m. Friday and Saturday.
23. There shall only be one "public" entrance to the location. Other doors shall be designated as "employee only" entrances and used by bar patrons only to evacuate the building in case of emergency.

24. Loitering is strictly prohibited on or around these premises or the area under the control of the business owner/operator. The property owner and/or operator of the subject bar shall not permit any person, including bar occupants, to loiter (i.e., standing idly about or lingering aimlessly) in the areas adjacent to the bar. Bar patrons shall be asked to leave the area after the bar closes. Individuals loitering on the sidewalk directly in front of the bar's main entrance shall be instructed to move away from the area.
25. The property owner and/or operator of the subject bar shall post and maintain the following signs at each entry point or approach to the property; the signs should say, in English and Spanish: "NO TRESPASSING, NO LOITERING, NO DRUGS, NO DRUG DEALERS, NO PROSTITUTION, NO WEAPONS, NO DRINKING OF ALCOHOLIC BEVERAGES IN PUBLIC. THE LOS ANGELES POLICE DEPARTMENT MAKES REGULAR AND FREQUENT PATROLS OF THIS PROPERTY. The signage shall have lettering of at least two inches in height.
26. Persons shall not allow anyone to trespass on the property. The property owner ad/or the operator of the subject bar shall post and maintain signs in English and Spanish at each entry point or approach to the property warning against trespassing. The signage shall have lettering of at least 2 inches in height.
27. In consultation with Officer Ruiz (telephone number 323-846-6559), the property owner and/or operator of the subject bar shall install and maintain a video surveillance system to capture and record images on the Property and the side-walk surrounding the property. The property shall be posted with signs indicating use of a surveillance system. The property owner and/or operator of the subject bar shall routinely monitor the cameras and keep tapes for at least three weeks before re-recording. These tapes shall be kept and made available and any tapes to LAPD officers upon request.
28. No pay phones shall be maintained on the interior or exterior of the property.
29. No food vendor shall be allowed to sell, give away or operate on the premises under the control of the property owner or business owner/operator.
30. The property owner and/or operator of the subject bar shall install lights to illuminate the front of the bar and any adjacent parking lot area of the bar for crime prevention. Any damaged or worn out lighting shall be immediately replaced. All lighting shall be directed on-site. All exterior lighting shall be to the satisfaction of the Los Angeles Police Department and the Department of Building and Safety.
31. The property owners and/or operator of the subject bar shall should provide a copy of any and all lease agreements to the City Attorney's Office or to law enforcement personnel upon request.
32. The property owner and/or operator of the bar shall install a mechanical ventilation or air conditioning system, to the satisfaction of the Department of Building and Safety. This system shall be of sufficient power to cool the inside of the premises to

such a degree that it will not be necessary to open the entrance and exit doors to achieve ventilation of the establishment.

Procedure Conditions

33. A "hot line" phone number available during hours of operation for the receipt of complaints from the community regarding the subject facility shall be posted at the entry of the market. The hot line number shall be available for callers to report to the management of the subject premises any nuisance activities originating from the premises. The phone number shall be distributed to all abutting property owners and tenants and to any other interested parties including homeowner groups who request such information.
34. The operator shall make available a copy of these conditions to all employees of the bar and shall train them to insure that compliance with the conditions is monitored and enforced.
35. No earlier than 5 months and no later than 6 months from the effective date of this action, the owner/operator of the subject premises and/or the property owner of the land shall file a Plan Approval with the Office of Zoning Administration together with a filing fee and a mailing list of owners and occupants within 500 feet of the premises to determine the effectiveness of compliance with the conditions herein, and to determine whether additional and more restrictive conditions or, fewer conditions need to be considered for the operation of the facility or whether revocation is appropriate. The matter shall be set for a public hearing.
36. Within 30 days of the effective date of this action, the business owner and/or the property owner shall reimburse the City for the costs required to conduct and process the subject nuisance abatement action pursuant to Section 19.01-P of the Los Angeles Municipal Code. A check in the amount of \$2000 shall be paid to the City of Los Angeles with confirmation of payment made to the Zoning Administrator within this same time period.
37. Within 30 days of the effective date of this determination, the owner of the subject property shall record a covenant and agreement with the County Recorder, in a manner suitable to the Zoning Administrator, containing all of these conditions. This Covenant and Agreement shall be maintained in full force and effect at all times that the subject bar is in business and shall not be terminated unless approved by the Zoning Administrator. 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. The City will record the covenant if the property owner does not comply with this condition as required.

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 MARCH 23, 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 September 4, 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:

BACKGROUND

The property has dimensions of 110 feet along the east side of Broadway, 100 feet along the north side of 71st Street and a total area of 11,000 square feet or 0.25 acres in the C2-1VL Zone. The site is improved with a one-story, 2,600 square-foot beer bar which seats approximately 40 persons; although the occupancy load is 100. The project bar shares the property with an auto repair business, which has two buildings attached to the bar and one freestanding building in the northeast corner of the level, rectangular-shaped, corner parcel of land, consisting of four contiguous lots. The overall site has five striped parking spaces in the auto repair (northerly) portion of the property. The parking is accessed off of Broadway from a driveway 20 feet south of the northerly edge of the property. The bar currently known as "Los Amigos" has been at the site since 1961.

Properties to the north are classified in the C2-1VL Zone and are improved with a vacant commercial building, the King's Castle Motel and beyond in the PF-1 Zone the Ascot Branch Library.

Properties to the south are classified in the C2-1VL Zone and are improved with a vacant furniture store and parking lot.

Properties to the east across a 15-foot wide improved alley are classified in the R2-1 Zone and are improved with a courtyard style multi-family property.

Properties to the west across Broadway are classified in the C2-1VL Zone and are improved with auto repair, auto sales and tire shop.

Broadway, adjoining the property to the west, is a Major Highway dedicated 100 feet in width and is improved.

71st Street, adjoining the property to the north, is a Local Street dedicated 60 feet in width, and is improved.

The alley, adjoining the property to the east, is improved with asphalt pavement and concrete gutter, within a 1 5-foot wide dedication.

Previous zoning related actions on the site/in the area include:

Subject Property

Building, Permit No. 2003LA43909 (03016-10000-11345) - Issued on June 17, 2003 to Comply with Order to Comply dated September 6, 2002, enlarge existing men's restroom in bar/retail use.

Order to Comply No. 147567 - Effective August 24, 2005, for violations of Code Section 91.8104.12 of the LAMC. Ordered to "Maintain the exterior wall surfaces of

every existing building or structure. All shall be maintained weather tight, in good repair and in clean and sanitary condition. Compliance obtained September 28, 2005.

Case No. ZA 2003-2234(CUB) - On June 14, 2003, the Zoning Administrator dismissed a conditional use permit and to allow the on-site sale of beer and wine having hours in a 3,380 square-foot bar (Los Amigos Bar) 7 p.m. to 2 a.m. daily, inasmuch as the bar has been determined to have deemed-to-be-approved, conditional use status for the continued sale of alcoholic beverages inasmuch as the bar was in operation and had a beer and wine license being issued prior to March 1, 1977, which is the date used to establish such deemed-to-be-approved status per ZA memorandum No. 60 (revised March 28, 1996).

Building, and Safety Board File No. 020138 - On October 18, 2002, the Board of Building and Safety Commission denied the appeal request for an extension of time for six months, in which to comply with LADBS' OTC, dated June 28, 2002, regarding the sale of beer and wine for on-site consumption without conditional use approval from the Zoning Administrator.

Order to Comply - Effective June 28, 2002, for violation of Case No. ZA 94-0284(PAB) Condition No. 20, authorizing a grant of two years from effective date of July 1, 1994. The approval expired on July 1, 1996.

Communication - Dated June 21, 2002, the Office of Zoning Administration requested an inspection of the Los Amigos Bar at 7026 South Broadway due to expiration of PAB.

"Order to Comply", issued for violation of Condition No. 20 of Case No. ZA 94-0284(PAB), that authorizes a grant of two years from the effective date of July 1, 1994.

Communication - On June 21, 2002, the Office of Zoning Administration requested an inspection of the Los Amigos Bar at 7026 South Broadway due to expiration of a PAB.

Case No. ZA 94-0284(PAB) - On June 16, 1994, the Zoning Administrator approved a conditional use status and approval of plans to permit the on-site sales and consumption of beer only in a 3,380 square-foot bar (Los Amigos Bar) 7 p.m. to 2 a.m. daily due to the applicant's failure to file an application for the above by February 2, 2003.

Permit No. 89LA25449 - Issued in 1989, for building permit for change of use from beer bar only (on-site consumption) to beer bar with one pool table.

Surrounding Properties

Case No. ZA 89-0848(CUB) - On January 25, 1990, the Zoning Administrator denied a conditional use at 7212 South Broadway to permit on-site sale and dispensing of beer and wine at a 1,467 square-foot restaurant.

Case No. ZA 87-0198(CUX) - On May 12, 1987, the Zoning Administrator approved a conditional use at 7208 South Broadway to permit dance floor in conjunction with an existing bar.

SUMMARY OF PRIOR CASES

ZA 94-0284(PAB): On June 16, 1994 The Zoning Administrator acted under Case No. ZA 94-0284(PAB) and pursuant to the provisions of Sections 12.24-F and G of the Municipal Code, to approve a request for a Zoning Administrator's determination of conditional use status and approval of plans in conjunction with the on-site sale of beer only in a 3,360 square-foot bar (Los Amigos Bar), subject to additional terms and 22 conditions.

In that action the Zoning Administrator noted that a person speaking in opposition to the use at that time stated:

- The bar hires B-girls to solicit drinks from customers. The cost is \$10.00. You are allowed to dance with these girls if you pay the \$10.00 and buy them drinks.

It was noted by the Zoning Administrator at that time that such activity is illegal in the City of Los Angeles and is not permitted under any situation.

The person speaking in opposition also stated that:

- There is no ventilation or air conditioning in the bar and it becomes very hot. The owners open the doors and the noise from inside spills out into the streets and keeps the neighbors awake at night.

It was also stated that

- There are outside telephones used by the prostitutes.
- There have been two people killed as a result of activities at the site in the last two years.

On June 21, 2002 The Chief Zoning Administrator issued a letter under the same case number in which he stated:

Attached is the June 16, 1994 Zoning Administrator determination which approved the conditional use status and approval of plans in conjunction with the on-site sale of beer only in a 3,360 square-foot existing bar. Condition No. 20 authorizes the grant for a period of two (2) years from the effective date of July 1, 1994 at which time a Plan Approval must be applied for if the operator desires to continue selling beer. The approval expired on July 1, 1996 and a Plan Approval application was never filed by either the bar operator or property owner.

We recently received an inquiry from the Citywide Nuisance Abatement Program as to the activities occurring in and around the bar. We are requesting a site inspection and an "Order to Comply" (OTC) written, if necessary. Please forward copies of any OTC's to my Office. If you have any questions please contact either Cora Smith at (213) 978-1310 or Kit Awakuni at (213) 978-1345.

ZA 2002-4048(CUB)(CUX): On March 14, 2003, the Chief Zoning Administrator acted to terminate an application for Conditional Use to sell beer for on-site consumption.

ZA 2003-2234(CUB): On July 14, 2003, the Zoning Administrator acted to dismiss a request for a conditional use permit to allow the sale of beer and wine for on-site consumption in conjunction with an existing 2,600 square-foot bar having hours of 7 p.m. to 2 a.m., daily, inasmuch as the bar has been determined to have deemed-to-be-approved conditional use status for the continued sale of alcoholic beverages inasmuch as the bar was in operation and had a beer and wine license being issued prior to March 1, 1977, which is the date used to establish such deemed to be approved status per ZA Memorandum No. 60 (revised March 28, 1996).

In taking the 2003 action the Zoning Administrator reported that:

On June 24, 2003, a public hearing was conducted on a request for a conditional use permit to continue the sale of beer and wine in an existing bar at the above noted address. On June 20, 2003, the applicant requested a withdrawal of the application citing as justification the bar's history and the belief that the property had a legal nonconforming use to operate as a bar and that it existed as such prior to the enactment of the requirements for conditional use for on-site sale of alcohol. The public hearing was conducted as scheduled, since no determination of the status could be made within the short time period provided. The Zoning Administrator took testimony and noted that the case would be taken under advisement to allow review of the applicant's request. The Zoning Administrator further noted that if a determination was made that the request was not necessary due to prior rights, the case would be dismissed.

According to a review of the history of the location, the existing bar dates back to 1961, at which time it was also issued its first alcohol license. The bar appears to have been in continuous operation and maintained its alcohol since that time. No evidence to the contrary has been documented or found to indicate that there was any interruption in such alcohol service. This is significant as an interruption in such operation could nullify any right to a deemed to be approved status. The building itself was constructed in 1922 for use as a market and stores. The bar shared the property and ownership with an adjacent auto repair business. The auto repair business was issued an Order to Comply approximately in 1993 by the Department of Building and Safety regarding its proximity to a residential use. Upon appeal, the Board of Building and Safety Commissioners required that the bar obtain change of use permit also for its use. As part of meeting that request, the property owner filed for a plan approval in 1994 to permit the continued sale of beer and wine. Part of the request was also to determine its conditional uses status as deemed to be approved as pertains to the sale of alcohol. Pursuant to ZA 94-0284(PAB), the Zoning Administrator of record granted both requests with a two-year term limit to file a subsequent plan approval to continue the operation. The applicant never filed the required second plan approval. As noted by the representative, due to change in ownership, the current operator who bought the property in 1997 was not aware that any additional requests or reviews were necessary. Subsequently in August of 2002, two Orders to Comply were issued one requesting the discontinuance of the use as a bar pending any approval for alcohol sales pursuant to a conditional use permits.

The subject request represents an effort to comply with said Order. The other Order related to necessary permits for bathroom work.

At the public hearing, testimony was provided by the applicant as well as representatives of the Los Angeles Police Department, of the Department of Building and Safety, of the Office of the Ninth Council District, of the Community Redevelopment Agency, and a property owner to the rear of the location. The applicant's representative summarized the history as noted above. Reference was made to a City Attorney hearing that was conducted on November 25, 2002, from which originated a set of 12 conditions which the applicant agreed to abide by. The representative also noted that no request for dancing had been made and indicated that the applicant has been complying with the imposed City Attorney conditions.

A representative of the Police Department noted the investigations that had been conducted on the premises and that numerous arrests had been made. Reference was made to the solicitation of alcohol by B-girls, violations of the alcohol license regarding dancing. Concerns were identified regarding vendors outside the property as well as litter, and odors and prostitution. The LAPD member noted that these were not tied to the bar directly but had an effect on the appearance and perceived operation of the bar. The LAPD officer also indicated that within the past 90 days there had not been an opportunity to verify compliance with the City Attorney conditions but that the LAPD would monitor if compliance was being attained. The conditional use case file contains copies of correspondence from the City Attorney to the applicant regarding activities at the location as well as numerous copies of arrest reports which also include officers' narratives as well as declarations of observations at the bar.

A member of the Department of Building and Safety also noted that his Department would continue to monitor compliance with the City Attorney imposed conditions. He added that there were orders for bathroom work and electrical work which the applicant was in the midst of correcting. A property owner of an apartment building located behind the bar indicated that he was there to represent the complaints of his tenants against the bar. He mentioned that patrons relieved themselves in the alley and that he has had to install lights for security. He added that he would like to see the alley closed. He suggested that there be more lighting added and that there be no street parking.

A representative of the Council District recommended that the conditional use request be denied and that the owner's compliance record be taken into account. He noted that if there has been no compliance with the conditions imposed by the City Attorney, such denial is warranted. In the absence of a denial, the Council Office representative recommended that a subsequent review be conducted within 90 days and that the City Attorney conditions be incorporated into a conditional use approval. A representative of the Community Redevelopment Agency testified that he concurred with the position of the Council Office. He added that the impact created is on the adjacent residential neighbors.

Subsequent to the hearing, the applicant submitted a letter noting that the problems associated with prostitution and street vending were a nuisance but not caused by the bar establishment. The letter noted that the bar's security guards have no

jurisdiction outside of the property. Also enclosed was a letter from the applicant's lawyer which addresses arrests made at the bar and contests that in almost all cases the charges have been dropped. The letter also indicates that the lawyer is not aware of any charges being made for any drug possession. He notes that problems have been attributed to the bar which are not created by the bar and urges that the bar should not be held responsible for "areas outside of its control and not involving its patrons". Reference is made to one plea made by a bartender to allowing a woman to solicit beverages and that this is the only conviction in five years of operation under the current owner. The applicant's lawyer indicates that the staff has participated in training offered by the Department of Alcohol Beverage Control.

As summarized, a review of the history indicates that the original bar has maintained its deemed to be approved conditional use status as determined in the 1994 review. Such status is not subject to a term grant. Therefore, the two-year limit established in the 1994 action has no force of effect as long as the bar has continued its operation as a bar with the sale of beer and wine. Therefore, the subject request for a new conditional use is deemed to be not necessary and the subject case is dismissed.

The applicant and any future owner is advised that should any public nuisance activities be reported or documented, nuisance abatement proceedings may be initiated against the use in accordance with Section 12.27.1 of the Los Angeles Municipal Code which could ultimately put you at risk of revocation and the issue of an order directing the discontinuance of the use located at 7026 South Broadway.

SUMMARY OF LOS ANGELES POLICE DEPARTMENT - ARREST REPORTS AND INVESTIGATIONS

- 10/12/07- RFC No. 894853; arrest LAMC 103.106 LAPD observed dancing without a dance hall permit.
- 10/12/07- Multi/Arrests (2) RFC Nos. 1256888 and 894854; arrest for 303 (a)PC Soliciting to Purchase an Alcoholic Beverage. Arrest for 25657 (a)B&P allowing persons to solicit alcoholic beverages.
- 09/07/07- LAPD Employees Report. Detailed reports of LAPD Newton Area Vice and ABC investigation of Los Amigos Bar's operations. Vice officers made arrests of women acting as agents for the establishment had solicited under cover officers for drinks. A violation of Penal Code 303(a) - Soliciting an Alcoholic Beverage in an ABC licensed location.
- 09/08/05 - Property Report: LAPD officers confiscate weapons and ammunition at Los Amigos Bar that was operating and ordered to close due to violations of workers compensation laws.
- 08/17/07 - LAPD Employees Report. Detailed reports of LAPD Newton Area Vice and ABC investigation of Los Amigos Bar's operations. Vice officers made arrests of women acting as agents for the establishment had solicited under cover officers for drinks. A violation of Penal Code 303(a) - Soliciting an Alcoholic Beverage in an ABC licensed location.

05/15/07 - Preliminary investigation of Assault with a Deadly Weapon. Unknown suspect(s) pointed gun inside victims tent fired 5-6 times striking victims. Unknown suspect(s) fled in unknown direction. (Off-site)

10/12/07 - RFC No. 601126; arrest LAMC 103.112(B). Expired Pool Room Permit LAPD observed 2 operable pool tables.

02/22/04 - Arrest for 422 PC - Criminal Threats. Suspect goes to victim's location armed with knife, suspect knocks on door and threatens to kill victim.

11/20/04 - Multi/Arrests (3) RFC No. 686568, 436972,820071; arrest LAMC 25602(a) B&P Service to Intoxicated Persons (2 arrests) and 303 (a) PC Soliciting Purchase of Alcoholic Beverages (1 arrests).

11/20/04 - Multi/Arrests (2) RFC No. 686569, 441774, arrest 25616 B&P, Failure to allow inspection; LAMC 103.112(B) No pool room permit.

Patrol Calls For Service received:

Between 08/15/05 - 09/17/07 (28) incidents at 7026 South Broadway.

PUBLIC HEARING

The Office of Zoning Administration conducted a public hearing in Los Angeles City Hall on Thursday, September 4, 2008 at approximately 10:30 a.m. The applicant was the City of Los Angeles, Department of City Planning.

The purpose of the hearing was to obtain testimony of the property owner and/or business operator, plus affected and/or interested persons regarding the operation of the Los Amigos Bar, use location address: 7026 South Broadway, (property location addresses of: 7022, 7024 and 7026 South Broadway; and 253 West 71st Street).

It was noted in the Notice of Public Hearing that following the hearing, the Zoning Administrator may require the discontinuance of the use; or modify, delete or impose additional conditions regarding its use as a bar selling beer and wine in order to mitigate any land use impacts caused by the use. The public was also invited to submit written comments prior to the hearing.

The issues before the Zoning Administrator were:

- 1) A determination, pursuant to Los Angeles Municipal Code Section 12.27.1, of land use impacts and/or public nuisance caused by the operation of the use; and
- 2) A Plan Approval, pursuant to Los Angeles Municipal Code Sections 12.24-Z and 12.24-AA and Condition No. 3 of the Zoning Administrator's determination of June 16, 1994, (Case No. ZA 94-0284(PAB)) for a review of compliance with Conditions and the effectiveness of the conditions in mitigating any land use impacts caused by the use.

The Notice of Public Hearing further stated that:

- On June 16, 1994, the Zoning Administrator, (Case No. ZA 94-0284(PAB)), approved "a Zoning Administrator's determination of conditional use status and approval of plans in conjunction with the on-site sale of beer only in a 3,360 square-foot bar (Los Amigos Bar), upon ... additional terms and conditions....".
- There were subsequent applications: Case No. ZA 2002-4048(CUB)(CUX) with the Chief Zoning Administrator advising the applicant on March 14, 2003 "that the Zoning Administrator has ordered your application for Conditional Use to sell beer for on-site consumption be terminated" due to no response to a 30 day notice to take action on the subject application; and
- Case No. ZA 2003-2234(CUB) with the Zoning Administrator on July 14, 2003 dismissing "a request for a conditional use permit to allow the sale of beer and wine for on-site consumption in conjunction with an existing 2,600 square-foot bar having hours of 7 p.m. to 2 a.m., daily, inasmuch as the bar has been determined to have deemed-to-be-approved conditional use status for the continued sale of alcoholic beverages inasmuch as the bar was in operation and had a beer and wine license being issued prior to March 1, 1977, which is the date used to establish such deemed to be approved status per ZA Memorandum No. 60 (revised March 28, 1996)."

It was further noted in the Notice of Public Hearing that Condition No. 3 of the June 16, 1994 determination, (Case No. ZA 94-0284(PAB)), states:

The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to impose additional corrective conditions, if, in his opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

The business conducted at the subject property is known as the Los Amigos Bar and the use location address is 7026 South Broadway, and Property location addresses of 7022, 7024 and 7026 South Broadway and 253 West 71st Street. The property ownership is legally described as Lots 71, 72, 73 and 74, Tract 4791. The property is zoned C2-1VL.

Prior to taking testimony the Zoning Administrator acted administered an oath to all at large stating:

Greetings. I am Albert Landini, the Zoning Administrator of Record on this matter.

Limited cross-examination of witnesses will be allowed in this revocation hearing in the following manner: If you would like to ask questions of a witness following the witnesses' testimony, you should submit those questions to the Zoning Administrator and the Zoning Administrator will ask the submitted questions. However, the Zoning Administrator has discretion to determine whether or not a question will be asked and the manner of asking any question submitted. Questions intended to harass, embarrass or intimidate a witness will not be asked.

This revocation hearing is being recorded. The tapes will be available for review in the Automated Records Office in City Hall Rm. 575. Copies may also be obtained upon request and payment of a fee.

A collective oath or affirmation will be administered at the start of this revocation hearing. Everyone, in attendance wishing to participate in this proceeding, is required to take the oath or affirmation. The oath or affirmation is a precaution to safeguard due process and the integrity of these proceedings.

Consequently, I will administer the following oath or affirmation. Please respond collectively by stating "I do."

Thank you.

"I do solemnly state, under penalty of perjury, that the evidence that I shall give in this issue or matter shall be the truth, the whole truth, and nothing but the truth."

Audience: I do.

The Public Hearing was well attended. Seven names were entered on the sign-in sheet including the property owner and their representative and representatives from the City Attorney, Police Department, and Council Office for the area. The complaint and the instant file were reviewed. In reviewing the instant file the Zoning Administrator read the materials contained within said file and reviewed the exhibits and radius maps indicating the various land uses within the affected radius. The proceedings were then opened to public comment and the following points were considered:

Police Department

- Police submit a list of conditions dated 12/06/07. The conditions had also been submitted to the property owner's representative. They have not agreed to the conditions.
- Observations at the subject site indicate the property owner to be in violation of the suggested conditions.
- At a site visit of 03/08/08 LAPD determined that the on-site security officer was inadequately uniformed, did not conduct ID checks, and that bar employees were not uniformed. Further there were no signs posted alerting patrons of critical legal constraints as to drinking and behavior. It was observed that there was also dancing on the premises, such dancing not being allowed.
- At a site visit of 05/24/08 the LAPD saw a continuation of the same situation as above
- At a site visit of 08/13/08 the LAPD saw a continuation of the same situation as above.
- On August 29, 2008 a citation was issued for service to an intoxicated patron.

Police Department Conditions

- This site required two security guards, one inside and one outside.
- The b-girls are of two types. They were described as 1) being fixed at the locale, and 2) being wanderers. The latter usually operate in conjunction with a dedicated

cab and may have a financial arrangement with someone inside the bar such as a cashier or bartender.

Police Department Sr. Lead Officer for Newton Division

- I was the Lead Officer for this area from 2005 to 2007.
- During that time I was given numerous citizen complaints regarding the subject premises.
- There is a nearby Jack-in-the-Box restaurant and children frequenting that store have to walk by the subject premises. There are often time transients outside of the subject establishment. There is evidence of public urination. No arrests were made, but we did notify Vice.
- On 09/07/07 and 08/17/07 Vice went to check for violations
- Beer at this location is served by the "bucket" -- that is a multi-bottle bucket of beer. Such service leads to bad behavior.
- It was observed that taxis were bringing un-escorted girls to the location.
- Arrests were made nearby for prostitution. But we were not able to directly connect the prostitution activities to the bar.

Property Owner's Representative

- We acknowledge dancing and b-girl activity.
- There is b-girl activity everywhere. It is most difficult to control. The property owner does not operate b-girls.
- We did receive the City Attorney letter of August 16, 2007
- As to the May 15, 2007 Assault with a Deadly Weapon, 071314784, wherein a man shoots a woman, victim knew the shooter. This incident was not related to the bar.
- The whole area is one of high crime.
- This case has come up because of grants made by states to local enforcement agencies.
- Bar girls are organized. They wander from site to site. They often times know the cash register girls. Cashiers sometimes operate bar girl rings. Owner has fired people for these kinds of activity. There are no recent citations for b-girls at this location.
- Look at the police activity reports. This has been one big sting operation.
- We are not a dance hall. People get up next to their tables to dance. This is difficult to control.
- Look at February 12, 2004 incident report, 041308246, criminal threat with a knife. This incident was distant from the bar.
- Dancing and b-girl activity is accepted elsewhere in the world. Hard to eradicate this kind of activity. There is usually a ring of 3-4 individuals involved in such activity when it can be observed. There are real rings of bar girls.
- Hotels are high prostitution generators in the area. Incident report 7206 is not accurate and not on point.
- The police reports are not linked to the bar.
- The pay phone is not under control of the property owner.
- Requirement in the suggested conditions that the property owner must participate in local neighborhood groups smacks of "big brother" and infringes on the individuals rights to free choice of association.

City Council Office Representative

- Councilwoman does not want businesses in the area that are troublesome and disruptive to neighborhood calm and security.
- The referenced Jack-in-the-Box and nearby hotels are not at issue here.
- The property owner has admitted to on-site dancing and b-girl operations. Their statement that, "I don't know how to stop it," is not good enough.
- The property owner has not given us a sufficient explanation as to why these activities are out of control.
- Given the long history of these kinds of activities at or near this location we have no assurance that the applicant will comply with any conditions imposed on the subject use.
- We agree with the requirement for two guards on-site. We want the owners to be accessible to Police Vice operations.
- We want a shorter closing time for the premises.

Community Coalition

- We are in agreement with the Council Office.
- In 2006 we presented a list of troublesome sites in our community to the Director of Planning for her consideration.
- The exterior aesthetics of the premises are not inviting. The appearance of the building in and of itself has a negative impact on our community.
- There are beer bottles and other trash in the area. This is not a positive for our community.

Property Owner's Representative

- We do not have any barbed wire on the outside.
- The building is fully enclosed.

Police Department

- This is not a sting operation. These kinds of activities take place all of the time where we have complaints.
- The locale has been cited for not having a police dance hall permit.
- The property owner's plans to discourage dancing are not effective.
- There is what appears to us as being an obvious dance area.
- Lapsing of CUX shows lack of responsibility.
- We do not understand the property owner's reluctance to meet with the community. Such meetings would help the Police Department help the property owner.

Property Owner's Representative

- The gun and ammo report is misleading. The gun was found in the manager's desk located in a back office.
- Summation of police reports have nothing to do with the subject site other than what we consider to be minor permit violations.
- The Sr. Lead Officer did not present any reports, evidence, or history of arrests that can be tied directly to the subject premises.

- Law enforcement concerns for this locale are based on possibilities and speculation.
- No connection has been made between the subject site and prostitution in the area.
- There is dancing at the locale. This may be a permit violation.
- Citizen complaints are nebulous.
- The Jack-in-the-Box is the most dangerous locale in the area.
- No persuasive crime statistics have been presented.
- The subject site may have permit violations.
- There are two "working hotels" in the area that should be considered.
- No real nexus has been established between the bar as it currently operates and the conditions submitted to the Zoning Administrator by the Police Department and the City Attorney.
- The bar has deemed to be approved conditional use status as to the sale of beer and wine.
- Dancing appears to be the major issue.
- We do not have a cover charge.
- There have not been any noise allegations. The premises are not noisy.
- The Zoning Administrator shall have to look at the totality of the site. The operator cannot provide more than one security officer. It is too costly.
- No evidence has been provided to the Zoning Administrator that lead to revocation of the land use privileges enjoyed by the subject site. Bar girls are our biggest problem. We have no substantial violations or incidents of violence. This is not a bad bar.

Following this testimony there was discussion with the applicant and the Zoning Administrator determined that the record should be held open a sufficient amount of time to allow the Police Department to prepare a nexus argument for their submitted conditions, and for said conditions to be reviewed by the property owner and their response prepared and submitted to the Zoning Administrator.

Further, the Zoning Administrator made it known that the best way to contact him in the future would be by email at **AlbertLandini@AOL.com** making sure to put the case number in the subject line and to state in the body of the text that which they were seeking answered. They were also encouraged to put their own telephone numbers in the body of the email text so that staff assigned to assist them could reach them easily and schedule an appointment.

LETTERS TO THE FILE SUBSEQUENT TO THE PUBLIC HEARING

Property Owner's Representative, Armando H. Chavira, Attorney at Law - October 8, 2008

We discussed telephonically some days ago that you would E-Mail your closing argument so that I could respond by the deadlines imposed by Hearing Officer Landini. I have not received the E-Mail and perhaps it was not accurately given to you.

My E-Mail is armando.chavira@yahoo.com.

Kindly E-Mail the material ASAP.

Property Owner's Representative, Armando H. Chavira, Attorney at Law - October 9, 2008

The hearing took place on Thursday, September 4, 2008, and at the conclusion you requested further information and argument on items 2A, 9, 11 and 11 A of the Suggested Improvements submitted by officer Dickes at the hearing.

The LAPD's argument was received by my office on October 9, 2008, and compliance with respondent's deadline of October 9th was not possible. The items are summarily identified as follows:

2. SECURITY GUARDS:

LAPD's stated requirement in the Suggested Improvements requests "one (1) security guard on duty at the Bar at all times of operation." Mr. Vasquez does not disagree and will position a guard at the extra expense and comply with 2B and 2C. However, now, in his September 30, 2008, argument, Officer Dickes wants three (3) security guards at the location. The stated reason is that the additional two guards would patrol the public areas and help out with neighborhood crime problems not caused by the bar itself. Officer Dickes understands that though there is no demonstrated nexus between the neighborhood crime problems and the bar which would necessitate a requirement of two or three guards such a requirement would put the bar out of business thereby ending the LAPD's perceived but unfounded "nuisance problem."

9. HOURS OF OPERATION:

The hearing evidenced a complete lack of nexus between the neighborhood crime problems and the hours the bar operates. Nevertheless the LAPD's contention is that once the hours are controlled the neighborhood would be much improved. In deference to the unfounded request Mr. Vasquez will agree to closed by 1:00 AM Sunday through Thursday, and 2:00 AM Friday and Saturday. The offer is made despite the need to increase sales to pay for the state certified security guard.

11 AND 11A LOITERING:

The item condition, as contained in Officer Dickes' Suggested Improvements under paragraph 11 LOITERING is not briefed in his letter of September 30, 2008. The matter was well-ventilated at the hearing. Mr. Vasquez's position is that loitering by his customers will not be permitted except to smoke a cigarette at the front entrance. There was in fact no evidence presented at the hearing or on written argument of any nexus between the bar and "loitering problems." It is clear that the nearby hotels, prostitutes and problem-plagued Jack-in-Box are the direct and exclusive contributing factors to the street problems and loiterers. The arguments presented at the hearing and on written argument under Security Guard Condition are without foundation as to the Los Amigos Bar. The rampant speculation that the bar should be responsible for illegal street vendors, illegal taxis, gang activity and transient activity, for those very things that LAPD is obligated to control at the behest of the City of Los Angeles, and is not so doing, is completely without foundation and should not be conditioned onto the Los Amigos Bar. The bar does not and cannot control the sidewalk "around these premises" The security guard would, in essence,

become policeman for the city. However, the guard will ensure that there is no loitering by other than bar customers when smoking.

OTHER ARGUMENTS:

The LAPD's written argument goes outside and beyond the requests of the Zoning Administrator as to paragraphs 2A, 9, 11 and 11A. The revisiting of the areas contained in the September 30, 2008 memorandum should not be permitted since all were well-ventilated by Officer Dickes' very competent though erroneous testimony in support of those conditions, and by respondents' corresponding and contra arguments. Though the City Attorney was present at the hearing she did not testify, but now appears to testify through Officer Dickes' written argument. The City Attorney's arguments are too little, too late and, frankly, surprisingly naive.

It seems unfair to the Zoning Administrator decision-maker to hear additional and contradictory arguments from those advanced at the hearing. In particular, on the issues raised by the oral and written argument by the city is the community involvement. The requirement of "community involvement" flies in the face of those constitutional rights that law enforcement is supposed to protect. The right of freedom of association was created by the Founding Fathers to prevent the same type of governmental enslavement common in the "old world" Europe which gave birth to the United States. Most surprising is that this condition is fashioned without any evidence that the Los Amigos Bar operation bears any nexus to the community problems.

Los Angeles Police Department - Officer Michael Dickes, Detective Support and Vice Division, Community Problems Unit - September 30, 2008

The following is a detailed explanation for the conditions that were requested by the Police Department at the Zoning Hearing regarding 7026 Broadway (Los Amigos Bar) on September 4, 2008, at 1030 a.m. in City Hall. The conditions and explanations are based on the training and experience I have gathered over the years while investigating various bars, night clubs and other ABC establishments who have experienced problems throughout the City. The explanations are also based on my familiarity with the abatement process and Zoning proceedings.

If a more detailed explanation of each condition is required or additional modifications are necessary please feel free to contact me at your convenience. These are in addition to all other conditions presented at the hearing.

I would also like to correct testimony from the hearing that was conducted on September 4, 2008. During those proceedings I testified that the bar had recently been cited (8/29/08) for service to an obvious intox. However the information I was provided with at the time of the hearing was incorrect and the officers involved had cited a different bar with a similar name. Please note this correction in the ZA case file.

Property Owner's Representative, Armando H. Chavira, Attorney at Law - December 17, 2007

This office represents the real property owner and operator at the subject premises and these following proposed conditions result from joint discussion. Please contact the undersigned for any purpose related to these conditions.

Reference is made to the December 6, 2007, meeting and City of Los Angeles SUGGESTED IMPROVEMENTS FOR 7026 S. BROADWAY ST. dba LOS AMIGOS BAR. This proposed response is intended solely for the purposes of accommodating a disposition between the operator and real property owner of the Los Amigos bar premises and law enforcement. In the even that a disposition is not reached, then this proposal cannot be used in any formal administrative proceeding.

1. FOLLOW THE LAW

Sections A-D are agreeable to the extent that state and city statutes already regulate the activities mentioned in these sections. Section D is vague and ambiguous as written, but it appears to duplicate sections A and B.

2. SECURITY GUARDS

- A. One security guard shall be posted at the door after 4:00 p.m. and until closing as described under paragraph 9 of the suggested improvements. However, on Friday and Saturday, there will be two guards posted at the premises between 8:00 p.m and closing time. After 8:00 p.m. on weekends at least one of the guards will be armed. The guards will monitor all patrons and check valid identification at the door.
- B. All security guards shall comply with paragraph 2B.
- C. All security guards shall comply with paragraph 2C.
- D. Compliance with section D shall be attempted by good faith compliance since security guards have different fluency in English and Spanish. The operator may request but cannot rely on the security guard company to send guards that are always fluent in both languages.
- E. Supervision of the guard as suggested will be done by the on-site manager. All guards will be instructed as stated.
- F. The certified security guards are from a company which is state certified and expert at providing security. Owner and operator rely on training for the guards to provide adequate security. Section F is reasonable and compliance will be attempted to the best extent possible.

Security guards shall continue security services for at least 30 minutes after closing time every day of the week.

3. TRAINING OF MANAGEMENT/EMPLOYEES

Section 3 is reasonable and compliance will be mandated if the Star training programs are conducted in Spanish for those employees who do not speak English.

4. BAR EMPLOYEES

- A. This subsection is not agreeable. (Emphasis added.) The bar is frequented by the Latin population. All employees speak Spanish and any requirement that bar personnel be proficient in written and spoken English is discriminatory on its face. The word "proficient" is vague and ambiguous. Overall, English is almost never spoken in the business.
- B. This subsection is agreeable if it encompasses any government-issued identification from any government.
- C. This subsection is agreeable and the blouse or shirt of any employee will be conspicuous and uniform with the business name written upon it.
- D. This subsection is agreeable

Valid government-issued identification should be interpreted to correspond with existing law, and ABC requirement, that the identification must look official to comply with the description of "valid" in this section.

5. ALCOHOL SALES

Sections A through F are agreeable.

6. DANCING

- A. This subsection is agreeable.
- B. Any "dance-floor" area of the bar will be covered up to discourage dancing, excluding walk-way areas.
- C. This subsection is agreeable.
- D. This subsection is agreeable.
- E. This subsection is agreeable.

7. MUSIC

- A. This subsection is agreeable.
- B. This subsection is agreeable.
- C. Music should cease playing twenty (20) minutes prior to the close of business.

8. ROOM OCCUPANCY

This condition is unreasonable because bar patron traffic has a high percentage of people entering and leaving the premises and it is not clear that a counter can track the occupancy. However, there will be a good faith attempt to never exceed maximum occupancy.

9. HOURS OF OPERATION

The hours of operation shall be limited from 11:00 a.m. to 1:00 a.m. Sunday through Thursday, and 11:00 a.m. to 2:00 a.m. Friday and Saturday.

10. ENTRANCES

This section is agreeable.

11. LOITERING

- A. This subsection is agreeable, except it should include individuals to go outside of the bar for purposes of smoking.
- B. This subsection is not agreeable. (Emphasis added.) There have never been these types of activities at the location, and this proposed sign sends a message that this business is dangerous. The security guards will not permit the entry of any sinister patrons, will not allow loitering, will check for weapons and ensure compliance as requested by this section's proposal and, therefore, the sign is not required.

12. TRESPASSING

Both sections A and B are not agreeable. The premises' security guards are there to ensure against trespassing and LAPD never needs any "form" to arrest individuals who are breaking the law.

The idea of posting signs every where within and outside of the premises does nothing to stop individuals intent on breaking the law. However, security guards offer the best protection against violations of the law and conditions than mere signs. Signs are unsightly and the LAPD's "Suggested Conditions" would be tantamount requiring large manufacturing labels all over the outside of articles of clothing.

13. SURVEILLANCE SYSTEM

The premises has a surveillance system for inside and outside video surveillance. The installation of another system would be an economic burden to the operator and there is no agreement to providing same. The keeping of video tapes for an extended period of time is unnecessary and expensive. It is not clear what is meant by "routinely monitor the cameras". Keeping tapes for at least three weeks is reasonable.

14. PAY PHONES

There is one public phone on the public sidewalk on the west side of the building. This public phone is used by the community passers by and of no benefit to the owner. Past experience has shown that getting a telephone company to remove its public telephones, but the operator and property owner will make reasonable attempt to remove the phone.

15. FOOD VENDORS

This section is agreeable except that the operator may sell snacks as part of his business.

16. MAINTENANCE

This section is agreeable except that the area to remain free of litter within 30 minutes after closing, commensurate with the exit of the security guards.

17. LIGHTING

This section is agreeable except that lighting should not illuminate nearby residences.

18. ACCESS TO THE PROPERTY

Subsections A and B are reasonable except that law enforcement shall have access at all reasonable and necessary times. The premises is a "public premises" and law enforcement may enter during all hours of operation and during the time that the premises is closed for emergency situations.

19. CHANGE IN TENANCY

Subsection A applies to real property rights and any proposed conditions must comply with due process concerns. Conditions should never be written so as to constitute unreasonable governmental intrusion into fundamental protected rights.

- A. This subsection is not agreeable. (Emphasis added.) If there is a proven pattern of illegal activities, then the property owner should evict any tenant. The words "upon obtaining evidence" is unreasonably vague and ambiguous.
- B. This subsection is not agreeable. (Emphasis added.)
- C. This subsection is not agreeable. (Emphasis added.)
- D. This subsection is not necessary or agreeable. (Emphasis added.)
- E. This subsection is not agreeable and constitutes unnecessary governmental intrusion into the rights of property owners. (Emphasis added.)

- F. This subsection is not agreeable and constitutes unnecessary governmental intrusion into the rights of property owners. (Emphasis added.)
- G. This subsection is not agreeable and constitutes unnecessary governmental intrusion into the rights of property owners.

The governments attempt to control the rights of property owners, in the possession and use of their property, is not reasonable in this case.

20. SITE VISIT

This section is agreeable.

21. POSTING OF CONDITIONS

It is agreed that mutually agreeable final conditions shall be retained and available on the premises.

22. COMMUNITY INVOLVEMENT

This section is not agreeable. (Emphasis added.) Freedom of association is a fundamental right, and no one should be obliged to participate in social, religious or any other activities. Property owner and business owner shall meet with Newton Area Vice Unit on a as needed basis with proper and reasonable notice so that their legal representative may appear with them.

23. COMPLY WITH ALL LAWS/ORDERS/REGULATIONS

The property owner and operator shall make a good faith effort to comply with all laws, statutes, ordinances and regulations.

24. TIMING:

All mutually agreeable final conditions shall be complied with as soon as possible after execution of conditions by all interested parties.

Please review the property owner and operator's proposed conditions and contact the undersigned for any comments, observations or suggestions at your convenience. Please keep in mind that if we cannot agree to a list of mutually agreeable conditions, then these proposed conditions are subject to change.

ZONING ADMINISTRATOR'S OVERALL DISCUSSION

There are community complaints and allegations, and Los Angeles Police Department police call and arrest report documentation on and associated with the use and the site of: employee soliciting alcoholic beverages; un-permitted and illegal dance floor/dance hall use; loitering; assault and threats of assault; group fighting; public intoxication and disorderly conduct; assault with a deadly weapon; illegal gun possession; gunfire; and vandalism. 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.

California Department of Alcoholic Beverage Control license indicates for License Number 330815 is an active Type 42 On-Sale Beer and Wine Public Premises. Expiration date June 30, 2009.

During site analysis the site was found to be relatively neat and orderly.

Staff did not receive any reports for any open container violations on any adjacent properties.

Staff did not observe any on-site parking. Parking is located at an auto-related use and is not affiliated with the Los Amigos Bar. Also, the site plan from Case No. ZA 94-0284(PAB) did not indicate any on-site parking for the bar.

It appeared that no on-site parking is provided.

No exterior advertising of any kind or type was observed for the business operation.

Staff could not verify if amplified music is audible beyond that part of the structure which is under the control of the licensee.

An active ABC license is under the purview of Miguel Vasquez.

Staff could not verify that the trash areas is completely enclosed and covered and that trash pick up is not before 9 a.m. nor after 7 p.m. any day of the week.

Attached to the file are violations having dancing without a dance hall permit.

Staff did not receive any reports for any open container violations off-site or on any adjacent properties.

The Southeast Los Angeles Community Plan Map designates the property for land uses Highway Commercial with corresponding zones of CR, C1.5, C2 and P, and Height District No. 1VL. The property is within the area of the South Central Alcohol Sales Specific Plan. The application is not affected.

AUTHORITY

On May 25, 1989, Ordinance No. 164,749 became effective, establishing procedures for the modification, discontinuance or removal of 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 ordinances. That ordinance became Section 12.21-A, 15 of the Los Angeles Municipal Code.

On October 27, 1997, under Ordinance No. 171,740, Section 12.21-A,15 was repealed and superseded by Section 12.27.1 which continued the established administrative procedures for nuisance abatement relating to the modification, discontinuance or removal of a land

use that constitutes a public nuisance or endangers the public health, peace, health and safety of persons residing or working in the surrounding area or violates any land use related condition or other provision of City, State or Federal statutes or ordinance.

The Director of Planning, through the Office of Zoning Administration, also has the authority under Sections 12.24-Z (non compliance with grant Conditions) and 12.24-AA (additional revocation authority), of the Los Angeles Municipal Code to repeal or rescind or revoke any Deemed-to-be-Approved Conditional Use, and other similar quasi-judicial approvals, if the Conditions of the grant approval have not been complied with; and the authority to revoke the use, modify, delete or impose additional corrective conditions on the operation of the existing business as a bar selling beer and wine under Section 12.27.1 (land use impacts caused by any use), of the Los Angeles Municipal Code.

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.

FINDINGS

The Zoning Administrator hereby determines that the use is a public nuisance as established in Section 12.27.1 of the Los Angeles Municipal Code. As presented in the information documented herein through correspondence and public testimony by affected parties, it is determined that the operation of the Los Amigos Bar, the subject bar, has created nuisance impacts at the site. The Zoning Administrator, on behalf of the Director, finds that the business as operated:

1. Jeopardizes or adversely affects the public health, peace or safety of persons residing or working on the premises or in the surrounding area.

There are a substantial number of Police reports to the file and oral testimony from Police, the Council Office and the Community Coalition which indicate that activities at the subject location have resulted in negative impacts on the nearby community. These impacts are directly associated with the relationship created between the on-site sale of alcoholic beverages as well as the non-permitted activity of dancing. Given the administrative record on this matter there is little doubt that this facility has a certain "rough" character to it and is a haven for b-girl activity. Such impacts include but are not limited to drunkenness, fighting, public urination, littering, loitering and threatening behavior. The conduct of these activities has disturbed more directly community residents and deprived them of their rightful ability to enjoy their residences and to enjoy the peace and quiet of their homes as well as affected the community at large.

2. Constitutes a public nuisance.

Testimony at the hearing and police reports attest to the nuisance impacts generated by the activities being conducted on the premises. The lack of an effective and timely response by the bar operator and the property owner to curtail such activities and to allow the continuation of uses which were not permitted,

resulted in cumulative impacts which became a public nuisance that impacted the community and utilized limited City resources to target the mitigation of the nuisance activities.

3. **Has resulted in repeated nuisance activities, including but not limited to disturbances of the peace, public drunkenness, drinking in public, public urination, loitering, excessive littering, excessive loud noises (especially in late evening and early morning).**

The record based on public testimony, correspondence, and reports from other City agencies, as further detailed in Finding Nos. 1 and 2, shows that these activities occurred on a regular basis on the bar premises which led ultimately to the initiation of nuisance abatement proceedings.

4. **Adversely impacts nearby uses.**

The operation of the subject premises has affected the adjacent uses inasmuch as according to testimony and evidence, further illustrated in photographs, the nature of some the activities associated with the market's operation and other uses on the property has had an impact on the quality of life of nearby residents as well as commercial neighbors.

5. **Violates conditions imposed by a prior discretionary land use approval including approvals granted pursuant to Sections 12.24, 12.27, 12.32 or 14.00.**

The bar and the sale of beer and wine, while permitted as a deemed to be approved conditional use does not at its core contain the privilege to operate without appropriate social constraints. In this instance there were prior to this action no conditions of operation in place to give guidance to the owner and operator on how to conduct the business trouble free. It was a given that government in developing the deemed-to-be-approved status determined that such appropriate behavior such as obeying the law and controlling noise and asocial behavior would be a given. In this situation that has not proven true and the City has had to turn to its Revocation procedures to insure the health, safety, and welfare of citizens surrounding the subject site. Under conditions imposed herein it is hoped that the operation of the subject bar will be that of a trouble free establishment. A number of the imposed conditions have found their source in prior activities of the City Attorney and the Los Angeles Police Department. Those conditions were made available to the property owner for review and their representative's response has been quoted elsewhere herein.

In order to preclude the occurrence of any problems, as described herein in the future, and to protect the surrounding neighborhood, the Zoning Administrator has imposed conditions upon the site and its use as a bar, which are intended to protect the interest of the surrounding neighborhood and to prevent further detrimental effect thereon.

RELATIONSHIP OF CONDITIONS TO FINDINGS

General Zoning Conditions

Condition Nos. 1- 5

These conditions are general conditions imposed on virtually zoning entitlement actions. Their purpose is to give an overall measure and scope to the authority of the Zoning Administrator and to establish some basic guidelines for the applicant to be aware of to help them operate their business in such a fashion that it does not become a nuisance to other nearby properties.

Conditions Originating in the City Attorney Conference of December 6, 2007

Condition Nos. 6 - 31

These conditions have found their origin in the Office of the City Attorney and were first presented at a City Attorney Case Conference on December 6, 2007. The following nexus statements were submitted by the Los Angeles Police Department - Officer Michael Dickey, Detective Support and Vice Division, Community Problems Unit, and have been accepted by the Zoning Administrator.

Security Guard Condition: Given the nature of the business and the size of the location, we believe it is necessary to employ two (2) California State licensed security guards from a bona fide security guard company to patrol/monitor the property during the hours of operation for the following reasons:

One security guard will be assigned to work outside the location. That security guard will be tasked with monitoring patrons entering and exiting the location, checking identification to ensure minors do not enter the premises. The security guard will also be responsible for ensuring that there is no loitering permitted around the business, that illegal vendors are not allowed to sell their goods around the location and to make sure that any illegal taxis that may stop in front of the location are moved along immediately. Note: the illegal taxis are commonly used to transport b-girls to the establishment.

The second security guard will be directed to monitor the activity inside the location. The interior security guard will ensure that b-girl activity is prevented, ensure that any obviously intoxicated patrons are not served alcohol, prevent lewd conduct from being committed, as well as preventing any illegal dancing, or fighting inside the bar area.

Although two security guards is recommended, a third security guard would be of benefit as well because the area is known for gang and transient activity. Having two interior security officers would be of assistance as they could work as partners and reduce the risk of becoming involved in an altercation.

Lastly, it is imperative that the security guards are bi-lingual to assist the police officers during any investigation.

Bar Employees: All employees shall wear a uniform that clearly identifies them as employees of the establishment. This is necessary to deter bar girls and other non-employed persons from operating inside the bar. A distinct uniform, specifically one with bright colors is recommended over a simple name identification badge. This request is necessary because lighting inside the building is often low making the identification badge difficult to see. A brightly colored shirt or blouse would be requested as it would be easy to see in a darker room. Note: This has been successful in other, similar businesses and has drastically reduced illegal bar girl activity.

Dancing: Absolutely no dancing shall be allowed on the premises until the proper permits are obtained (zero tolerance).

Hours of Operation: The location should close at 12:00 midnight Sunday through Thursday and 2:00 a.m. Friday and Saturday nights. The business is located near a residential neighborhood and the vast majority of violations, criminal incidents and/or problems occur during the later evening hours. The Police Department believes this is a fair compromise, considering the weekend hours will remain the same. This condition can be revisited if complaints and/or criminal activity declines in future proceedings. The Zoning Administrator has disagreed with the Police as to the 12 Midnight closing time and has acted to extend the hours to 1:00 a.m. in that the original review of the property in 1994 permitted operating hours to 2:00 a.m. daily. Further, this is a bar, and normal closing time for bar operations is later than Midnight. The test for the owner/operator in this instance is to maintain an establishment that is trouble free regardless of hours. Failure to do so can result in loss of use of the premises as an alcoholic beverage sales establishment.

Music/Entertainment: All music shall cease 30 minutes prior to closing. This is to assist in a smooth and gradual egress/exodus of the bar. This has worked at similar business allowing people to vacate the location on a gradual basis without being forced to leave immediately. This is also helpful to the surrounding community as it is not suddenly overrun with vehicles and patrons leaving the establishment.

Loitering: The Zoning Administrator has accepted the property owner's argument in part that signs posted everywhere will not stop an individual's intent on breaking the law. Nonetheless, we do know that appropriate signage can alert those not familiar with the law to its existence. In this instance signage has been required but its message has been limited to deal only with loitering, drinking in public, and to alert the public of frequent police patrols.

Surveillance System: Because the bar is open to the public, there is no expectation to privacy both inside and outside the location. Therefore, the location should have an adequate surveillance system in place that covers all

common areas inside the bar. The Police Department would also request additional video on the outside of the premises to assist with monitoring adjacent sidewalks and abutting properties. The only reason for non-compliance to this request would be that the video would show that the bar owner/operator would in fact have knowledge of and allow criminal activity (bar girl, service to intox) to occur on the premises. To that end, video surveillance is currently used by nearly all business to protect them from crimes versus aiding and abetting them.

Lighting: The inside of the location is dimly lit and nearly dark in some areas. This makes it difficult for officers in general to observe the inside of the bar, either in an undercover capacity or during an up-front inspection. It also makes it difficult for employees, including security to observe any criminal activity in the bar. Locations that poorly lit encourage criminal activity such as narcotics, lewd, or ABC violations. The lighting inside the establishment should be adequate to a level where anybody could see across the bar without assistance.

Change in Tenancy: The property owner should contact the Police Department in the event new tenants take control of the business. This is to ensure that business operator's do not "quick deed" or change ownership during any civil proceedings against the location. For example, other bars have had one name listed as an owner, and a different name on the ABC license and various permits. By requesting all owner/operator changes immediately, the Department will have an accurate "chain of command" for the property and business when any formal contact with the establishment becomes necessary.

Community Involvement: The Police Department requests the owner actively participates in "Neighborhood Watch" as well as contact the Newton Vice Office on a quarterly basis. I find it odd that the operator would oppose this condition, especially if they are attempting to have a "positive" impact and partnership with the community. The owner may find that the voice of the community may assist him with running a nuisance free business. At the very minimum the owner should contact the vice office quarterly.

Air Conditioning Requirement

Condition No. 32

The requirement for air-conditioning has been imposed as a way of insuring that the premises can be operated without keeping either their front and/or back door open at all times. The goal here is to contain both noise and customers within the subject premises and to prevent a sort of hanging-out around the front door and on the public sidewalk, and further to contain noise from the business within the premises.

Procedure Conditions

Condition No. 33

Requires the posting of hot line number to be available during the hours of operation of the facility to report any nuisance activities occurring on the premises. The purpose is to allow members of the community to directly contact a member of the management team if there are problems at the location.

Condition No. 34

Requires that the operator and the property owner make all employees familiar with all conditions of this action. The past record indicates that familiarity with conditions of the conditional use has not been maintained even amongst the market operators, leading to non compliance with some of the existing conditions.

Condition No. 35

Requires that the owner/operator file a Plan Approval with the Zoning Administrator within 5 to 6 months of the effective date of this determination. It is the intent of this condition to permit the Zoning Administrator to maintain close monitoring of the operation of the premises. To do so it is necessary to determine whether the owner/operator is complying with the conditions imposed herein and to determine whether more or less stringent controls are required or whether the conditions imposed herein have resulted in the desired effect of reducing or eliminating the nuisance activities associated with the current use or whether revocation of the use is warranted.

Condition No. 36

This condition provides for the payment of the costs associated with the nuisance abatement proceedings pursuant to Section 12.27.1 of the Los Angeles Municipal Code. On October 27, 1997, Ordinance No. 171,740 became effective adding Section 19.01-P to the Los Angeles Municipal Code. This Section establishes the authority and a maximum amount that may be charged for the processing of a modification or discontinuation of a use. The dollar amount stated in this condition is the sum of: a) actual labor costs, based on reported hours of work on the case and the per-hour salary rates of the specific employees so reporting; and b) hearing notice preparation/mailing costs, based upon the actual number of "ownership" and "occupant" mailing labels in the case. When these numbers exceed \$2,000, the fee is established at a maximum of \$2,000 as this is the maximum permitted by the above noted ordinance. This yields a figure which undoubtedly understates true total costs to the City because it does not include overhead cost, the time spent on appeals, the time spent by the Chief Zoning Administrator and others involved in individual quantities too small to charge to the specific case.

Condition No. 37

Requires that a covenant and agreement regarding all of the conditions of approval be recorded with the County Recorder by the owner/operator. This is a standard

condition required in order to insure that any future owner of the property be made aware of the restrictions and requirements that have been made applicable to the premises. This condition serves to insure that in the event of a successor owning or operating the site, the new owner or operator is made aware of the requirements of this Office in order to assure the compatibility of the use with the surrounding businesses and properties. The City has the authority to record this covenant if the property owner does not comply with this condition as required.

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. All of the procedures followed as a part of this action conform to the Municipal Code. The owner/operator of the premises has been provided notice of these proceedings and has been afforded the opportunity to testify and respond to the allegations concerning the impacts of the operation of the Los Amigos Bar, the subject bar, and the past uses on the property. Further, the conditions imposed are not so onerous as to prevent the viable, legal operation of the business.

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 for 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 7026 South Broadway.

S. GAIL GOLDBERG
Director of Planning



ALBERT LANDINI
Associate Zoning Administrator
Direct Telephone No. (213) 369-0552

AL:lmc

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

LA Department of Building and Safety
VN 07 16 232895 03/23/09 10:08AM



Nº 276146

PLAN & LAND USE	\$97.00
ONE STOP CITY PL	\$2.00
DEVELOPMNT SURCHG	\$6.00
OPERATING SURCHG	\$7.00

Total Due: \$112.00
Check: \$112.00

Department of City Planning
Los Angeles

Planning Request

ze your request and accord the same full and impartial consideration to your application, and the services of anyone to represent you.

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

Applicant MIGUEL VASQUEZ (0962), EDWIN MONTEROZZA (0)
Representative ARMANDO H. CHAVIRA, AITY
Project Address 7026 SOUTH BROADWAY
Telephone Number 0188 884 3777

Cash Council District _____
 Check # 3700 3740/1210 Plan Area _____
 Money Order # 0

Plan Area

Plan Area SOUTHERN ST CL Total Due: \$112.00

Processed by Print & sign

Total Dues \$112.00
Check#

MICHAEL LOGRANDE
CHIEF ZONING ADMINISTRATOR

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

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
LOS ANGELES, CA 90012
(213) 978-1318
FAX: (213) 978-1334
www.lacity.org/PLN

March 6, 2009

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

Edwin Monterossa, Jr. (O)
11533 South St. Andrews Place
Los Angeles, CA 90047

Miguel A. Vasquez (Op)
5400 South Central Avenue
Los Angeles, CA 90011

Maria Placenica
Los Amigos Bar
7026 South Broadway
Los Angeles, CA 90003

CASE NOS. DIR 2008-3094(RV)
and ZA 2003-2234(CUB)
IMPOSITION OF CONDITIONS
7026 South Broadway
Southeast Los Angeles Planning Area
Zone : C2-1VL
D. M. : 102B201
C. D. : 9
CEQA: ENV 2008-3095-MND
Legal Description: Lots 72-74,
Tract 4791

Pursuant to Case No. ZA 2003-2234(CUB) - July 14, 2003, I hereby DISMISS:

the requirement for Plan Approval review as thought to have been required under Condition No. 3 of the Zoning Administrator's determination of June 16, 1994 (Case No. ZA 94-0284(PAB)) for a review of compliance with Conditions inasmuch as said case subsequently determined that the subject site has deemed-to-be approved conditional use status, and

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

the modification of the operation of a bar, known as the Los Amigos Bar, located at 7026 South Broadway, in order to mitigate adverse impacts caused by said operation and to insure that no public nuisance shall be caused by the operation of the use,

upon the following additional terms and conditions:

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.



AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER



2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized 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.
4. 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.
5. The applicant 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 applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the city fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

Conditions Originating in the City Attorney Conference of December 6, 2007

6. The property owner and/or operator of the subject bar shall immediately inform the Los Angeles Police Department ("LAPD") if any person is observed or suspected of being engaged in vice or alcohol related criminal activity at the bar.
7. The business owners/operators shall obtain all licenses and permits necessary for operating the business at the property, including a liquor license and a dance hall permit. The property owners shall ensure that their lessee maintains such licenses or permits.
8. The property owner and/or operator of the subject bar shall provide at least two (2) security guards on duty at the bar at all times during hours of operation. One guard shall be posted inside the front door of the bar to monitor all patrons as well as check valid identification at the door.
9. All security guards working at the bar should be licensed by the California Bureau of Security and Investigative Services shall be employed by a licensed private patrol operator (i.e., not an employee of the property owner or the bar).
10. The security guards working at the bar shall comply with the requirements of the California Business and Professions Code Section 7582.26(f) which requires that guards wear a distinctive uniform, with a patch on each shoulder reading "private security," containing the name of the private security company for which the guards are employed. The guard shall possess his or her guard permit at all times with photographic identification and present them to law enforcement personnel upon request. Guards shall have radio communication with each other.

11. The security guards working at the bar shall be given adequate training and clear instructions to enforce applicable conditions and uphold the law.
12. The property owners, business owners/operators, and bar employees shall attend Standardized Training for Alcohol Retailers (STAR) session sponsored by the Los Angeles Police Department within 30 days of the effective date of this Letter of Determination. The property owners and business owners/operators shall maintain proof of each employee's attendance and have it available on the premise for inspection by the Los Angeles Police Department or Alcoholic Beverage Control. The property owner and/or operator of the subject bar shall require subsequent hires to attend the STAR training program within 60 days of their date of hire.
13. The property owner and/or operator of the subject bar shall require all employees working in the capacity of a waitress or bartender to wear a uniform and a name tag. The business owner/operator shall provide uniforms and name tags for all bar employees.
14. Signs shall be prominently posted in English and Spanish stating that California State Law prohibits sales of alcoholic beverages to persons who are under 21 years of age. Said signs shall be posted by the business owner/operator. The signs should state in at least 2-inch letters: "No Loitering or Public Drinking" signs shall be posted outside of the location. The said signs shall be in English and Spanish.
15. Signs shall be prominently posted in English and Spanish stating that California State Law prohibits the soliciting of alcoholic beverages 303(b) PC. Said signs shall be posted in the owner/operator facility and visible to patrons.
16. The bar shall prohibit dancing at the bar.
17. The "dance floor" area of the bar shall be covered up (e.g., tables added) to discourage non-permitted dancing.
18. Signs in English and Spanish shall be posted indicating "No Dancing Allowed." The signage shall have lettering of at least 2 inches in height.
19. Amplified or band music shall not be audible outside of the bar or property.
20. A single jukebox or stereo may be maintained at the bar. However, the music shall not be audible outside of the premises.
21. The business owner/operator shall ensure adherence to the maximum occupancy for the premise (security shall use a counter at the door).
22. The hours of operations shall be limited to 10 a.m. to 12 midnight, Sunday through Thursday and 10 a.m. to 2 a.m. Friday and Saturday.
23. There shall only be one "public" entrance to the location. Other doors shall be designated as "employee only" entrances and used by bar patrons only to evacuate the building in case of emergency.

24. Loitering is strictly prohibited on or around these premises or the area under the control of the business owner/operator. The property owner and/or operator of the subject bar shall not permit any person, including bar occupants, to loiter (i.e., standing idly about or lingering aimlessly) in the areas adjacent to the bar. Bar patrons shall be asked to leave the area after the bar closes. Individuals loitering on the sidewalk directly in front of the bar's main entrance shall be instructed to move away from the area.
25. The property owner and/or operator of the subject bar shall post and maintain the following signs at each entry point or approach to the property; the signs should say, in English and Spanish: "NO TRESPASSING, NO LOITERING, NO DRUGS, NO DRUG DEALERS, NO PROSTITUTION, NO WEAPONS, NO DRINKING OF ALCOHOLIC BEVERAGES IN PUBLIC. THE LOS ANGELES POLICE DEPARTMENT MAKES REGULAR AND FREQUENT PATROLS OF THIS PROPERTY. The signage shall have lettering of at least two inches in height.
26. Persons shall not allow anyone to trespass on the property. The property owner ad/or the operator of the subject bar shall post and maintain signs in English and Spanish at each entry point or approach to the property warning against trespassing. The signage shall have lettering of at least 2 inches in height.
27. In consultation with Officer Ruiz (telephone number 323-846-6559), the property owner and/or operator of the subject bar shall install and maintain a video surveillance system to capture and record images on the Property and the side-walk surrounding the property. The property shall be posted with signs indicating use of a surveillance system. The property owner and/or operator of the subject bar shall routinely monitor the cameras and keep tapes for at least three weeks before re-recording. These tapes shall be kept and made available and any tapes to LAPD officers upon request.
28. No pay phones shall be maintained on the interior or exterior of the property.
29. No food vendor shall be allowed to sell, give away or operate on the premises under the control of the property owner or business owner/operator.
30. The property owner and/or operator of the subject bar shall install lights to illuminate the front of the bar and any adjacent parking lot area of the bar for crime prevention. Any damaged or worn out lighting shall be immediately replaced. All lighting shall be directed on-site. All exterior lighting shall be to the satisfaction of the Los Angeles Police Department and the Department of Building and Safety.
31. The property owners and/or operator of the subject bar shall should provide a copy of any and all lease agreements to the City Attorney's Office or to law enforcement personnel upon request.
32. The property owner and/or operator of the bar shall install a mechanical ventilation or air conditioning system, to the satisfaction of the Department of Building and Safety. This system shall be of sufficient power to cool the inside of the premises to

such a degree that it will not be necessary to open the entrance and exit doors to achieve ventilation of the establishment.

Procedure Conditions

33. A "hot line" phone number available during hours of operation for the receipt of complaints from the community regarding the subject facility shall be posted at the entry of the market. The hot line number shall be available for callers to report to the management of the subject premises any nuisance activities originating from the premises. The phone number shall be distributed to all abutting property owners and tenants and to any other interested parties including homeowner groups who request such information.
34. The operator shall make available a copy of these conditions to all employees of the bar and shall train them to insure that compliance with the conditions is monitored and enforced.
35. No earlier than 5 months and no later than 6 months from the effective date of this action, the owner/operator of the subject premises and/or the property owner of the land shall file a Plan Approval with the Office of Zoning Administration together with a filing fee and a mailing list of owners and occupants within 500 feet of the premises to determine the effectiveness of compliance with the conditions herein, and to determine whether additional and more restrictive conditions or, fewer conditions need to be considered for the operation of the facility or whether revocation is appropriate. The matter shall be set for a public hearing.
36. Within 30 days of the effective date of this action, the business owner and/or the property owner shall reimburse the City for the costs required to conduct and process the subject nuisance abatement action pursuant to Section 19.01-P of the Los Angeles Municipal Code. A check in the amount of \$2000 shall be paid to the City of Los Angeles with confirmation of payment made to the Zoning Administrator within this same time period.
37. Within 30 days of the effective date of this determination, the owner of the subject property shall record a covenant and agreement with the County Recorder, in a manner suitable to the Zoning Administrator, containing all of these conditions. This Covenant and Agreement shall be maintained in full force and effect at all times that the subject bar is in business and shall not be terminated unless approved by the Zoning Administrator. 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. The City will record the covenant if the property owner does not comply with this condition as required.

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 MARCH 23, 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 September 4, 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:

BACKGROUND

The property has dimensions of 110 feet along the east side of Broadway, 100 feet along the north side of 71st Street and a total area of 11,000 square feet or 0.25 acres in the C2-1VL Zone. The site is improved with a one-story, 2,600 square-foot beer bar which seats approximately 40 persons; although the occupancy load is 100. The project bar shares the property with an auto repair business, which has two buildings attached to the bar and one freestanding building in the northeast corner of the level, rectangular-shaped, corner parcel of land, consisting of four contiguous lots. The overall site has five striped parking spaces in the auto repair (northerly) portion of the property. The parking is accessed off of Broadway from a driveway 20 feet south of the northerly edge of the property. The bar currently known as "Los Amigos" has been at the site since 1961.

Properties to the north are classified in the C2-1VL Zone and are improved with a vacant commercial building, the King's Castle Motel and beyond in the PF-1 Zone the Ascot Branch Library.

Properties to the south are classified in the C2-1VL Zone and are improved with a vacant furniture store and parking lot.

Properties to the east across a 15-foot wide improved alley are classified in the R2-1 Zone and are improved with a courtyard style multi-family property.

Properties to the west across Broadway are classified in the C2-1VL Zone and are improved with auto repair, auto sales and tire shop.

Broadway, adjoining the property to the west, is a Major Highway dedicated 100 feet in width and is improved.

71st Street, adjoining the property to the north, is a Local Street dedicated 60 feet in width, and is improved.

The alley, adjoining the property to the east, is improved with asphalt pavement and concrete gutter, within a 1 5-foot wide dedication.

Previous zoning related actions on the site/in the area include:

Subject Property

Building Permit No. 2003LA43909 (03016-10000-11345) - Issued on June 17, 2003 to Comply with Order to Comply dated September 6, 2002, enlarge existing men's restroom in bar/retail use.

Order to Comply No. 147567 - Effective August 24, 2005, for violations of Code Section 91.8104.12 of the LAMC. Ordered to "Maintain the exterior wall surfaces of

every existing building or structure. All shall be maintained weather tight, in good repair and in clean and sanitary condition. Compliance obtained September 28, 2005.

Case No. ZA 2003-2234(CUB) - On June 14, 2003, the Zoning Administrator dismissed a conditional use permit and to allow the on-site sale of beer and wine having hours in a 3,380 square-foot bar (Los Amigos Bar) 7 p.m. to 2 a.m. daily, inasmuch as the bar has been determined to have deemed-to-be-approved, conditional use status for the continued sale of alcoholic beverages inasmuch as the bar was in operation and had a beer and wine license being issued prior to March 1, 1977, which is the date used to establish such deemed-to-be-approved status per ZA memorandum No. 60 (revised March 28, 1996).

Building, and Safety Board File No. 020138 - On October 18, 2002, the Board of Building and Safety Commission denied the appeal request for an extension of time for six months, in which to comply with LADBS' OTC, dated June 28, 2002, regarding the sale of beer and wine for on-site consumption without conditional use approval from the Zoning Administrator.

Order to Comply - Effective June 28, 2002, for violation of Case No. ZA 94-0284(PAB) Condition No. 20, authorizing a grant of two years from effective date of July 1, 1994. The approval expired on July 1, 1996.

Communication - Dated June 21, 2002, the Office of Zoning Administration requested an inspection of the Los Amigos Bar at 7026 South Broadway due to expiration of PAB.

"Order to Comply", issued for violation of Condition No. 20 of Case No. ZA 94-0284(PAB), that authorizes a grant of two years from the effective date of July 1, 1994.

Communication - On June 21, 2002, the Office of Zoning Administration requested an inspection of the Los Amigos Bar at 7026 South Broadway due to expiration of a PAB.

Case No. ZA 94-0284(PAB) - On June 16, 1994, the Zoning Administrator approved a conditional use status and approval of plans to permit the on-site sales and consumption of beer only in a 3,380 square-foot bar (Los Amigos Bar) 7 p.m. to 2 a.m. daily due to the applicant's failure to file an application for the above by February 2, 2003.

Permit No. 89LA25449 - Issued in 1989, for building permit for change of use from beer bar only (on-site consumption) to beer bar with one pool table.

Surrounding Properties

Case No. ZA 89-0848(CUB) - On January 25, 1990, the Zoning Administrator denied a conditional use at 7212 South Broadway to permit on-site sale and dispensing of beer and wine at a 1,467 square-foot restaurant.

Case No. ZA 87-0198(CUX) - On May 12, 1987, the Zoning Administrator approved a conditional use at 7208 South Broadway to permit dance floor in conjunction with an existing bar.

SUMMARY OF PRIOR CASES

ZA 94-0284(PAB): On June 16, 1994 The Zoning Administrator acted under Case No. ZA 94-0284(PAB) and pursuant to the provisions of Sections 12.24-F and G of the Municipal Code, to approve a request for a Zoning Administrator's determination of conditional use status and approval of plans in conjunction with the on-site sale of beer only in a 3,360 square-foot bar (Los Amigos Bar), subject to additional terms and 22 conditions.

In that action the Zoning Administrator noted that a person speaking in opposition to the use at that time stated:

- The bar hires B-girls to solicit drinks from customers. The cost is \$10.00. You are allowed to dance with these girls if you pay the \$10.00 and buy them drinks.

It was noted by the Zoning Administrator at that time that such activity is illegal in the City of Los Angeles and is not permitted under any situation.

The person speaking in opposition also stated that:

- There is no ventilation or air conditioning in the bar and it becomes very hot. The owners open the doors and the noise from inside spills out into the streets and keeps the neighbors awake at night.

It was also stated that

- There are outside telephones used by the prostitutes.
- There have been two people killed as a result of activities at the site in the last two years.

On June 21, 2002 The Chief Zoning Administrator issued a letter under the same case number in which he stated:

Attached is the June 16, 1994 Zoning Administrator determination which approved the conditional use status and approval of plans in conjunction with the on-site sale of beer only in a 3,360 square-foot existing bar. Condition No. 20 authorizes the grant for a period of two (2) years from the effective date of July 1, 1994 at which time a Plan Approval must be applied for if the operator desires to continue selling beer. The approval expired on July 1, 1996 and a Plan Approval application was never filed by either the bar operator or property owner.

We recently received an inquiry from the Citywide Nuisance Abatement Program as to the activities occurring in and around the bar. We are requesting a site inspection and an "Order to Comply" (OTC) written, if necessary. Please forward copies of any OTC's to my Office. If you have any questions please contact either Cora Smith at (213) 978-1310 or Kit Awakuni at (213) 978-1345.

ZA 2002-4048(CUB)(CUX): On March 14, 2003, the Chief Zoning Administrator acted to terminate an application for Conditional Use to sell beer for on-site consumption.

ZA 2003-2234(CUB): On July 14, 2003, the Zoning Administrator acted to dismiss a request for a conditional use permit to allow the sale of beer and wine for on-site consumption in conjunction with an existing 2,600 square-foot bar having hours of 7 p.m. to 2 a.m., daily, inasmuch as the bar has been determined to have deemed-to-be-approved conditional use status for the continued sale of alcoholic beverages inasmuch as the bar was in operation and had a beer and wine license being issued prior to March 1, 1977, which is the date used to establish such deemed to be approved status per ZA Memorandum No. 60 (revised March 28, 1996).

In taking the 2003 action the Zoning Administrator reported that:

On June 24, 2003, a public hearing was conducted on a request for a conditional use permit to continue the sale of beer and wine in an existing bar at the above noted address. On June 20, 2003, the applicant requested a withdrawal of the application citing as justification the bar's history and the belief that the property had a legal nonconforming use to operate as a bar and that it existed as such prior to the enactment of the requirements for conditional use for on-site sale of alcohol. The public hearing was conducted as scheduled, since no determination of the status could be made within the short time period provided. The Zoning Administrator took testimony and noted that the case would be taken under advisement to allow review of the applicant's request. The Zoning Administrator further noted that if a determination was made that the request was not necessary due to prior rights, the case would be dismissed.

According to a review of the history of the location, the existing bar dates back to 1961, at which time it was also issued its first alcohol license. The bar appears to have been in continuous operation and maintained its alcohol since that time. No evidence to the contrary has been documented or found to indicate that there was any interruption in such alcohol service. This is significant as an interruption in such operation could nullify any right to a deemed to be approved status. The building itself was constructed in 1922 for use as a market and stores. The bar shared the property and ownership with an adjacent auto repair business. The auto repair business was issued an Order to Comply approximately in 1993 by the Department of Building and Safety regarding its proximity to a residential use. Upon appeal, the Board of Building and Safety Commissioners required that the bar obtain change of use permit also for its use. As part of meeting that request, the property owner filed for a plan approval in 1994 to permit the continued sale of beer and wine. Part of the request was also to determine its conditional uses status as deemed to be approved as pertains to the sale of alcohol. Pursuant to ZA 94-0284(PAB), the Zoning Administrator of record granted both requests with a two-year term limit to file a subsequent plan approval to continue the operation. The applicant never filed the required second plan approval. As noted by the representative, due to change in ownership, the current operator who bought the property in 1997 was not aware that any additional requests or reviews were necessary. Subsequently in August of 2002, two Orders to Comply were issued one requesting the discontinuance of the use as a bar pending any approval for alcohol sales pursuant to a conditional use permits.

The subject request represents an effort to comply with said Order. The other Order related to necessary permits for bathroom work.

At the public hearing, testimony was provided by the applicant as well as representatives of the Los Angeles Police Department, of the Department of Building and Safety, of the Office of the Ninth Council District, of the Community Redevelopment Agency, and a property owner to the rear of the location. The applicant's representative summarized the history as noted above. Reference was made to a City Attorney hearing that was conducted on November 25, 2002, from which originated a set of 12 conditions which the applicant agreed to abide by. The representative also noted that no request for dancing had been made and indicated that the applicant has been complying with the imposed City Attorney conditions.

A representative of the Police Department noted the investigations that had been conducted on the premises and that numerous arrests had been made. Reference was made to the solicitation of alcohol by B-girls, violations of the alcohol license regarding dancing. Concerns were identified regarding vendors outside the property as well as litter, and odors and prostitution. The LAPD member noted that these were not tied to the bar directly but had an effect on the appearance and perceived operation of the bar. The LAPD officer also indicated that within the past 90 days there had not been an opportunity to verify compliance with the City Attorney conditions but that the LAPD would monitor if compliance was being attained. The conditional use case file contains copies of correspondence from the City Attorney to the applicant regarding activities at the location as well as numerous copies of arrest reports which also include officers' narratives as well as declarations of observations at the bar.

A member of the Department of Building and Safety also noted that his Department would continue to monitor compliance with the City Attorney imposed conditions. He added that there were orders for bathroom work and electrical work which the applicant was in the midst of correcting. A property owner of an apartment building located behind the bar indicated that he was there to represent the complaints of his tenants against the bar. He mentioned that patrons relieved themselves in the alley and that he has had to install lights for security. He added that he would like to see the alley closed. He suggested that there be more lighting added and that there be no street parking.

A representative of the Council District recommended that the conditional use request be denied and that the owner's compliance record be taken into account. He noted that if there has been no compliance with the conditions imposed by the City Attorney, such denial is warranted. In the absence of a denial, the Council Office representative recommended that a subsequent review be conducted within 90 days and that the City Attorney conditions be incorporated into a conditional use approval. A representative of the Community Redevelopment Agency testified that he concurred with the position of the Council Office. He added that the impact created is on the adjacent residential neighbors.

Subsequent to the hearing, the applicant submitted a letter noting that the problems associated with prostitution and street vending were a nuisance but not caused by the bar establishment. The letter noted that the bar's security guards have no

jurisdiction outside of the property. Also enclosed was a letter from the applicant's lawyer which addresses arrests made at the bar and contests that in almost all cases the charges have been dropped. The letter also indicates that the lawyer is not aware of any charges being made for any drug possession. He notes that problems have been attributed to the bar which are not created by the bar and urges that the bar should not be held responsible for "areas outside of its control and not involving its patrons". Reference is made to one plea made by a bartender to allowing a woman to solicit beverages and that this is the only conviction in five years of operation under the current owner. The applicant's lawyer indicates that the staff has participated in training offered by the Department of Alcohol Beverage Control.

As summarized, a review of the history indicates that the original bar has maintained its deemed to be approved conditional use status as determined in the 1994 review. Such status is not subject to a term grant. Therefore, the two-year limit established in the 1994 action has no force of effect as long as the bar has continued its operation as a bar with the sale of beer and wine. Therefore, the subject request for a new conditional use is deemed to be not necessary and the subject case is dismissed.

The applicant and any future owner is advised that should any public nuisance activities be reported or documented, nuisance abatement proceedings may be initiated against the use in accordance with Section 12.27.1 of the Los Angeles Municipal Code which could ultimately put you at risk of revocation and the issue of an order directing the discontinuance of the use located at 7026 South Broadway.

SUMMARY OF LOS ANGELES POLICE DEPARTMENT - ARREST REPORTS AND INVESTIGATIONS

- 10/12/07- RFC No. 894853; arrest LAMC 103.106 LAPD observed dancing without a dance hall permit.
- 10/12/07- Multi/Arrests (2) RFC Nos. 1256888 and 894854; arrest for 303 (a)PC Soliciting to Purchase an Alcoholic Beverage. Arrest for 25657 (a)B&P allowing persons to solicit alcoholic beverages.
- 09/07/07- LAPD Employees Report. Detailed reports of LAPD Newton Area Vice and ABC investigation of Los Amigos Bar's operations. Vice officers made arrests of women acting as agents for the establishment had solicited under cover officers for drinks. A violation of Penal Code 303(a) - Soliciting an Alcoholic Beverage in an ABC licensed location.
- 09/08/05 - Property Report: LAPD officers confiscate weapons and ammunition at Los Amigos Bar that was operating and ordered to close due to violations of workers compensation laws.
- 08/17/07 - LAPD Employees Report. Detailed reports of LAPD Newton Area Vice and ABC investigation of Los Amigos Bar's operations. Vice officers made arrests of women acting as agents for the establishment had solicited under cover officers for drinks. A violation of Penal Code 303(a) - Soliciting an Alcoholic Beverage in an ABC licensed location.

05/15/07 - Preliminary investigation of Assault with a Deadly Weapon. Unknown suspect(s) pointed gun inside victims tent fired 5-6 times striking victims. Unknown suspect(s) fled in unknown direction. (Off-site)

10/12/07 - RFC No. 601126; arrest LAMC 103.112(B). Expired Pool Room Permit LAPD observed 2 operable pool tables.

02/22/04 - Arrest for 422 PC - Criminal Threats. Suspect goes to victim's location armed with knife, suspect knocks on door and threatens to kill victim.

11/20/04 - Multi/Arrests (3) RFC No. 686568, 436972,820071; arrest LAMC 25602(a) B&P Service to Intoxicated Persons (2 arrests) and 303 (a) PC Soliciting Purchase of Alcoholic Beverages (1 arrests).

11/20/04 - Multi/Arrests (2) RFC No. 686569, 441774, arrest 25616 B&P, Failure to allow inspection; LAMC 103.112(B) No pool room permit.

Patrol Calls For Service received:

Between 08/15/05 - 09/17/07 (28) incidents at 7026 South Broadway.

PUBLIC HEARING

The Office of Zoning Administration conducted a public hearing in Los Angeles City Hall on Thursday, September 4, 2008 at approximately 10:30 a.m. The applicant was the City of Los Angeles, Department of City Planning.

The purpose of the hearing was to obtain testimony of the property owner and/or business operator, plus affected and/or interested persons regarding the operation of the Los Amigos Bar, use location address: 7026 South Broadway, (property location addresses of: 7022, 7024 and 7026 South Broadway; and 253 West 71st Street).

It was noted in the Notice of Public Hearing that following the hearing, the Zoning Administrator may require the discontinuance of the use; or modify, delete or impose additional conditions regarding its use as a bar selling beer and wine in order to mitigate any land use impacts caused by the use. The public was also invited to submit written comments prior to the hearing.

The issues before the Zoning Administrator were:

- 1) A determination, pursuant to Los Angeles Municipal Code Section 12.27.1, of land use impacts and/or public nuisance caused by the operation of the use; and
- 2) A Plan Approval, pursuant to Los Angeles Municipal Code Sections 12.24-Z and 12.24-AA and Condition No. 3 of the Zoning Administrator's determination of June 16, 1994, (Case No. ZA 94-0284(PAB)) for a review of compliance with Conditions and the effectiveness of the conditions in mitigating any land use impacts caused by the use.

The Notice of Public Hearing further stated that:

- On June 16, 1994, the Zoning Administrator, (Case No. ZA 94-0284(PAB)), approved "a Zoning Administrator's determination of conditional use status and approval of plans in conjunction with the on-site sale of beer only in a 3,360 square-foot bar (Los Amigos Bar), upon ... additional terms and conditions....".
- There were subsequent applications: Case No. ZA 2002-4048(CUB)(CUX) with the Chief Zoning Administrator advising the applicant on March 14, 2003 "that the Zoning Administrator has ordered your application for Conditional Use to sell beer for on-site consumption be terminated" due to no response to a 30 day notice to take action on the subject application; and
- Case No. ZA 2003-2234(CUB) with the Zoning Administrator on July 14, 2003 dismissing "a request for a conditional use permit to allow the sale of beer and wine for on-site consumption in conjunction with an existing 2,600 square-foot bar having hours of 7 p.m. to 2 a.m., daily, inasmuch as the bar has been determined to have deemed-to-be-approved conditional use status for the continued sale of alcoholic beverages inasmuch as the bar was in operation and had a beer and wine license being issued prior to March 1, 1977, which is the date used to establish such deemed to be approved status per ZA Memorandum No. 60 (revised March 28, 1996)."

It was further noted in the Notice of Public Hearing that Condition No. 3 of the June 16, 1994 determination, (Case No. ZA 94-0284(PAB)), states:

The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to impose additional corrective conditions, if, in his opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

The business conducted at the subject property is known as the Los Amigos Bar and the use location address is 7026 South Broadway, and Property location addresses of 7022, 7024 and 7026 South Broadway and 253 West 71st Street. The property ownership is legally described as Lots 71, 72, 73 and 74, Tract 4791. The property is zoned C2-1VL.

Prior to taking testimony the Zoning Administrator acted administered an oath to all at large stating:

Greetings. I am Albert Landini, the Zoning Administrator of Record on this matter.

Limited cross-examination of witnesses will be allowed in this revocation hearing in the following manner: If you would like to ask questions of a witness following the witnesses' testimony, you should submit those questions to the Zoning Administrator and the Zoning Administrator will ask the submitted questions. However, the Zoning Administrator has discretion to determine whether or not a question will be asked and the manner of asking any question submitted. Questions intended to harass, embarrass or intimidate a witness will not be asked.

This revocation hearing is being recorded. The tapes will be available for review in the Automated Records Office in City Hall Rm. 575. Copies may also be obtained upon request and payment of a fee.

A collective oath or affirmation will be administered at the start of this revocation hearing. Everyone, in attendance wishing to participate in this proceeding, is required to take the oath or affirmation. The oath or affirmation is a precaution to safeguard due process and the integrity of these proceedings.

Consequently, I will administer the following oath or affirmation. Please respond collectively by stating "I do."

Thank you.

"I do solemnly state, under penalty of perjury, that the evidence that I shall give in this issue or matter shall be the truth, the whole truth, and nothing but the truth."

Audience: I do.

The Public Hearing was well attended. Seven names were entered on the sign-in sheet including the property owner and their representative and representatives from the City Attorney, Police Department, and Council Office for the area. The complaint and the instant file were reviewed. In reviewing the instant file the Zoning Administrator read the materials contained within said file and reviewed the exhibits and radius maps indicating the various land uses within the affected radius. The proceedings were then opened to public comment and the following points were considered:

Police Department

- Police submit a list of conditions dated 12/06/07. The conditions had also been submitted to the property owner's representative. They have not agreed to the conditions.
- Observations at the subject site indicate the property owner to be in violation of the suggested conditions.
- At a site visit of 03/08/08 LAPD determined that the on-site security officer was inadequately uniformed, did not conduct ID checks, and that bar employees were not uniformed. Further there were no signs posted alerting patrons of critical legal constraints as to drinking and behavior. It was observed that there was also dancing on the premises, such dancing not being allowed.
- At a site visit of 05/24/08 the LAPD saw a continuation of the same situation as above
- At a site visit of 08/13/08 the LAPD saw a continuation of the same situation as above.
- On August 29, 2008 a citation was issued for service to an intoxicated patron.

Police Department Conditions

- This site required two security guards, one inside and one outside.
- The b-girls are of two types. They were described as 1) being fixed at the locale, and 2) being wanderers. The latter usually operate in conjunction with a dedicated

cab and may have a financial arrangement with someone inside the bar such as a cashier or bartender.

Police Department Sr. Lead Officer for Newton Division

- I was the Lead Officer for this area from 2005 to 2007.
- During that time I was given numerous citizen complaints regarding the subject premises.
- There is a nearby Jack-in-the-Box restaurant and children frequenting that store have to walk by the subject premises. There are often time transients outside of the subject establishment. There is evidence of public urination. No arrests were made, but we did notify Vice.
- On 09/07/07 and 08/17/07 Vice went to check for violations
- Beer at this location is served by the "bucket" -- that is a multi-bottle bucket of beer. Such service leads to bad behavior.
- It was observed that taxis were bringing un-escorted girls to the location.
- Arrests were made nearby for prostitution. But we were not able to directly connect the prostitution activities to the bar.

Property Owner's Representative

- We acknowledge dancing and b-girl activity.
- There is b-girl activity everywhere. It is most difficult to control. The property owner does not operate b-girls.
- We did receive the City Attorney letter of August 16, 2007
- As to the May 15, 2007 Assault with a Deadly Weapon, 071314784, wherein a man shoots a woman, victim knew the shooter. This incident was not related to the bar.
- The whole area is one of high crime.
- This case has come up because of grants made by states to local enforcement agencies.
- Bar girls are organized. They wander from site to site. They often times know the cash register girls. Cashiers sometimes operate bar girl rings. Owner has fired people for these kinds of activity. There are no recent citations for b-girls at this location.
- Look at the police activity reports. This has been one big sting operation.
- We are not a dance hall. People get up next to their tables to dance. This is difficult to control.
- Look at February 12, 2004 incident report, 041308246, criminal threat with a knife. This incident was distant from the bar.
- Dancing and b-girl activity is accepted elsewhere in the world. Hard to eradicate this kind of activity. There is usually a ring of 3-4 individuals involved in such activity when it can be observed. There are real rings of bar girls.
- Hotels are high prostitution generators in the area. Incident report 7206 is not accurate and not on point.
- The police reports are not linked to the bar.
- The pay phone is not under control of the property owner.
- Requirement in the suggested conditions that the property owner must participate in local neighborhood groups smacks of "big brother" and infringes on the individuals rights to free choice of association.

City Council Office Representative

- Councilwoman does not want businesses in the area that are troublesome and disruptive to neighborhood calm and security.
- The referenced Jack-in-the-Box and nearby hotels are not at issue here.
- The property owner has admitted to on-site dancing and b-girl operations. Their statement that, "I don't know how to stop it," is not good enough.
- The property owner has not given us a sufficient explanation as to why these activities are out of control.
- Given the long history of these kinds of activities at or near this location we have no assurance that the applicant will comply with any conditions imposed on the subject use.
- We agree with the requirement for two guards on-site. We want the owners to be accessible to Police Vice operations.
- We want a shorter closing time for the premises.

Community Coalition

- We are in agreement with the Council Office.
- In 2006 we presented a list of troublesome sites in our community to the Director of Planning for her consideration.
- The exterior aesthetics of the premises are not inviting. The appearance of the building in and of itself has a negative impact on our community.
- There are beer bottles and other trash in the area. This is not a positive for our community.

Property Owner's Representative

- We do not have any barbed wire on the outside.
- The building is fully enclosed.

Police Department

- This is not a sting operation. These kinds of activities take place all of the time where we have complaints.
- The locale has been cited for not having a police dance hall permit.
- The property owner's plans to discourage dancing are not effective.
- There is what appears to us as being an obvious dance area.
- Lapsing of CUX shows lack of responsibility.
- We do not understand the property owner's reluctance to meet with the community. Such meetings would help the Police Department help the property owner.

Property Owner's Representative

- The gun and ammo report is misleading. The gun was found in the manager's desk located in a back office.
- Summation of police reports have nothing to do with the subject site other than what we consider to be minor permit violations.
- The Sr. Lead Officer did not present any reports, evidence, or history of arrests that can be tied directly to the subject premises.

- Law enforcement concerns for this locale are based on possibilities and speculation. No connection has been made between the subject site and prostitution in the area. There is dancing at the locale. This may be a permit violation.
- Citizen complaints are nebulous.
- The Jack-in-the-Box is the most dangerous locale in the area.
- No persuasive crime statistics have been presented.
- The subject site may have permit violations.
- There are two "working hotels" in the area that should be considered.
- No real nexus has been established between the bar as it currently operates and the conditions submitted to the Zoning Administrator by the Police Department and the City Attorney.
- The bar has deemed to be approved conditional use status as to the sale of beer and wine.
- Dancing appears to be the major issue.
- We do not have a cover charge.
- There have not been any noise allegations. The premises are not noisy.
- The Zoning Administrator shall have to look at the totality of the site. The operator cannot provide more than one security officer. It is too costly.
- No evidence has been provided to the Zoning Administrator that lead to revocation of the land use privileges enjoyed by the subject site. Bar girls are our biggest problem. We have no substantial violations or incidents of violence. This is not a bad bar.

Following this testimony there was discussion with the applicant and the Zoning Administrator determined that the record should be held open a sufficient amount of time to allow the Police Department to prepare a nexus argument for their submitted conditions, and for said conditions to be reviewed by the property owner and their response prepared and submitted to the Zoning Administrator.

Further, the Zoning Administrator made it known that the best way to contact him in the future would be by email at AlbertLandini@AOL.com making sure to put the case number in the subject line and to state in the body of the text that which they were seeking answered. They were also encouraged to put their own telephone numbers in the body of the email text so that staff assigned to assist them could reach them easily and schedule an appointment.

LETTERS TO THE FILE SUBSEQUENT TO THE PUBLIC HEARING

Property Owner's Representative, Armando H. Chavira, Attorney at Law - October 8, 2008

We discussed telephonically some days ago that you would E-Mail your closing argument so that I could respond by the deadlines imposed by Hearing Officer Landini. I have not received the E-Mail and perhaps it was not accurately given to you.

My E-Mail is armando.chavira@yahoo.com.

Kindly E-Mail the material ASAP.

Property Owner's Representative, Armando H. Chavira, Attorney at Law - October 9, 2008

The hearing took place on Thursday, September 4, 2008, and at the conclusion you requested further information and argument on items 2A, 9, 11 and 11 A of the Suggested Improvements submitted by officer Dickes at the hearing.

The LAPD's argument was received by my office on October 9, 2008, and compliance with respondent's deadline of October 9th was not possible. The items are summarily identified as follows:

2. SECURITY GUARDS:

LAPD's stated requirement in the Suggested Improvements requests "one (1) security guard on duty at the Bar at all times of operation." Mr. Vasquez does not disagree and will position a guard at the extra expense and comply with 2B and 2C. However, now, in his September 30, 2008, argument, Officer Dickes wants three (3) security guards at the location. The stated reason is that the additional two guards would patrol the public areas and help out with neighborhood crime problems not caused by the bar itself. Officer Dickes understands that though there is no demonstrated nexus between the neighborhood crime problems and the bar which would necessitate a requirement of two or three guards such a requirement would put the bar out of business thereby ending the LAPD's perceived but unfounded "nuisance problem."

9. HOURS OF OPERATION:

The hearing evidenced a complete lack of nexus between the neighborhood crime problems and the hours the bar operates. Nevertheless the LAPD's contention is that once the hours are controlled the neighborhood would be much improved. In deference to the unfounded request Mr. Vasquez will agree to closed by 1:00 AM Sunday through Thursday, and 2:00 AM Friday and Saturday. The offer is made despite the need to increase sales to pay for the state certified security guard.

11 AND 11A LOITERING:

The item condition, as contained in Officer Dickes' Suggested Improvements under paragraph 11 LOITERING is not briefed in his letter of September 30, 2008. The matter was well-ventilated at the hearing. Mr. Vasquez's position is that loitering by his customers will not be permitted except to smoke a cigarette at the front entrance. There was in fact no evidence presented at the hearing or on written argument of any nexus between the bar and "loitering problems." It is clear that the nearby hotels, prostitutes and problem-plagued Jack-in-Box are the direct and exclusive contributing factors to the street problems and loiterers. The arguments presented at the hearing and on written argument under Security Guard Condition are without foundation as to the Los Amigos Bar. The rampant speculation that the bar should be responsible for illegal street vendors, illegal taxis, gang activity and transient activity, for those very things that LAPD is obligated to control at the behest of the City of Los Angeles, and is not so doing, is completely without foundation and should not be conditioned onto the Los Amigos Bar. The bar does not and cannot control the sidewalk "around these premises" The security guard would, in essence,

become policeman for the city. However, the guard will ensure that there is no loitering by other than bar customers when smoking.

OTHER ARGUMENTS:

The LAPD's written argument goes outside and beyond the requests of the Zoning Administrator as to paragraphs 2A, 9, 11 and 11A. The revisiting of the areas contained in the September 30, 2008 memorandum should not be permitted since all were well-ventilated by Officer Dickes' very competent though erroneous testimony in support of those conditions, and by respondents' corresponding and contra arguments. Though the City Attorney was present at the hearing she did not testify, but now appears to testify through Officer Dickes' written argument. The City Attorney's arguments are too little, too late and, frankly, surprisingly naive.

It seems unfair to the Zoning Administrator decision-maker to hear additional and contradictory arguments from those advanced at the hearing. In particular, on the issues raised by the oral and written argument by the city is the community involvement. The requirement of "community involvement" flies in the face of those constitutional rights that law enforcement is supposed to protect. The right of freedom of association was created by the Founding Fathers to prevent the same type of governmental enslavement common in the "old world" Europe which gave birth to the United States. Most surprising is that this condition is fashioned without any evidence that the Los Amigos Bar operation bears any nexus to the community problems.

Los Angeles Police Department - Officer Michael Dickes, Detective Support and Vice Division, Community Problems Unit - September 30, 2008

The following is a detailed explanation for the conditions that were requested by the Police Department at the Zoning Hearing regarding 7026 Broadway (Los Amigos Bar) on September 4, 2008, at 1030 a.m. in City Hall. The conditions and explanations are based on the training and experience I have gathered over the years while investigating various bars, night clubs and other ABC establishments who have experienced problems throughout the City. The explanations are also based on my familiarity with the abatement process and Zoning proceedings.

If a more detailed explanation of each condition is required or additional modifications are necessary please feel free to contact me at your convenience. These are in addition to all other conditions presented at the hearing.

I would also like to correct testimony from the hearing that was conducted on September 4, 2008. During those proceedings I testified that the bar had recently been cited (8/29/08) for service to an obvious intox. However the information I was provided with at the time of the hearing was incorrect and the officers involved had cited a different bar with a similar name. Please note this correction in the ZA case file.

Property Owner's Representative, Armando H. Chavira, Attorney at Law - December 17, 2007

This office represents the real property owner and operator at the subject premises and these following proposed conditions result from joint discussion. Please contact the undersigned for any purpose related to these conditions.

Reference is made to the December 6, 2007, meeting and City of Los Angeles SUGGESTED IMPROVEMENTS FOR 7026 S. BROADWAY ST. dba LOS AMIGOS BAR. This proposed response is intended solely for the purposes of accommodating a disposition between the operator and real property owner of the Los Amigos bar premises and law enforcement. In the even that a disposition is not reached, then this proposal cannot be used in any formal administrative proceeding.

1. FOLLOW THE LAW

Sections A-D are agreeable to the extent that state and city statutes already regulate the activities mentioned in these sections. Section D is vague and ambiguous as written, but it appears to duplicate sections A and B.

2. SECURITY GUARDS

- A. One security guard shall be posted at the door after 4:00 p.m. and until closing as described under paragraph 9 of the suggested improvements. However, on Friday and Saturday, there will be two guards posted at the premises between 8:00 p.m and closing time. After 8:00 p.m. on weekends at least one of the guards will be armed. The guards will monitor all patrons and check valid identification at the door.
- B. All security guards shall comply with paragraph 2B.
- C. All security guards shall comply with paragraph 2C.
- D. Compliance with section D shall be attempted by good faith compliance since security guards have different fluency in English and Spanish. The operator may request but cannot rely on the security guard company to send guards that are always fluent in both languages.
- E. Supervision of the guard as suggested will be done by the on-site manager. All guards will be instructed as stated.
- F. The certified security guards are from a company which is state certified and expert at providing security. Owner and operator rely on training for the guards to provide adequate security. Section F is reasonable and compliance will be attempted to the best extent possible.

Security guards shall continue security services for at least 30 minutes after closing time every day of the week.

3. TRAINING OF MANAGEMENT/EMPLOYEES

Section 3 is reasonable and compliance will be mandated if the Star training programs are conducted in Spanish for those employees who do not speak English.

4. BAR EMPLOYEES

- A. This subsection is not agreeable. (Emphasis added.) The bar is frequented by the Latin population. All employees speak Spanish and any requirement that bar personnel be proficient in written and spoken English is discriminatory on its face. The word "proficient" is vague and ambiguous. Overall, English is almost never spoken in the business.
- B. This subsection is agreeable if it encompasses any government-issued identification from any government.
- C. This subsection is agreeable and the blouse or shirt of any employee will be conspicuous and uniform with the business name written upon it.
- D. This subsection is agreeable

Valid government-issued identification should be interpreted to correspond with existing law, and ABC requirement, that the identification must look official to comply with the description of "valid" in this section.

5. ALCOHOL SALES

Sections A through F are agreeable.

6. DANCING

- A. This subsection is agreeable.
- B. Any "dance-floor" area of the bar will be covered up to discourage dancing, excluding walk-way areas.
- C. This subsection is agreeable.
- D. This subsection is agreeable.
- E. This subsection is agreeable.

7. MUSIC

- A. This subsection is agreeable.
- B. This subsection is agreeable.
- C. Music should cease playing twenty (20) minutes prior to the close of business.

8. ROOM OCCUPANCY

This condition is unreasonable because bar patron traffic has a high percentage of people entering and leaving the premises and it is not clear that a counter can track the occupancy. However, there will be a good faith attempt to never exceed maximum occupancy.

9. HOURS OF OPERATION

The hours of operation shall be limited from 11:00 a.m. to 1:00 a.m. Sunday through Thursday, and 11:00 a.m. to 2:00 a.m. Friday and Saturday.

10. ENTRANCES

This section is agreeable.

11. LOITERING

- A. This subsection is agreeable, except it should include individuals to go outside of the bar for purposes of smoking.
- B. This subsection is not agreeable. (Emphasis added.) There have never been these types of activities at the location, and this proposed sign sends a message that this business is dangerous. The security guards will not permit the entry of any sinister patrons, will not allow loitering, will check for weapons and ensure compliance as requested by this section's proposal and, therefore, the sign is not required.

12. TRESPASSING

Both sections A and B are not agreeable. The premises' security guards are there to ensure against trespassing and LAPD never needs any "form" to arrest individuals who are breaking the law.

The idea of posting signs every where within and outside of the premises does nothing to stop individuals intent on breaking the law. However, security guards offer the best protection against violations of the law and conditions than mere signs. Signs are unsightly and the LAPD's "Suggested Conditions" would be tantamount requiring large manufacturing labels all over the outside of articles of clothing.

13. SURVEILLANCE SYSTEM

The premises has a surveillance system for inside and outside video surveillance. The installation of another system would be an economic burden to the operator and there is no agreement to providing same. The keeping of video tapes for an extended period of time is unnecessary and expensive. It is not clear what is meant by "routinely monitor the cameras". Keeping tapes for at least three weeks is reasonable.

14. PAY PHONES

There is one public phone on the public sidewalk on the west side of the building. This public phone is used by the community passers by and of no benefit to the owner. Past experience has shown that getting a telephone company to remove its public telephones, but the operator and property owner will make reasonable attempt to remove the phone.

15. FOOD VENDORS

This section is agreeable except that the operator may sell snacks as part of his business.

16. MAINTENANCE

This section is agreeable except that the area to remain free of litter within 30 minutes after closing, commensurate with the exit of the security guards.

17. LIGHTING

This section is agreeable except that lighting should not illuminate nearby residences.

18. ACCESS TO THE PROPERTY

Subsections A and B are reasonable except that law enforcement shall have access at all reasonable and necessary times. The premises is a "public premises" and law enforcement may enter during all hours of operation and during the time that the premises is closed for emergency situations.

19. CHANGE IN TENANCY

Subsection A applies to real property rights and any proposed conditions must comply with due process concerns. Conditions should never be written so as to constitute unreasonable governmental intrusion into fundamental protected rights.

- A. This subsection is not agreeable. (Emphasis added.) If there is a proven pattern of illegal activities, then the property owner should evict any tenant. The words "upon obtaining evidence" is unreasonably vague and ambiguous.
- B. This subsection is not agreeable. (Emphasis added.)
- C. This subsection is not agreeable. (Emphasis added.)
- D. This subsection is not necessary or agreeable. (Emphasis added.)
- E. This subsection is not agreeable and constitutes unnecessary governmental intrusion into the rights of property owners. (Emphasis added.)

- F. This subsection is not agreeable and constitutes unnecessary governmental intrusion into the rights of property owners. (Emphasis added.)
- G. This subsection is not agreeable and constitutes unnecessary governmental intrusion into the rights of property owners.

The governments attempt to control the rights of property owners, in the possession and use of their property, is not reasonable in this case.

20. SITE VISIT

This section is agreeable.

21. POSTING OF CONDITIONS

It is agreed that mutually agreeable final conditions shall be retained and available on the premises.

22. COMMUNITY INVOLVEMENT

This section is not agreeable. (Emphasis added.) Freedom of association is a fundamental right, and no one should be obliged to participate in social, religious or any other activities. Property owner and business owner shall meet with Newton Area Vice Unit on a as needed basis with proper and reasonable notice so that their legal representative may appear with them.

23. COMPLY WITH ALL LAWS/ORDERS/REGULATIONS

The property owner and operator shall make a good faith effort to comply with all laws, statutes, ordinances and regulations.

24. TIMING:

All mutually agreeable final conditions shall be complied with as soon as possible after execution of conditions by all interested parties.

Please review the property owner and operator's proposed conditions and contact the undersigned for any comments, observations or suggestions at your convenience. Please keep in mind that if we cannot agree to a list of mutually agreeable conditions, then these proposed conditions are subject to change.

ZONING ADMINISTRATOR'S OVERALL DISCUSSION

There are community complaints and allegations, and Los Angeles Police Department police call and arrest report documentation on and associated with the use and the site of: employee soliciting alcoholic beverages; un-permitted and illegal dance floor/dance hall use; loitering; assault and threats of assault; group fighting; public intoxication and disorderly conduct; assault with a deadly weapon; illegal gun possession; gunfire; and vandalism. 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.

California Department of Alcoholic Beverage Control license indicates for License Number 330815 is an active Type 42 On-Sale Beer and Wine Public Premises. Expiration date June 30, 2009.

During site analysis the site was found to be relatively neat and orderly.

Staff did not receive any reports for any open container violations on any adjacent properties.

Staff did not observe any on-site parking. Parking is located at an auto-related use and is not affiliated with the Los Amigos Bar. Also, the site plan from Case No. ZA 94-0284(PAB) did not indicate any on-site parking for the bar.

It appeared that no on-site parking is provided.

No exterior advertising of any kind or type was observed for the business operation.

Staff could not verify if amplified music is audible beyond that part of the structure which is under the control of the licensee.

An active ABC license is under the purview of Miguel Vasquez.

Staff could not verify that the trash areas is completely enclosed and covered and that trash pick up is not before 9 a.m. nor after 7 p.m. any day of the week.

Attached to the file are violations having dancing without a dance hall permit.

Staff did not receive any reports for any open container violations off-site or on any adjacent properties.

The Southeast Los Angeles Community Plan Map designates the property for land uses Highway Commercial with corresponding zones of CR, C1.5, C2 and P, and Height District No. 1VL. The property is within the area of the South Central Alcohol Sales Specific Plan. The application is not affected.

AUTHORITY

On May 25, 1989, Ordinance No. 164,749 became effective, establishing procedures for the modification, discontinuance or removal of 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 ordinances. That ordinance became Section 12.21-A, 15 of the Los Angeles Municipal Code.

On October 27, 1997, under Ordinance No. 171,740, Section 12.21-A,15 was repealed and superseded by Section 12.27.1 which continued the established administrative procedures for nuisance abatement relating to the modification, discontinuance or removal of a land

use that constitutes a public nuisance or endangers the public health, peace, health and safety of persons residing or working in the surrounding area or violates any land use related condition or other provision of City, State or Federal statutes or ordinance.

The Director of Planning, through the Office of Zoning Administration, also has the authority under Sections 12.24-Z (non compliance with grant Conditions) and 12.24-AA (additional revocation authority), of the Los Angeles Municipal Code to repeal or rescind or revoke any Deemed-to-be-Approved Conditional Use, and other similar quasi-judicial approvals, if the Conditions of the grant approval have not been complied with; and the authority to revoke the use, modify, delete or impose additional corrective conditions on the operation of the existing business as a bar selling beer and wine under Section 12.27.1 (land use impacts caused by any use), of the Los Angeles Municipal Code.

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.

FINDINGS

The Zoning Administrator hereby determines that the use is a public nuisance as established in Section 12.27.1 of the Los Angeles Municipal Code. As presented in the information documented herein through correspondence and public testimony by affected parties, it is determined that the operation of the Los Amigos Bar, the subject bar, has created nuisance impacts at the site. The Zoning Administrator, on behalf of the Director, finds that the business as operated:

1. Jeopardizes or adversely affects the public health, peace or safety of persons residing or working on the premises or in the surrounding area.

There are a substantial number of Police reports to the file and oral testimony from Police, the Council Office and the Community Coalition which indicate that activities at the subject location have resulted in negative impacts on the nearby community. These impacts are directly associated with the relationship created between the on-site sale of alcoholic beverages as well as the non-permitted activity of dancing. Given the administrative record on this matter there is little doubt that this facility has a certain "rough" character to it and is a haven for b-girl activity. Such impacts include but are not limited to drunkenness, fighting, public urination, littering, loitering and threatening behavior. The conduct of these activities has disturbed more directly community residents and deprived them of their rightful ability to enjoy their residences and to enjoy the peace and quiet of their homes as well as affected the community at large.

2. Constitutes a public nuisance.

Testimony at the hearing and police reports attest to the nuisance impacts generated by the activities being conducted on the premises. The lack of an effective and timely response by the bar operator and the property owner to curtail such activities and to allow the continuation of uses which were not permitted,

resulted in cumulative impacts which became a public nuisance that impacted the community and utilized limited City resources to target the mitigation of the nuisance activities.

3. **Has resulted in repeated nuisance activities, including but not limited to disturbances of the peace, public drunkenness, drinking in public, public urination, loitering, excessive littering, excessive loud noises (especially in late evening and early morning).**

The record based on public testimony, correspondence, and reports from other City agencies, as further detailed in Finding Nos. 1 and 2, shows that these activities occurred on a regular basis on the bar premises which led ultimately to the initiation of nuisance abatement proceedings.

4. **Adversely impacts nearby uses.**

The operation of the subject premises has affected the adjacent uses inasmuch as according to testimony and evidence, further illustrated in photographs, the nature of some the activities associated with the market's operation and other uses on the property has had an impact on the quality of life of nearby residents as well as commercial neighbors.

5. **Violates conditions imposed by a prior discretionary land use approval including approvals granted pursuant to Sections 12.24, 12.27, 12.32 or 14.00.**

The bar and the sale of beer and wine, while permitted as a deemed to be approved conditional use does not at its core contain the privilege to operate without appropriate social constraints. In this instance there were prior to this action no conditions of operation in place to give guidance to the owner and operator on how to conduct the business trouble free. It was a given that government in developing the deemed-to-be-approved status determined that such appropriate behavior such as obeying the law and controlling noise and asocial behavior would be a given. In this situation that has not proven true and the City has had to turn to its Revocation procedures to insure the health, safety, and welfare of citizens surrounding the subject site. Under conditions imposed herein it is hoped that the operation of the subject bar will be that of a trouble free establishment. A number of the imposed conditions have found their source in prior activities of the City Attorney and the Los Angeles Police Department. Those conditions were made available to the property owner for review and their representative's response has been quoted elsewhere herein.

In order to preclude the occurrence of any problems, as described herein in the future, and to protect the surrounding neighborhood, the Zoning Administrator has imposed conditions upon the site and its use as a bar, which are intended to protect the interest of the surrounding neighborhood and to prevent further detrimental effect thereon.

RELATIONSHIP OF CONDITIONS TO FINDINGS

General Zoning Conditions

Condition Nos. 1- 5

These conditions are general conditions imposed on virtually zoning entitlement actions. Their purpose is to give an overall measure and scope to the authority of the Zoning Administrator and to establish some basic guidelines for the applicant to be aware of to help them operate their business in such a fashion that it does not become a nuisance to other nearby properties.

Conditions Originating in the City Attorney Conference of December 6, 2007

Condition Nos. 6 - 31

These conditions have found their origin in the Office of the City Attorney and were first presented at a City Attorney Case Conference on December 6, 2007. The following nexus statements were submitted by the Los Angeles Police Department - Officer Michael Dicke, Detective Support and Vice Division, Community Problems Unit, and have been accepted by the Zoning Administrator.

Security Guard Condition: Given the nature of the business and the size of the location, we believe it is necessary to employ two (2) California State licensed security guards from a bona fide security guard company to patrol/monitor the property during the hours of operation for the following reasons:

One security guard will be assigned to work outside the location. That security guard will be tasked with monitoring patrons entering and exiting the location, checking identification to ensure minors do not enter the premises. The security guard will also be responsible for ensuring that there is no loitering permitted around the business, that illegal vendors are not allowed to sell their goods around the location and to make sure that any illegal taxis that may stop in front of the location are moved along immediately. Note: the illegal taxis are commonly used to transport b-girls to the establishment.

The second security guard will be directed to monitor the activity inside the location. The interior security guard will ensure that b-girl activity is prevented, ensure that any obviously intoxicated patrons are not served alcohol, prevent lewd conduct from being committed, as well as preventing any illegal dancing, or fighting inside the bar area.

Although two security guards is recommended, a third security guard would be of benefit as well because the area is known for gang and transient activity. Having two interior security officers would be of assistance as they could work as partners and reduce the risk of becoming involved in an altercation.

Lastly, it is imperative that the security guards are bi-lingual to assist the police officers during any investigation.

Bar Employees: All employees shall wear a uniform that clearly identifies them as employees of the establishment. This is necessary to deter bar girls and other non-employed persons from operating inside the bar. A distinct uniform, specifically one with bright colors is recommended over a simple name identification badge. This request is necessary because lighting inside the building is often low making the identification badge difficult to see. A brightly colored shirt or blouse would be requested as it would be easy to see in a darker room. Note: This has been successful in other, similar businesses and has drastically reduced illegal bar girl activity.

Dancing: Absolutely no dancing shall be allowed on the premises until the proper permits are obtained (zero tolerance).

Hours of Operation: The location should close at 12:00 midnight Sunday through Thursday and 2:00 a.m. Friday and Saturday nights. The business is located near a residential neighborhood and the vast majority of violations, criminal incidents and/or problems occur during the later evening hours. The Police Department believes this is a fair compromise, considering the weekend hours will remain the same. This condition can be revisited if complaints and/or criminal activity declines in future proceedings. The Zoning Administrator has disagreed with the Police as to the 12 Midnight closing time and has acted to extend the hours to 1:00 a.m. in that the original review of the property in 1994 permitted operating hours to 2:00 a.m. daily. Further, this is a bar, and normal closing time for bar operations is later than Midnight. The test for the owner/operator in this instance is to maintain an establishment that is trouble free regardless of hours. Failure to do so can result in loss of use of the premises as an alcoholic beverage sales establishment.

Music/Entertainment: All music shall cease 30 minutes prior to closing. This is to assist in a smooth and gradual egress/exodus of the bar. This has work at similar business allowing people to vacate the location on a gradual basis without being forced to leave immediately. This is also helpful to the surrounding community as it is not suddenly overrun with vehicles and patrons leaving the establishment.

Loitering: The Zoning Administrator has accepted the property owner's argument in part that signs posted everywhere will not stop an individual's intent on breaking the law. Nonetheless, we do know that appropriate signage can alert those not familiar with the law to its existence. In this instance signage has been required but its message has been limited to deal only with loitering, drinking in public, and to alert the public of frequent police patrols.

Surveillance System: Because the bar is open to the public, there is no expectation to privacy both inside and outside the location. Therefore, the location should have an adequate surveillance system in place that covers all

common areas inside the bar. The Police Department would also request additional video on the outside of the premises to assist with monitoring adjacent sidewalks and abutting properties. The only reason for non-compliance to this request would be that the video would show that the bar owner/operator would in fact have knowledge of and allow criminal activity (bar girl, service to intox) to occur on the premises. To that end, video surveillance is currently used by nearly all business to protect them from crimes versus aiding and abetting them.

Lighting: The inside of the location is dimly lit and nearly dark in some areas. This makes it difficult for officers in general to observe the inside of the bar, either in an undercover capacity or during an up-front inspection. It also makes it difficult for employees, including security to observe any criminal activity in the bar. Locations that poorly lit encourage criminal activity such as narcotics, lewd, or ABC violations. The lighting inside the establishment should be adequate to a level where anybody could see across the bar without assistance.

Change in Tenancy: The property owner should contact the Police Department in the event new tenants take control of the business. This is to ensure that business operator's do not "quick deed" or change ownership during any civil proceedings against the location. For example, other bars have had one name listed as an owner, and a different name on the ABC license and various permits. By requesting all owner/operator changes immediately, the Department will have an accurate "chain of command" for the property and business when any formal contact with the establishment becomes necessary.

Community Involvement: The Police Department requests the owner actively participates in "Neighborhood Watch" as well as contact the Newton Vice Office on a quarterly basis. I find it odd that the operator would oppose this condition, especially if they are attempting to have a "positive" impact and partnership with the community. The owner may find that the voice of the community may assist him with running a nuisance free business. At the very minimum the owner should contact the vice office quarterly.

Air Conditioning Requirement

Condition No. 32

The requirement for air-conditioning has been imposed as a way of insuring that the premises can be operated without keeping either their front and/or back door open at all times. The goal here is to contain both noise and customers within the subject premises and to prevent a sort of hanging-out around the front door and on the public sidewalk, and further to contain noise from the business within the premises.

Procedure Conditions

Condition No. 33

Requires the posting of hot line number to be available during the hours of operation of the facility to report any nuisance activities occurring on the premises. The purpose is to allow members of the community to directly contact a member of the management team if there are problems at the location.

Condition No. 34

Requires that the operator and the property owner make all employees familiar with all conditions of this action. The past record indicates that familiarity with conditions of the conditional use has not been maintained even amongst the market operators, leading to non compliance with some of the existing conditions.

Condition No. 35

Requires that the owner/operator file a Plan Approval with the Zoning Administrator within 5 to 6 months of the effective date of this determination. It is the intent of this condition to permit the Zoning Administrator to maintain close monitoring of the operation of the premises. To do so it is necessary to determine whether the owner/operator is complying with the conditions imposed herein and to determine whether more or less stringent controls are required or whether the conditions imposed herein have resulted in the desired effect of reducing or eliminating the nuisance activities associated with the current use or whether revocation of the use is warranted.

Condition No. 36

This condition provides for the payment of the costs associated with the nuisance abatement proceedings pursuant to Section 12.27.1 of the Los Angeles Municipal Code. On October 27, 1997, Ordinance No. 171,740 became effective adding Section 19.01-P to the Los Angeles Municipal Code. This Section establishes the authority and a maximum amount that may be charged for the processing of a modification or discontinuation of a use. The dollar amount stated in this condition is the sum of: a) actual labor costs, based on reported hours of work on the case and the per-hour salary rates of the specific employees so reporting; and b) hearing notice preparation/mailing costs, based upon the actual number of "ownership" and "occupant" mailing labels in the case. When these numbers exceed \$2,000, the fee is established at a maximum of \$2,000 as this is the maximum permitted by the above noted ordinance. This yields a figure which undoubtedly understates true total costs to the City because it does not include overhead cost, the time spent on appeals, the time spent by the Chief Zoning Administrator and others involved in individual quantities too small to charge to the specific case.

Condition No. 37

Requires that a covenant and agreement regarding all of the conditions of approval be recorded with the County Recorder by the owner/operator. This is a standard

condition required in order to insure that any future owner of the property be made aware of the restrictions and requirements that have been made applicable to the premises. This condition serves to insure that in the event of a successor owning or operating the site, the new owner or operator is made aware of the requirements of this Office in order to assure the compatibility of the use with the surrounding businesses and properties. The City has the authority to record this covenant if the property owner does not comply with this condition as required.

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. All of the procedures followed as a part of this action conform to the Municipal Code. The owner/operator of the premises has been provided notice of these proceedings and has been afforded the opportunity to testify and respond to the allegations concerning the impacts of the operation of the Los Amigos Bar, the subject bar, and the past uses on the property. Further, the conditions imposed are not so onerous as to prevent the viable, legal operation of the business.

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 for 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 7026 South Broadway.

S. GAIL GOLDBERG
Director of Planning



ALBERT LANDINI
Associate Zoning Administrator
Direct Telephone No. (213) 369-0552

AL:lmc

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

August 28, 2008

Chief Zoning Administrator (A)
Department of City Planning
Office of Zoning Administration
200 North Spring Street, Room 763
Los Angeles, CA 90012

Edwin Monterossa, Jr. (O)
11533 South St. Andrews Place
Los Angeles, CA 90047

Miguel A. Vasquez (Op)
5400 South Central Avenue
Los Angeles, CA 90011

Maria Placenica
Los Amigos Bar
7026 South Broadway
Los Angeles, CA 90003

CASE NO. DIR 2008-3094(RV) and
ZA 94-0284(PAB)
REVIEW OF COMPLIANCE WITH
CONDITIONS TO ABATE NUISANCE;
POSSIBLE DISCONTINUANCE OR
REVOCATION OF USE; REPEAL AND
RESCIND THE DEEMED TO BE
APPROVED CONDITIONAL USE
7026 South Broadway
Southeast Los Angeles Planning Area
Zone : C2-1VL
D. M. : 102B201
C. D. : 9
CEQA : ENV 2008-3095-MND
Legal Description : Lots 72-74,
Tract 4791

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 the Los Amigos Bar, use location address: 7026 South Broadway, (property location addresses of 7022, 7024 and 7026 South Broadway; and 253 West 71st Street). Following the hearing, the Zoning Administrator may require the discontinuance of the use; or modify, delete or impose additional conditions regarding its use as a bar selling beer and wine 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.

REQUEST: 1) A determination, pursuant to Los Angeles Municipal Code Section 12.27.1, of land use impacts and/or public nuisance caused by the operation of the use; and 2) A Plan Approval, pursuant to Los Angeles Municipal Code Sections 12.24-Z and 12.24-AA and Condition No. 3 of the Zoning Administrator's determination of June 16, 1994, (Case No. ZA 94-0284(PAB)) for a review of compliance with Conditions and the effectiveness of the conditions in mitigating any land use impacts caused by the use.

BACKGROUND/ISSUES: On June 16, 1994, the Zoning Administrator, (Case No. ZA 94-0284(PAB)), approved "a Zoning Administrator's determination of conditional use status and approval of plans in conjunction with the on-site sale of beer only in a 3,360 square-foot bar (Los Amigos Bar), upon...additional terms and conditions....". There were subsequent applications: Case No. ZA 2002-4048(CUB)(CUX) with the Chief Zoning Administrator advising the applicant on March 14, 2003 "that the Zoning Administrator has ordered your application for Conditional Use to sell beer for on-site consumption be terminated" due to no response to a 30 day notice to take action on the subject application; and Case No. ZA 2003-2234(CUB) with the Zoning Administrator on July 14, 2003 dismissing "a request for a conditional use permit to allow the sale of beer and wine for on-site consumption in conjunction with an existing 2,600 square-foot bar having hours of 7 p.m. to 2 a.m., daily, inasmuch as the bar has been determined to have deemed-to-be-approved conditional use status for the continued sale of alcoholic beverages inasmuch as the bar was in operation and had a beer and wine license being issued prior to March 1, 1977, which is the date used to establish such deemed-to-be-approved status per ZA Memorandum No. 60 (revised March 28,1996)."

Condition No. 3 of the June 16, 1994 determination, (Case No. ZA 94-0284(PAB)), states:

3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to impose additional corrective conditions, if, in his opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

There are community complaints and allegations, from the Community Coalition, and Los Angeles Police Department's police call and arrest report documentation; on and associated with the use and the site of: employee soliciting alcoholic beverages; unpermitted and illegal dance floor/dance hall use; loitering; assault and threats of assault; group fighting; public intoxication and disorderly conduct; assault with a deadly weapon; illegal gun possession; gun fire; and vandalism. 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 Director of Planning has initiated this condition compliance and land use impact review.

Property Description

The property has dimensions of 110 feet along the east side of Broadway, 100 feet along the north side of 71st Street and a total area of 11,000 square feet or 0.25 acres in the C2-1VL Zone. The site is improved with a one-story, 2,600 square-foot beer bar which seats approximately 40 persons; although the occupancy load is 100. The project bar shares the property with an auto repair business, which has two buildings attached to the bar and one freestanding building in the northeast corner of the level, rectangular-shaped, corner parcel of land, consisting of four contiguous lots. The overall site has five striped parking spaces in the auto repair (northerly) portion of the property. The parking is accessed off of

Broadway from a driveway 20 feet south of the northerly edge of the property. The bar currently known as "Los Amigos" has been at the site since 1961.

The Project

Staff conducted site analysis on August 14, 2008, at approximately 9:45 a.m. All of the nuisance allegation occurred during operating hours, and during staff's on-site analysis the Los Amigos Bar was not operating. The conditions of ZA 94-0285(PAB) and nuisance activities will be addressed by LAPD's Detective Support and Vice Community Problems Unit and Newton Area Vice.

The conditions of ZA 94-0285(PAB) are as follows:

1. All other use, height and area regulations of the Municipal Code be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.

Comment: Zoning Administrator's Discretion.

2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.

Comment: Zoning Administrator's Discretion

3. The authorized 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 his opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

Comment: There are community complaints, from the Community Coalition, and Los Angeles Police Department police call and arrest report documentation on and associated with the use and the site of employee soliciting alcoholic beverages; unpermitted and illegal dance floor/dance hall use; loitering; assault and threats of assault; group fighting; public intoxication and disorderly conduct; assault with a deadly weapon; illegal gun possession; gun fire; and vandalism. 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.

4. All graffiti on the site be removed or painted over within 24 hours of its occurrence.

Comment: No graffiti was observed during site analysis.

5. Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in Condition Nos. 1-22 shall be recorded by the

property owner in the County Recorder's Office on forms provided by the Office of Zoning Administration; the agreement will run with the land and be binding on any subsequent owners, heirs or assigns. Furthermore, the agreement must be submitted to the Office of Zoning Administration for approval before being recorded; after recordation, a copy bearing the Recorder's number and date must be furnished to the Office of Zoning Administration for attachment to the file.

Comment: A Covenant (94-1818791) corresponding to conditions regarding ZA 94-0284 (PAB) was recorded on September 27, 1994.

6. The applicant shall secure a City permit decal denoting approval of alcoholic beverage sales and/or dancing from a Planning Department public counter subsequent to the Zoning Administrator's signature on the Planning Department sign-off form and mount it on either the inside of the window of the subject site facing the front street or on the right side of the building (if inside mounting is not possible). The decal shall be visible at all times and mounted before the privileges granted herein are utilized.

Comment: No decal was observed in the window of the Los Amigos Bar.

APPLICATION SPECIFIC CONDITIONS

7. The grant be limited to the sale of beer and wine.

Comment: California Department of Alcoholic Beverage Control license indicates for License Number 330815 is an active Type 42 On-Sale Beer and Wine Public Premises. Expiration date June 30, 2009.

8. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.

Comment: During site analysis the site was relatively neat and orderly.

9. No alcoholic beverages shall be consumed on any property adjacent to the subject premises under the control of the applicant.

Comment: Staff has not received any reports for any open container violations on any adjacent properties.

10. Parking shall be provided in accordance with the requirements of the Los Angeles Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from said requirements has been requested or granted herein.

Comment: Staff did not observe any on-site parking. Parking is located at an auto-related use and is not affiliated with the Los Amigos Bar. Also, the site plan from case number ZA 94-0284(PAB) did not indicate any on-site parking for the bar.

11. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot.

Comment: Again, it appeared that no on-site parking is provided.

12. The lighting in the parking area of the premises shall be directed in such a manner so as not to unreasonably illuminate the window area of nearby residences.

Comment: See above.

13. That there shall be no exterior advertising of any kind or type, in any language, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages.

Comment: No exterior advertising of any kind or type was observed for the business operation.

14. That amplified music shall not be audible beyond that part of the structure which is under the control of the licensee.

Comment: Staff could not verify.

15. All parking (on- and off-site) shall be free of charge.

Comment: See Condition No. 10.

16. The authorization to sell beer for on-site consumption shall also require that a license be issued by the California State Alcoholic Beverage Control.

Comment: An active ABC license is under the purview of Miguel Vasquez.

17. The trash areas be completely enclosed and covered and that trash pick up not be before 9 a.m. nor after 7 p.m. any day of the week.

Comment: Staff could not verify.

18. Dancing and live entertainment and/or live music shall not be permitted on the premises.

Comment: Attached to the file are violations of this condition for dancing without a dance hall permit.

19. There shall be no off-site sale of alcoholic beverages.

Comment: Staff has not received any reports for any open container violations off-site or on any adjacent properties.

20. The authorization granted herein shall be for a period of two years from the effective date of this grant. In order to be considered for authorization beyond the two year period granted herein, the applicant must submit a plan approval application no earlier than 21 months nor later than 23 months after the effective date of this grant. Said application shall be accompanied by the appropriate fee. Failure to submit such a request as noted, supra, shall result in expiration of the authorization upon two years transpiring from the effective date of this grant.

Comment: An Order to Comply was issued for said condition on June 28, 2002, for an expired grant. On June 14, 2003, Case No. ZA 2003-2234(CUB) was filed to comply with the issued LADBS-OTC. The Zoning Administrator dismissed the conditional use application to allow the on-site sale of beer and wine.

21. The hours of operation shall be from 7 p.m. to 2 a.m. seven days a week.

Comment: Staff could not verify.

22. The applicant shall install a mechanical ventilation or air conditioning system, to the satisfaction of the Department of Building and Safety, and of sufficient power as to cool the inside of the premises to such a degree that it will not be necessary to open the entrance and exit doors to achieve ventilation of the establishment.

Comment: Staff research did not locate any HVAC permits on file. Also, said condition falls under the jurisdiction of the Department of Building and Safety.

Relevant Provisions of the Municipal Code

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 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 ordinances. That ordinance become 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.

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.

Surrounding Land Uses

Properties to the north are classified in the C2-1VL Zone and are improved with a vacant commercial building, the King's Castle Motel and beyond in the PF-1 Zone the Ascot Branch Library.

Properties to the south are classified in the C2-1VL Zone and are improved with a vacant furniture store and parking lot.

Properties to the east across a 15-foot wide improved alley are classified in the R2-1 Zone and are improved with a courtyard style multi-family property.

Properties to the west across Broadway are classified in the C2-1VL Zone and are improved with auto repair, auto sales and tire shop.

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

Building Permit No. 2003LA43909 (03016-10000-11345) – Issued on June 17, 2003 to Comply with Order to Comply dated September 6, 2002, enlarge existing men's restroom in bar/retail use.

Order to Comply No. 147567 – Effective August 24, 2005, for violations of Code Section 91.8104.12 of the LAMC. Ordered to "Maintain the exterior wall surfaces of every existing building or structure. All shall be maintained weather tight, in good repair and in clean and sanitary condition. Compliance obtained September 28, 2005.

Case No. ZA 2003-2234(CUB) – On June 14, 2003, the Zoning Administrator dismissed a conditional use permit and to allow the on-site sale of beer and wine having hours in a 3,380 square-foot bar (Los Amigos Bar) 7 p.m. to 2 a.m. daily, inasmuch as the bar has been determined to have deemed-to-be-approved, conditional use status for the continued sale of alcoholic beverages inasmuch as the bar was in operation and had a beer and wine license being issued prior to March 1, 1977, which is the date used to establish such deemed-to-be-approved status per ZA memorandum No. 60 (revised March 28, 1996).

Building and Safety Board File No. 020138 – On October 18, 2002, the Board of Building and Safety Commission denied the appeal request for an extension of time for six months, in which to comply with LADBS' OTC, dated June 28, 2002, regarding the sale of beer and wine for on-site consumption without conditional use approval from the Zoning Administrator.

Order to Comply – Effective June 28, 2002, for violation of Case No. ZA 94-0284(PAB) Condition No. 20, authorizing a grant of two years from effective date of July 1, 1994. The approval expired on July 1, 1996.

Communication – Dated June 21, 2002, the Office of Zoning Administration requested an inspection of the Los Amigos Bar at 7026 South Broadway due to expiration of PAB.

"Order to Comply", issued for violation of Condition No. 20 of Case No. ZA 94-0284(PAB), that authorizes a grant of two years from the effective date of July 1, 1994.

Communication – On June 21, 2002, the Office of Zoning Administration requested an inspection of the Los Amigos Bar at 7026 South Broadway due to expiration of a PAB.

Case No. ZA 94-0284(PAB) – On June 16, 1994, the Zoning Administrator approved a conditional use status and approval of plans to permit the on-site sales and consumption of beer only in a 3,380 square-foot bar (Los Amigos Bar) 7 p.m. to 2 a.m. daily due to the applicant's failure to file an application for the above by February 2, 2003.

Permit No. 89LA25449 – Issued in 1989, for building permit for change of use from beer bar only (on-site consumption) to beer bar with one pool table.

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

Case No. ZA 89-0848(CUB) – On January 25, 1990, the Zoning Administrator denied a conditional use at 7212 South Broadway to permit on-site sale and dispensing of beer and wine at a 1,467 square-foot restaurant.

Case No. ZA 87-0198(CUX) – On May 12, 1987, the Zoning Administrator approved a conditional use at 7208 South Broadway to permit dance floor in conjunction with an existing bar.

General Plan, Specific Plans and Interim Control Ordinances

Community Plan:

The Southeast Los Angeles Community Plan Map designates the property for land uses Highway Commercial with corresponding zones of CR, C1.5, C2 and P, and Height District No. 1VL.

Specific Plans and Interim Control Ordinances:

The property is within the area of the South Central Alcohol Sales Specific Plan. The application is not affected.

Streets

Broadway, adjoining the property to the west, is a Major Highway dedicated 100 feet in width and is improved.

71st Street, adjoining the property to the north, is a Local Street dedicated 60 feet in width, and is improved.

The alley, adjoining the property to the east, is improved with asphalt pavement and concrete gutter, within a 15-foot wide dedication.

Flood Hazard Evaluation

The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that the property is located in Zone C, areas of minimal flooding.

Environmental Clearance

On July 25, 2008, the project was issued a Notice of Exemption (Article III, Section 3, City CEQA Guidelines), log reference ENV 2008-3095-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

LOS ANGELES POLICE DEPARTMENT – ARREST REPORTS AND INVESTIGATIONS

- 10/12/07 - RFC No. 894853; arrest LAMC 103.106 LAPD observed dancing without a dance hall permit.
- 10/12/07 - Multi/Arrests (2) RFC Nos. 1256888 and 894854; arrest for 303 (a)PC Soliciting to Purchase an Alcoholic Beverage. Arrest for 25657 (a)B&P allowing persons to solicit alcoholic beverages.
- 09/07/07 - LAPD Employees Report. Detailed reports of LAPD Newton Area Vice and ABC investigation of Los Amigos Bar's operations. Vice officers made arrests of women acting as agents for the establishment had solicited under cover officers for drinks. A violation of Penal Code 303(a) – Soliciting an Alcoholic Beverage in an ABC licensed location.
- 09/08/05 - Property Report: LAPD officers confiscate weapons and ammunition at Los Amigos Bar that was operating and ordered to close due to violations of workers compensation laws.
- 08/17/07 - LAPD Employees Report. Detailed reports of LAPD Newton Area Vice and ABC investigation of Los Amigos Bar's operations. Vice officers made arrests of women acting as agents for the establishment had solicited under cover officers for drinks. A violation of Penal Code 303(a) – Soliciting an Alcoholic Beverage in an ABC licensed location.
- 05/15/07 - Preliminary investigation of Assault with a Deadly Weapon. Unknown suspect(s) pointed gun inside victims tent fired 5-6 times striking victims. Unknown suspect(s) fled in unknown direction. (Off-site)

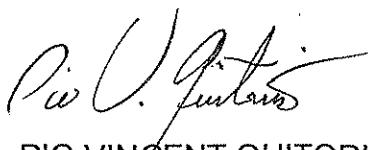
10/12/07 - RFC No. 601126; arrest LAMC 103.112(B). Expired Pool Room Permit
LAPD observed 2 operable pool tables.

02/22/04 - Arrest for 422 PC – Criminal Threats. Suspect goes to victim's location
armed with knife, suspect knocks on door and threatens to kill victim.

11/20/04 - Multi/Arrests (3) RFC No. 686568, 436972, 820071; arrest LAMC 25602(a)
B&P Service to Intoxicated Persons (2 arrests) and 303 (a) PC Soliciting
Purchase of Alcoholic Beverages (1 arrests).

11/20/04 - Multi/Arrests (2) RFC No. 686569, 441774, arrest 25616 B&P, Failure to
allow inspection; LAMC 103.112(B) No pool room permit.

Patrol Calls For Service received: Between 08/15/05-09/17/07 (28) incidents at 7026 South
Broadway.



PIO VINCENT QUITORIANO
Zoning Investigator

PVQ:rg

COUNTY CLERK'S USE

C. OF LOS ANGELES

CIT. CLERK'S USE

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
---	-----------------------

PROJECT TITLE * Revocation Action	LOG REFERENCE ENV 2008-3095-CE
--------------------------------------	-----------------------------------

PROJECT LOCATION * 7026 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 * Pio Vincent Quitoriano	AREA CODE * 213	TELEPHONE NUMBER * 978-1458	EXT.
--	--------------------	--------------------------------	------

EXEMPT STATUS: (Check One)		
<input type="checkbox"/> MINISTERIAL	CITY CEQA GUIDELINES	STATE EIR GUIDELINE
<input type="checkbox"/> DECLARED EMERGENCY	Art. III, Sec. 2b	Sec. 15073
<input type="checkbox"/> EMERGENCY PROJECT	Art. III, Sec. 2a (1)	Sec. 15071 (a)
<input type="checkbox"/> GENERAL EXEMPTION	Art. III, Sec. 2a (2) & (3)	Sec. 15071 (b) & (c)
<input type="checkbox"/> CATEGORICAL 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 7/25/08	
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.

* Pio Vincent Quitoriano
NAME (PRINTED)

* P. J. Quitoriano
SIGNATURE