

EXHIBIT A1

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10 dba Cosmo

11 BEFORE THE PLANNING, LAND USE AND MANAGEMENT COMMITTEE  
12 LOS ANGELES CITY COUNCIL

13 **APPELLANT'S OBJECTIONS TO FINDINGS OF FACT**

14 **"The Cosmo" 6364 W. Hollywood Boulevard**

15 **DIR-2016-0824(RV)**

16 **Hearing date: August 16, 2016**

17 Permittee/Appellant HOLLYWOOD NIGHTLIFE GROUP, INC., dba "Cosmo,"

18 respectfully submits the following Appeal and Objections to the Findings of Fact issued by the  
19 City's Department of City Planning in this matter on May 26, 2016.

- 20  
21  
22 1. The Hearing Officer, in the Findings of Fact on p. 32, absolved herself in advance of  
23 any accusations of unconstitutionality. However, there actually have been many  
24 violations of constitutional standards in the conduct of this investigation and hearing,  
25 to the detriment of the Appellant and to similarly-situated permittees.

26 A long line of cases holds that state and municipal agencies must afford the protections of due  
27 process of law and a fair, impartial hearing. See, for example, *People v. Ramirez*, 25 Cal.3d 260  
28 (1979) and *Haas v. County of San Bernardino*, 27 Cal.4th 1017 (2002.)

1  
2 The most basic due process rights are the right to notice, an opportunity to be heard, and a  
3 neutral decision-maker. (See, e.g., *Matthews v. Eldridge* (1976) 424 U.S. 319; *In re Malinda S.*  
4 (1990) 51 Cal.3d 376.). Appellant contends that process of obtaining, maintaining and defending  
5 city issued permits and licenses, to include conditional use permits such as the CUP at issue  
6 herein, does not include sufficient safeguards and firewalls to prevent the appearance of  
7 collusion between departments, agencies and/or city sanctioned groups that have distinct roles-  
8 administration, enforcement/discipline, investigations. As a result of these interrelationships  
9 questions must be raised as to whether due process and fair hearings was provided.  
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11  
12 There certainly appears, from the record that there may be an incestual relationship  
13 among and between the ZA Offices, DCP, CCU, LAPD and various other agencies and/or city  
14 sanctioned groups such that an unfair, unbiased hearing on this matter is or was impossible.

15 Appellants, as holders of a valuable property right – its CUP - cannot have that right  
16 revoked without constitutional due process. (*Malibu Mountains Recreation, Inc. v. County of Los*  
17 *Angeles* (1998) 67 Cal.App.4th 359.) As will be set forth herein, constitutional standards were  
18 not met in the May 10, 2016 hearing  
19

- 20 2. The City failed to provide Appellant with the opportunity to file a Plan Approval  
21 application upon the Hearing Officer's finding of a nuisance, in violation of LAMC  
22 12.27.1 et seq.

23 The revocation of a Conditional Use Permit is a drastic step which terminates a valuable  
24 property right held by a permittee. The City initiated this revocation process without taking  
25 reasonable steps to work with the Appellant on proposed corrective conditions or other  
26 bureaucratic options.

27 LAMC 12.27.1(C) 3 states in pertinent part:  
28

1                   **Compliance Review.** Upon any finding of nuisance or noncompliance with  
2 existing conditions imposed on the land use or discretionary zoning approval, the  
3 Director's determination shall impose a condition requiring the business operator  
4 or property owner to file a Plan Approval application for Review of Compliance  
5 with Conditions within two years of the effective date. At the discretion of the  
6 Director, the due date for the Plan Approval application can be set for 90 days,  
7 180 days, one year, 18 months or two years from the effective date of the  
8 Director's determination or the Council action on appeal.

9                   In fact, included and attached herein (to be submitted as part of the record) is a power  
10 point presentation prepared by the very hearing officer that decided to revoke the Appellant's  
11 CUP, while she was a Los Angeles City Planner, which outlines the process of Nuisance  
12 Abatement/Revocations. (Exhibit A).

13                   Appellant has not been afforded the opportunity to file a Plan Approval application  
14 pursuant to this LAMC section. Instead, its CUP was ordered revoked following the hearing of  
15 May 10, 2016, with no provision for a Plan Approval. (see Exhibit B1, Decision of LA ZA- Case  
16 No. DIR 2012-2987(RV) Page 14).

17                   Petitioner further argues that had that step been taken or afforded, it would have been  
18 able to provide the requisite summary and supporting documentation of how and what efforts the  
19 petitioner had undertaken to comply with the conditions. It would have also been able to address  
20 the ineffective, unconstitutional, confusing, ambiguous, archaic, confusing, contradictory and  
21 unintelligible conditions placed on the CUP and could have avoided the issues raised in the case  
22 today. Petitioner believes that the City's records will substantiate that the City has a normal  
23 operating procedure, namely that permit holders are afforded a plan approval process or other  
24 bureaucratic options in order to have an opportunity to mitigate issues prior to revocation of the  
25 permit. The City has failed to provide other bureaucratic ways of dealing with the alleged  
26 problems. Petitioner contends that the city, it's various agencies, to include the Department of  
27 City Planning, Citywide Nuisance Abatement Program, Conditions Compliance Unit, LAPD, the  
28

1 BID's, the Council Office and the Zoning Administrator's office proceeded to a revocation  
2 hearing without affording the petitioner to first participate in a plan approval, meetings with  
3 LAPD to discuss specifically mitigation measure as to this location independent from other  
4 locations in the area or other bureaucratic avenues which may have, for all intent and purposes  
5 mitigated and/or resolved any or all of the alleged violation or issues prior to the need for this  
6 proceedings. Petitioner believes that a plan approval step or other bureaucratic options was not  
7 provided to it intentionally and due to, in part, the location being placed on a hit list created by  
8 various city agencies, city sanctioned group and/or organizations and the city councilman's  
9 office (who has vowed to eliminate certain uses within Hollywood). This coupled with, but not  
10 limited to, the facts that the area is being gentrified, developers are consistently at the ear (and  
11 funding campaigns) of local politicians and the racial elements discussed by the BID (video  
12 referring to too many black, browns and lower income) must draw this Committee to wonder  
13 why this petitioner was not afforded the opportunity to undergo a plan approval or other  
14 mitigation options?  
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17  
18 Revocation should be the last resort inasmuch as it takes away a business from an operator  
19 who has invested millions of dollars over the course of its ownership, jobs from hardworking  
20 members of the community, tax revenue, etc. As the attached city planning cases show,  
21 revocation and imposition of conditions are only appropriate in rare circumstances.  
22

23 In fact, there appears, from the cases attached a clear precedent and policy to establish other  
24 means of correcting, addressing and/or curtailing nuisance related issues short of revocation or  
25 the impositions of crippling/onerous conditions which would effectively act as a revocation. See  
26 Exhibit B1, DIR Case No. 1212-1384, Page 15)  
27  
28

1 Appellant hereby demands that the Committee follow the requirements of LAMC  
2 12.27.1(C) and long standing city precedent to schedule a due date for Appellant to submit a Plan  
3 Approval application.

4 3. No postponement of the hearing was given, despite Appellant's request.

5 Appellant takes exception to the denial of its request for a postponement. [The request,  
6 made in the course of the hearing, was taken under advisement by the Hearing Officer. Based on  
7 the issuance of Findings of Fact without further proceedings per Appellant's request, it is  
8 presumed that the request should be considered denied.] The Appellant needed additional time to  
9 prepare for the hearing. It was taken by surprise when it came time for it to present its own  
10 evidence and statements, particularly given that the evidence/testimony of LAPD had clearly  
11 exceeded the scope of the Staff Report, and there was no opportunity to prepare a rebuttal. In  
12 addition, Appellant's counsel related that Appellant had been given inadequate notice of the  
13 hearing.  
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16 Additionally, at the time of the hearing counsel for Appellant had only recently been  
17 engaged, without sufficient time to prepare a defense for this matter.  
18

19 The denial of a request for a short continuance can be construed as a lack of due process  
20 in an administrative hearing. Wood v. City Civil Service Commission (1975) 45 Cal.App.3d 105.

21 On that basis, Appellant seeks either a remand to the Hearing Officer for further  
22 proceedings or a decision in favor of the Appellant on the merits.  
23

24 4. Appellant was not given full access to evidence in the hearing file. Therefore, the  
25 Findings of Fact are based upon evidence and documents which were not provided to  
26 Appellant, leaving Appellant unable to properly rebut them at the hearing.

27 The following items of evidence, referenced in the Findings of Fact, were not present in  
28 the hearing file documentation provided to Appellant. Some may have been submitted to the

1 hearing file just prior to the hearing, at the hearing, or possibly after the hearing in an *ex parte*  
2 communication:

- 3 • A surveillance video obtained by the LAPD regarding the Feb 26, 2016,  
4 altercation (per the testimony of Officer Thompson);
- 5 • Surveillance video obtained by the LAPD regarding the December 13, 2015,  
6 incident, referenced in the Findings of Fact on page 10, which reportedly  
7 shows that the suspects had been patronizing Appellant's nightclub prior to  
8 the shooting;
- 9 • A police report of an incident on May 7, 2016 (per the testimony of Officer  
10 Thompson);
- 11 • Documentation of a joint inspection on April 8, 2016, of Appellant's premises  
12 by LAPD and EDD;
- 13 • Documentation of a March 5, 2015, observation by LAPD of an alleged  
14 private party at Appellant's premises; and,
- 15 • The May 26, 2016, letter from Councilman O'Farrell.

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19 Appellant had no opportunity to prepare a rebuttal for these items and has to date not  
20 received copies of these items. Unlike the Appellant, the City had months to plan and prepare for  
21 the hearing and should have been able to submit all of the above documentation (other than the  
22 May 7, 2016, police report and May 26, 2016, letter from Councilman O'Farrell) prior to  
23 providing Appellant with an incomplete hearing file.  
24

- 25 5. The Findings of Fact were not supported by the record, and in particular, the Hearing  
26 Officer failed to meet the constitutional standard of due process and a fair hearing by  
27 determining that Appellant's CUP should be revoked based solely on unproven  
28 accusations of criminal conduct or infractions.

1 At Finding 4, the Hearing Officer found that the Appellant was in violation of the  
2 LAMC, or of other city, state or federal regulations, ordinances or statutes.

3 In analogous professional licensure cases, evidence of an arrest without a guilty plea is  
4 considered hearsay. Manning v. Watson (1952) 108 Cal App 2d 705. Even a “nolo” plea cannot  
5 be used as substantive evidence of wrongdoing as a basis for discipline in a civil service matter.  
6 County of Los Angeles v. Civil Service Commission (1995) 39 Cal App 4<sup>th</sup> 620. Appellant  
7 similarly finds its ability to conduct business in jeopardy based upon the purported evidence  
8 consisting merely of arrest and citation records.  
9

10 Despite allegations of wrongdoing proffered in testimony at the hearing and in documents  
11 submitted to the file, there have been **NO violations** proven; so that in effect, the Hearing Officer  
12 ‘condemned’ the Appellant before it had been ‘convicted.’ There have been no convictions of  
13 any violations of the LAMC or any other city, state, or federal regulations, ordinances or statutes.  
14 Despite the vast numbers of incidents alleged by the City, many of which are duplicative or  
15 irrelevant, as will be explained below, only 2 or 3 have been prosecuted – and neither of those  
16 have been adjudicated. All there are at this point are accusations against Appellant or allegedly  
17 related to Appellant. In fact, LAPD tickets are handed to Appellant or it’s employees with  
18 nothing more than a statement indicating that some conditional violation occurred without any  
19 indication as to what/which condition was violated.  
20  
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22 In particular, and most troubling to Appellant is that the very serious crimes that are cited  
23 as a basis for the revocation of its CUP might not be crimes at all. Many were never investigated,  
24 nor were the alleged perpetrators arrested or investigated (such as the false claim that Appellant’s  
25 security guards attacked and slashed a patron on February 26, 2016).  
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1 For the serious incidents that did lead to an arrest or investigation – such as the alleged  
2 sexual assault and firearm violations - surely the City knows the status of the investigation and  
3 prosecution of those cases. Yet, no evidence has been provided to show that they actually  
4 occurred. Neither the Appellant, nor any of its employees or agents, has been convicted. The  
5 alleged other serious crimes which have been attributed to Appellant merely based on proximity  
6 to Appellant’s premises, such as the alleged sexual assault, have not been proven. There was, in  
7 fact, no nexus shown between the alleged crime and Appellant’s business operation.  
8

9 Appellant is well aware that revoking CUPs based upon unproven, unprosecuted  
10 accusations alone, and upon the accumulation of numerous unsubstantiated, unprosecuted  
11 citations and calls for service – especially following the specific targeting of a licensee/permittee,  
12 as in the present case - is the long-accepted standard in this city. Nonetheless, such a process  
13 does and should trouble anyone concerned about a municipality using its powers to deprive  
14 citizens of property rights without respecting basic constitutional protections of due process and  
15 fair hearing.  
16

17 Other examples of the findings being unsupported by the evidence are raised *infra*.  
18

- 19 6. The Hearing Officer accepted and relied upon, with apparent blind trust and without  
20 reasonable scrutiny, purported evidence provided by the Police Department in the  
21 Hearing File; and failed to note that it is duplicative, inconsistent, and clearly  
22 irrelevant to Appellant or its CUP.

23 Appellant contends that the manner in which the Hearing Officer considered the evidence  
24 in this case indicates a biased decision-making process, in which the Hearing Officer was  
25 predisposed to deny the renewal of Appellant’s CUP before the hearing process had commenced  
26 and that its findings are not based on a neutral and objective review of the facts. Such bias can  
27 invalidate an administrative agency’s findings. Golden Day School Inc. vs. State Department of  
28 Education (2000) 83 Cal App 4<sup>th</sup> 695.

1 Purported evidence of tangential and unrelated events was submitted by LAPD to support  
2 its position that the CUP should be revoked.

3 In her Findings of Fact, the Hearing Officer stated:

4 "The Los Angeles Police Department submitted 24 arrest and  
5 investigative reports, 19 arrest charges, 12 crime charges, and 19  
6 calls for service for the period of time between January 9, 2014  
and April 25, 2016." (p. 29)

7 In addition to the 24 arrest and investigative reports, then, we are to believe that there  
8 were 50 other such incidents (19 + 12 + 19) that occurred and should be attributable to the  
9 Appellant. A review of the Hearing Officer's summary of the CCAD printouts (Arrest Summary  
10 Report, Crime Summary Report, and Calls for Service Summary Report) on pages 7 and 8 of the  
11 Findings of Fact, reveal the following very apparent inconsistencies.  
12

- 13 • A 2-27-16 citation for a "Moving Traffic Vol." There is no detail provided to  
14 indicate how such a citation could be attributable to the Appellant.
- 15 • 7 separate citations, all occurring on 10-16-15, all duplicative of item #21 on  
16 page 6 and therefore already included in "the 24."
- 17 • 3 larceny-related incidents that occurred on 10-9-15, at a time that the  
18 Appellant's premises had long been closed (approximately 4:15 a.m.), and  
19 without any detail that would indicate how such an incident could be  
20 attributable to the Appellant, or Appellant's business operations.
- 21 • An incident on 11-14-15 described as "Misc Other Viols" that took place at  
22 7:20 a.m. – clearly, not a time at which Appellant is open for business. No  
23 further details are provided.  
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- 1 • An apparent arrest on 1-9-15 for driving under the influence, with no details  
2 whatsoever to connect this incident to the Appellant, other than the possibility  
3 that the driver was pulled over near Appellant's premises.
- 4 • Two separate incidents on 2-26-16, both duplicative of item #6 on page 4 and  
5 therefore already included in "the 24."
- 6 • Seven separate incidents on the "Calls for Service" list for which the offense  
7 is described as "Other" and which occurred at times when the Appellant's  
8 business is not in operation: 9:07 p.m., 6:35 p.m., 4:49 p.m., 10:48 a.m., 4:35  
9 p.m. (twice), and 9:00 p.m.

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11  
12 Even without any supporting documentation (i.e., Investigative Reports, Arrest Reports  
13 or copies of citations issued), and with only the scant information provided, nearly half of the  
14 additional 50 alleged incidents can be seen as clearly inapplicable or of doubtful relevance. If  
15 LAPD believes these incidents have bearing or a nexus on the Applicant, it would have been a  
16 simple matter to provide the documentation. If those incidents had been attentively reviewed by  
17 the Hearing Officer, those discrepancies should have been apparent, and the alleged violations  
18 disregarded in the Findings of Fact.

19  
20 The actual CCAD reports in the hearing file, as opposed to the summaries listed in the  
21 Findings of Fact on pages 7 and 8, are remarkable for their scantiness in terms of actual facts or  
22 details. They are rife with fields filled with questions marks, indicating unknown information.  
23 Where there is information provided, it can be exculpatory to Appellant: i.e., the 3-15-15 battery  
24 incident that occurred not on Appellant's premises, but at Hemingway's; and the 1-15-16 assault  
25 that is noted to have occurred on a sidewalk, with no documentation to show whether the alleged  
26  
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1 location near Appellant's premises was coincidental, or rather, bore a connection with the  
2 Appellant or its operations.

3       Except for the items in these summaries that were duplicates of the 24 documented  
4 charges, there is no documentation of the remaining CCAD events in the file. They may never  
5 have resulted in actual infractions or charges against anyone at all. Provision of any  
6 documentation to support the items on those reports, which is surely within the capacity of  
7 LAPD to have provided, may have exposed exculpatory information. Consequently, the CCAD  
8 summaries are hardly an appropriate basis to allege wrongdoing on the part of the Appellant; yet,  
9 they are cited as evidence to support the revocation of Appellant's CUP.  
10

11       The CCAD summaries (Arrest, Crime, Calls for Service) should be stricken from the  
12 hearing file and disregarded as a basis for any Findings of Fact or decision.  
13

- 14       7. The hearing record includes documentation of numerous criminal arrests or  
15 investigations about which the LAPD did not testify at the hearing, and should have  
16 been disregarded by the Hearing Officer. The Findings of Fact are unclear as to  
17 whether or not they were considered.

18       A number of allegedly relevant arrest reports and investigative reports were included in  
19 the Staff Report, and documentation of them was included in the hearing file.

20       At the hearing, when Officer Thompson testified as to the incidents of concern to LAPD  
21 relating to the Appellant, several of the reports included in the Staff Report, with concomitant  
22 documentation in the hearing file, were not identified or described. Consequently, those incidents  
23 and the related documentation should be stricken from the hearing file, and disregarded as a basis  
24 for any Findings of Fact or decision.  
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1 Unreferenced in Officer Thompson's testimony are incidents from the Staff Report  
2 described as occurring on the following dates: December 20, 2015; December 27, 2015; and  
3 April 8, 2016.

4 In her reference to "24 arrest and investigative reports" on page 29 of the Findings of  
5 Fact, the Hearing Officer does not indicate whether she is referring to the 24 incidents listed in  
6 the Staff Report, or the 24 incidents testified to by Officer Thompson. The two lists of 24 are not  
7 identical.  
8

9 While 3 incidents from the Staff Report unmentioned in hearing testimony, as mentioned  
10 above, 3 additional items were added to Officer Thompson's testimony. Those incidents (also  
11 mentioned in section 5 supra) occurred on March 5, 2015, April 8, 2016, and May 7, 2016.  
12

13 There is no clarification from the Hearing Officer as to which arrest and investigative  
14 reports were the bases of her Findings of Fact. If she considered all reports, whether or not  
15 mentioned in testimony, the total would have been 27. This is further evidence that the hearing  
16 officer predetermined her decision and was biased from the outset of these proceedings in  
17 violation of Appellant's constitutional rights.  
18

- 19 8. The documents relied upon by the hearing officer in determining the Findings of Fact  
20 contain inaccurate or incomplete information, errors of law, exaggeration, indications  
21 of bias, false statements of fact, allegations in excess of the City's jurisdiction, and  
22 evidence of selective enforcement.

23 The LAPD made numerous observations and wrote up numerous reports regarding  
24 alleged ABC condition violations by Appellant. These are not issues for City enforcement; they  
25 are within the sole purview of the State Department of Alcoholic Beverage Control. The ABC  
26 can, and does, investigate violations of the conditions it places on licenses and takes action as  
27 appropriate. To date, the ABC has not taken any action against the Appellant regarding  
28 compliance with its liquor license conditions. The documentary evidence alleging ABC

1 condition violations (for example, Complaint Applications dated 12-28-15 and 10-16-15 should  
2 be stricken from the record and disregarded as a basis for any findings of fact or decisions.

3 One of the Complaint Applications included in the hearing file, dated February 25, 2016,  
4 is based not upon any investigation or monitoring of Appellant's premises by the LAPD or any  
5 City agency, but rather upon a state ABC investigation. LAPD Officer Arguelles, who completed  
6 the application, was not on the scene during that investigation and did not personally witness any  
7 of the details included in his/her application. Instead, he or she reports what must have been  
8 second-hand information obtained from another agency, about violations for which another  
9 agency has jurisdiction. The application does not include copies of any citations or Notices to  
10 Appear issued by the ABC.  
11

12  
13 To date, no charges have been filed against Appellant by the ABC regarding the February  
14 26<sup>th</sup> investigation.

15 The Complaint Application of 2-25-16 should, therefore, be stricken from the file and  
16 disregarded as a basis for any findings of fact or decision.

17  
18 Many of the Complaint Applications included in the hearing file recite at length the  
19 alleged violations of CUP conditions relating to *another distinct licensed entity – the Cashmere*  
20 *club*. Cashmere, which is no longer in business, was operated by Top Gun, a separate legal entity  
21 than that of the Appellant. While it is true that Top Gun and the Appellant have similar  
22 ownership structure, the LAPD attempts to build a “guilt by association” case against Appellant  
23 by including in the within CUP process, allegations made against Cashmere. Such a tactic on the  
24 part of the City or the LAPD is wholly improper and unconstitutional.  
25

26 As a matter of law, the Appellant (Hollywood Nightlife Group, Inc.) and the owner of the  
27 Cashmere (Top Gun Nightlife Group, Inc.) are separate entities and in fairness must be treated as  
28

1 such. In fact, the licensure of the two entities, as well as their respective CUP conditions, differed  
2 in many ways. They cannot be compared in a proceeding which seeks to revoke a CUP as though  
3 they acted at all times in concert, or were responsible for any legal actions or omissions of each  
4 other. Nonetheless, in its Complaint Applications, the LAPD includes allegations against  
5 Cashmere as though relevant to the operation of Appellant's business, and to Appellant's  
6 compliance with its own CUP conditions. Some of the allegations against Cashmere were of a  
7 serious criminal nature, and by their inclusion in documents filed regarding Appellant would  
8 unfairly prejudice any reader against Appellant.  
9

10 The inclusion of these irrelevant and prejudicial statements and assertions in the file  
11 create an unfair appearance or inference of law-breaking and violation of rules and conditions by  
12 Appellant.  
13

14 Consequently, the Complaint Applications dated 12-28-15, 12-31-15, 3-26-16, and 4-1-  
15 16 should be stricken from the hearing file and disregarded as a basis for any findings of fact or  
16 decision.  
17

- 18 9. Appellant is informed and believes that the within revocation/nuisance process is in  
19 furtherance of an impermissible targeted attack on Appellant's business, at the behest  
20 of Councilman Mitch O'Farrell, associated City agencies, and the Hollywood  
21 Business Improvement District, which are colluding to change the nature of the  
22 entertainment provided in the Hollywood area to the detriment of Appellant's existing  
23 and legitimate business model.

24 News reports have described the efforts of Councilman Mitch O'Farrell, with the  
25 assistance of City agencies such as the LAPD, and entities such as the Business Improvement  
26 District and Chamber (see video submitted herewith) of Commerce, to "clamp down" on  
27 numerous entertainment businesses in the Hollywood Boulevard area.

28 Their intent, in Appellant's belief, is not to do away with nightlife or lively entertainment  
in that district, but to attract a clientele other than the younger, Black, Brown, or minority crowds

1 that frequent clubs such as Appellant's. Appellant will seek to establish that the councilman and  
2 these groups are desirous of promoting uses that will attract wealthy and/or celebrity White  
3 visitors to the entertainment venues offered in the Hollywood district.

4 It is difficult to avoid the conclusion that Appellant, as well as other permittees in the  
5 area with young and predominantly minority patrons are being targeted on that basis.

6 □ The CUP condition relating to noise levels is internally inconsistent and contradictory, and  
7 10. The CUP condition relating to noise levels is internally inconsistent and  
8 contradictory, and impermissibly subjective, making it impossible for the Appellant  
9 to remain in compliance.

9 The "noise" condition contained in Appellant's CUP is as follows:

10 21. Any music, sound or noise emanating from within the subject premise shall  
11 not be audible beyond the subject site, and not cause any loud, unnecessary and  
12 unusual noise which disturbs the peace or quiet of the surrounding neighborhood  
13 or causes discomfort or annoyance to any reasonable person of normal sensitivity  
14 residing in the area in violation of Section 116.01 of the Municipal Code, to the  
15 satisfaction of the Police Department. In addition, all exterior doors of the  
16 premises shall be kept closed at all times except for the normal passage of patrons  
17 or deliveries, or during emergency situations.

16 This condition is a tangle of sound-level requirements that appears to require the  
17 Appellant to not only comply with the Municipal Code, but also to satisfy the tender sensibilities  
18 of its neighbors, and additionally, *satisfy the Police Department*. This condition appears to give  
19 the Police Department the ultimate authority to determine that a violation has occurred, *even if*  
20 *the Appellant had complied with the requirements of the Municipal Code* if the Police are  
21 nonetheless "dissatisfied."

23 One must remember that this location is on Hollywood Blvd, in the midst of an area of  
24 night clubs (four other adjoining Appellants') where noise emanates in numerous directions,  
25 volumes, and types. It is virtually impossible to pinpoint the source of a particular noise. Stars on  
26 the walk of fame are located in front of Appellant's business; thereby attracting crowds and  
27 heavy foot traffic and passersby from people moving from one location to another or site-seeing.  
28

1 It is an incredibly busy area and the levels of noises and activity cannot logically be blamed on  
2 Appellant's business that doesn't even open until 10:00 p.m.

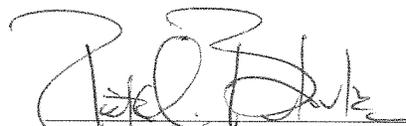
3 11. Conclusion

4 Appellant reiterates herein the procedural and factual objections set forth on behalf of  
5 Appellant at the May 10, 2016 hearing, by Appellant's counsel, Rick A. Blake, as listed in the  
6 Findings of Fact on pp. 15-16; and incorporates herein the "Justification/Reason for Appeal"  
7 filed herein by attorney Michael D. Kolodzi with the Appeal Application.  
8

9  
10 A fair and proper hearing was not given to the Appellant. An agenda to remove this  
11 business due to a particular unwanted clientele (black, brown and people of lower class and  
12 strata) was fulfilled. The evidenced presented did not nor could not justify the revocation of a  
13 million dollar business. No option or alternatives were offered or discussed. The ultimate penalty  
14 was imposed without any ability to correct or take remedial action. The decision is not supported  
15 by the evidenced and the City exceeded its jurisdiction.  
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19 DATED: August 15, 2016

Respectfully Submitted,  
BLAKE & AYAZ, A Law Corporation

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RICK A. BLAKE, Attorney for Appellant  
HOLLYWOOD NIGHTLIFE, INC., dba  
COSMO



City of Los Angeles  
Department of City Planning



# Nuisance Abatement

Department of City Planning



# Topics of Discussion

- History
- Goals of Nuisance Abatement (NA)
- Addressing Nuisance Problem
- Causes for Possible Enforcement/Revocation Action
- Enforcement Action
- Role of Planning Department
- Revocation Process

# History

- Since the early 1990's, the Dept. of City Planning (DCP) has increasingly used its authority to mitigate and abate nuisance activity.
- City Council created the Citywide Nuisance Abatement Program (CNAP) in late 1990's in response to greater demand for services.
- The CNAP agencies-DCP, City Attorney (Safe Neighborhoods), Los Angeles Police Dept. (LAPD), and the Dept. of Building and Safety (LADBS)-partner together w/ the community to mitigate or eliminate nuisance activities.



# Goals

- To be responsive to the needs of communities within the City's 15 Council Districts.
- To eliminate public nuisance impacts caused by a particular use which is operated in an improper manner.
- To alter a business's operations so it will no longer be a negative presence in the community, rather than close it.
- To design and implement a program for community leaders and residents using practical zoning tools which enforce existing land-use regulations and assist in the preservation and revitalization of communities.
- To further goals of the Citywide General Plan Framework which seeks to assure a healthful and safe living environment and improve the quality of life and opportunities for all residents and business owners.

# Addressing Nuisance

- Use has a prior DCP approval and is not complying with conditions of the grant.  
(e.g. Conditional Use, Variance, Zone Change)
- Use was "grandfathered" before City approval was required but now is a public nuisance.  
(e.g. on-site liquor sales prior to 3/1/77)
- Any otherwise legally permitted use "by-right" but causing a public nuisance



# Causes for Possible Enforcement

- Jeopardizes or adversely affects the public health, peace and safety of persons residing or working on the premises or the surrounding area.
- Has resulted in repeated nuisance activities thereby creating undue demand on public services.
- Adversely impacts nearby uses.
- Violates City, State, or Federal Regulations, Ordinances, or Statutes.
- Violates any condition imposed by a prior discretionary land use approval.



# Enforcement Action

- DCP staff and CNAP agency review and investigate allegations, and provide recommendations to Chief ZA, who then determines if there is sufficient merit to set the matter for Public Hearing.
- ZA will impose conditions to mitigate the impact or eliminate the problem(s) of the land-use creating the nuisance.
- Continued disregard or evasion of imposed conditions by business operator/property owner will result in further review and additional enforcement measures leading to possible discontinuance of the use.

# Role of Planning

- Chief Zoning Administrator based on staff assessment and CNAP agency input determines if abatement procedures should be initiated as supported by substantial documentation directly associated with the nuisance use and site.
- Zoning Administrator after noticed Public Hearing and acting on behalf of the Director of Planning issues a determination imposing corrective conditions to mitigate the activities or eliminate the problems causing the nuisance.
- Zoning Administrator may require the modification, discontinuance or revocation of any use or discretionary zoning approval.

# Process

- To initiate Nuisance Abatement/Revocation proceedings, CNAP agencies, City Departments, Council Offices, or Civic Groups are required to contact the office of Zoning Administration in writing, detailing:
  1. Name and address of site
  2. Nature of complaint
  3. Occurrence of problem
  4. Other useful information documenting problem

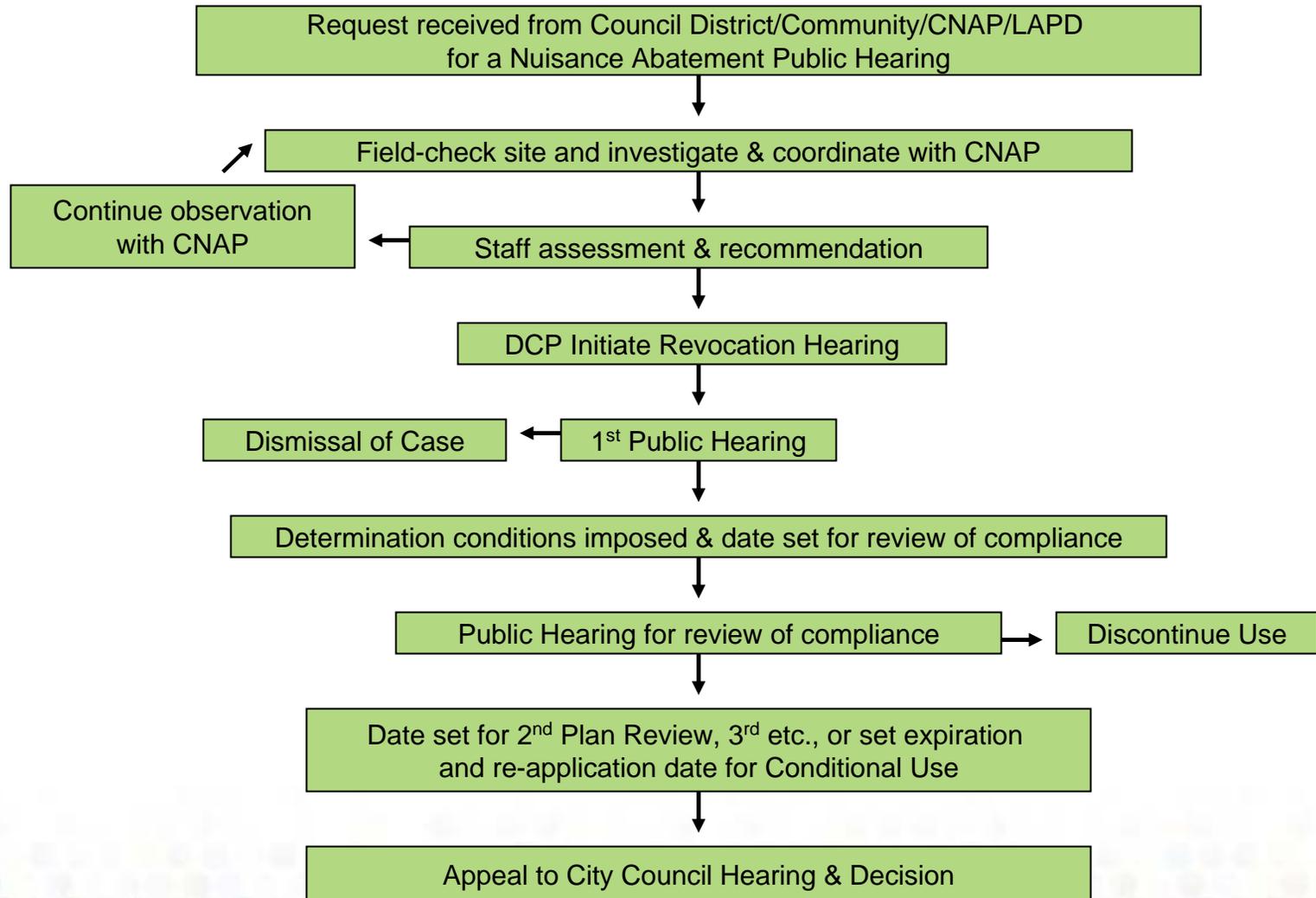
An aerial photograph of a city street grid, showing various streets and green spaces. The word "Summary" is overlaid in the center in a large, black, sans-serif font.

# Summary

Under of LAMC Sec. 12.27.1 - Administrative Nuisance Abatement Proceedings,

Zoning Administrators are empowered to: protect the public peace, health and safety from any land-use which becomes a nuisance, by requiring the modification, discontinuance or revocation of any use or discretionary zoning approval.

# Revocation Process (Nuisance Abatement)





# Contact Information

**Aleta James**

*City Planner*

City of Los Angeles Planning Department

[Aleta.James@lacity.org](mailto:Aleta.James@lacity.org)

(213) 978-1368

EXHIBIT B1

LINN K. WYATT  
CHIEF ZONING ADMINISTRATOR

**ASSOCIATE ZONING  
ADMINISTRATORS**

R. NICOLAS BROWN  
SUE CHANG  
LOURDES GREEN  
CHARLES J. RAUSCH, JR.  
JIM TOKUNAGA  
FERNANDO TOVAR  
DAVID WEINTRAUB  
MAYA E. ZAITZEVSKY

**CITY OF LOS ANGELES**  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

**DEPARTMENT OF  
CITY PLANNING**

MICHAEL J. LOGRANDE  
DIRECTOR

**OFFICE OF  
ZONING ADMINISTRATION**

200 N. SPRING STREET, 7<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90012

(213) 978-1318  
FAX: (213) 978-1334

www.planning.lacity.org

March 15, 2013

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

Kurpjuweit Juweit Lewis & Muriel (O)  
Kurp Juweit Family  
2292 Alden Avenue  
Redding, CA 96002

Kevin Linton (Op)  
Caribbean Entertainment, LLC  
dba: Weber's Rum Bar and Grill  
7755 Encino Avenue  
Northridge, CA 91325

CASE NO. DIR 2012-2957(RV)  
IMPOSITION OF CONDITIONS –  
DISMISSED  
19310 and 19312 Vanowen Street  
Reseda- West Van Nuys Planning Area  
Zone : C2-1VL  
D. M. : 180B117  
C. D. : 3  
CEQA: ENV-2012-2958-CE  
Legal Description: Lot 1, Arb 3,  
Tract 16351

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

that based upon a public hearing held on November 30, 2012, in conjunction with Case No. DIR 2012-2957(RV), modification of the operation Weber's Rum Bar and Grill (also known as: Weber's Sports Bar and Grill; Weber's Bar), located at 19310 and 19312 Vanowen Street,

is hereby DISMISSED.

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 November 30, 2012, all of which are by reference made a part hereof, as well as knowledge of the property and the surrounding district, I find as follows:

BACKGROUND

The subject site is a level, approximately 6,690 square-foot, rectangular-shaped interior shaped lot developed with a one story commercial building occupied by the subject bar Weber's Rum Bar and Grill (also known as Weber's Sports Bar and Grill; Weber's Bar). According to assessor's records, the building square footage for the bar is approximately



southerly side of Vanowen Avenue and a depth of 233 feet. There is an off-street parking lot to the rear of subject site used by patrons.

Properties to the north of the site, across Vanowen Street, are zoned C2-1VL and developed with one-story commercial and retail uses; consisting of a sporting goods store, barber shop, picture framing store, restaurant, pet food store, candy store and cocktail lounge. Properties to the south, beyond the bar and across the alley is developed is zoned R1-1 and developed with single-family residences. Properties to the east of the site are zoned C2-1VL and developed with a one-story commercial and retail uses; consisting of a restaurant and pharmacy. Properties to the west of the subject site are zoned C2-1VL and developed with one-story commercial shop and services, consisting of a vacant store, auto electronic store and the Lucky 7 Liquor Store. Further west, across Aura Avenue, is zoned R1-1 and developed with single-family residences.

Vanowen Street, adjoining the property to the south, is a Secondary Highway dedicated a width of 84 feet and improved with curbs and gutters.

The alley adjoining the property to the north is improved with asphalt pavement and concrete within a 20-foot dedication.

Previous zoning related actions on the site include:

Permit No. VN76531/84 – Issued on April 24, 1986 to increase occupant load from 119 to 156 in an existing two-story, Type IIIB, 30 ft. by 112 ft. restaurant, for dance floor. No change in parking requirements. G-2 / B-2 Occupancy.

Case No. ZAI 77-099(B) – On October 7, 1977, the Zoning Administrator approved on-site sale of alcoholic beverages for consumption on premises at a cocktail bar.

## **PUBLIC HEARING**

On October 24, 2012, a notice of the public hearing was mailed to property owners and occupants within a 500-foot radius of the subject site and interested parties. At the time of preparing the Project Report, no correspondence was received from the general public.

Prior to mailing the public notice, a letter dated September 16, 2011 was received by the Office of Zoning Administration from the Department of Alcoholic Beverage Control to the owner of Weber's Place (Caribbean Entertainment, LLC) advising them that they are in violation of California Code Section 24200c stemming from the overwhelming criminal activity connected to the operation of the Bar. Consequently, on November 1, 2011, LAPD responded with eight remedial steps to prevent future criminal incidences. Several of the steps included annual STAR training, maintain ample lighting on the parking lot, and establish a watch system whereby the managers canvas the floor during events to address situations before they become issues.

Prior to the public hearing, a Project Planner, staff of the Office of Zoning Administration, visited the subject site and observed the surrounding area. The following information was obtained from information presented in the application and research of the Project Planner:

Los Angeles Police Department police call and arrest report documentation of: attempted murder with a firearm, assault with a deadly weapon, armed robbery, batteries, gang activity, drinking in public, intoxicated patrons, urinating in public, loitering in rear parking lot and noise. These activities are jeopardizing and/or endangering the public health and safety of persons residing or working on the premises or in the surrounding area, thereby constituting a public nuisance, and contributing to the deterioration of the adjacent community. The activities occurring in and around the premises have generated numerous police responses thereby straining the resources of the Police Department.

On August 17, 2012, correspondence to the Commanding Officer, Commission Investigations Division to John Egan, Commanding Officer, West Valley, objected to a request by the Bar for a renewal of the police and Dance Hall permit for its continued operation. The case, ZAI 77-099(B) in 1977 allowed the sale of full line sale of alcohol at the bar. The original permit did not specify any date for renewal, and therefore, its operation was indefinite. At issue are the chronic criminal activities directly connected to the operation of the Weber's Place which demands are draining police resources. For a period from April 24, 2010, to August 2012, there were 50 separate police incidences with many were violent such as robbery, shooting, and assault with a deadly weapon, and evidence of rival gang activities were reported. In another period from Jan 15, 2009 to December 4, 2012, there were again 50 calls for police service linked to Weber's Place. This is an average of about two police criminal incidences per month arising from the operation of Weber's Place.

The letter further states a number of community members, local business owners, and residents submitted letters in opposition of Weber's Place. It is the opinion of the West Valley Area Vice Unit that remedial efforts have failed. Weber's Place is "... unwilling or unable to comply with the applicable laws, codes, and conditions governing the safe and successful operation of a club."

In the alternative, Captain Egan requests if Weber's Place continues to operate to impose the following conditions:

1. Age verification devices to be used for all patrons.
2. No patron shall be allowed to enter with valid identification.
3. No patron shall be allowed to enter under the age of twenty one.
4. The establishment is to operate strictly as a restaurant and not as a nightclub.
5. Security guards ensure that no persons publicly drink alcohol near the exterior of the event.
6. No intoxicated persons or persons observed publicly drinking shall be admitted to the location.
7. The establishment fully cooperates with the police investigations where their establishment is involved.
8. The establishment maintains that all video surveillance equipment on-site is in good working and provided to investigating officers when the establishment involved.

9. Within one year of the effective date of the determination, all personnel acting in the capacity of a manager of the premise shall attend Standardized Training for Alcohol Retailers (STAR) session sponsored by the Los Angeles Police Department.
10. The City may grant a conditional for a defined period of time, e.g., 3 years, 5 years, after which time the approval is null and void, and the applicant would have to file a new application in order to keep sell alcoholic beverages.
11. The property owner shall keep the property, including the sidewalk adjacent thereto, free of debris and litter.
12. That "No Loitering" and No Public Drinking of Alcoholic Beverages" signs shall be posted at the front and rear of the establishment.
13. The exterior windows of the establishment shall be maintained substantially free of signs and other material so as to permit surveillance into the establishment by police and private security.
14. The establishment maintains and archive any recorded material from its video surveillance equipment for at least a sixty day period.
15. The establishment maintains a uniformed security guard, positioned at the front and rear doors during evening hours, including the hours of operation on Fridays and Saturdays.
16. The establishment maintain a roving uniformed security guard, positioned in the rear parking lot and monitor any excessive noise generated from the establishment's patrons, i.e., cars stereos, loud groups, during evening hours which may be considered a disturbance to neighboring residence.

LAPD PATROL CALLS FOR SERVICE 05/01/2009 - 5/31/2012; TOTAL 61.

The Office of the City Attorney Submitted the following arrest and crime Reports specific to the property:

#### ARREST REPORTS

July 16, 2012 – Crime and Arrest Report Assault occurred at approximately 3:00 a.m. – suspect and victim were involved in a verbal dispute at the southeast corner of Vanowen Street and Tampa Avenue. Suspect became enraged and hit victim in face with her shoe.

July 6, 2012 – Crime and Arrest Report Assault occurred at approximately 1:50 a.m. – suspect and victim were involved in a verbal dispute outside the Weber's Sports Bar and Grill parking lot. Suspect became enraged and hit victim in the face with a shoe in the parking lot

July 6, 2012 – Drinking Alcoholic Beverage in Public Arrest Report, occurred at approximately 11:40 p.m. – officers observed suspect in the possession of beer at the location of Welby Street and Aura Avenue. Suspect was placed under arrest and released.

July 6, 2012 – Drinking Alcoholic Beverage in Public Arrest Report, occurred at approximately 11:40 p.m. – officers observed suspect in the possession of beer at

the location of Welby Street and Aura Avenue. Suspect was placed under arrest and released.

July 6, 2012 – Drinking Alcoholic Beverage in Public Arrest Report, occurred at approximately 10:40 p.m. – officers observed suspect in the possession of beer at the location of Aura Avenue south of Vanowen Street. Suspect was placed under arrest and released.

July 6, 2012 – Drinking Alcoholic Beverage in Public Arrest Report, occurred at approximately 10:20 p.m. – officers observed suspect in the possession of beer at the location of Aura Avenue south of Vanowen Street. Suspect was placed under arrest and released.

July 6, 2012 – Drinking Alcoholic Beverage in Public Arrest Report, occurred at approximately 10:20 p.m. – officers observed suspect in the possession of beer at the location of Aura Avenue south of Vanowen Street. Suspect was placed under arrest and released.

April 1, 2012 – Petty theft Investigation Report, occurred at approximately 11:00 p.m.-Unknown suspect took victims cell phone. She was at Weber's Bar and Grill.

March 2, 2012 – Drinking Alcoholic Beverage in Public Arrest Report, occurred at approximately 7:30 p.m. – officers observed suspect drinking beer at the rear of Weber's Sports Bar and Grill. Suspect was placed under arrest and released.

March 2, 2012 – Drinking Alcoholic Beverage in Public Arrest Report, occurred at approximately 9:50 p.m. – officers observed suspect drinking beer in the public parking at the location of Tampa Avenue and Vanowen Street. Suspect was placed under arrest and released.

March 2, 2012 – Drinking Alcoholic Beverage in Public Arrest Report, occurred at approximately 9:50 p.m. – officers observed suspect drinking beer in the public at the location of Tampa Avenue and Vanowen Street. Suspect was placed under arrest and released.

March 2, 2012 – Drinking Alcoholic Beverage in Public Arrest Report, occurred at approximately 9:50 p.m. – officers observed suspect drinking beer in the public at the location of Tampa Avenue and Vanowen Street. Suspect was placed under arrest and released.

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March 2, 2012 – Drinking Alcoholic Beverage in Public Arrest Report, occurred at approximately 9:50 p.m. – officers observed suspect in the possession of beer at the location of Tampa Avenue and Vanowen Street. Suspect was placed under arrest and released.

March 2, 2012 – Drinking Alcoholic Beverage in Public Arrest Report, occurred at approximately 7:30 p.m. – officers observed suspect in the possession of beer at rear of Weber's Sports Bar and Grill parking lot. Suspect was placed under arrest and released.

February 26, 2012 – Assault with a Deadly Weapon Investigative Report, occurred at approximately at 1:20 a.m. Suspect Nos. 1 and 2 worked as security at Weber's Sports Bar and Grill. Suspect got into an altercation with victim and Suspect No. 1 hit victim on the head with a collapsible baton. Victim was knocked unconscious.

February 17, 2012 – Drinking Alcoholic Beverage in Public Arrest Report, occurred at approximately 5:40 p.m. – officers observed suspect drinking beer on a public sidewalk at the location of Tampa Avenue at Vanowen Street. Suspect was placed under arrest and released.

February 17, 2012 – Drinking Alcoholic Beverage in Public Arrest Report, occurred at approximately 5:40 p.m. – officers observed suspect drinking beer in public at the location of Tampa Avenue at Vanowen Street. Suspect was placed under arrest and released.

February 16, 2012 – Drinking Alcoholic Beverage in Public Arrest Report, occurred at approximately 5:40 p.m. – officers observed suspect drinking beer in public at the location of Tampa Avenue at Vanowen Street. Suspect was placed under arrest and released.

February 16, 2011 – Drinking Alcoholic Beverage in Public Arrest Report, occurred at approximately 8:50 p.m. – officers observed suspect drinking beer on a public sidewalk at 6700 Aura Avenue. Suspect was placed under arrest and released.

February 16, 2011 – Drinking Alcoholic Beverage in Public Arrest Report, occurred at approximately 8:50 p.m. – officers observed suspect drinking beer on a public sidewalk at 6700 Aura Avenue. Suspect was placed under arrest and released.

November 12, 2011 – Drinking Alcoholic Beverage in Public Arrest Report, occurred at approximately 10:30 p.m. – officers observed suspect drinking beer in a public parking at the location of Vanowen Street at Aura Avenue. Suspect was placed under arrest and released.

November 12, 2011 – Drinking Alcoholic Beverage in Public Arrest Report, occurred at approximately 10:30 p.m. – officers observed suspect drinking beer in public parking lot at the location of Vanowen Street at Aura Avenue. Suspect was placed under arrest and released.

November 12, 2011 – Drinking Alcoholic Beverage in Public Arrest Report, occurred at approximately 10:30 p.m. – officers observed suspect drinking beer in public parking lot at the location of Vanowen Street at Aura Avenue. Suspect was placed under arrest and released.

October 27, 2011 – Drinking Alcoholic Beverage in Public Arrest Report, occurred at approximately 5:00 p.m. – officers observed suspect drinking beer in public at the location of Vanowen Street at Tampa Avenue. Suspect was placed under arrest and released.

October 13, 2011 – Drinking Alcoholic Beverage in Public Arrest Report, occurred at approximately 4:00 p.m. – officers observed suspect drinking beer in public at the location of Vanowen Street at Tampa Avenue. Suspect was placed under arrest and released.

September 23, 2011 – Drinking Alcoholic Beverage in Public Arrest Report, occurred at approximately 7:15 p.m. – officers observed suspect drinking beer at the location of Vanowen Street at Tampa Avenue. Suspect was placed under arrest and released.

September 23, 2011 – Drinking Alcoholic Beverage in Public Arrest Report, occurred at approximately 7:15 p.m. – officers observed suspect drinking beer in public on sidewalk at the location of Vanowen Street at Tampa Avenue. Suspect was placed under arrest and released.

August 29, 2011 – Battery Report, occurred at approximately 11:30 p.m. - Suspects No. 1, owner of Weber's Sports Bar and Grill and suspects No 2 and 3, bouncers at the bar, had a verbal disputed and physical altercation with the victim over a failed "Hip Hop" promotional; event at the bar. The victim was treated at Sherman Oaks Hospital for soft tissue injury to his back and neck. The case was referred to the Deputy City Attorney, but was rejected for lack of evidence.

August 26, 2011 – Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 9:40 p.m. – undercover officers, parked in an unmarked vehicle in the

area of Aura Avenue and Vanowen Street observed Suspect Nos. 1 and 2 drinking beer on the sidewalk located on the west side of Aura Avenue, north of Vanowen Street. Suspects were placed under arrest and released.

August 26, 2011 – Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 9:30 p.m. – drinking on public sidewalk at the location of Aura Avenue, north of Vanowen Street. Suspect was arrested and then released.

August 19, 2011 – Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 9:45 p.m. – undercover officers, parked in a unmarked vehicle at the rear parking lot of Weber' Sports Bar and Grill observed Suspect Nos. 1, 2 and 3 standing next to a garbage dumpster drinking beer. Suspects were arrested and then released.

August 19, 2011 – Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 9:35 p.m. – drinking in public sidewalk at the location of Tampa Avenue at Vanowen Street. Suspect was arrested and then released.

August 19, 2011 – Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 9:35 p.m. – drinking in public parking lot at the location of Aura Avenue north of Vanowen Street. Suspect was arrested and then released.

August 19, 2011 – Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 9:45 p.m. – drinking in public parking lot at the location of Tampa Avenue at Vanowen Street. Suspect was arrested and then released.

August 19, 2011 – Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 9:45 p.m. – drinking in public parking lot at the location of Tampa Avenue at Vanowen Street. Suspect was arrested and then released.

April 18, 2011 - Attempted Murder Report, occurred at approximately 1:15 a.m. - Victims No. 1 and No. 2 were in rear parking lot of Weber's bar and Grill when suspect started throwing bottles into crowd. Suspect(s) drew out handguns and opened fire into crowd. Victims No. 1 and No. 2 were shot.

April 15, 2011 – Battery Report occurred at approximately 2:00 a.m. - the officers responded to a battery call at the Weber's Bar and Grill. Suspect and victim became involved in physical altercation. Suspect stated that victim kicked and punched numerous times all over her body.

April 15, 2011 – Battery Report occurred at approximately 2:00 a.m. - victim and suspect who were friends went to Safari Bar and Grill together. Victim and suspect argued over victim's property and had physical altercation and suffered cracked nail, scratch under right eye, scratch under left cheek and some hair pulled from scalp. Victim returned to location later during the day to pick up her vehicle and found that it was vandalized. The incident was reported the following day, on April 16, 2011, at approximately 2:15 p.m. to the officer assigned to the West Valley desk.

April 8, 2011 – Drinking Alcoholic Beverage in Public Report, occurred at approximately 11:00 p.m. - Undercover officers observed two suspects drinking beer from a 12 ounce at the Weber's Bar and Grill Parking Lot. Both suspects were arrested then released from the scene.

April 8, 2011 – Cohab Abuse and Simple Assault Report, occurred approximately 10:30 p.m., the victim and suspect who cohabitated together, attended a concert together at Weber's Bar and Grill. Victim and suspect engaged in a verbal argument and suspect was in a bad mood and physical altercation ensued with the suspect punching the victim. The victim suffered injuries and filed a Domestic Violence Report at the Foothill Division Front Desk. The case was referred to the City Attorney.

March 3, 2011 – Drinking Alcohol and Urinating in Public Report, occurred at 4:40 p.m. in the area of Vanowen Street and Tampa Avenue. Officers observed Suspect No. 1 standing and urinating next to a garbage dumpster and Suspect No. 2 drinking beer from a 20 ounce can. Both suspects were arrested then released at the scene.

February 15, 2011 – Drinking Alcoholic Beverage in Public Arrest Report, occurred at approximately 8:50 p.m. – officers observed suspect drinking beer on a public sidewalk at 6700 Aura Avenue Suspect was placed under arrest and released.

February 12, 2011 – Drinking Alcoholic Beverage in Public Arrest Report, occurred at approximately 8:50 p.m. – officers observed suspect drinking beer on a public sidewalk at 6700 Aura Avenue Suspect was placed under arrest and released.

February 12, 2011 – Drinking Alcoholic Beverage in Public Arrest Report, occurred at approximately 10:30 p.m. – officers observed suspect drinking beer on a public sidewalk at the location of Vanowen Street at Tampa Avenue. Suspect was placed under arrest and released.

December 4, 2010 – Impersonating Firefighter Arrest Report, the original call occurred at approximately 10:55 a.m., when the police officer's original call was for a battery suspect physically assaulted by security guards at Weber's Bar and Grill. The battery suspect claimed to be a Lieutenant for the Burbank Fire Department. The suspect was transported to the Van Nuys Jail. A call to the City of Burbank Fire Department verified there was no such person employed as firefighter.

July 29, 2010 – Driving Under the Influence Arrest Report - police motorcycles observed a suspect exit parking lot on the southeast corner of Aura Avenue and Welby Way without failing to signal. The suspect was pulled over to the corner of Tampa Avenue at Vanowen Street for driving under the influence of alcohol. The suspect was placed under arrest at approximately 11:35 a.m.

July 19, 2010 – Shooting within City Limits in Investigative Report for unknown suspect fired one shot from .40 calibers in unknown direction. The shooting occurred at Tampa Avenue and Vanowen Street (Weber's Bar and Grill Parking Lot) at 12:40 a.m.

April 24, 2010 – BF Motor Vehicle in Investigative Report for unknown suspect(s) smashed rear passenger door window, entered vehicle and opened truck release and removed victims' personal property from truck. Stolen property consisted of purses, debit cards and cash. Location was 19312 West Vanowen Street and occurring at 11:00 pm.

February 23, 2010 - Battery Investigation Report, occurred at approximately 12.30 a.m. suspect and victim involved in a verbal dispute. The suspect grabbed and pulled victim's hair, detaching it from the victims head. The suspect fled in an unknown direction. The incident occurred at the rear parking of the Weber's Bar and Grill.

August 7, 2009 - Drinking Alcoholic Beverage in Public Arrest Report for two suspects which occurred at 11:45 p.m. - Undercover officers observed suspects at the rear parking lot, located at 19312 Vanowen Street with 24 oz. cans of beer. Suspects were arrested and then released from custody.

Upon conducting a site visit the Project Planner observed two video cameras located at the front and rear entrances of the bar. At the rear of the building there is a large, outdoor covered patio area with seating for approximately 15-20 people. There was also an approximately 3-foot in height wrought iron fence surrounding the patio area (see attached photos).

Analysis by the Project Planner concluded it was overtly implied that the problems may be due to the liquor store, "Lucky 7", since it is the only venue that sells liquor and shares the same parking lot. The liquor store is located on the southeast corner of Vanowen Street and Aura Avenue (at 19322 West Vanowen Street), and is a tenant space within the same building. The Project Planner noted the liquor store closes at 10 p.m. daily which is four hours earlier than the closing of Weber's Bar at 2 a.m.

A public hearing was convened November 30, 2012. The purpose of the public hearing was to obtain testimony of the property owner and/or business operator, plus affected and/or interested persons regarding the operation of Weber's Bar.

The Zoning Administrator read the public notice into the record and highlighted the purpose of the public hearing. He noted that after taking written and oral testimony, the Zoning Administrator may require the discontinuance of the use or may impose corrective conditions regarding its use as Weber's Bar in order to mitigate any land use impacts caused by the use. Further, to discontinue a use, it must be found that prior governmental efforts to eliminate the problems associated with the use have failed and the owner or lessee has demonstrated, to the satisfaction of the Zoning Administrator, unwillingness or inability to eliminate the problems associated with the use.

The following parties provided testimony:

Amir Dibaei, Esq, project proponent representative (*Against proposal*)  
Kevin Linton, project proponent, (*Against proposal*)

Officer Contreras, Los Angeles Police Department, *(For proposal)*  
Isla Parra, Los Angeles Police Department, *(General Comments)*  
Detective Booth, Los Angeles Police Department, *(General Comments)*  
William Larsen, Los Angeles City Attorney, *(General Comments)*  
Luis (last name illegible), resident, *(General Comments)*  
Alysan Achen, associated with project proponent, *(General Comments)*  
Fernando Ayala, associated with project proponent, *(General Comments)*  
Mario Lopez, associated with project proponent, *(General Comments)*  
Henyttta Patterson, associated with project proponent, *(General Comments)*  
Bruce Sandoval, associated with project proponent, *(General Comments)*  
Eric Lara, promoter/Talent Buyer, *(Against proposal)*  
Doug Mensman, Fifth Council District representative, *(General Comments)*

Los Angeles Police Department representatives were the first to testify. They spoke to matters listed on pages 5-10 of the Project Planner's Report stating Los Angeles Police Department police call and arrest report documentation shows repeated incidents due to activities at Webber Bar. The Zoning Administrator requested identification of specific incidents attributed to Webber's Bar. The officer noted the following:

July 6, 2012 – Crime and Arrest Report Assault occurred at approximately 1:50 a.m. – suspect and victim were involved in a verbal dispute outside the Weber's Sports Bar and Grill parking lot. Suspect became enraged and hit victim in the face with a shoe in the parking lot

March 2, 2012 – Drinking Alcoholic Beverage in Public Arrest Report, occurred at approximately 7:30 p.m. – officers observed suspect drinking beer at the rear of Weber's Sports Bar and Grill. Suspect was placed under arrest and released.

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February 26, 2012 – Assault with a Deadly Weapon Investigative Report, occurred at approximately 1:20 a.m. Suspect Nos. 1 and 2 worked as security at Weber's Sports Bar and Grill. Suspect got into an altercation with victim and Suspect No. 1 hit victim on the head with a collapsible baton. Victim was knocked unconscious.

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August 19, 2011 – Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 9:45 p.m. – undercover officers, parked in a unmarked vehicle at the rear parking lot of Weber' Sports Bar and Grill observed Suspect Nos. 1, 2 and 3

standing next to a garbage dumpster drinking beer. Suspects were arrested and then released.

April 18, 2011 - Attempted Murder Report, occurred at approximately 1:15 a.m. - Victims No. 1 and No. 2 were in rear parking lot of Weber's bar and Grill when suspect started throwing bottles into crowd. Suspect(s) drew out handguns and opened fire into crowd. Victims No. 1 and No. 2 were shot.

April 15, 2011 – Battery Report occurred at approximately 2:00 a.m. - the officers responded to a battery call at the Weber's Bar and Grill. Suspect and victim became involved in physical altercation. Suspect stated that victim kicked and punched numerous times all over her body.

April 15, 2011 – Battery Report occurred at approximately 2:00 a.m. - victim and suspect who were friends went to Safari Bar and Grill together. Victim and suspect argued over victim's property and had physical altercation and suffered cracked nail, scratch under right eye, scratch under left cheek and some hair pulled from scalp. Victim returned to location later during the day to pick up her vehicle and found that it was vandalized. The incident was reported the following day, on April 16, 2011, at approximately 2:15 p.m. to the officer assigned to the West Valley desk.

April 8, 2011 – Drinking Alcoholic Beverage in Public Report, occurred at approximately 11:00 p.m. - Undercover officers observed two suspects drinking beer from a 12 ounce at the Weber's Bar and Grill Parking Lot. Both suspects were arrested then released from the scene.

April 8, 2011 – Cohab Abuse and Simple Assault Report, occurred approximately 10:30 p.m., the victim and suspect who cohabitated together, attended a concert together at Weber's Bar and Grill. Victim and suspect engaged in a verbal argument and suspect was in a bad mood and physical altercation ensued with the suspect punching the victim. The victim suffered injuries and filed a Domestic Violence Report at the Foothill Division Front Desk. The case was referred to the City Attorney.

December 4, 2010 – Impersonating Firefighter Arrest Report, the original call occurred at approximately 10:55 a.m., when the police officer's original call was for a battery suspect physically assaulted by security guards at Weber's Bar and Grill. The battery suspect claimed to be a Lieutenant for the Burbank Fire Department. The suspect was transported to the Van Nuys Jail. A call to the City of Burbank Fire Department verified there was no such person employed as firefighter.

July 19, 2010 – Shooting within City Limits in Investigative Report for unknown suspect fired one shot from .40 calibers in unknown direction. The shooting occurred at Tampa Avenue and Vanowen Street (Weber's Bar and Grill Parking Lot) at 12:40 a.m.

He further noted that there are no cameras inside the bar allowing for identification of incidents or individuals involved and the operator has exhibited a lack of good judgment. An example of lack of judgment occurred April 18 2011 with an attempted murder at

approximately 1:15 a.m. with two Victims No. 1 and No. 2 in the parking lot of Weber's bar and Grill when the suspect started throwing bottles into crowd. Suspect(s) drew out handguns and opened fire into crowd. Victims No. 1 and No. 2 were shot. *(The Zoning Administrator is not clear how this is attributed to the project proponent's judgment.)*

The officer further stated residents in the area are afraid to attend the public hearing, but declarations can be obtained if needed. Also, known gangs are known to frequent the bar with identifiable markings showing who they are. Lastly security does not wear uniforms to identify them from others.

The Zoning Administrator asked how LAPD determined problems were caused by Webber's Bar rather than the liquor store. In response, he said individuals were asked where they were last. Another officer stated they met with Webber's operator about one and one-half years ago and raised three matters that needed attention including lack of cameras, need for cooperation with LAPD, and conduct last calls for alcoholic beverages.

The representative of the project proponent presented his version of crime data while noting that there is no statistical inference that the crimes in the area are the cause of Webber's Bar. He stated the operation has changed in the past six months with increased security and additional lighting. The Zoning Administrator inquired into if employees have attended STAR training, is there a menu for the full service restaurant, is there a security plan, and has the operator complied with the conditions recommended by LAPD and the Police Commission? The "Record was Left Open" for written response to these questions.

Testimony was obtained from several employees who contested to not seeing any of the problems raised by LAPD and promoters who stated the operator is diligent in enforcing rules that are sensitive to the needs of the community. Several patrons noted that they visit the bar and it never felt unsafe even for the single woman that spoke at the hearing. The restaurant chef spoke in order to verify the restaurant provides full service with the types of food served and hours of operation.

Los Angeles Police submitted "Suggest Improvements" for the operation. The Zoning Administrator asked the operator if he was willing to comply with the conditions. He noted he was in general agreement.

At the close of the public hearing, the Zoning Administrator "Took the Case Under Advisement" and "Left the Record Open" for the submittal of additional information. Subsequently, the Los Angeles Police Department submitted additional crime and arrest reports on December 20, 2012 and the project proponent submitted information requested at the public hearing and a rebuttal to contentions raised by LAPD and a nearby resident in opposition. *(refer to the case file for detail)*

#### ZONING ADMINISTRATOR'S COMMENTS

Oral testimony and research by the Project Planner, described for a period from April 24, 2010 to August 2012 there were 50 separate police incidences with many were violent such as robbery, shooting, and assault with a deadly weapon, and evidence of rival gang activities were reported. In another period from Jan 15, 2009 to December 4, 2012, there were again 50 calls for police service linked to Weber's Place. It's claimed this is an

average of about two police criminal incidences per month arising from the operation of Weber's Place.

Upon closer examination of the administrative record, not all these incidents are attributed to Weber's Bar. (*Refer to LAPD's public testimony in response to Zoning Administrator's inquiry*). Also, at the public hearing the Zoning Administrator was told the Los Angeles Police Commission Investigations Division for West Valley objected to a request by Weber's Bar for a renewal of the Dance Hall permit, but there are different opinions within LAPD on the proper remedy.

On February 4, 2013, the Zoning Administrator reviewed the administrative record and contacted Los Angeles Police Commission and the City Council Office. The Zoning Administrator learned that the Police Commission conducted a public hearing and heard testimony from several officers and the public. There still was a difference of opinion along the officers on the matter. However, Commission concluded that a Dance Hall permit should be issued and conditions imposed. The Zoning Administrator discussed the proceedings with the officer assigned to the Police Commission and the City Council Office, who were of the opinion that imposing conditions is the proper first step.

The purpose and typically the first step in abating a public nuisance is to establish corrective conditions to address and curtail activities which cause and nurture the nuisance activities. As noted by the Project Proponent, he has initiated measures to remove the potential for crime, arrests, and nuisance activities (see Testimony). Furthermore, in December 2012, the Los Angeles Police Commission issued a Dance Hall permit that imposed reasonable, feasible, and effective conditions. The Commission's action substantially advances the City's goals to reduce the potential for crime and nuisance activities without requiring excessive resources of the Los Angeles Police Department, State Department of Alcoholic Beverage Control, and Los Angeles Planning Department and without creating a significant financial burden on the operator and property owner.

Thus, at this time, the Office of Zoning Administration will not impose conditions pursuant to pursuant to Section 12.27.1 of the Los Angeles Municipal Code. The Police Commission permit and conditions are herein attached to clearly acknowledge the operator's and property owner's responsibilities to ensure his/her business and use of the property are well managed.

It is further determined that the instant action by the Zoning Administrator on behalf of the Director of Planning is in compliance with Section 12.27.1 of the Municipal Code and has been conducted so as not to impair the constitutional right of any person. The owner/operator of the business has been afforded the opportunity to review the file both in advance of and after the hearing which was duly noticed and testify and respond to the allegations concerning the impacts of the operation of Weber's Rum Bar and Grill. The operator and owner were in attendance at the public hearing held on November 30, 2012.

#### **APPEAL PERIOD - EFFECTIVE DATE**

The Zoning Administrator's determination in this matter will become effective after APRIL 1, 2013, 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 <http://cityplanning.lacity.org>**. 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.

MICHAEL LOGRANDE  
Director of Planning



R. NICOLAS BROWN, AICP  
Associate Zoning Administrator  
Direct Telephone No. (818) 374-5069

RNB:lmc

cc: Councilmember Dennis P. Zine  
Third District  
Adjoining Property Owners

INTRADPARTMENTAL CORRESPONDENCE

August 17, 2012  
7.5

**TO:** Commanding Officer, Commission Investigations Division

**FROM:** Commanding Officer, West Valley Area

**SUBJECT:** APPLICATION FOR CAFÉ ENTERTAINMENT SHOW / DANCE HALL PERMIT FOR 19312 VANOWEN STREET, RESEDA CALIFORNIA

The Los Angeles Police Department (LAPD), West Valley Area Vice Unit, received written correspondence from the Commission Investigations Division that the applicant, Caribbean Entertainment LLC, is applying for a Café Entertainment Show / Dance Hall Permit. The premise is located at 19312 Vanowen Street, Reseda, California 91335, and currently operates under the name "Webers Place."

Acting in the interest of the public, West Valley Area objects to the granting of the permit based on the following factors:

In the twenty eight month period since April 24, 2010, there have been fifty one separate police reports generated by LAPD West Valley Division from incidents linked to this bar. These incidents (see attached reports) include:

- Five batteries including an investigation where Kervin Linton was the suspect
- One burglary from motor vehicle with estimated loss of \$735
- One vandalism with approximately \$2,000 in damaged property
- One petty theft with an approximate loss of \$100
- Two driving under the influence arrests where the vehicles were observed leaving the location
- One simple assault
- One shooting within city limits where suspects were heard yelling rival gang names
- One stolen vehicle investigation
- Forty Three drinking in public arrests where most arrests occurred in the rear parking of Webers
- Two assaults with a deadly weapon. One where security struck the victim on the back of the head with a collapsible baton, left victim outside on sidewalk and did not attempt to render aid. Management was uncooperative with investigating officers.
- Two attempted murders with multiple firearms involved, victims were shot in the abdomen, suspects were described as wearing gang attire, manager could not provide surveillance video
- One arrest for impersonating a firefighter

In a twenty three month period between January 15, 2009 and December 04, 2012, there have been fifty calls for police service linked to Webers bar (see attached documents).

Neighboring community members including local business owners and residents have submitted correspondence in opposition to this club operating as an adult entertainment establishment (see attached).

DIR 2012 2957

Since October 24, 1977, 19312 Vanowen Street, has been approved for Conditional Use, where the sale of alcoholic beverages for consumption on the premises are allowed (Case No. Z.A.I. 77-099B (Interpretation of Conditional Use Status)).

Los Angeles Municipal Code section 12.24F provides in relevant part: "F. Existing Uses. Any lot or portion thereof being lawfully used for any of the purposes enumerated in this section at the time the property is first classified in a zone wherein such use is not permitted by right or at the time the use is prohibited by reason of an amendment to this article changing the permitted uses within the zone, shall be deemed to be approved site for such conditional use which may be continued thereon. Further, the conditions included in any special district ordinance, exception or variance which authorized such use shall also continue in effect."

On July 26, 2012, Los Angeles Police Department, West Valley Area Vice officers were notified of the applicants specific request for a Café Entertainment/Show police permit and a Dance Hall police permit. Based on the above referenced matter, officers of the Los Angeles Police Department, West Valley Area Vice and Detective Support and Vice Division unequivocally oppose to the renewal of a Café Entertainment/Show police permit and a Dance Hall police permit to the existing applicants establishment. This opposition is based on the reported crimes and calls for police service that have occurred at the location during this relatively brief period. The ongoing generation of police reports, arrests, and police calls for service are a drain of department resources. A renewal of the above permits would further more exhaust the Los Angeles Police Department's West Valley Area's resources.

A responsible operator would recognize the importance of complying with conditions, and not seek to discard those they find inconvenient.

Should the Board choose to grant this permit over our objections, we would ask that the following conditions be imposed;

1. Age verification devices shall be used for all patrons.
2. No patron shall be allowed to enter without valid identification.
3. No patron shall be allowed to enter under the age of twenty one.
4. The establishment is to operate strictly as a restaurant and not as a nightclub.
5. Security guards ensure that no persons publicly drink alcohol near the exterior of the event.
6. No intoxicated persons or persons observed publicly drinking shall be admitted to the location.
7. The establishment fully cooperates with police investigations where their establishment is involved.
8. The establishment maintains that all video surveillance equipment onsite are in good working order and provided to investigating officers when the establishment is involved.

9. Within one year of the effective date of this determination, all personnel acting in the capacity of a manager of the premise shall attend Standardized Training for Alcohol Retailers (STAR) session sponsored by the Los Angeles Police Department.
10. The City may grant a conditional use for a defined period of time, e.g., 3 years, 5 years, after which time the approval is null and void, and the applicant would have to file a new application in order to keep selling alcoholic beverages.
11. The property owner shall keep the property, including the sidewalk adjacent thereto, free of debris and litter.
12. That "No Loitering" and No Public Drinking of Alcoholic Beverages" signs shall be posted at the front and rear of the establishment.
13. The exterior windows of the establishment shall be maintained substantially free of signs and other material so as to permit surveillance into the establishment by police and private security.
14. The establishment maintains and archives any recorded material from its video surveillance equipment for at least a sixty day period.
15. The establishment maintains a uniform security guard, positioned at the front and rear doors during evening hours, including the hours of operation on Fridays and Saturdays.
16. The establishment maintain a roving uniform security guard in the rear parking lot and monitor any excessive noise generated from the establishment's patrons, i.e., car stereos, loud groups, during evening hours which may be considered a disturbance to neighboring residence.

It is the opinion of the West Valley Area Vice Unit that the issuance of these permits will lead to further nuisance activity and unnecessarily burden to both the surrounding residents and the Area's police resources. The applicant has demonstrated on multiple occasions they are either unwilling or unable to comply with the applicable laws, codes, and conditions governing the safe and successful operation of a club.

If you have any further questions regarding this matter, please contact Sergeant Jeff Graham Serial No. 27301, Officer in Charge, West Valley Area Vice, at (818) 374-7860.

JOHN EGAN, Captain  
Commanding Officer  
West Valley Area

Attachments

**Los Angeles Police Department  
Crime Analysis Mapping System  
Calls For Service Summary Report**

#	CFS Info	CFS Location Info	Reporting Info	Business Info
	Incident # Date/Time Incident Type # / Code Incident Type Description	RD Address Priority	Last Name, First Name Telephone Comments	Business Name Address
1	2217000111 08/04/2012 00:18 507 / O DIST MINOR OTHER	1021 TAMPA AV&VANOWEN ST 0	ANONYMOUS ANONYMOUS ?	WEBBERS BAR ?
2	2217000153 08/04/2012 00:27 415 / GF DIST GRP FIGHT	1021 VANOWEN ST&AURA AV 2	FEMALE REFUSED ?	WEBBERS BAR ?
3	2218000826 08/05/2012 02:22 415 / F DIST FIGHT	1021 19312 VANOWEN ST 2	ALISON 818 723 8194 ?	WEBBERS PLACE ?
4	2218001214 08/05/2012 04:24 904 / A TRAFFIC AMB E/R	1021 VANOWEN ST&AURA AV 3	MALE 323/893-7561 ?	? ?
5	2219002915 08/06/2012 15:49 484 / SL THEFT SUSP J/L	1021 TAMPA AV&VANOWEN ST 2	JOSE 818 703 3978 ?	MACYS ?
6	2221004492 08/08/2012 19:48 620 / D DISPUTE DOM VIOL	1021 TAMPA AV&VANOWEN ST 2	JUAN 818-609-8029 ?	? ?
7	2221005040 08/08/2012 21:21 415 / M DIST M	1021 TAMPA AV&VANOWEN ST 0	JONDA CAMPBELL 818 881 6929 ?	7-11 ?
8	2222001547 08/09/2012 10:25 620 / D DISPUTE DOM VIOL	1021 19309 VANOWEN ST 2	ASHELEY/DAUGHTER 818 439 2297 ?	? ?
9	2223004244 08/10/2012 19:25 594 / S VAND SUSP	1021 TAMPA AV&VANOWEN ST 2	JAZZ 818 705 1266 ?	7-11 ?

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10	2223005875 08/10/2012 2351 242 / S BATTERY SUSP	1021 TAMPA AV&VANOWEN ST 0	ANGIE 818 789 7607 ?	THE CANBY ?
11	2224000908 08/11/2012 0303 415 / G DIST GRP	1021 19312 VANOWEN ST 2	MALE 323/855-0708 ?	? ? ?
12	2225002700 08/12/2012 1433 100 / ? OTHER-SEE CMTS	1021 VANOWEN ST&TAMPA AV 0	? ? ?	? ? ?
13	2226000764 08/13/2012 0630 906 / B1 ALARM BURG RINGER	1021 19329 VANOWEN ST 3	709,USA ALARMS 800 339 9775 ?	BUSN TURNER'S OUTDOORSMAN ?
14	2226002910 08/13/2012 1601 904 / 1 TRAFFIC T/C	1021 VANOWEN ST&TAMPA AV 0	LARRY NELSON 845/399-5513 ?	? ? ?
15	2228002723 08/15/2012 1356 904 / 5 TRAFFIC H & R M/SD	1021 TAMPA AV&VANOWEN ST 0	? ? ?	? ? ?
16	2228004040 08/15/2012 1736 510 / 1 RACING CAR	1021 TAMPA AV&VANOWEN ST 0	TED 818 512-5077 ?	? ? ?
17	2228005841 08/15/2012 2215 906 / B1 ALARM BURG RINGER	1021 19329 VANOWEN ST 2	USA ALARM MELISSA 800 339-9775 ?	BUSN/TURNERS OUTDOORSMAN #2 ?
18	2229000450 08/16/2012 0208 415 / F DIST FIGHT	1021 TAMPA AV&VANOWEN ST 2	MALE N/C/B ?	CANBY BAR ?

Report/Will Evaluation. Call 214.513.1636 for license

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#	CFS Info	CFS Location Info	Reporting Info	Business Info
	Incident # Date/Time Incident Type # / Code Incident Type Description	RD Address Priority	Last Name, First Name Telephone Comments	Business Name Address
19	2230001953 08/17/2012 1144 100 / ? OTHER-SEE CMTS	1021 VANOWEN ST&TAMPA AV 0	? ? ?	? ?
20	2232000972 08/19/2012 0239 507 / R DIST. MINOR RADIO	1021 TAMPA AV&VANOWEN ST 0	WILLIE REFUSED ?	CANBY BAR ?
21	2236000848 08/23/2012 0623 100 / ? OTHER-SEE CMTS	1021 19329 VANOWEN ST 0	? ? ?	? ?
22	2237003102 08/24/2012 1536 100 / ? OTHER-SEE CMTS	1021 TAMPA AV&VANOWEN ST 0	FEMALE 818 233-4088 ?	? ?
23	2243001804 08/30/2012 1133 904 / A TRAFFIC AMB E/R	1021 TAMPA AV&VANOWEN ST 3	AMANDA 818 625 3656 ?	? ?
24	2244003589 08/31/2012 1723 904 / A TRAFFIC AMB E/R	1021 TAMPA AV&VANOWEN ST 3	FEMALE 818 883 1576 ?	? ?
25	2245000288 09/01/2012 0047 620 / B DISPUTE BUSINESS	1021 TAMPA AV&VANOWEN ST 0	DANIEL CP 818-714-9 ?	WEBBERS BAR ?
26	2245003254 09/01/2012 1542 904 / 6 TRAFFIC DUI INVOLVED	1021 VANOWEN ST&TAMPA AV 2	VONNIE - INV'D 818 618 5484 ?	7-11 PARKING LOT ?
27	2246002756 09/02/2012 1343 906 / R ALARM ROBBERY	1021 19329 VANOWEN ST 3	USA #672 800 228 0580 ?	TURNEERS OUTDOORSMAN ?

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28	2247000579 09/03/2012 0210 415 / G DIST GRP	1021 VANOWEN ST&TAMPA AV 0	FAUSTO 818 388-3850 ?	WEBERS CLUB ?
29	2249001010 09/05/2012 0804 905 / 3 ANIMAL VICIOUS	1021 VANOWEN ST&TAMPA AV 2	MANDY CHURCH 818-300-4617 ?	? ?
30	2251002382 09/07/2012 1340 906 / R ALARM ROBBERY	1021 19329 VANOWEN ST 3	USA ALARM 734 800-339-9775 ?	TURNER OUTDOORSMAN #2 ?
31	2254001249 09/10/2012 0911 904 / A TRAFFIC AMB E/R	1021 VANOWEN ST&TAMPA AV 3	FD 90 INC 403 ? ?	? ?
32	2254001288 09/10/2012 0921 904 / A TRAFFIC AMB E/R	1021 TAMPA AV&VANOWEN ST 3	LASD / 39 ? ?	? ?
33	2254001814 09/10/2012 1139 415 / M DIST M	1021 VANOWEN ST&TAMPA AV 3	TAYLOR 818 825 3582 ?	? ?
34	2256003201 09/12/2012 1535 904 / 9 TRAFFIC REFUSING TO ID	1021 VANOWEN ST&TAMPA AV 0	FEMALE 818 429 1320 ?	? ?
35	2259000215 09/15/2012 0037 415 / F DIST FIGHT	1021 VANOWEN ST&TAMPA AV 2	UNK FEMALE 818-792-7087 ?	WEBERS BAR ?
36	2260000923 09/16/2012 0227 242 / PS BATTERY POSS SUSP	1021 VANOWEN ST&TAMPA AV 2	HENRY GOMEZ 818-708-0267 ?	7-ELEVEN ?

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37	2260004460 09/16/2012 2022 904 / 6 TRAFFIC DUI INVOLVED	1021 TAMPA AV&VANOWEN ST 2	LAUREN 626 241 6507 ?	7-11 ?
38	2266003728 09/22/2012 1830 510 / 1 RACING CAR	1021 VANOWEN ST&TAMPA AV 0	MALE 818 402 3863 ?	? ?
39	2266004761 09/22/2012 2127 904 / A4 TRAFFIC AMB E/R H & R FEL	1021 TAMPA AV&VANOWEN ST 3	MALE S/S 818-486-9639 ?	? ?
40	2270004657 09/26/2012 2139 594 / S VAND SUSP	1021 VANOWEN ST&TAMPA AV 2	ROSEMARY 818/736-2397 ?	CANBY BAR ?
41	2271002955 09/27/2012 1512 100 / ? OTHER-SEE CMTS	1021 19329 VANOWEN ST 0	ROSS/MARCO UNIT 213-486-5360 ?	? ?
42	2272002483 09/28/2012 1427 415 / M DIST M	1021 TAMPA AV&VANOWEN ST 0	JAZZ/STAFF 818-705-1266 ?	BUSN: 7-11 ?
43	2274003492 09/30/2012 1624 905 / C ?	1021 VANOWEN ST&TAMPA AV 2	FEMALE 310 270-5003 ?	WEBBER'S BAR PKG LOT ?
44	2278005135 10/04/2012 2204 110 / 1 NARCO ACTIVITY	1021 AURA AV&VANOWEN ST 0	MALE REFUSED ?	? ?
45	2280002678 10/06/2012 1442 390 / MV INTOX M IN VEH	1021 VANOWEN ST&TAMPA AV 0	BRANDON 818 996-5852 ?	? ?

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	Incident # Date/Time Incident Type # / Code Incident Type Description	RD Address Priority	Last Name, First Name Telephone Comments	Business Name Address
46	2280002862 10/06/2012 1532 100 / ? OTHER-SEE CMTS	1021 19312 VANOWEN ST 0	? ? ?	? ? ?
47	2282002473 10/08/2012 1444 904 / A TRAFFIC AMB E/R	1021 VANOWEN ST&TAMPA AV 3	FEMALE 818-217-9566 ?	? ? ?
48	2283004245 10/09/2012 1931 242 / J BATTERY J/O	1021 VANOWEN ST&TAMPA AV 2	SAMUEL 323 535 0696 ?	SEES CANDY PKG LOT ?
49	2284003259 10/10/2012 1523 100 / ? OTHER-SEE CMTS	1021 VANOWEN ST&TAMPA AV 0	? ? ?	? ? ?
50	2284006007 10/10/2012 2320 415 / G DIST GRP	1021 VANOWEN ST&TAMPA AV 2	MALE 818-480-1842 ?	? ? ?
51	2285004793 10/11/2012 2016 906 / B1 ALARM BURG RINGER	1021 19311 VANOWEN ST 0	OP 10/POST ALARM 800 654 7678 ?	BUSN ATHENS ENTERPRISES ?
52	2286002694 10/12/2012 1245 510 / 1 RACING CAR	1021 TAMPA AV&VANOWEN ST 0	LEE WISER 818 450 6211 ?	? ? ?
53	2290000912 10/16/2012 0754 100 / ? OTHER-SEE CMTS	1021 19329 VANOWEN ST 0	GANG/NARCO ORELLANES ? ? ?	? ? ?
54	2292001397 10/18/2012 0929 100 / ? OTHER-SEE CMTS	1021 19329 VANOWEN ST 0	? ? ? ?	? ? ? ?

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55	2292002787 10/18/2012 1420 100 / ? OTHER-SEE CMTS	1021 19329 VANOWEN ST 0	? ? ?	? ?
56	2295001936 10/21/2012 0927 906 / B1 ALARM BURGL RINGER	1021 19321 VANOWEN ST 0	EDNA / ADT 877 285 7397 ?	BUSN / BUILD MY ENGLISH ?
57	2296003193 10/22/2012 1647 415 / W DIST W	1021 TAMPA AV&VANOWEN ST 0	TABATHA 602 435 1240 ?	TATTOO SHOP ?
58	2300000456 10/26/2012 0211 211 / PX ROBBERY POSS I/P	1021 TAMPA AV&VANOWEN ST 3	FEMALE 818 451 6868 ?	7 ELEVEN ?
59	2311001585 11/06/2012 1020 242 / J BATTERY J/O	1021 VANOWEN ST&TAMPA AV 2	OSCAR 310-923-3239 ?	? ?
60	2312000630 11/07/2012 0513 242 / S BATTERY SUSP	1021 VANOWEN ST&TAMPA AV 2	JEREMY SMITH/SEC GRD 213/268-6566 ?	KENT PLASMA ?
61	2312004232 11/07/2012 1817 415 / W DIST W	1021 TAMPA AV&VANOWEN ST 0	MALE-ANNONYMOUS 213 359 7027 ?	PLASMA CENTER ?
62	2313003196 11/08/2012 1549 904 / A TRAFFIC AMB E/R	1021 19325 VANOWEN ST 3	TRACY HAYNES 818-518-3146 ?	? ?
63	2314003449 11/09/2012 1623 415 / M DIST M	1021 TAMPA AV&VANOWEN ST 0	MICHELLE 707 567 5248 ?	? ?

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	Incident # Date/Time Incident Type # / Code Incident Type Description	RD Address Priority	Last Name, First Name Telephone Comments	Business Name Address
64	2317003441 11/12/2012 1729 904 / 5 TRAFFIC H & R MISD	1021 19329 VANOWEN ST 0	ADAM 760-688-6631 ?	? ?
65	2321002136 11/16/2012 1235 904 / 3 TRAFFIC CPI	1021 VANOWEN ST&TAMPA AV 2	ANONYMOUS MALE REFUSED ?	? ?
66	2322001216 11/17/2012 0746 900 / ? UNKNOWN TROUBLE	1021 19329 VANOWEN ST 3	TURNER'S OUTDOORSMAN 818-996-8356 ?	TURNER'S OUTDOORSMAN ?
67	2323002111 11/18/2012 1231 904 / 2 TRAFFIC COMP OF INJ	1021 TAMPA AV&VANOWEN ST 0	ROGER THOMAS 253-376-3735 ?	? ?
68	2327003558 11/22/2012 2229 510 / 1 RACING CAR	1021 TAMPA AV&VANOWEN ST 0	FEMALE 818 398 3578 ?	? ?
69	2327003594 11/22/2012 2236 390 / MV INTOX M IN VEH	1021 VANOWEN ST&TAMPA AV 0	MALE 818 770 9396 ?	? ?
70	2331005185 11/26/2012 2326 415 / M DIST M	1021 VANOWEN ST&TAMPA AV 0	MALE/REFUSED 818 770 9396 ?	? ?
71	2335000288 11/30/2012 0146 507 / R DIST, MINOR RADIO	1021 TAMPA AV&VANOWEN ST 0	WAYNE 213/280-4634 ?	? ?
72	2337003695 12/02/2012 1918 459 / P/S BURG POSS B/FV SUSP	1021 19301 VANOWEN ST 2	MS. HAYES 310-848-7502 ?	? ?

CCAD: TOTAL OF 11 HITS, 11 DISPLAYED.

DR/BKG NBR	RD	ST NBR	DIR	STREET NAME	TYP	AICC	DATE OF OCCURENCE
121012746	1023			VANOWEN		1400	07/05/2012 07/05/2012
				TAMPA			
121013225	1023			VANOWEN		0500	07/16/2012 07/16/2012
				TAMPA			
121014705	1021			VANOWEN		4400	08/16/2012 08/16/2012
				TAMPA			
121015320	1023			VANOWEN		3200	08/30/2012 08/30/2012
				TAMPA			
121016562	1021			VANOWEN	ST	5050	09/22/2012 09/22/2012
				TAMPA	ST		
121016736	1023			VANOWEN		6019	09/25/2012 09/25/2012
				TAMPA			
121017325	1023			VANOWEN	ST	4400	10/03/2012 10/03/2012
				TAMPA	AV		
121018168	1021			VANOWEN	ST	4218	10/28/2012 10/28/2012
				TAMPA	AV		
121019363	1028			VANOWEN	ST	6000	11/27/2012 11/27/2012
				TAMPA	AV		
3266136	1037			VANOWEN			08/15/2012 08/15/2012
				TAMPA			
3323924	1023			VANOWEN			10/05/2012 10/05/2012
				TAMPA			

\*\*\*\*\* END OF REPORT \*\*\*\*\*

OUTPUT MSG 014, FROM INQ# VW78YYYY12/05/2012 12:40

CCAD: TOTAL OF 2 HITS, 2 DISPLAYED.

DR/BKG NBR	RD	ST NBR	DIR	STREET NAME	TYP	AICC	DATE OF OCCURENCE
121015621	1021	19312	-	VANOWEN	ST	6019	09/01/2012 09/01/2012
121017639	1021	19312	-	VANOWEN	ST	6019	10/13/2012 10/13/2012

\*\*\*\*\* END OF REPORT \*\*\*\*\*

OUTPUT MSG 011, FROM INQ# VW78YYYY12/05/2012 12:38

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RFL*

*SREP #9*

*OET*

*#15*

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
VAN NUYS DISTRICT OFFICE  
6150 VAN NUYS BLVD, ROOM 220  
VAN NUYS, CA 91401  
(818) 901-5017

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

September 16, 2011

CARIBBEAN ENTERTAINMENT LLC  
19312 VANOWEN ST  
RESEDA, CA 91335-5022

WEBERS PLACE  
19312 VANOWEN ST, RESEDA,  
CA 91335-5022  
File: 47-464793

Dear Licensee(s):

Within the past six months officers from the Los Angeles Police Department (West Valley Station) have responded to calls for service as a result of fights, disturbance of the peace and in one case a shooting.

You are formally advised that the above activity constitutes a nuisance and a drain on law enforcement resources. As a licensee, you are charged with the responsibility of taking reasonable steps to correct these objectionable conditions or face disciplinary action against your alcoholic beverage license for violation of Section 24200(e) of the Business and Professions Code.

I would like you to respond in writing within thirty (30) days of the date of this letter to inform us of the steps you have taken to eliminate the current nuisance situation and prevent similar problems in the future.

If you have any questions or wish to discuss the matter, please feel free to contact me at (818) 901-5007. In the meantime, our agency, the local policing agency and nearby residents will continue to monitor the activities about your premises.

Sincerely,



ARMANDO GONZALEZ  
District Administrator

AG:jp

DIR 2012 2957



November 1, 2011

Department of Alcohol Beverage Control  
Van Nuys District Office  
6150 Van Nuys Blvd., Room 220  
Van Nuys, CA 91401

Re: Weber's Place  
19312 Vanowen Street  
Reseda, CA 91335  
File: 47-464793

**RECEIVED**

NOV 02 2011

Dept. of Alcoholic Beverage Control  
Van Nuys

This letter is in response to the attached letter dated 9/16/11. We regret the tardiness of the response we have been waiting to obtain LAPD police reports so that we can respond with a well formulated action plan.

As of this writing we have not received these reports and find necessary to move forward with an action plan.

We did contact the LAPD detectives assigned to the following reports:

3/8/11 - No Report Found For Our Address, 4/8/11 - DR # 111008750 - Spousal Abuse (Det. Kempner)  
4/8/11 - DR#111009136 - Attmp. Homicide (Det. Hancock), 4/15/11- DR# 111009010 - Misd. Battery (Det. Le Duff), 6/28/11 - DR# 111000842 - Misd. Battery (Det. Thornton), 8/29/11 - No Report Found For Our Address

What we learned was that these events took place outside of our facility and immediate area by people who weren't our customers and we could have done little directly to prevent these events from happening. However, we understand we are responsible for the surrounding area and are following the advice of the detectives who suggested we partner with the Sr. Lead Officer in the community relations department.

Therefore, our action plan is as follows:

1. Partner with Community Relations Sr. Lead Officer Parra (818) 374-7631 on best practices to keep our customers and employees safe.
2. Partner with the other businesses (Liquor Store and Restaurants) in the shared area to network best practices and share information.
3. Annual STAR Training for employees to ensure we don't over service customers.
4. Require new employees to attend STAR Training within 90 days of employment to ensure we don't over service customers (we will send them to a LAPD class if available, if a class is not available we will conduct in house training and then send them to formal training once it is available).
5. Maintain ample lighting on the parking lot.
6. Assign staff to walk the perimeters to establish a watch system.
7. Continue to have managers canvas the floor during events to address situations before they become issues.
8. At minimum quarterly staff meetings and training to update staff on best practice processes.

It is our sincere desire to comply with all ABC rules and regulations and reduce the negative impact irresponsible alcoholic beverage service has on our communities.

Thank you for the opportunity to respond. My contact numbers is 818-606-7076 or email me at Kervin @weberslive.com.

Sincerely,  
  
Kervin Linton

LINN K. WYATT  
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING  
ADMINISTRATORS  
R. NICOLAS BROWN  
SUE CHANG  
LOURDES GREEN  
CHARLES J. RAUSCH, JR.  
FERNANDO TOVAR  
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

DEPARTMENT OF  
CITY PLANNING  
MICHAEL J. LOGRANDE  
DIRECTOR

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

February 27, 2013

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

Marciano Sanchez (Op)  
Dora's Place  
8220 Sunland Boulevard  
Sunland, CA 91352

Marciano & Ana Sanchez (O)  
7455 Tujunga Avenue  
North Hollywood, CA 91605

CASE NO. DIR 2012-1384(RV)  
IMPOSITION OF CONDITIONS  
8220-8222 Sunland Boulevard  
Sun Valley-La Tuna Canyon  
Planning Area

Zone : [Q]C2-1VL-CDO  
D. M. : 192B173  
C. D. : 6  
CEQA : ENV-2012-1385-CE  
Legal Description: Fr. Lots 7 and 8,  
Block 4, Tract 6929

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

modification of the operation of Dora's Night Club (also known as Dora's Place and Dora's Bar) located at 8220-8222 North Sunland Boulevard by imposing conditions in order to mitigate adverse impacts caused by a public nuisance,

as follows:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. Within 45 days of the effective date of this action or mutually agreed upon date, a plot and floor plan shall be submitted showing the use and any development of the property 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. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. Within 45 days of the effective date of this action or mutually agreed upon time, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. 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.
7. Pursuant to Los Angeles Municipal Code Section 12.27.1-C,2, the Director of Planning has imposed a condition directing the payment of a fee set forth in Section 19.01-P of the Los Angeles Municipal Code to cover the City's costs in processing this matter. If the decision is not appealed, then the amount shall be paid in full to the City of Los Angeles with confirmation of the payment being provided to the Director of within 45 days of the decision date. If an appeal is filed and the decision of the Director is upheld on appeal, then the fee shall be paid in full with confirmation made to the Director within 45 days of the effective date of the decision. If the Council reverses in total the decision of the Director, then no payment of fees other than the appeal fee specified in 19.01-P shall be required. (*Standard Condition*)
8. Compliance Review. The property owner and/or the business owner/operator shall file a Plan Approval application within six (6) months from the effective date of this action to allow for a review of the effectiveness in implementing the Conditions established herein and to determine whether the public nuisance problems identified in the Findings' section of this determination have been eliminated. A public hearing shall be conducted. A notice of the public hearing shall be mailed to all property owners and occupants located within 500 feet of the property. The owner shall submit evidence of compliance of each condition with the Plan Approval application. The Zoning Administrator conducting the hearing may add, modify or delete Conditions as determined to be appropriate. The Zoning Administrator may also require the discontinuance of the uses or any portion of the property or individual lease space if the applicable findings can be made.

If the subject premise has been vacated and is not occupied by a tenant when the Plan Approval application is required, the following shall be required:

- a. Within six (6) months from the effective date of this determination, the property owner shall submit evidence to the Zoning Administrator showing that the site is vacant. The evidence shall include information about the duration and time period of such vacancy, the status of any lease agreement with a prospective tenant, if any, and the type of a business proposed on the subject premise.

- b. The required Plan Approval application shall be filed within 18 months from the effective date of this determination or within six (6) months after the subject premise is occupied by a tenant, whichever comes first.

If the subject premise has been vacated and is occupied by a new tenant, the Plan Approval application shall include a copy of a Certificate of Occupancy issued on the property showing the legal use of the subject premise.

9. Authorization

- a. The hours of operation shall be limited to 10 a.m. to 12 midnight Sunday-Thursday and 10 a.m. - 2 a.m., Friday and Saturday.
- b. There should only be one "public" entrance to the location. Other doors should be designated as "employee only" entrances and used by bar patrons only to evacuate the building in case of emergency.

10. Complaint Response/Community Relations. The property owner/operator shall implement the following:

- a. Monitoring of complaints. The property owner/operator shall coordinate with the local division of the Los Angeles Police Department regarding appropriate monitoring of community complaints concerning activities associated with the subject facility.
- b. Compliant monitoring. A 24-hour "hot line" phone number shall be provided for the receipt of complaints from the community regarding the subject facility and shall be:
  - 1) Posted at the entry.
  - 2) Posted at the Customer Service desk, if one exists.
  - 3) Provided to the immediate neighbors, schools, and local neighborhood association, if any.
- c. Log. The property owner/operator shall keep a log of complaints received, the date and time received and the disposition of the response. The log shall be retained for consideration by the Zoning Administrator.

11. Cooperation

- a. Inform the Los Angeles Police Department ("LAPD") Foothill Division immediately if any person, including any known gang member, is observed trespassing, loitering, engaging in narcotics activity, including possession, use or sale of narcotics, if any narcotics are recovered on the property or if any person is observed with a firearm.

- b. Cooperate with all law enforcement agencies, including, but not limited to, LAPD and the State Department of Alcohol Beverage Control ("ABC"). Under Business and Professions Code Section 25755, Penal Code Section 830.1, "peace officers may, in enforcing the provisions of this division, visit and inspect the premises of any licensee at any time during which the licensee is exercising the privileges authorized by his or her license on the premises."
      - c. Do not take any action which would impede, interfere, hinder, or otherwise obstruct any investigation undertaken by any law enforcement agency which relates to the property. The Property Owners and Business Owners should provide law enforcement personnel access into the property at all times.
      - d. Meet with the LAPD on a quarterly basis to discuss any issues.
12. Compliance with Laws and Regulations. Comply with all orders and regulations of the Los Angeles Department of Building and Safety, Los Angeles County Health Services Department, Los Angeles City Clerk's Office, Los Angeles City Fire Department, and any other regulatory agency, including State licensing agencies. Require tenants to allow access to personnel from law enforcement or regulatory agencies carrying out official duties into the property at all times including:
  - a. Do not permit or allow narcotics, vice or alcohol related criminal activity to occur at the Bar.
  - b. Comply with all applicable smoking laws, e.g., Los Angeles Municipal Code section 41.50.
  - c. Comply with all building occupancy laws. Do not allow the number of bar patrons to exceed the designated occupancy limit.
13. Employees
  - a. Bar Employees. Require all bar employees to have valid government-issued identification with them, while working at the property. Require all employees working in the capacity of a waitress or bartender to wear a uniform and a name tag. The business owner/operator should provide uniforms and name tags for all bar employees. The business owners/operators should maintain an accurate and up to date list of employees working at the property. The list should be updated each week. The list should include the name of each employee and a copy of a valid government issued identification card for each employee. A thorough background/criminal check shall be conducted on all personnel employed at the location including current personnel. Proof of background check was performed and maintained by the applicant. Bar service shall only be provided by the applicant's employees. The business operator shall not permit any employee to solicit in or upon the licensed premises, the purchase or sale of any beverage, any part of which is for or intended for the consumption or use of such employee or to permit any employee of such permit to accept in or upon the premises any beverage which has been purchased or sold there in any part of which beverage is for

or intended for the consumption or use of any employee. Additionally, any person(s) employed by the applicant as a waitress shall not be allowed to sit with the patrons while in the establishment.

- b. STAR Training. Property owners, business owners/operators, and bar employees will attend Standardized Training for Alcohol Retailers (STAR) session sponsored by the Los Angeles Police Department within 90 days of the date of this case conference. The property owners and business owners/operators should maintain proof of each employee's attendance and have it available on the premise for inspection by LAPD or Alcohol Beverage Control. Require subsequent hires to attend the STAR training program within 90 days of their date of hire. Employees should get refresher STAR training on a yearly basis. Employees who do not speak English fluently must attend a Spanish presentation. The business in conformance with the applicable laws and/or building code. The lighting shall be such that it renders all objects and persons clearly visible.
- b. Light fixtures shall be secure so that unauthorized individuals cannot remove or break light bulbs. Replace any damaged or broken lights immediately.
- c. The lights should remain on during business hours. The lights should not be directed at the residential neighborhood.

#### 14. Loitering and Trespass

- a. Loitering is strictly prohibited on or around the premises or the area under the control of the Business Owner/Operator. Do not permit any person, including bar occupants, to loiter in the areas adjacent to the bar. Loitering includes, but is not limited to, the following actions: lingering idly on the Property; remaining on the Property for illegal purposes, and not being able to provide a satisfactory explanation for one's behavior or presence. Ask bar patrons to leave the area after the Bar is closed. Ask individuals loitering on the sidewalk direct.
- b. Post and maintain the following signs at each entry point or approach to the Property; the Signs should say: "NO TRESPASSING, NO LOITERING, NO DRUGS, NO DRUG DEALERS, NO PROSTITUTION, NO WEAPONS, NO DRINKING OF ALCOHOLIC BEVERAGES. 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 and be written in English and Spanish.
- c. Do not allow anyone to trespass on the Property. Post and maintain signs at each entry point or approach to the Property warning against trespassing. The signage shall have lettering of at least two inches in height and be written in English and Spanish.

- d. Provide a completed and signed "Trespass Arrest Authorization" form authorizing LAPD to arrest individuals unlawfully loitering on the Property, pursuant to LAMC. 41.24.)
15. Maintenance. Ensure proper maintenance of interior and exterior of the Bar. Including, but not limited to, the prompt removal of graffiti. Remove any graffiti from the premises within 24 hours. Keep premises clean and free from trash or debris. The Property shall be maintained clean and free of litter / trash within 45 minutes after the business closes.)
  16. Noise. Keep the noise level from the bar at the appropriate levels so as not to impinge on the residential neighborhood by compliance with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,571, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
  17. Security
    - a. Video Cameras. Maintain video surveillance cameras on the property that have the ability to monitor the front entrance to the bar, the sidewalk near the bar, the parking area, and the entire interior general public areas the bar. Post the property with signs indicating use of a surveillance system. Review the video surveillance on a daily basis and immediately provide LAPD with copies of video surveillance that depict criminal activity at the property.
    - b. Security Guards
      - 1) Hire a minimum of two State licensed, bonded and uniformed professional security guards to be present at the property starting at 8 p.m., daily. The security guards should not be employees of the property owner of the bar or involved with the daily business operation of the bar. All security guards working at the bar should comply with the requirements of California and Business 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 should have radio communication with each other.
      - 2) Provide adequate supervision of all security guards working at the bar to ensure that none of them is involved, directly or indirectly, in any illegal activities at, or directly related to, the property. The security guards working at the bar should be given adequate training and clear instructions to enforce applicable conditions and uphold the law.
      - 3) One security guard should be present at the entrance to the bar to maintain a count of the number of patrons entering and leaving the

bar, e.g., use a clicker to count patrons. The security guard stationed the door shall use an electronic age verification/identification device to check the identification of patrons.

The other security guard shall be roving between the interior and exterior of the bar. During the exterior patrol, the security guard will monitor the exterior of the bar and parking lot to ensure no loitering, alcohol consumption, public urination or any other criminal activity related to the bar.

- 4) Maintain control of the bar and patrons. Security guards should be trained to enable them to defuse potential violent incidents before they arise.
  - 5) All security guards working at the bar should not follow, impede, obstruct or delay any law enforcement personnel conducting inspections or official business at the location.
  - 6) Require the security guards to keep a daily log of incidents that occur at the property. These logs shall be kept for at least six months and available to Los Angeles Police Department for inspection upon request.
  - 7) Security shall remain at the location until 30 minutes after closing.
  - 8) Security guards shall screen all patrons entering the bar with handheld metal detector wands during operating hours. Also the security guards shall search all bags, backpacks and purses.
18. A copy of these conditions shall be retained on the premises at all times and be immediately produced upon request by any law enforcement official. All employees shall be made familiar with the aforementioned conditions and implement them as necessary.

### **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 \$2,500 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 14, 2013, 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 <http://planning.lacity.org>**. 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 July 6, 2012, all of which are by reference made a part hereof, as well as knowledge of the property and the surrounding district, I find that there is cause for imposition of corrective Conditions based upon the provisions of Section 12.27.1 of the Municipal Code which has been established by the following facts:

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

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

On October 27, 1997, Ordinance No. 171,740 became effective, amending the language in the earlier ordinance.

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

### **Background**

The parcel is a level, 4,500 square-foot, rectangular-shaped, interior parcel of land comprised of two record lots and developed with a one-story commercial building occupied by the subject bar. The property has about 50 feet of frontage along the southerly side of Sunland Avenue and 50 feet along the abutting alley. There are five off-street parking spaces at the rear off the alley. It appears most patrons use street parking.

The Sun Valley-La Tuna Canyon District Plan Map designates the property for Neighborhood, Office, Commercial land uses with corresponding zones of C1, C1.5, C2, C4, RAS3, and RAS4 and Height District No. 1VL. The property is not currently within the area of any specific plans or interim control ordinances. The property is zoned [Q]C2-1VL-CDO. The [Q] condition is for the establishment of a "Community Development Overlay Zone" and the [Q] symbol is a designation for certain design criteria. The project is not affected.

Properties to the north are classified in the [Q]C2-1VL-CDO Zone and developed mainly with one- and two-story commercial buildings occupied by various retail uses. Properties to the east, across the abutting alley, are classified in the R1-1 Zone and developed with one-story residential buildings. Properties to the south, are classified in the [Q]C2-1VL-CDO and R1-1 Zones and developed mainly with one-story commercial buildings occupied by various retail uses and one-story residential buildings. Properties to the west, of Sunland Boulevard, are classified are classified in the [Q]C2-1VL-CDO Zone and are developed mainly with one-story commercial buildings occupied by various retail uses.

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

Subject property:

California Department of Alcoholic Beverage – ABC License No. 434773, Type 40 – On- Sale – Beer. Expiration Date June 30, 2012.

Certificate of Occupancy – Issued on December 12, 1969, for a one-story, Type V 15- by 17-foot dance area addition within a 30- by 60-foot tavern: Maximum occupancy 100. Corresponding Permit No. 1969VN50848.

Certificate of Occupancy – Issued on February 7, 1969, for a one-story, Type V 15- by 65-foot store converted to tavern making a 30- by 65-foot tavern. Maximum occupancy 80. Corresponding Permit No. 1968VN37710.

Certificate of Occupancy – Issued on December 3, 1956, for a one-story, Type V 17- by 65-foot beer tavern converted from portion of existing 50- by 65-foot store building. No parking indicated on C/O. Corresponding Permit No. 1956VN35604

Certificate of Occupancy – Issued on July 14, 1950, for a one-story, Type V 50- by 60-foot, store (three stores, 17- by 65-foot each). Corresponding Permit No. 1950LA0023.

#### Surrounding Properties:

Case No. ZA 2001-2962(CUB) – On October 15, 2001, the Zoning Administrator denied the sale of beer and wine for on-site consumption, located at 8202 San Fernando Boulevard.

Case No. ZA 89-1354(CUZ) – On March 27, 1992, the Zoning Administrator approved, a public parking lot in the R-Zone to provide non-required additional parking abutting an existing restaurant, located at 10842 Roscoe Boulevard.

Case No. ZA 87-0018(CUB) – On May 12, 1987, the Zoning Administrator approved a Conditional Use, at 8274 Sunland Boulevard, to permit the sale of alcoholic beverages (full-line) for consumption on-site, in conjunction with a proposed 194 seat restaurant and bar (cocktail lounge).

Case No. 85-1067(PAD) – On January 8, 1986, the Zoning Administrator approved a nine-game pool tables and five game machines, located at 8274 Sunland Boulevard.

### **PUBLIC HEARING**

On June 4, 2012, notices of the public hearing were mailed out by the Office of Zoning Administration. No correspondence was received from the general public prior to the public hearing.

Prior to the public hearing, a Project Planner, staff of the Office of Zoning Administration, visited the subject site and observed the surrounding area. The following information was obtained from information submitted to the administrative record and research of the Project Planner:

The Project Planner conducted a field and land use analysis on March 21, 2012, at approximately 10 a.m. Staff conducted a follow-up field inspection on June 21, 2012

at 10:35 a.m. to document any alterations or changes to the site or surrounding properties.

The following information was submitted to the administrative record by Los Angeles Police Department and summarized below:

02/27/09 – Los Angeles Police Department Employees Report - LAPD-Officers, assigned to Foothill Area Vice, conducted an ABC investigation at the "Dora's Place", located at 8220 Sunland Blvd. Female employees solicited undercover officers for alcoholic beverages, in violation of 303(a) PC- Solicitation of an Alcoholic Beverage in an ABC Establishment. Enforcement action was not taken at the time of the investigation in order to establish that the solicitation activity was not a series of isolated incidents beyond the control of the bar staff. (10:30 PM)

03/05/09 – Los Angeles Police Department Employees Report – LAPD-Officers, assigned to Foothill Area Vice, conducted an ABC investigation at the "Dora's Place", located at 8220 Sunland Blvd. LAPD personnel observed violations of ABC Rule 143(1)(c) displaying genitals; ABC Rule (2) exposure of buttocks and breast at a distance of less than 6 feet; and ABC Rule 143(3) encouraging patrons to touch and fondle breasts of a person. Due to the on-going investigation, undercover officers did not take enforcement action. (10:30 PM)

03/20/09 – Los Angeles Police Department Employees Report – LAPD-Officers, assigned to Foothill Area Vice, conducted an ABC investigation at the "Dora's Place", located at 8220 Sunland Boulevard. Again, female employees solicited undercover officers for alcoholic beverages, in violation of 303(a) PC- Solicitation of an Alcoholic Beverage in an ABC Establishment. Also, and again due to the on-going investigation, undercover officers did not take enforcement action. (11:00 PM)

07/10/09 – Los Angeles Police Department Investigative Report – Brandishing Weapon. Suspect 1 removed a handgun from his waist band and told victim in Spanish to shut up or he would be killed. Suspect left location and fled N/B on San Fernando Road to unknown location. Follow-up investigation dated 10/26/09. (1:10 am – 2:10 am)

12/16/09 – Los Angeles Police Department Investigative Report – Assault with a Deadly Weapon. Suspect hit victim 1, with plastic mug on left side of her face and hit victim 2 on the back of the head. Suspect fled location in an unknown direction. (1:00 am)

05/24/10 – Los Angeles Police Department Investigative Report – Battery. Suspect 1 and 2 struck victim several times with their hands during and an argument in a nightclub. (12:15 am)

07/29/10 – Arrests for 41.47.2 LAMC. LAPD Officers observed public urination. (9:30 PM)

07/29/10 – Arrest for 52.34 (d)(10 LAMC. Defendant was wearing a security uniform that closely resembles local law enforcement (LAPD Bicycle Uniform), while working in the capacity of a security guard at Dora's Place. (10:15 P.M.)

7/29/10 – Multiple Arrest – Five:

Arrest (two) for 303(A)PC. Soliciting Alcoholic Beverages.

Arrest (one) for 25657 (A) B&P. employing persons to solicit alcoholic beverages inside an on-sale ABC location.

Arrest (two) for 25657 (B) B&P. Allowing the solicitation of Alcoholic Beverages at on-sale ABC location. (All arrests occurred at 10:10 PM)

07/29/10 – Arrest for 42.00(b) LAMC. Illegal vending on a public sidewalk – Selling bacon wrapped chicken on sidewalk in front of Dora's Place Nightclub. (10:30 PM)

03/26/11 – Arrest for 25657 (B) B&P. Allowing the solicitation of Alcoholic Beverages at on-sale ABC location. (12:15 AM)

06/17/11 – Los Angeles Police Department Investigative Report - Assault with a Deadly Weapon. Suspect struck victim with a machete suspect fled location to unknown destination. (2:15 AM)

07/23/11 – Los Angeles Police Department Investigative Report – Investigative. Suspect grabbed victim's purse from a table in a bar and ran out the door, when victim returned home approximately 1 hour later the purse was inside her house, but missing property. (11:00 pm)

08/26/11 – Arrest 303 (a) PC – Soliciting of purchase of alcoholic beverage and Arrest for 25657 (B) B&P - Allowing the solicitation of Alcoholic Beverages at on-sale ABC location. (12:15 AM)

01/20/12 – Los Angeles Police Department Investigative Report – Battery. Suspects (3), approached victim inside nightclub, became involved in an ongoing dispute. Suspects became angry and pushed victim repeatedly. (1:30 AM)

PATROL CALLS FOR SERVICE – Between April 25, 2009 – April 30, 2011, for 8220 Sunland Boulevard, 28 responses are documented.

A public hearing was convened July 6, 2012 and attended by the project proponents, their representative, representative of the City Council District, and representatives of the Los Angeles Police Department. The purpose of the public hearing was to obtain testimony of the property owner and/or business operator, plus affected and/or interested persons regarding the operation of Dora's.

The Zoning Administrator read the public notice into the record and highlighted the purpose of the public hearing. He noted that as of the public hearing, the administrative record was

reviewed by Roberto Ramirez and Tom Rosenthal on June 22, 2012. He noted that submittal of new information at the public hearing may require the "Record be Left Open" to allow "Due Process" so interested parties may review the newly submitted materials and respond.

He noted that after taking written and oral testimony, the Zoning Administrator may require the discontinuance of the use or may impose corrective conditions regarding its use as Dora's Bar in order to mitigate any land use impacts caused by the use. Further, to discontinue a use, it must be found that prior governmental efforts to eliminate the problems associated with the use have failed and the owner or lessee has demonstrated, to the satisfaction of the Zoning Administrator, unwillingness or inability to eliminate the problems associated with the use.

Oral testimony was obtained from the following speakers:

Elida Banda, Dora's Place, Inc. (*Against proposal*)  
Roberto Ramirez, representative for Dora's Place, Inc. (*Against proposal*)  
Jesse Ojeda, representative for Los Angeles Police Department, Foothill Division (*For proposal*)  
Cindy Schreiner, representative Los Angeles Police Department, (*For proposal*)  
Edward Martinez, representative Sixth Council District, (*For proposal*)  
William Larsen, City Attorney's Office, (*General Comments*)

Los Angeles Police Department representatives were the first to testify. They spoke to matters listed on pages 2-5 of the Project Planner's Report stating Los Angeles Police Department police call and arrest report documentation shows repeated incidents of assault with deadly a weapon, theft, and battery. Reported allegations and Police call and arrest reports also include, battery, brandishing a weapon, assault, robbery in connection with illegal solicitation of alcoholic beverages with on-site sales, serving alcoholic beverages to patrons under the influence and selling to minors, urinating in public and illegal vending on sidewalk.

They also stated problems have continued. Officer Odeda noted investigations did not continue after the listings on page five since LAPD was not undercover. However, he continued to see problems such as patrons urinating in public, eggs being thrown at vehicles, vehicles blocking driveways, and bar girls. Officer Schreiner confirmed statements made.

The Council District representative stated he is fully aware of the problems and recommended conditions be imposed. Several of the recommended conditions were to close at 10 p.m., video camera interior and exterior of the bar with the ability of saving one-month of recordings, and a six month compliance review.

Roberto Ramirez, representative for Dora's Place, Inc., stated there is a new owner as of December 2011. As of November 2011, the problems abated and there is no need to impose conditions. He submitted 18 signatures in support stating, "We, the business owners and residents, don't have any complaints against this business since the new management and owners have taken over, in fact it's been 100 percent better." Several business cards were attached to the petition. He also submitted to the administrative

record a Grant Deed recorded December 19, 2011 verifying conveyance of interest in the property from Marciani and Ana Sanchez to Jose Hernandez, proof of hiring security services from June 25, 2012 through July 1, 2012 including Certificate of Liability Insurance, California Department of Alcoholic Beverage Control July 4, 2012 report, Commercial Lease Agreement showing ownership to Jose Hernandez and Tenant as Elida Banda,

An open forum format was used to discuss the recommended conditions. The following comments are noted:

Roberto Ramirez and Zoning Administrator: To close a bar at 10 p.m. is contrary to its intended use. In response the Zoning Administrator said, what may be more reasonable at this time are reduced hours Sunday -Thursday allowing last call on Friday and Saturday as typically done at bar.

LAPD: It is not even clear the new owner has legal possession of the property and; therefore, may not be able to control the premise in the manner needed to eliminate problems. LAPD thought at minimum conditions were required related to licensed security, camera and retention of video for at least 30 days, key employees attire in uniforms allowing for easy identification by investigating officers, discontinue use of bar girls, and no discounting alcoholic beverages.

After hearing oral testimony, the Zoning Administrator was of the opinion that operational conditions should be imposed. However, his inclination was to first see a Settlement Agreement. This would eliminate the need for "Imposition of Conditions to Abate Nuisance". Subsequently, Los Angeles Police Department submitted to the administrative record events that occurred at Dora's Place after the public hearing which constitute violations of the law. (*See below*) Continuation of crime and nuisance activities after the Zoning Administrator communicated his willingness to permit Dora's Place to operate under self-imposed conditions is of considerable concern.

Conditions are imposed in Nuisance Abate cases as protective measures for residents, businesses, and visitors to the area and to clearly define the operation parameters. Limitations include "operational" conditions regulating hours of operation, number of patrons, prohibition on several other uses, providing security measures, proper maintenance, limitation on the noise level, and a complaint response program. These type of conditions are "operational" and will protect the community only if the current or future owner/operator continues to act responsibly to issues that adversely impact the community. Self-policing and enforcement by the property owner and management are important, if the use is to operate without significant adverse impacts to the community.

Subsequent to the public hearing, the following correspondence was submitted:

*In receipt July 11, 2012, residential property owner: Hand written letter from resident of 32 years in opposition to the use listing problems including vehicles blocking his driveway, two men having sex in his driveway, used condoms left on his property, constant fights and people running around, empty bottles of beer left in his front yard.*

July 20, 2012, Roberto Ramirez, representative for Dora's Place, Inc.: "Suggested Conditions" Agreement signed by Detective Booth and what may be the signature of Elida Banda for Dora's Place, Inc., Police Commission Permit (No. 0000247467-0001-2) for a Pool Room granted May 20, 2009, renewed November 26, 2011, and valid through December 31, 2012, Police Commission Permit (No. 0000247467-0001-2) for Café Entertain/Show granted May 20, 2009, renewed November 26, 2011, valid through December 31, 2012, Police Commission Permit (No. 0000247467-0001-2) for Dance Hall, granted May 20, 2009, renewed November 26, 2011, and valid through December 31, 2012, including permits for Fire (i.e., valid through December 31, 2012), Tax Registration for Retail Sales and Music Machines (i.e., Active), invoice for DVR recorder.

September 18, 2012, Los Angeles Police Department submitted a "DUI spread sheet for arrest made out of "Dora's" completed by a traffic officer". Arrest reports were dated March 13, 2012, March 16, 2012, March 24, 2012, June 18, 2012, September 8, 2012, and September 16, 2012. The submittal also included California Secretary of State data, Fictitious Business Records, Misdemeanor citations issued September 4, 2012, and Division of Labor Standards Enforcement citation issued September 15, 2012. (refer to case file for detail)

Considering the events which occurred after the public hearing, the Zoning Administrator is not confident a Settlement Agreement would effectively encourage compliance. After review of the entire administrative record, it is confirmed that operation of Dora's Place is a public nuisance depriving others in the community of their rightful ability to enjoy their properties and impacts public safety.

Therefore, I herein impose conditions pursuant to pursuant to Section 12.27.1 of the Los Angeles Municipal Code. The purpose and typically the first step in abating a public nuisance is to establish corrective conditions to address and curtail activities which caused and nurtured the nuisance activities. This is accomplished by imposing conditions as a protective measure for residents, businesses, and visitors to the area and to clearly define the operation parameters. As herein imposed, these conditions include regulating hours of operation, prohibition on other uses, providing security lighting, on call security guards, proper maintenance, property training of staff, limitation on the noise level, and a complaint response program, and more.

## **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. The Zoning Administrator hereby finds that the business activities of and associated with these uses:

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

The administrative record evidences a pattern of nuisance activities and public safety concerns including repeated incidents involving calls for service or inspections for compliance review, arrests, non-compliance with local, state, or federal laws, battery, robbery, incidents involving guns or weapons, ABC violations/drinking in public, related to drugs, related to vice or gang violence,

community complaints, excessive noise, loitering/fighting, and trash/debris. (refer to Project Planner Report pgs. 4-5 and LAPD submittal September 18, 2012)

These documented multiple incidents include sales of alcohol to intoxicated individuals, public drinking, public urination and defecation, loitering, graffiti, trash and debris, battery, assault with a deadly weapon, soliciting drinks from customers, narcotics possession and sales, and vandalism. Recent events that occurred after the public hearing include the use of individuals and employees to solicit alcoholic beverages and service to an "obviously intoxicated person" occurring September 4, 2012. These activities have adversely impacted nearby residential uses, business owners and customers and generally endangered the public's health and safety.

**2. Jeopardizes and endangers the public health and safety of persons residing in the surrounding area.**

A fundamental principle of zoning and planning is that land uses must be conducted at all times with due regard for the character of the surrounding district. Statements made at the public hearing and submitted to the written record indicate the establishment continues to jeopardize and endanger the public health or safety of patrons and persons residing or working in the surrounding neighborhood by affecting their ability to peacefully and safely use the subject use or surrounding uses.

The primary objective through the nuisance abatement process is to first impose conditions that are reasonable, feasible, and effective. Upon the recommendation of the Los Angeles Police Department, the Zoning Administrator has imposed conditions. The Zoning Administrator is seeking to mitigate real and perceived impacts in a manner that does not significantly interfere with the operator's distinct investment backed expectations. However, this must be balanced with the need to substantially advance the City's goals to reduce crime and nuisance activities without requiring significant additional resources of Los Angeles Police Department and other entities to monitor and enforce the conditions of approval.

After imposing conditions, time will be given to evaluate if the conditions were successful in reducing crime and nuisance activities. Section 12.27.1-C,3 (Nuisance Abatement, Compliance Review) states, "[u]pon any finding of nuisance or non-compliance with existing conditions imposed on the land use or discretionary zoning approval, the Director's determination shall impose a condition requiring the business operator or property owner to file a Plan Approval application for Review of Compliance with Conditions within two years of the effective date. At the discretion of the Director, the due date for the Plan Approval application can be set for 90 days, 180 days, one year, 18 months or two years from the effective date of the Director's determination or the Council action on appeal."

In this instance, a 180 day review period is imposed in order to verify compliance with the conditions and evaluate changed circumstances in the surrounding area. A public hearing will be held to solicit information from the community. If there are problems during this period, the Zoning Administrator will evaluate them and attempt

to mitigate the impacts by modifying existing conditions, adding additional conditions, or by revoking the use.

3. **Constitutes a public nuisance and has resulted in repeated nuisance activities including, but not limited to loitering, the possession of open containers of alcoholic beverages and drinking in public.**

The record is very clear that crimes and nuisance activities have occurred and continued to occur. The Los Angeles Police Department believes corrective conditions are required. Imposition of conditions is the first step in abating this public nuisance. It is expected that these conditions will require fine-tuning and; therefore, a Compliance Review hearing is scheduled within a short period of time (i.e., 180 days).

4. **Violates any provision of this chapter, or any other City, State or Federal regulation, ordinance or statute.**

The subject site is zoned for commercial uses. The C2 Zone Classification and associated regulations in the Zoning and Planning Code are deemed necessary in order to encourage the most appropriate use of land. The City seeks to use land use regulations to protect investments, promote good design, and ensure public safety. (*Section 12.02, Purpose, Los Angeles Municipal Code*)

Many jurisdictions have established discretionary review processes to ensure selected uses permitted in a zone are designed and planned so to be in harmony at their interface with surrounding uses and to reduce potential adverse impacts on sensitive uses. A Conditional Use Permit (CUP) is the typical discretionary permit required for a particular use which is allowed in a zone, but not as a matter of right. The CUP process singles out types of uses which are essentially desirable, but because of potential impacts are not desirable in every location, in unlimited numbers, or in a location without restrictions tailored to them.

In the City of Los Angeles, a bar requires a Conditional Use Permit. However, there are many establishments in the City similar to Dora's Bar that existed prior to adoption of governing regulations (i.e., Conditional Use Permit). Such uses retain non-conforming rights until they expand or cease operating. The other method of coming under the governance of additional regulation is when the non-conforming use becomes a public nuisance and hampers the City's ability to promote health, safety, and general welfare.

The administrative record evidences repeated crimes and nuisance activities that have adversely impacted the safety of persons patronizing the business and its operation has interfered with peaceful enjoyment of surrounding residents and businesses. In response, the Office of Zoning Administration initiated nuisance abatement.<sup>1/</sup>

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1/ Validation of the nuisance abatement process is also found in legal cases where for example, "[a]ny use found to be objectionable or incompatible with the character of the city and its environs

The City has found that imposing conditions that regulate the operation can help ensure the location of such uses is proper in relation to adjacent uses and development of the community.<sup>2/</sup> Conditions become a protective measure for residents, businesses, and visitors to the area and to clearly define the operation parameters. Conditions on a public nuisance typically include regulating hours of operation, number of patrons, prohibition on other uses, providing security lighting, security fencing, security guards, proper maintenance, property training of staff, limitation on the noise level, and a complaint response program, and more. Also, conditions are intended to ensure the business does not require additional monitoring and enforcement resources of the Los Angeles Police Department.

### **NEXUS BETWEEN CONDITIONS AND NUISANCE**

The administrative record evidences repeated crimes and nuisance activities that have adversely impacted the safety of persons patronizing the business and the operation of Dora's Bar has interfered with peaceful enjoyment of surrounding residents and businesses. The imposed conditions regulate Dora's Bar in a manner to ensure the use proper in relation to adjacent uses and development of the community.

Detailing all laws and regulations of the City would be voluminous. Rather, citing key regulatory elements places the property owner/operator on notice and highlights the laws and regulations of the City which are "Best Businesses Operating Practices". For efficient and effective enforcement, the property owner/operator must comply with the laws and regulations of the City and cooperate with enforcement efforts.

There are standard conditions related to the sale and dispensing of alcoholic beverages typically recommended by the Los Angeles Police Department, required by the Department of Alcoholic Beverage Control, and/or routinely imposed through the Conditional Use Permit process for this type of use. Upon imposing condition, the Zoning Administrator pursued conditions that did not single out this individual property owner and operator as the source of problems outside of their ability to control.

Master Covenant and Agreement. Recorded MCAs are discovered during any title search and intended to put any subsequent owner on notice of the conditions herein. Further, it clearly acknowledges the property owner's responsibilities to ensure his/her property is well managed.

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due to noise, dust, odors or other undesirable characteristics may be prohibited" (*Snow v. City of Garden Grove* (1961) *Cal.App.2d* 496).

<sup>2/</sup> "We found that land use regulations are a public health advocacy tool that has been successfully used to lessen the negative effects of alcohol retail outlets in neighborhoods." (**Land Use Planning and the Control of Alcohol, Tobacco, Firearms, and Fast Food Restaurants** Marice Ashe, JD, MPH, David Jernigan, PhD, Randolph Kline, JD, and Rhonda Galaz, JD. In this study the authors found that since the field of Land use Planning and Zoning was originally developed in response to public health needs, there is a close intellectual and practical fit between land use goals and sound public health practice. There is both substantial public health experience in and a strong legal basis for using local zoning and land use powers to achieve the public health goal of limiting the availability of consumer products proven to be harmful to health.

Cost City Recover. This standard Condition is imposed in all initial Revocation Determinations. The requirement of a fee is necessary for recovering the cost to the City for review of the case. Documentation submitted for the record and testimony at the public hearing, evidenced attempts by the City to mitigate adverse impacts to the community without initiating the Nuisance Abatement process.

Compliance Review. The standard language used in the Office of Zoning Administration is amended in order to allow more flexibility in timing the next Compliance Review. The process ensures the owner/operator adheres to the conditions and that the conditions continue to protect the area from adverse impacts of the operation. If there is non-compliance by the owner/operator or problems continue caused by the operation, the Zoning Administrator will mitigate the impacts by modifying existing conditions, impose additional conditions, or revoke the building permit.

Authorization/Limitation. The hours of operation are reduced during the weeknights in order to reduce noise and impacts and nuisance activates impacting nearby properties. The change in hours also tends to change the clientele who have been causing the problems. These hours may be expanded in the future after proof that other conditions are sufficient in mitigating adverse impacts.

Complaint Response/Community Relations. This condition is in order to provide and necessary information and the means for the community to seek immediate response from the owner/operator in resolving problems that adversely impact the community. The condition will serve as a factor in determining compliance with the conditions of approval and identify the owner's/operator's success in mitigating adverse impacts. The condition raises the level of communication between the owner/operator and community, whereby encouraging the owner/operator to be responsible for resolving issues rather than depending on government. Telephone calls initiated by the owner/operator or employees of the establishment to law enforcement shall not be considered as grounds for non-issuance of the conditional use. However, a high incidence of such calls may indicate the need for stricter conditions.

Cooperation and Compliance with Laws and Regulations. Similar to the rationale for Complaint Response/Community Relations, these conditions are to raise the level of communication between the owner/operator and the City and ensure substantial compliance with this action and laws of the City. Notifying the Los Angeles Police Department of gang members will allow the City to better allocate resources when needed and increase greater control of activities that occur.

Employees.

Requiring employees to have valid government-issued identification and a uniform or name tag aids in quick and effective enforcement. LAPD or other City official are able to identify staff responsible for ensuring compliance with conditions and can solicit their assistance during a site visit.

A thorough background criminal check and scrutinizing behavior of staff is known to result in less crime and public nuisance. Further, it reduces the appeal of like individuals visiting the premise.

STAR training improves employees ability to monitor the distribution of alcoholic beverages whereby reducing access to minors and to inebriated individuals. Conditions related to the exchange of money for certain services reduce the potential for prostitution. Generally, the set of conditions are intended to cause the owner/operator and employees to continuously be aware of the conditions that encourage crime and nuisance activities. Furthermore, they preclude the owner/operator or other responsible persons from alleging ignorance of the conditions.

#### Lighting

The installation and maintenance of proper lighting for the exterior perimeter of the building and interior are to discourage crime and nuisance activities that occur due to dimly lit areas. Also, proper lighting enables police to better observe and identify activities.

#### Loitering/Trespassing

The posting signs on the premises are intended to inform patrons that the owner/operator will strictly adhere to the rules and will not tolerate violation of the rules regarding posting signs on the premises are intended to inform patrons that the owner/operator, will strictly adhere to the rules and will not tolerate violation of the rules.

The posting of no trespass signs put the public on notice of potential violation of the law. The "Trespass Arrest Authorization" form authorizes LAPD to arrest individuals unlawfully loitering on the Property, pursuant to LAMC. 41.24.

#### Maintenance

Clean and orderly signs, trash receptacles, walls trash/storage, and graffiti removal promote a development that is attractive, safe, and sanitary to discourage factors that may degrade the physical and economic environment. Proper maintenance in keeping the premises clean and graffiti free reduces the potential off attracting gangs and loitering. Also, it indicates a well maintained and well-run establishment

Noise. The purpose of the condition is to eliminate or reduce adverse noise impacts to the nearby residential areas. The standard for review is clearly stated.

Security conditions are a miscellaneous of standard measures used in preventing or reducing the incident of crime and nuisance activities. City Planning and Los Angeles Police Department have written development and design standards based on the Design Out Crime Guideline Booklet. These design measures can only go so far then human presence is required to decrease crime and nuisance activities. From an operational perspective, state licensed security guards can prevent

incidents from occurring, respond to incidents in a timely manner, and reduce demand on City resources.

Security surveillance is the installation and maintenance of video cameras is in order to provide maximum observation. Use of video cameras will assist in obtaining first hand evidence of activities versus allegations by witnesses or by inferring from other observations. Further, the cameras can corroborate witnesses' claims and can be used by the owner/operator and Los Angeles Police Department to identify persons involved in criminal activities.

It is further determined that the instant action by the Zoning Administrator on behalf of the Director of Planning is in compliance with Section 12.27.1 of the Municipal Code and has been conducted so as not to impair the constitutional right of any person. The owner/operator of the business has been afforded the opportunity to review the file both in advance of and after the hearing which was duly noticed and testify and respond to the allegations concerning the impacts of the operation of the Dora's Bar. The property owner was in attendance at the public hearing held on July 6, 2012. Further, the conditions imposed are not so onerous as to prevent viable use of the premise. **Failure to comply with the conditions cited herein will put you at risk of revocation and the issue of an order directing the discontinuance of the use located at 8220-8222 North Sunland Boulevard.**

MICHAEL LOGRANDE  
Director of Planning



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RNB:lmc

cc: Councilmember Tony Cardenas  
Sixth District  
Adjoining Property Owners