

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
DIR-2009-1885-RV-PA2	ENV-2016-4816-CE	CD 8 – HARRIS-DAWSON
PROJECT ADDRESS:		
3600 Stocker Street Los Angeles, CA 90008		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
<input type="checkbox"/> New/Changed		
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
City of Los Angeles Office of Zoning Administration 200 North Spring Street, #763 Los Angeles, CA 90012	213-202-5402	Aleta.james@lacity.org
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Gonzales Law Group APC 800 Wilshire Blvd Ste 860 Los Angeles, CA 90017	(213) 279-6965	mgonzales@gonzaleslawgroup.com
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Lynda J Smith	(213)202-5408	LyndaSmith@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		

FINAL ENTITLEMENTS NOT ADVANCING:**ITEMS APPEALED:****ATTACHMENTS:****REVISED:****ENVIRONMENTAL CLEARANCE:****REVISED:**

- ☒ Letter of Determination
- ☒ Findings of Fact
- ☒ Staff Recommendation Report
- ☒ Conditions of Approval
- ☐ Ordinance
- ☐ Zone Change Map
- ☐ GPA Resolution
- ☐ Land Use Map
- ☐ Exhibit A - Site Plan
- ☐ Mailing List
- ☐ Land Use
- ☐ Other _____

- ☐
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐

- ☒ Categorical Exemption
- ☐ Negative Declaration
- ☐ Mitigated Negative Declaration
- ☐ Environmental Impact Report
- ☐ Mitigation Monitoring Program
- ☐ Other _____

- ☐
- ☐
- ☐
- ☐
- ☐
- ☐

NOTES / INSTRUCTION(S):**FISCAL IMPACT STATEMENT:**☐ Yes☐ No

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:

- ☐ City Planning Commission (CPC)
- ☐ Cultural Heritage Commission (CHC)
- ☐ Central Area Planning Commission
- ☐ East LA Area Planning Commission
- ☐ Harbor Area Planning Commission

- ☐ North Valley Area Planning Commission
- ☐ South LA Area Planning Commission
- ☐ South Valley Area Planning Commission
- ☐ West LA Area Planning Commission

PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
LAST DAY TO APPEAL:	APPEALED:
TRANSMITTED BY:	TRANSMITTAL DATE:

CHARLES J. RAUSCH, JR.
INTERIM CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
HENRY CHU
LOURDES GREEN
THEODORE L. IRVING
ALETA D. JAMES
FRANKLIN N. QUON
FERNANDO TOVAR
DAVID S. WEINTRAUB
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
CITY PLANNING

VINCENT P. BERTONI, AICP
DIRECTOR
(213) 978-1271

KEVIN J. KELLER, AICP
EXECUTIVE OFFICER
(213) 978-1272

LISA M. WEBBER, AICP
DEPUTY DIRECTOR
(213) 978-1274

JAN ZATORSKI
DEPUTY DIRECTOR
(213) 978-1273

<http://planning.lacity.org>

August 17, 2017

Steve Oh Yoonsik (A)
WB&M
3600 Stocker Street
Los Angeles, CA 90008

Thomas Theung (PO)
3600 Stocker Street
Los Angeles, CA 90008

Michael Gonzales (R)
Gonzales Law Group APC
555 S Flower Street
Los Angeles, CA 90071

The Liquor Bank
3600 Stocker Street
Los Angeles, CA 90008

CASE NO. DIR-2009-1885(RV)(PA2)
REVIEW OF CONDITIONS
3600 West Stocker Street
CEQA: ENV-2016-4816-CE
West Adams-Baldwin Hills Leimert
Zone: [Q]C1.5-1
D.M. 144B185
C.D. 8 - Marqueece Harris-Dawson
LOTS 7,8, and FR LOT 9, BLK A
TR 109

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

that the operation of the Market/Liquor Store known as The Liquor Bank located at 3600 West Stocker Street, has operated in **substantial compliance** with the Corrective Conditions established by City Case No. DIR-2009-1855(RV), effective March 29, 2010 and as modified by Case No. DIR-2009-1885(RV)(PA1) and City Council File No. 10-0130.

I hereby retain and modify (as shown in underlined text and strikethrough) the existing terms and conditions as follows:

1. **[MODIFIED]** The property and/or business owners shall file a Plan Approval application ~~between 8 months and 12 months no later than six months~~ **no later than 90 days** 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. Notice of the public hearing shall be mailed to all property owners and occupants located within 500 feet of the property. The owners 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 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.
2. The use of the property shall be conducted at all times with due regard for the character of the surrounding neighborhood. The right is reserved to the Zoning Administrator to impose additional Corrective Conditions if such Conditions are proven necessary for the protection of the residents and business owners/operators as well as the property owners of the surrounding properties.
3. **[MODIFIED]** The operating hours of the market/liquor store shall be limited to 8:00 a.m. to ~~10 p.m.~~ **8 p.m.** daily. The business hours shall be clearly and fully posted at the entrance/exit door of the market.
4. **[MODIFIED]** ~~Within 30 days from the effective date of this determination,~~ Electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages or tobacco products shall be installed on the premise at each point-of-sale location. The device(s) shall be maintained in operational condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverage or tobacco product.
5. **[MODIFIED]** The business operator shall identify a contact person and provide a 24-hour, dedicated "hot line" telephone number for any inquiries or complaints from the community regarding the subject facility. Within one week from the effective date of this determination, the phone number shall be posted on the site so that is readily visible to any interested party. The hot line shall be:

Posted at the cashier and entry/exit of the store and parking lots;

Responded to within 24-hours of any complaints/inquiries received on this hot line, and

Documented in a log and available for review by the Los Angeles Police Department and the Zoning Administrator upon request on when the calls were received, returned, ~~and the action taken at a minimum,~~ and the name and phone number of the complainant. The business operator shall review

the log daily and show verification of the review. The lettering within the signs shall be at a minimum of 2" wide and 4" in height.

Evidence that shows compliance with this condition shall be submitted with a Plan Approval application required in Condition No. 1 above.

6. **[MODIFIED]** The conditions of this determination, a copy of a business license, insurance information and applicable Police permits shall be retained on the premises at all times and be immediately produced upon request of any Los Angeles Police officer, Department of Alcoholic Beverage Control investigator or other responsible agencies. The manager and all employees shall be knowledgeable of these Conditions. The conditions of this action shall be provided to and reviewed by employees and security personnel. The employees/security personnel shall be informed that any violations of the required conditions will result in disciplinary action including termination of employment. ~~Within 30 days from the effective date of this determination,~~ Evidence of compliance with this condition shall be submitted to the satisfaction of the Director of Planning.
7. Coin operated game machines, gambling machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
8. There shall be general merchandise items such as milk, juice, water and other non-alcoholic beverages available for purchase at the store.
9. Should there be a change in the ownership of the property/the business and/or the business operator, the property owner and the business owner/operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Prior to the closing of escrow for a potential change in the ownership of the property/business owner or operator, evidence showing that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator, shall be submitted to the satisfaction of the Director of Planning.
10. **[MODIFIED]** The property owner, the business owner/operator shall keep the premises and any area adjacent to the premises over which he/she has control free of litter/debris, newspaper racks, benches, boxes or objects that encourage loitering. The exterior portion of the site, including the parking facilities and adjacent sidewalks along the Crenshaw Boulevard and Stocker Street shall be swept daily.

Trash storage or other storage shall be closed and locked at all times except when it is used by the business operator. Trash bins shall not be located adjacent to a residential use and shall be buffered so as not to result in noise, order or debris impacts on any adjacent neighbors.

As agreed upon with the Empowerment Congress West Area Neighborhood Development Council, the business operator shall empty the trash receptacles of the adjacent bus stops as well as all trash receptacles on the property on a daily basis.

11. Any graffiti painted or marked upon the premise or adjacent area under the control of the owner/operator shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
12. **[MODIFIED]** ~~Within 45 days from the effective date of this determination,~~ All personnel acting in the capacity of a manager of the premise and all employees including any non-contracted security personnel shall complete the STAR (Standardized Training for Alcohol Retailers) session sponsored by the Los Angeles Police Department. All employees shall attend follow-up STAR classes every 24 months. The STAR training shall be conducted for all new hires within two months of their employment.

~~Within 60 days from the utilization of this grant,~~ Upon the hiring of any new staff, verification, a list of the employee(s), ~~their~~ hire date and written confirmation of their STAR training shall be submitted to the Zoning Administrator, and shall be retained on the premise at all times and be immediately produced upon request of any Los Angeles Police officer or Department of Alcoholic Beverage Control investigator.

13. **[MODIFIED]** A minimum of one state licensed security guard shall patrol the parking lot areas and sidewalks adjacent to the business during the operating hours at all times. Two state licensed security guards [including one guard who shall patrol the parking lot area and sidewalks as required above] shall patrol/monitor the subject premises ~~after 5 p.m. daily. until 30 minutes after closing.~~ The security guards shall, at a minimum, have the following qualifications and responsibilities:
 - a. A State licensed security guard shall not have a criminal background.
 - b. The guard shall not be the owner or have any association with the operation of the establishment.
 - c. **[MODIFIED]** A minimum of one on-duty guard per shift ~~The guard~~ shall be fluent in English and Spanish and will have clear instructions to enforce applicable conditions and uphold the law.
 - d. Along with normal security guard duties, the guards shall patrol the parking lots and the adjacent sidewalk area to deter individuals from loitering, illegal vending, and drinking on the premises.

- e. The security guards shall monitor the parking lot such that patrons leave the parking lot as soon as their purchased items are loaded in their cars.
- f. The guards shall not conduct any other activities while employed at the store other than those of a security guard which include checking identification and escorting undesirable patrons off the premises. The security guards shall maintain order and prevent activity that would interfere with the quiet enjoyment of the surrounding properties. The guards shall be responsible for preventing loitering and any criminal activity on and around the store including public drinking, littering, trespassing, transactions involving controlled substances, illegal vendors and other illegal and public nuisance activities. If unlawful activity inside and outside the store including in the parking lots and adjoining areas related to loitering, drinking alcoholic beverages, illegal vendors or illegal drugs is observed or reasonably assumed, then the guard(s) shall request such persons to leave the area. The guard(s) shall request the assistance of the Los Angeles Police Department if, based upon the guard's training, the situation so warrants.
- g. The store owner/operator and security guards shall maintain a daily log of patrol activities in the store, which shall include the following:

Name of the security guard on duty
Date and time for check-in and check-out for security duties
Date, time and descriptions of any incidents that may occur in and around the bar during the security patrol
Resolution of the incidents

Within 30 days of the effective date of this action, the business operator shall provide to the Zoning Administrator, a copy of a detailed Security Plan approved by the Los Angeles Police Department, and a copy of the executed security contracts to the satisfaction of the Director of Planning. The contracts shall include the minimum security service requirements as required by the conditions of this determination. The security contract shall include the names of the security guards, their working hours and copies of their State guard licenses as well as a clearance of their criminal background from the LAPD.

14. **[MODIFIED]** A video surveillance system shall be provided inside and on the exterior of the market to the satisfaction of the Los Angeles Police Department. The operator / owner shall allow and provide the LAPD access (password protected) to the video system so the images and recordings can be monitored remotely. Management/ employees/security personnel shall routinely monitor the cameras and keep the video tapes/DVDs for at least 30 days. Management shall immediately notify the LAPD when criminal activity is observed and shall keep and make available to the LAPD upon request any and all tapes, which indicate possible criminal activity

Signs indicating the use of a 24-hour video surveillance system shall be posted at the store entrance, in the parking lots and on the outside of the wall facing the adjoining alley and the street adjacent the premises. The signs shall state the following:

WARNING

THIS STORE (LIQUOR BANK) IS UNDER 24-HOUR
SURVEILLANCE BY THE STORE MANAGEMENT AND THE
LOS ANGELES POLICE
DEPARTMENT WITH A VIDEO SURVEILLANCE MONITORING
SYSTEM.

Within 30 days from the effective date of this determination, the business owner/operator or property owner shall submit evidence that shows compliance with this condition including but not be limited to photographs of such a posting and a letter from the LAPD, which states that the required surveillance cameras and signs have been installed/posted and worded to the satisfaction of the LAPD.

15. There shall be no loitering at the property, including in the parking lots, and no alcoholic beverages shall be consumed on the property or any property adjacent to the premises under the control of the owner/operator. Patrons shall not be allowed to remain in the parking lots for more than 10 minutes. A sign stating "10 minute Parking Only" shall be posted at the entrance of and in the parking lot areas.

Signs shall be prominently posted in English, and the predominant language of the facility's clientele, if different, stating the following:

"The California State law prohibits sale of alcoholic beverages to persons who are under 21 years of age."

"No Loitering, No Public Drinking, No Trespassing and No Drugs"

"It is a violation of 41.27(d)LAMC to possess any bottle, can, or other receptacle containing any alcoholic beverages, which had been open, or the seal is broken or the contents of which have been partially removed, on or adjacent to these premises."

The outside store, the parking areas, the areas adjacent to the subject site and under the applicant's control, shall be routinely patrolled by employees of the store or security personnel to ensure that there is no loitering, no drinking of alcoholic beverages in public, no illegal vending, and/or no patrons who harass pedestrians. Any problems associated with the store operation shall immediately be reported to the store manager/owner/operator who

shall correct/remedy the problems.

16. **[MODIFIED]** Exterior lighting on the building and in all open spaces between buildings shall be maintained and provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible to the satisfaction of the LAPD. Lighting in the parking area of the premises shall be directed in such a manner so as not to unreasonably illuminate the window area of nearby residences.

~~Within 30 days from the effective date of this determination, Evidence of compliance with this condition shall be submitted to the satisfaction of the Zoning Administrator such as a letter from the LAPD stating that exterior lighting on the site has been installed to the satisfaction of the LAPD.~~

17. **[MODIFIED]** Access to the parking lot shall be made through a one way entry/exit from Crenshaw Boulevard to Stocker Street and the driveway access to the parking lot from the adjacent alley shall be closed off with a gate to the satisfaction of the LAPD. Access to the parking lots shall be secured with gates during non-operating hours. The gate is to remain closed and secured at all times. If opened for site maintenance or temporary access the gate shall be monitored by on-site security and secured (closed and locked) immediately upon completion of use. Within 30 days from the effective date of this determination, Evidence of compliance with this condition shall be submitted to the satisfaction of the LAPD such as a letter from the LAPD stating that compliance with this condition has been attained.
18. Signs in English and Spanish, stating "DO NOT DRINK OR OPEN ANY DRINKS IN THE PARKING LOT, SIDEWALKS OR ANY OTHER PUBLIC AREAS" shall be posted at the cashier, at the exits and entrances of the premises, and in the parking lots.
19. No narcotic paraphernalia or related items shall be sold or distributed at the location.
20. No illegal vending shall be allowed on the property.
21. **[MODIFIED]** The cement border on the east side of the property shall be modified such that it does not provide seating for loiterers to the satisfaction of the LAPD. ~~Within 30 days from the effective date of this determination, Evidence of compliance with this condition shall be submitted to the satisfaction of the Zoning Administrator such as a letter from the LAPD stating that compliance has been attained. [LAPD]~~
22. **[DELETED]** ~~The property owner shall reimburse the City of Los Angeles \$3,194 and applicable surcharges, as set forth in Los Angeles Municipal Code Section 19.04 P, within 30 days of the effective date of this determination.~~
23. All windows shall be maintained free of signs and other material that inhibit

views into the facility by law enforcement agencies.

24. **[MODIFIED]** The owner/operator shall join and actively participate in the efforts of any local business neighborhood watch, the Southwest Area neighborhood watch, CPAB (community police advisory board), and /or local residential association meetings, and shall provide proof of such attendance. The owner/operator shall meet with the Southwest Patrol Division and Vice Unit representatives of the Los Angeles Police Department quarterly basis to received appropriate training and information, regarding alcoholic beverage control laws and procedures. The quarterly meetings shall be initiated by Liquor Bank management. The first meeting with the LAPD shall be made within 30 days from the effective date of this action. The measures recommended by the LAPD to mitigate any nuisance activities associated with the store shall be complied with. The owner/operator shall also meet, secure, and maintain contact with the Senior Lead Officer of the Crenshaw corridor Foot Patrol. [LAPD]

Within 45 days from the effective date of this determination, Evidence of compliance with this condition such as meeting venues and summary of the meeting etc, shall be submitted to the satisfaction of the Zoning Administrator.

25. The property owner and the business owner/operator shall cooperate with the LAPD in their investigation and shall not impede, interfere, hinder, or otherwise obstruct any investigation undertaken by any law enforcement agency, which relates to the property. [LAPD]
26. **[MODIFIED]** The property owner and the business owner/operator shall immediately sign and maintain an active Trespass Authorization form authorizing the LAPD to arrest unauthorized individuals found on the subject property. [LAPD]
27. The property owner and the business owner/operator shall immediately order anyone loitering, engaging in narcotics, gang related activities or open air sales to leave the property, and shall not allow such person(s) to return to the property. These actions shall be in direct accordance with the LAPD approved Security Detail Plan. [LAPD]
28. Within 30 days of the effective date of this action, the property and business owners shall record a covenant acknowledging and agreeing to comply with all the terms and conditions established herein in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Zoning Administrator for approval before 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.

TRANSFERABILITY

Pursuant to Condition No. 28 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

Pursuant to Section 12.27.1.C.5 of the Los Angeles Municipal Code it shall be unlawful to violate or fail to comply with any Requirement or Condition imposed by the Director or the Council pursuant to this section. Violation or failure to comply shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this chapter. In the event of a violation of an order to discontinue or revoke a land use or discretionary zoning approval pursuant to this section, the Department of Building and Safety shall order the owner to vacate and secure the property, premises, buildings or portion of any property, premises or building pursuant to Section 91.9003 of this Code. The Department of Building and Safety shall institute enforcement as provided in Section 91.9003.3 of this Code. The Director shall cause the determination or revocation to be recorded.

APPEAL PERIOD - EFFECTIVE DATE

The Director's Determination in this matter will become effective after **SEPTEMBER 1, 2017**, 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 Director's Determination, 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

West Los Angeles
1828 Sawtelle Boulevard, 2nd Floor,
(Stations 14, 15, 16)
Los Angeles, 90025
(310) 231-2598

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 staff investigator thereon, and the statements made at the public hearing before the Zoning Administrator on February 21, 2017, 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 to retain, modify and delete Corrective Conditions as based upon the provisions of Section 12.27.1 of the Municipal Code and as established by the following facts:

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

The Zoning Administrator, on behalf of the Director of Planning, has the authority to investigate and initiate corrective actions against any use which constitutes a public nuisance, adversely affects the safety of persons residing or working in the surrounding area, and does so on a repeated basis, pursuant to the provisions of Section 12.27.1 of the Los Angeles Municipal Code, established under Ordinance No. 171,740 on October 27, 1997. This Ordinance amended earlier nuisance abatement authority established May 25, 1989 under Ordinance No. 164,749.

If determined appropriate, the City will impose Corrective Conditions when a Use is initially determined to be a nuisance. The intent is to give the owner/operator an opportunity to correct the problems through modification of operations and to ultimately eliminate the nuisance activity and the need for any possible revocation.

Prior to an action by the Director of City Planning 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 Director a willingness and ability to eliminate the problems associated with the use.

BACKGROUND

The subject use was referred to the Department of City Planning Nuisance Abatement/Revocation Unit by the Citywide Nuisance Abatement Program (CNAP). There had been numerous complaints ranging from drinking in public, sale of alcoholic beverages to a minor, attempted robbery, battery, on site narcotics sales and use, gang activity and counterfeit goods sales to blighted property conditions. These activities were determined to be jeopardizing and/or endangering the public health and safety of persons residing or working in the area and on the premises, and the use was therefore deemed to constitute a public nuisance.

On July 30, 2009, a public hearing was held by the Office of Zoning Administration, on behalf of the Director of Planning, to determine if the subject use constituted a public nuisance and whether the use should be revoked or if corrective conditions could be implemented to modify operations.

On December 28, 2009, the Director of Planning issued a Determination (Case No. DIR 2009-1885(RV)) in accordance with Section 12.27.1 of the Los Angeles Municipal Code, declaring the Use a public nuisance and requiring the modification of operations for the Retail Market doing business as The Liquor Bank. On March 19, 2010, the City Council (Council File No. 10-0130, effective date 3/29/2010) denied the property owner's Appeal of the Director's Determination and upheld the Action of the Director of Planning.

This Action required that a review of compliance with the imposed Conditions be conducted within 8 to 12 months of the effective date of the Determination (Condition No. 1.). The intent of the review was to determine whether the owner/operator was in compliance with the adopted Corrective Conditions and whether imposition of additional Conditions, modification of the Conditions or revocation of the Use was warranted. The expiration date for the filing of the request (application) for Compliance Review was March 29, 2011.

As the owner/operator did not submit the required application and failed to respond to a letter of communication (dated July 21, 2015) from the Department of City Planning regarding the overdue review, the City of Los Angeles filed the Application on behalf of the Owner/Operator on October 7, 2015 (Case No. DIR-2009-1885(RV)(PA1)). This would be the first review of the effectiveness of, and compliance with, the subject Conditions.

On November 17, 2015 a Public Hearing was conducted by the Office of Zoning Administration to determine the owner/operator's compliance with, and the effectiveness of, corrective Conditions established under the initial case. The Owner/Operator was found to be operating in partial compliance with the Corrective Conditions. On May 11, 2016, the Zoning Administrator retained and modified the Conditions, including a requirement for the filing of a subsequent Compliance Review Application within six months from the effective date of the Determination (DIR-2009-1885(RV)(PA1)). Said Determination became effective on May 27, 2016. The due date for the filing of the required Application was November 27, 2016. The Owner/Operator submitted the required request for Compliance Review on December 15, 2016.

A subsequent Public Hearing was conducted on February 21, 2017 to review compliance with, and the effectiveness of, corrective Conditions established and modified by City Planning Case Nos. DIR-2009-1885(RV), DIR-2009-1885(RV)(PA1) and CF No. 10-0130. This Determination constitutes the second review of compliance with the required Corrective Conditions.

PROPERTY AND AREA INFORMATION

The property is zoned C1.5-1-SP and is developed with a retail market and parking lot that is one story in the front and two stories in the rear. The site area is approximately 14,101 square feet and is accessible through three locations. The main entrances are on Crenshaw Boulevard and Stocker Street, with one exit to an alley abutting the site to the west. The site is located within the Crenshaw Corridor and the South Los Angeles Alcohol Sales Specific Plans (Ordinance Nos. 176,230 and 162,128). The subject action is not affected.

Properties to the north across Stocker Street are zoned C2-2D and are developed with the Baldwin Hills-Crenshaw Plaza and other associated restaurant, retail and office uses. Properties to the east across Crenshaw Boulevard are zoned C1.5-1-SP and developed with a Jack In the Box fast food restaurant and a vacant lot. Properties to the south are zoned C1.5-1-SP and are developed with a vacant building, formerly a restaurant, a parking lot, and a nightclub. Properties to the west, across a 20-foot wide improved alley, are within the County of Los Angeles and are developed with two-story multi-family residences with garages fronting the alley, along with commercial on the ground level facing Stocker Street.

PREVIOUS ZONING ACTIONS:

Subject Site:

Council File No. 10-0130 / City Planning Case No. DIR-2009-1885(RV)-1A – Effective March 29, 2010, the City Council acted to Deny Appeals filed by the business owners and Adopted the Director of Planning's findings to mitigate adverse impacts at the site.

Case No. DIR-2009-1885(RV) – On December 28, 2009, the Director of City Planning issued a Determination in accordance with Section 12.27.1 of the Los Angeles Municipal Code, requiring the modification of The business operating as The Liquor Bank and imposing corrective conditions.

Certificate of Occupancy – Issued on August 16, 1984, corresponding to Permit No. 1983LA71243; for a two-story, Type IIIB, 40' x 58', liquor store addition to an existing 57' x 63' building making a new size of 58' x 103'. Maximum occupancy - 46. Parking spaces 20 required and provided.

Certificate of Occupancy – Issued on August 2, 1983, corresponding to Permit No. 1976LA32985; for a two-story, Type IIIB, demolish a 58' x 35' irregular portion, of an existing 58' x 118' building change of occupancy of remaining 58' x 69' from G1, bank to G2 retail liquor store and deli.

Certificate of Occupancy – Issued on October 31, 1979, corresponding to Permit No. 1979LA90984; Use of Land Permit for a 40' x 54' parking lot. 8 parking spaces.

Surrounding Properties:

Case No. ZA 2014-1931(CUB) – On December 26, 2014, the Zoning Administrator approved Conditional Use permit to sell and dispense a full line of alcoholic beverages for on-site consumption, in conjunction with the proposed "Mexicano" restaurant.

Case No. ZA 2006-10157(CUB)(ZV) – On August 29, 2007, the Zoning Administrator approved a Conditional Use permit to allow the sale and dispensing for consideration of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed ground floor full-service restaurant and nightclub and a second-story lounge/private club, and to allow a determination of yards. The Zoning Administrator denied a permit for second floor and ground floor outdoor patio seating not permitted in C1.5 Zone and further approved a permit for additional parking spaces and public dancing / entertainment otherwise not allowed in the C1.5 Zone. The Zoning Administrator's decision was appealed and the City Council (C.F. No. 07-4063), effective March 12, 2008, granted the appeal allowing outdoor patio seating at Maverick's Flat.

Case No. ZA 2005-5796(CUB) – On August 3, 2006, the Zoning Administrator denied a conditional use at 4233-B South Crenshaw Boulevard to permit sale of beer and wine for off-site consumption.

Case No. ZA 96-0741(CUB) – On October 23, 1996, the Zoning Administrator approved a request to permit on-site consumption of beer and wine for a Jamaican restaurant, located at 4335 Crenshaw Boulevard.

Case No. ZA 96-0549(CUE) – On September 13, 1996, the Zoning Administrator terminated an alcohol exception for on-site consumption of beer and wine at 4335 Crenshaw Boulevard.

Case No. ZA 95-1007(CUB) – On March 7, 1996, the Zoning Administrator approved a request to permit the consumption and dispensing of alcoholic beverages in a restaurant, located at 3791 West Santa Rosalia Drive.

Case No. ZA 94-0717(CUB) – On December 14, 1994, the Zoning Administrator approved a request to permit the sale of alcoholic beverages in conjunction with the operation of a full service restaurant banquet hall, located at 3339 West 43rd Street.

Case No. ZA 95-1007(CUB) – On March 7, 1996, the Zoning Administrator approved a request to permit the consumption and dispensing of alcoholic beverages in a restaurant, located at 3791 West Santa Rosalia Drive.

Case No. ZA 94-0717(CUB) – On December 14, 1994, the Zoning Administrator approved a request to permit the sale of alcoholic beverages in conjunction with the operation of a full service restaurant banquet hall, located at 3339 West 43rd Street.

Case No. ZA 90-0500(CUB) – On September 7, 1990, the Zoning Administrator approved a request to permit the sale of beer and wine and hard liquor in a restaurant seating 218 patrons with hours of operation from 6 a.m. to 12 midnight, located at 3791 West Santa Rosalia Drive.

Case No. ZA 89-0491(CUB) – On August 24, 1989, the Zoning Administrator approved a request to permit the sale of alcohol beverages for on-site consumption, located at 3650 West Martin Luther King Jr. Boulevard.

Case No. ZA 89-0188(CUB) – On July 14, 1989, the Zoning Administrator approved a request to operate a restaurant with the sale of beer and wine for on- site consumption with the new restaurant, located at 3701 Santa Rosalia Drive.

Case No. ZA 85-1220(CUB) – On March 20, 1986, the Zoning Administrator approved a request to permit the sale and dispensing of alcoholic beverages off- site in conjunction with a proposed 24-hour mini-mart with 11 parking spaces, located at 4299 Crenshaw Boulevard.

Case No. ZA 85-1158(CUB) – On March 7, 1986, the Zoning Administrator disapproved a request to permit the sale and dispensing of alcoholic beverages on-site in conjunction with a proposed restaurant/cocktail lounge-dance hall accommodating approximately 55 patrons with three parking spaces in the C2-2 Zone, located at 4213 Crenshaw Boulevard.

COMMENTS FROM OTHER DEPARTMENTS AND/OR THE GENERAL PUBLIC

The Los Angeles Police Department submitted the following report(s):

Crime Analysis Mapping System Calls for Service Report: There were 16 calls indicated for service at the property location, 3600 Stocker Street, between November 4, 2015 and January 12, 2017. The date of effectiveness for the initial compliance review was May 27, 2016.

1. 11/16/16 13:18 Officer Reporting Location
2. 11/16/16 12:02 Officer Reporting Location
3. 10/31/16 16:03 Battery
4. 09/22/16 20:41 Theft
5. 09/15/16 20:37 Shots Fired
6. 08/16/16 24:45 Disturbance

7. 07/25/16 10:43 Vehicle Recovered
8. 07/07/16 17:09 Officer Reporting Location
9. 05/10/16 21:18 Traffic-Refusing ID
10. 02/19/16 21:06 Gang Activity
11. 01/23/16 14:09 Dispute Business
12. 12/08/15 16:18 Officer Reporting Location
13. 11/17/15 10:27 Officer Reporting Location
14. 11/12/15 19:26 Officer Reporting Location
15. 11/16/15 14:21 Disturbance Group
16. 11/04/15 13:31 Officer Reporting Location

Other Departments: At the time of report preparation, no communications have been received from other public agencies.

General Public: One communication was received from the general public prior to the public hearing, and is contained in the Administrative file.

STATUS OF COMPLIANCE WITH TERMS AND CONDITIONS OF CASE NO. DIR 2009-1885(RV)

Compliance Investigation

The condition compliance investigation includes observations from staff with respect to the terms and conditions of the Zoning Administrator's determination, Case No. DIR 2009-1885(RV)(PA1), effective May 27, 2016. Planning staff conducted a field analysis as part of the condition compliance investigation on January 18, 2017 between 10:30 a.m. and 11:30 a.m. Staff met with the operator and reviewed each condition. All photos included were taken on said date and time. Statements from the manager during the field visit are included for each condition under the sections titled "Applicant's response." At the time of the investigation, the liquor store was open to the public. Staff observations are listed for each condition under the sections titled "Investigator's response."



Liquor Bank view from north to south



Liquor Bank view from south to northwest

1. **[MODIFIED]** The property and/or business owners shall file a Plan Approval application ~~between 8 months and 12 months~~ no later than six 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. Notice of the public hearing shall be mailed to all property owners and occupants located within 500 feet of the property. The owners 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 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.

Applicant's response: The filing of this case shall satisfy this condition. The Applicant requests that this condition be restated in the subsequent determination to require a plan approval in the event that a new operator take possession of the business

Investigator's response: In partial compliance. The due date for the filing of the subject Plan Approval application was November 27, 2016. The applicant's representative contacted staff requesting information about the documents required for the subject application on November 4, 2016. The owner/operator submitted the required Plan Approval application on December 15, 2016.

2. The use of the property shall be conducted at all times with due regard for the character of the surrounding neighborhood. The right is reserved to the Zoning Administrator to impose additional corrective Conditions if such Conditions are proven necessary for the protection of the residents and business owners/operators as well as the property owners of the surrounding properties.

Applicant's response: The owner has operated the business with due regard for the character of the surrounding neighborhood. Security guards are employed, signs are posted, security cameras are in place, and the Property is cleaned on a regular basis.

Investigator's response: In compliance. The operations are carried with substantial regard with the surrounding neighborhood. The alleyway located at the west side of the site buffers the subject use with residential uses within the Los Angeles County.

3. The operating hours of the market shall be limited to 8:00 a.m. to 10 p.m. daily. The business hours shall be posted at the entrance/exit door of the market.

Applicant's response: The Owner has operated the Business in compliance with this condition

Investigator's response: In partial compliance. According to the operator, the business is open from 8 a.m. to 10 p.m. daily. The hours posted on the front door indicate the business opens at 8 a.m. Monday through Saturday and closes at 10 p.m. Monday through Saturday; however, no hours of operation are indicated for Sunday.



Posted hours of operation

4. Within 30 days from the effective date of this determination, electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages or tobacco products shall be installed on the premise at each point-of-sale location. The device(s) shall be maintained in operational condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverage or tobacco product.

Applicant's response: The owner has operated the Business in compliance with this condition.

Investigator's response: In compliance. The applicant installed age verification devices at registers.



Age verification device



Age verification device

5. The business operator shall identify a contact person and provide a 24-hour "hot line" telephone number for any inquiries or complaints from the community regarding the subject facility. Within a one week from the effective date of this determination, the phone number shall be posted on the site so that is readily visible to any interested party. The hot line shall be:
- posted at the cashier and entry/exit of the store and parking lots,

Applicant's response: Posted at the cashier and entry/exit of the store and parking lots.

Investigator's response: Partial compliance. Telephone number has been posted at front entrance. However, the telephone number was not observed at cash register, nor at the parking lot during the field visit.

- responded to within 24-hours of any complaints/inquiries received on this hot line, and

Applicant's response: Responded to within 24-hours of any complaints/inquiries received on this hot line

Investigator's response: No evidence of complaints/inquires was presented during the field investigation. The applicant stated there have not been any complaints reported.

- documented in a log and available for review by the Los Angeles Police Department and the Zoning Administrator upon request on when the calls were received, returned and the action taken at a minimum.

Applicant's response: Documented in a log and available for review by the Los Angeles Police Department and the Zoning Administrator upon request on when the calls were received, returned and the action taken at a minimum.

Investigator's response: No evidence of complaints and their resolutions log was presented. The applicant's representative stated that no complaints have been received about the liquor's store operation.

- Evidence that shows compliance with this condition shall be submitted with a Plan Approval application required in Condition No. 1 above.

Applicant's response: This sign [contains] an emergency contact number. No calls have been logged since the existing Plan Approval case was approved.

Investigator's response: Not in compliance. A telephone number is only posted at the front entrance of the establishment. Staff called the posted the telephone on the front door January 30, 2017 at 12:00 p.m. ((213) 407-9898), the person answering the telephone indicated to have reached the office of "Essential Escrow".

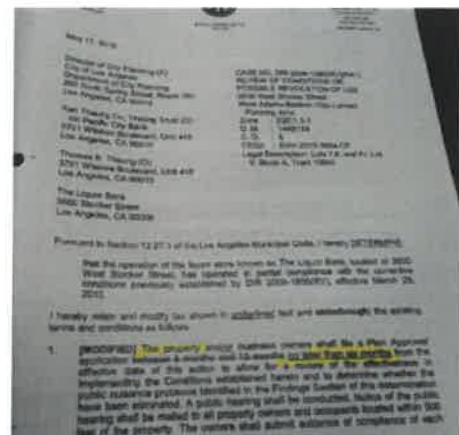
6. The conditions of this determination, a copy of a business license, insurance information and applicable Police permits shall be retained on the premises at all times and be immediately produced upon request of any Los Angeles Police officer, Department of Alcoholic Beverage Control investigator or other responsible agencies. The manager and all employees shall be knowledgeable of these Conditions. The conditions of this action shall be provided to and reviewed by employees and security personnel. The employees/security personnel shall be informed that any violations of the required conditions will result in disciplinary action including termination of employment. Within 30 days from the effective date of this determination, evidence of compliance with this condition shall be submitted to the satisfaction of the Director of Planning.

Applicant's response: A copy of the existing Plan Approval determination letter (and any subsequent determination letter) [is] kept on site.

Investigator's response: In compliance. The operator provided City of Los Angeles Business License and Los Angeles Police Department documentation, Alcohol Beverage Control license and a copy of the subject document at the site.



ABC License



Copy of Revocation case



City and County docs.

7. Coin operated game machines, gambling machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.

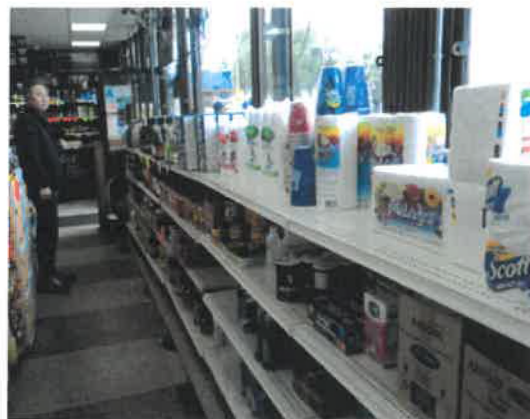
Applicant's response: The owner has operated the Business in compliance with this Condition.

Investigator's response: In compliance. There were no games evident on the site aside from California State Lottery games.

8. There shall be general merchandise items such as milk, juice, water and other non-alcoholic beverages are available for purchase at the store.

Applicant's response: The owner has operated the business in compliance with this Condition.

Investigator's response: In compliance. The store had an assortment of non-alcoholic beverages and merchandise available for purchase, including food items and other groceries.



General merchandise available for purchase

9. Should there be a change in the ownership of the property/the store and/or the business operator, the property owner and the business owner/operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Prior to the closing of escrow for a potential change in the ownership of the property/business owner or operator, evidence showing that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator, shall be submitted to the satisfaction of the Director of Planning.

Applicant's response: The filing of this case shall satisfy this condition.

Investigator's response: In compliance. No change in ownership has taken place since the previous Zoning Administrator's action.

10. The property owner, the business owner/operator shall keep the premises and any area adjacent to the premises over which he/she has control free of litter/debris, newspaper racks, benches, boxes or objects that encourage loitering. The exterior

portion of the site, including the parking facilities and adjacent sidewalks along the Crenshaw Boulevard and Stocker Street shall be swept daily.

Trash storage or other storage shall be closed and locked at all times except when it is used by the business operator. Trash bins shall not be located adjacent to a residential use and shall be buffered so as not to result in noise, order or debris impacts on any adjacent neighbors.

As agreed upon with the Empowerment Congress West Area Neighborhood Development Council, the business operator shall empty the trash receptacles of the adjacent bus stops as well as all trash receptacles on the property on a daily basis.

Applicant's response: The Owner has operated the Business in substantial compliance with this Condition. Please see photos of the exterior trash cans and the locked trash storage bin.

Investigator's response: In compliance. The site's parking lot, sidewalks and alleyway was clean and free of trash and debris. A trash bin is located in the parking lot and was free of trash around it.



Alleyway – Looking West



Parking Lot – Looking northwest



Stocker St. - Looking south



Crenshaw Blvd. – Looking West

11. Any graffiti painted or marked upon the premise or adjacent area under the control of the owner/operator shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.

Applicant's response: The owner has operated the business in substantial compliance with this Condition.

Investigator's response: In partial compliance. The site walls were free of graffiti. Graffiti was observed during the field visit graffiti only on a small sign facing Crenshaw Blvd.



Graffiti on sign facing Crenshaw Blvd.



West wall façade – Facing Crenshaw Blvd. façade



West wall façade facing alleyway

12. Within 45 days from the effective date of this determination, all personnel acting in the capacity of a manager of the premise and all employees including security personnel shall complete the STAR (Standardized Training for Alcohol Retailers) session sponsored by the Los Angeles Police Department. All employees shall attend follow-up STAR classes every 24 months. The STAR training shall be conducted for all new hires within two months of their employment.

Within 60 days from the utilization of this grant, a list of employees, their hire date and written confirmation of their STAR training shall be submitted to the Zoning Administrator, and shall be retained on the premise at all times and be immediately produced upon request of any Los Angeles Police officer or Department of Alcoholic Beverage Control investigator.

Applicant's response: See attached documentation.

Investigator's response: In compliance. Four STAR training certificates are prominently displayed at walls behind cash registers. The dates for the LAPD certificates are: one certificate dated July 19, 2016 and three certificates dated Tuesday, August 9, 2016.



STAR training certificates



STAR training certificates

13. A minimum of one security guard shall patrol the parking lot areas during the operating hours at all times. Two security guards [including one guard who shall patrol the parking lot area as required above] shall patrol/monitor the subject premises after 5 p.m. daily until 30 minutes after closing. The security guards shall, at a minimum, have the following qualifications and responsibilities:

- a. A State licensed security guard shall not have a criminal background.

Applicant's response: Please see the attached information, including security coverage details and insurance, attached as Exhibit G.

Investigator response: The operator stated security guards do not have criminal background otherwise they would not had been hired.

- b. The guard shall not be the owner or have any association with the operation of the establishment.

Applicant's response: Please see the attached information, including security coverage details and insurance, attached as Exhibit G.

Investigator's response: In compliance. Private security guard is not associated with the family.

- c. The guard shall be fluent in English and Spanish and will have clear instructions to enforce applicable conditions and uphold the law.

Applicant's response: Please see the attached information, including security coverage details and insurance, attached as Exhibit G.

Investigator's response: In compliance. During the field visit, the security guard spoke English and was of Hispanic origin – Spanish speaker.

- d. Along with normal security guard duties, the guards shall patrol the parking lots and the adjacent sidewalk area to deter individuals from loitering, and drinking on the premises.

Applicant's response: [See] the attached information, including security coverage details and insurance, attached as Exhibit G.

Investigator's response: In compliance. The operator stated that the security guard patrols the site and directs vendors away from the site. No vendors were observed during the field visit.

- e. The security guards shall monitor the parking lot such that patrons leave the parking lot as soon as their purchased items are loaded in their cars.

Applicant's response: Please see the attached information, including security coverage details and insurance, attached as Exhibit G.

Investigator's response: In compliance. No persons were observed loitering in the parking lot during the field visit.

- f. The guards shall not conduct any other activities while employed at the store other than those of a security guard which include checking identification and escorting undesirable patrons off the premises. The security guards shall maintain order and prevent activity that would interfere with the quiet enjoyment of the surrounding properties. The guards shall be responsible for preventing loitering and any criminal activity on and around the store including public drinking, littering, trespassing, transactions involving controlled substances, illegal vendors and other illegal and public nuisance activities. If unlawful activity inside and outside the store including in the parking lots and adjoining areas related to loitering, drinking alcoholic beverages, illegal vendors or illegal drugs is observed or reasonably assumed, then the guard(s) shall request such persons to leave the area. The guard(s) shall request the assistance of the Los Angeles Police Department if, based upon the guard's training, the situation so warrants.

Applicant's response: Please see the attached information, including security coverage details and insurance, attached as Exhibit G.

Investigator's response: In compliance. Security guard was present on the site and not engaged in any behavior other than those of a security guard.

- g. The store owner/operator and security guards shall maintain a daily log of patrol activities in the store, which shall include the following:

- Name of the security guard on duty

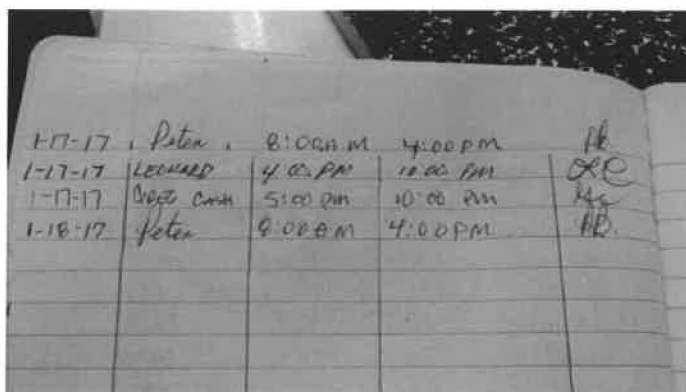
- Date and time for check-in and check-out for security duties
- Date, time and descriptions of any incidents that may occur in and around the bar during the security patrol
- Resolution of the incidents

Applicant's response: Please see the attached information, including security coverage details and insurance, attached as Exhibit G.

Investigator's response: Not in compliance. The security guard rotation is logged in a notebook located in the establishment's office. However, there are no incidents nor resolutions reported.



Security guard rotation log



Security guard rotation log

Within 30 days of the effective date of this action, the business operator shall provide a copy of the executed security contracts to the satisfaction of the Director of Planning. The contracts shall include the minimum security service requirements as required by the conditions of this determination. The security contract shall include the names of the security guards, their working hours and copies of their State guard licenses as well as a clearance of their criminal background from the LAPD.

Applicant's response: Please see the attached information, including security coverage details and insurance, attached as Exhibit G.

Investigator's response: In compliance. The applicant submitted a contract with Active Security Company. The contract is from 11-18-15 to 11-18-17.

14. A video surveillance system shall be provided inside and on the exterior of the market to the satisfaction of the Los Angeles Police Department. Management/employees/security personnel shall routinely monitor the cameras and keep the video tapes/DVDs for at least 30 days. Management shall immediately notify the LAPD when criminal activity is observed and shall keep and make available to the LAPD upon request any and all tapes, which indicate possible criminal activity.

Signs indicating the use of a 24-hour video surveillance system shall be posted at

the store entrance, in the parking lots and on the outside of the wall facing the adjoining alley and the street adjacent the premises. The signs shall state the following:

WARNING

THIS STORE (LIQUOR BANK) IS UNDER 24-HOUR SURVEILLANCE
BY THE STORE MANAGEMENT AND THE LOS ANGELES POLICE
DEPARTMENT WITH A VIDEO SURVEILLANCE MONITORING SYSTEM.

The sign(s) shall be at least 2 square feet with 2-inch block lettering. The sign(s) shall be in English and Spanish.

Within 30 days from the effective date of this determination, the business owner/operator or property owner shall submit evidence that shows compliance with this condition including but not be limited to photographs of such a posting and a letter from the LAPD, which states that the required surveillance cameras and signs have been installed/posted to the satisfaction of the LAPD.

Applicant's response: Please see attached photographs of the indoor security cameras and the sign alerting patrons of security, attached as Exhibit H. The operator has met with LAPD regarding security.

Investigator's response: In partial compliance. A video surveillance system was active at the time of site visit, utilizing a DVR recording system. The system included 31 active cameras, five of which were outside and 26 of which were inside. When asked, the operator said that the recordings were kept for 30 days. However, there was only one of the required signs on the front window indicating the store was under 24-hour surveillance.



Security system in second floor office



Security system in second floor office



Video warning sign on front window

15. There shall be no loitering at the property, including in the parking lots, and no alcoholic beverages shall be consumed on the property or any property adjacent to the premises under the control of the owner/operator. Patrons shall not be allowed to remain in the parking lots for more than 10 minutes. A sign stating "10-minute Parking Only" shall be posted at the entrance of and in the parking lot areas.

Signs shall be prominently posted in English, and the predominant language of the facility's clientele, if different, stating the following:

"The California State law prohibits sale of alcoholic beverages to persons who are under 21 years of age."

"No Loitering, No Public Drinking, No Trespassing and No Drugs"

"It is a violation of 41.27(d)LAMC to possess any bottle, can, or other receptacle containing any alcoholic beverages, which had been open, or the seal is broken or the contents of which have been partially removed, on or adjacent to these premises."

The outside store, the parking areas, the areas adjacent to the subject site and under the applicant's control, shall be routinely patrolled by employees of the store or security personnel to ensure that there is no loitering, no drinking of alcoholic beverages in public, no illegal vending, and/or no patrons who harass pedestrians. Any problems associated with the store operation shall immediately be reported to the store manager/owner/operator who shall correct/remedy the problems.

Applicant's response: Please see attached photographs of signage regarding ID checks, loitering, and a "15 minute parking only" sign, attached as Exhibit J. Security actively patrols the area under the Owner's control to prevent loitering.

Investigator's response: In compliance. Signs limiting parking to 15 minutes and prohibiting loitering and public drinking were observed outside the site. Finally, trespassing signs are prominently posted on the site. Public vendors were not observed around the site during the field visit.



Sign prohibiting loitering



Sign limiting parking to 15 mins.



Sign prohibiting consumption of alcoholic beverages



Sign prohibiting trespassing

16. Exterior lighting on the building and in all open spaces between buildings shall be maintained and provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible to the satisfaction of the LAPD. Lighting in the parking area of the premises shall be directed in such a manner so as not to unreasonably illuminate the window area of nearby residences.

Within 30 days from the effective date of this determination, evidence of compliance with this condition shall be submitted to the satisfaction of the Zoning Administrator such as a letter from the LAPD stating that exterior lighting on the site has been installed to the satisfaction of the LAPD.

Applicant's response: Please see pictures of the Business exterior lighting, attached as Exhibit J. No exterior lighting exists along Crenshaw Boulevard because Crenshaw Boulevard is adequately illuminated at all times of day and night.

Investigator's response: In compliance. Exterior lighting at parking lot is prominent and sufficient. Flood lighting fixture is mounted on the west wall illuminating the parking lot. The lighting is directed away from the residential uses located west and across the alleyway.



Exterior lighting fixture at parking lot

17. Access to the parking lot shall be made through a one way entry/exit from Crenshaw Boulevard to Stocker Street and the driveway access to the parking lot from the adjacent alley shall be closed off with a gate to the satisfaction of the LAPD. Access to the parking lots shall be secured with gates during non-operating hours. Within 30 days from the effective date of this determination, evidence of compliance with this condition shall be submitted to the satisfaction of the LAPD such as a letter from the LAPD stating that compliance with this condition has been attained.

Applicant's response: See the photograph, attached as Exhibit K [identifying] the path of travel and show the gate lock.

Investigator's response: Not in compliance. Main entrances are on Crenshaw Boulevard and Stocker Street, with one exit to the alley to the west. At the time of site visit, the gate from the parking lot to the alley was not closed and providing vehicular ingress/egress to the site.



Crenshaw Blvd. driveway entrance



Stocker St. driveway



Alley vehicular access

18. Signs in English and Spanish, stating "DO NOT DRINK OR OPEN ANY DRINKS IN THE PARKING LOT, SIDEWALKS OR ANY OTHER PUBLIC AREAS" shall be posted at the cashier, at the exits and entrances of the premises, and in the parking lots.

Applicant's response: Please see the attached photograph, referred to as Exhibit L, which shows a "No Drinking" sign posted at the Property.

Investigator's response: In partial compliance. The required sign was not observed at the cash register; however the required sign was prominently displayed at the site's entrance and parking lot in English only.



Drinking in public prohibition sign

19. No narcotic paraphernalia or related items shall be sold or distributed at the location.

Applicant's response: The Owner has operated the Business in compliance with this condition.

Investigator's response: In compliance. No narcotic paraphernalia or related items were visible during the time of site visit.

20. No illegal vending shall be allowed on the property.

Applicant's response: The owner has operated the business in compliance with this condition. Illegal vending is, however, very common in the area. Security guards routinely ask for illegal vendors to leave, but this problem exists far beyond the Property's borders.

Investigator's response: In compliance. No vendors and no evidence of street-vending were observed during the field visit.



Crenshaw Blvd. View

21. The cement border on the east side of the property shall be modified such that it does not provide seating for loiterers to the satisfaction of the LAPD. Within 30 days from the effective date of this determination, evidence of compliance with this condition shall be submitted to the satisfaction of the Zoning Administrator such as a letter from the LAPD stating that compliance has been attained. [LAPD]

Applicant's response: The owner has operated the business in compliance with this condition. Please see the attached picture of the gate installed on the cement border, attached as Exhibit M.

Investigator's response: In compliance. Atop the approximately 2.5 feet in height masonry wall along the property line, a tubular steel fencing with bars spaced approximately 4 inches prevents pedestrians from congregate and loiter on the site. The overall height of the fence is approximately 6 feet all around the parking lot.



Fence along Crenshaw Blvd.

22. The property owner shall reimburse the City of Los Angeles \$3,194 and applicable surcharges, as set forth in Los Angeles Municipal Code Section 19.01-P, within 30 days of the effective date of this determination.

Applicant's response: Compliance from the prior approval has yet to be determined.

Investigator's response: Not in compliance. City Planning receipt(s) for the reimbursement was found in association with DIR 2009-1885(RV)(PA1).

23. All windows shall be maintained free of signs and other material that inhibit views into the facility by law enforcement agencies.

Applicant's response: The owner has operated the business in compliance with this condition. Please see the attached picture of the front windows, attached as Exhibit N. [It] shows that no signage existing between approximately 4 feet and approximately 6 feet, as well as the rear of the store through the windows. [It] verifies that the faces of all persons within the store will not be inhibited by signage.

Investigator's response: In compliance. While some signs in the windows were present, the windows appeared to be adequately free of signs and other materials that would otherwise obstruct views into the facility by law enforcement agencies.

24. The owner/operator shall join and actively participate in the efforts of any local business neighborhood watch, and shall meet with the Southwest Patrol Division and Vice Unit representatives of the Los Angeles Police Department quarterly basis to received appropriate training and information, regarding alcoholic beverage control laws and procedures. The quarterly meetings shall be initiated by Liquor Bank management. The first meeting with the LAPD shall be made within 30 days from the effective date of this action. The measures recommended by the LAPD to mitigate any nuisance activities associated with the store shall be complied with. [LAPD]

Within 45 days from the effective date of this determination, evidence of compliance with this condition such as meeting venues and summary of the meeting etc, shall be submitted to the satisfaction of the Zoning Administrator.

Applicant's response: This condition is satisfied by covenant.

Investigator's response: In partial compliance. The operator has acquired all documentation from the LAPD. The operator also stated that LAPD officers often patrols the site and have a friendly relationship with the establishment's personnel (operator, cashiers and private security guards). However, no records were submitted by the applicant nor LAPD regarding required quarterly meetings.

25. The property owner and the business owner/operator shall cooperate with the LAPD in their investigation and shall not impede, interfere, hinder, or otherwise obstruct any investigation undertaken by any law enforcement agency, which relates to the property. [LAPD]

Applicant's response: The Owner has operated the Business in compliance with this condition.

Investigator's response: In compliance. The operator cooperated with the site visit and did not impede the investigation.

26. The property owner and the business owner/operator immediately sign a Trespass Authorization form authorizing the LAPD to arrest unauthorized individuals found on the subject property. [LAPD]

Applicant's response: Please see the attached Trespass Authorization Form, attached as Exhibit O.

Investigator's response: In compliance. The applicant submitted LAPD Trespass Arrest Authorization form - date range: August 26, 2016 to August 25, 2017.

27. The property owner and the business owner/operator shall immediately order anyone loitering, engaging in narcotics, gang related activities or open air sales to leave the property, and shall not allow such person(s) to return to the property. [LAPD]

Applicant's response: The owner has operated the business in compliance with this condition. Loitering, illegal vending, narcotics- and gang-related activities are, however, very common in the area. Security guards routinely ask for persons engaged in such activities to leave, but this problem exists far beyond the Property's borders.

Investigator's response: In compliance. There were no street vendor nor people loitering during the field visit. No comment was made by the operator about the role of the security guard in reducing loitering on the public right-of-ways abutting the subject site.

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

Applicant's response: The Dept. of City Planning has a conformed copy of the recorded covenant. Please see an attached scanned copy of the covenant, attached as Exhibit P.

Investigator's response: In compliance, the covenant was recorded with Los Angeles County on July 17, 2016 (No. 2016-0837707).

PUBLIC HEARING

The public hearing was held on February 21, 2017, at 10:00 a.m. at Los Angeles City Hall, 10th Floor, 200 North Spring Street. Notification of the Public Hearing was mailed to the property owner, the business operator, and to the owners and occupants of all properties located within 500 feet of the subject site, in compliance with Section 12.27.1.C. of the Municipal Code. In attendance and testifying were the business Operator, his legal representative, representatives of the Los Angeles Police Department, a representative of the Neighborhood Council, community members, and the Planning Director of the Eighth Council District.

The purpose of the hearing was to obtain testimony from the Owner/Operator of the subject use and from any other affected or interested parties regarding the operation of the liquor store, to determine whether the use continues to constitute a public nuisance and to determine whether the existing Corrective Conditions should be maintained, modified, eliminated or whether additional Conditions may be necessary.

After opening the hearing and an explanation of the order of the proceedings by the Hearing Officer, the Planning Department staff investigator presented a summary of background information related to the physical site and surrounding area, and previous City Actions related to the subject case/site. Staff then presented the results of the Condition Compliance Review by identifying the level of compliance met (ie. partial compliance; full compliance; and non-compliance) for each condition and how compliance may, or may not, have been achieved.

The following is a summary of the comments made during the public testimony portion of the Public Hearing. The Public Hearing proceedings were recorded. The audio recording is available for review (and purchase) at the City Planning Department's Automated Records and Files Unit, located in Room 575 of City Hall.

Public hearing testimony.**Michael Gonzalez representing the Business Owner.**

- The Applicant is not the same as the property owner. They are the business owner.
- There were 11 conditions that were in full compliance they were not noted during staff's presentation. I can read those into the record: Conditions number 7, 9, 15, 16, 19, 20, 21, 25, 26, 27 and 28 were not mentioned.
- This is a complicated area. This is a difficult area. This is a business even in a good community could have some trouble. It's not Brentwood, it's not West Hollywood, it is an area that is changing rapidly. You've got the Crenshaw line coming down. You've got massive investments coming into the community. So we can understand that there is a desire to see this business go away, I want to remind you that your authority is limited by the constitution. The code expressly states that the director cannot impair Constitutional rights, and my clients do have constitutional rights.

- They acquired a business that has been operating since the 60's. There was a revocation hearing in 2009, when the business was owned by another business owner.
- There was discussion during the last hearing by members of the neighborhood council that the current operator was the same as the owner from 2009 and that is not true. We won't re-litigate that issue as there is evidence in the record before you to prove that my client bought this property in 2013.
- The prior revocation public hearing was not discoverable via ZIMAS, there is evidence in the record that shows you currently can't find the case on ZIMAS. It's not there. You cannot see that case number, you have to find that case number.
- My client has recorded the Covenants that are necessary to alert future business owners or property owners that there is conditions of approval they must operate with.
- The reason that the original case was not filed is because my clients were not aware of its existence. They couldn't find it. The prior business owner did not record the covenant nor did the property owner. My clients have rectified that problem.
- Regarding the lack of payment of fees. We have repeatedly requested an invoice from the city and have not received it. You cannot submit a check without an invoice. We have requested that repeatedly and my clients are happy to pay once the invoice is received. I take issue with the way the compliance is characterized in the Plan Approval. It is not something of our doing, we have attempted repeatedly.
- You will hear from LAPD about various calls for service that is reflected in the staff report. Of those, five of them occurred after the store closes. Six of them reflect Officer Reporting Location. It is unclear what is happening there and why the address is being used.
- We submitted Public Records Act Requests to LAPD on February 6, 2017, February 15, 2017 and November of 2015. We have not heard back.
- It would be helpful for us to really understand what is occurring with getting these calls for service and what is going on not just an appearance that something is occurring. We recognize that there are things that can be done to better the situation. It would be helpful if there were more communication when we request documents through official public channels.
- My client has achieved partial compliance many of which are failure to have signage. With my visits to the area I don't see the clientele as being mostly Spanish speaking. I do understand though the purpose of those conditions. While there are some folks out there that do speak Spanish, it is not the overwhelming clientele. While the spirit of compliance is there we posted signs, maybe we haven't complied to the perfect letter of the law.
- With regard to filing the late planned approval. We reached out to revocation staff in early November 2016 to commence the process and it was not until some point in November 28, 2016 that the head of Condition Compliance cleared us to file.

- There was a slow-down in the pre-application processing of application filings. So I take issue with the way that condition is characterized.
- With regard to the posting of operating hours they probably should have posted the hours for Sunday, this was an oversight and we will make sure it is corrected if not already corrected, it is corrected this afternoon.
- The telephone number was posted in most locations, however again, it is rectifiable we will correct that. My client asserts this is her cell-phone. I haven't personally called this number to verify that. There is a place that somebody can call and say we have a problem, we have an issue here. There is somebody that they can contact. Again, I take issue with the way this is characterized as not being in compliance. I believe its more toward the world of compliance.
- Also in compliance with the graffiti sign. We can get that removed.
- Images shown at last hearing showed loitering and excessive vending. We have a bus stop nearby. One of the issues was a problem with the vending that occurs along the side of the building. I don't think that happening too much anymore. I'm not there everyday, I don't know, but when I was there it was not occurring. That was a source of a big problem and I know that my clients security guards are not sworn police officers and are not allowed to move somebody from the public right of way. They can simply request that they move. That is a public right of way, is not private property and we are not allowed to eject people from that area. We can ask them to leave, but that's as far as we can take that.
- With regards to the daily log it's possible there are no incidents, it's one of those hard to prove a negative. Knowing that there are no incidents is usually a good thing and perhaps that's what going on here.
- The DVR system and the recording system contains 31 active cameras and we were missing some signs, again, something we can correct. It's not something that rises to the level of a revocation where you can deprive of property rights.
- The alleyway gate needs to be closed. Client has been told it doesn't matter if the trash truck is going in or out, they have to stand one of the managers or security guards out there to make sure that is immediately closed afterward. There is no reason that should be open and it is something that can be corrected once again easily with a bit of change in behavior.
- The sign being in English as I mentioned earlier, there's not a large Latino population, clientele my client tells me but, again signage issues it can be corrected. It's a slight cost on the applicant but they will definitely make sure to address that.
- The quarterly meetings, I know PD visits the site often, I met with PD there recently, but you're right, there should be more pro-active approaches from my client to LAPD so they can be a better operator.
- We certainly can take steps to make things better. We can add more signage, we can close those gates, we can remove graffiti quicker, we can log incidents that may or may not be occurring.
- All of these things are things that can be done, but all of these things are things are not things that rise to a level of revocation. There are property rights here. A nuisance is defined to include a disturbance of the peace, drug activity, drinking in public, loitering. I've heard none of that from staff today. None of these things are happening now and these are the things that rise to the level of a nuisance that would justify the City's heavy hand at taking away a land use right.

Detective Dana Harris, LAPD

- Officer in charge of the LAPD Citywide Nuisance Abatement Unit;
- Primary responsibility of unit is not to focus on the revocation of the business but to work with property owners with business owners, work with community and establish relationships so that we can work to establish best business practices in the City.
- Has been assigned to SW area for 29 years; Officer in charge of the Narcotics and Vice Units.
- Has conducted and supervised operations at The Liquor Bank Store personally and each time appears to be the same thing.
- Understands that it's a challenging neighborhood but would look at the "eye test".
- Has witnessed each time Officers go in they meet with the business owners and offer their assistance - "How can we help you with best business practices?" "How can we help you get your business in order?";
- Even during the most recent drive to the location illegal vending was viewed, music being played, the security guard dancing, laughing and talking with the people who are selling the merchandise in the parking lot, individual urinating in parking-lot.
- I know that there's a problem; While talking to the business owner, a gentleman drives up and parks in the handicap spot and the owner indicates, he does that all the time.
- Has witnessed this each time he has gone to the LB; Sees the same thing in the parking lot each time he comes; Sees many patrons coming in spending money, profits being made, but nothing is going out to the community.
- People loitering in the parking lot which is another violation at the location.
- Each time LAPD comes they ask people to move away, away from the bus benches, off of the sidewalk.
- Each time Officers meet with the Owner they are told, 'we are going to try harder'; Asks City partners when is enough going to be enough? When will we as a City we are tired of the constant violations, the money being made but not put back into the community and enough of the nuisance type activity?
- Constant violations at the store especially from 2003 and on-going.
- It's a simple eye-test. Knowing that the Police are coming that day and still failing to properly monitor your parking lot, and your store.
- Asks that you take these suggestions and thanks for your time.

Officer Orlando Levinston, LAPD

- Los Angeles police officer for 22 years; Citywide Nuisance Abatement for ten years, Southwest for eight years, and with control, southwest gangs and the gang unit which covered the area south Crenshaw corridor and Baldwin Village. Regarding the history of this case; its' been assigned to me since 2009, with Det. Gardner. I also attended PLUM hearing.
- One of the reasons this came about was because of nuisance activity in the area; gangs, narcotics, illegal vending, the sales, the drinking, also shots fired, also gang activity.
- As of one year of today's date there have been 18 calls for service. In a two year period there's been a total of 701 calls in the area. The area is the general intersection of Stocker and Crenshaw. There are other businesses there; Jack N the Box and another liquor store and the Crenshaw mall at that location. You can look at a two year period with 701 calls. In a two year period there's also been 237 crime reports: shots fired, adw, drinking in public.
- I met with Mr. Oh (with the gang establishment) back in 2013. I met with him and went over the conditions...we met and even did an inspection of the location. He was told that corrections at the time that needed to be made: no licensed security guards; drinking in public; not having the back gate locked; loitering in the parking lot was discussed; street vending and sales; individuals parking at the location over an extended period; we discussed the conditions and one of the main things we talked about the trash; my partner Officer Dickes and myself Detectives Harris and Detective Moore and the numerous times we did spot inspections. The times we went by and observed no security guard, people loitering, smoking marijuana. We also observed people actually purchasing alcohol from the location and opening up the container on the property and also took some open containers across the street and drinking in the area.
- One of the main problems back then was also people loitering on "the wall". We made suggestions about putting up a fence around the location...and putting the gate to the rear of the parking lot. Even with putting the gate at the rear of the parking lot the gate has always maintained to be open. There has been some improvement and ... of improvements has been very little.
- When I first met with Mr. Oh there was no compliance. He was cited back in 2015. We over Condition No. 5 regarding 24 hour hotline; No. 10 trash and debris in the parking lot. He was also site for the CUP Condition No. 15 individuals drinking. At no time did we see security make contact with individuals about the drinking in public. Condition No. 18 signs in English and Spanish, cited for No. 20 no illegal vending, and No. 27. where at no time did Mr. Oh ever advise any of the problematic incidents that were occurring to leave the location, and No. 13 he had a security guard at the time but there was no license. And he was cited for no....that was in November of 2015.

- We conducted another inspection back in July. We went out with Planning and again, during the inspection there were a couple of violations. No. 4 age verification was not properly working. I checked and there were no batteries installed in the age verification at the time. Again, No. 5 for the sign for the 24 hour hot line was not posted, at the time of the inspection he was cited for No. 12 none of his employees at the time had attended STAR training. Number 13 was cited again for not having two security guards. He advised us that one was running late. The security guard after 5:00 p.m. had no credentials, no guard cards. Again No. 18. No signs in English and Spanish. No drinking and number 20. For the illegal vending.
- We met with Mr. Oh's Attorneys this year in January and at that time as Det. Harris discussed as he was sitting in the parking area he observed people urinating in the parking lot. I believe that comes from that back gate being open. The security guard was not... but we suggested that the security guard come out and monitor but it would make more sense to have two security guards, one maintaining the interior and one for the exterior of the location.
- At the time we also noted an individual out front smoking marijuana in public view.
- At this time during inspection they failed to attend the STAR training, again we needed to sit down with Mr. Oh to go over about receiving the proper training.

The last site visit was in January. That was with Officer Dickes, myself, Detective Harris and we conducted it and we met with Mr. Oh and his representative at that time. Planning staff and I went out July 2016. (Planning staff confirms July 2016 date). Officer Livingston identifies conditions not in compliance at the time (4, 5, 12, 13 18, 20, 27). Meeting in January 2017 was no citation, it was to advise. It was a meeting that they had scheduled for us to come, and what they wanted us to do was go over an inspection. What they showed us at the time was that they had a new security system. We discussed with Mr. Oh that the security system is great, but needs someone to monitor it. Having the system is good for video recording coverage but at the same time as he's viewing we can monitor that and see the activity in the parking lot, then advise the security guard. At the time we saw an individual just sitting in the parking lot for over ten minutes.

Officer Mike Dickes, LAPD

- With the CANP unit and have been there about 14 years. CNAP is not in the business of closing businesses, revocation proceedings are usually last ditch efforts. Process is more corrective than punitive.
- Found it very disappointing that they were not in 100 percent compliance with conditions at the time.
- We'd rather see the location as more of a market and less of a liquor store. Because of it's close proximity to the community im sure that many do use this as a market. Curious to set what the ratio is between alcohol sales and sundries to see if in fact that is happening.
- Applicant should be in compliance with all conditions. While he knows that the Zoning Administrator has the ability to revoke the use, in 14 years it's been rarely used.

- Use is not being a positive addition to the community.
- The Applicant knowing that this hearing was coming up should have reached out and done a lot more prior to the hearing. Even though the Representative said that they will and can correct these things that should have been done prior to this hearing today.
- If revocation is not imposed, some of the conditions should be more strict. Specifically: there should be 2 security guards at the location at all hours of operation.
- A basic security plan in place that gives specific duties to the guards while they're on the property, so that they have high visibility;
- Also discussed the security log and what it's for; guards can go and meet with these people and if they refuse to leave that's when they can call LAPD. The logs are focused against the calls for service to see what they are; it's designed to help the operator, not to be punitive.
- The hours of operation should probably be reduced from 10 pm to 8 pm to mitigate some of the nuisance activity.
- We do not think that all of the calls for service at the intersection are due to the use, but there has to be a percentage of calls attributed to this place.

Officer Lisa Bareza, LAPD

- With the Vice unit. Has been an Officer for over eight years. Assigned to Southwest unit since 2010, Vice unit since 2012. Duties include maintaining uses that serve alcohol in the area; observation of problem areas and locations regarding drinking in public, prostitution and illegal gambling.
- Our unit has conducted three checks of the Liquor Bank since 2014.
- In the last three years LB has failed a minor decoy. A minor entered and was able to purchase alcohol.
- In 2015 conducted an up-front inspection and the security guard was not in a public position.
- Another minor decoy was done in November and there were no violations at that time.
- With regards to drinking in the area, we have documented 12 citations for drinking in public dating back to January 2016, they were issued on the corner of Stocker and Crenshaw.
- Have not issued any drinking in public citations in front of LB.
- As far as problems in the area, the biggest is drinking at the bus stop. We have observed illegal vending, public urination, and excess amount of trash (ie. Beer cans).

Officer Eric Mitchell, LAPD

- Officer for approximately eight years, assigned to foot beat for approximately 2 ½ years along Crenshaw corridor (MLK to Vernon, also Leimert Park).
- Close relationship with most of the businesses on Crenshaw.
- What I have heard and seen about the LB has already been said.

- Would like to go forward and have a closer relationship with the LB.
- They have not reached out to us for any problems, but there have been problems around the area.
- I've cited a couple of people for drinking in public across the street and I have a close relationship with the Jack N the Box related to drinking and I have not observed where the alcohol came from but I can only come to the conclusion that it would be the nearest liquor store which is across the street.
- It has gotten better, but could be a lot more than it is.
- As active Senior Lead for the last three months have not had any from anyone in that area or location requesting assistance.
- Security guards cannot ask people to move, but if they don't call us it's not going to happen.
- I've cited myself this year approximately two to three people across the street for drinking at the bus stops, one for littering (throwing alcohol away after being cited for drinking). I have seen some vending, but it has gotten better over the last two years from my observation but drinking is still a problem.
- Also the back gate is a huge problem. A lot of arrest try to take the alley to get away from the police and they have access we pull into the parking lot and they can go off Crenshaw they can go off Stocker or they go on Stocker Place.
- One arrest for stolen vehicle, where the vehicle went into the alley drove into the parking lot.
- There has been a couple of warrant arrests for various gang members taking that alley into the parking lot so that back gate needs to be closed at all times and I have observed it not being closed.

Carl Morgan, Empowerment Congress West Area Neighborhood Development Council

- The LB has been a caner to our neighborhood.
- Our commercial corridors are a mess, due to the fact that operators such as the LB are ineffective and not professional in the management of their business.
- We have tried our best to work with this operator, since the turn of the century.
- We are getting the exact same story we've gotten every time we've bought this particular operator to a revocation hearing, excuses after excuses.
- On November 16, 2015 our Board voted to support the revocation of the Conditional Use Permit.
- Despite the apparent use of security personnel, years of complaints this store still operates in a manner which fails to eliminate unlawful activity or nuisance behavior as all the Officers have testified.
- It is a waste of tax-payers dollars to have our LAPD professionals have to respond to this particular business year after year complaint after complaint.
- The field visits that were done by our Officers and the Planning Department were done during broad daylight when they were invited to the business, imagine how this horrible cancer of an excuse for a business operates after hours when it's dark.
- Crenshaw Boulevard and Stocker is a safe passage area for Audubon Jr

High-school.

- School children witness adult men urinating in parking lots, it's very shameful.
- Regarding the business ownership issues that Mr Oh's attorney spoke about, we've been playing this shell game since they first had their revocation hearing. It has always been the same operator and management team whether they go from one corporation to another by switching shareholders we are still left with this horrible business in our neighborhood that destroys and is a public nuisance.
- Regarding the fees, it is very clear where all fees to the Planning Department are to be paid. Everyone know that you pay your fees for any Planning Department cases at the 201 North Figueroa building.
- The public record in calls for service to the area is horrible.
- There is a liquor store that sells beer and wine less than 100 Feet away from this particular business and it operates vastly, impeccably than this particular operator;
- The neighborhood Council area is approximately 43,000 citizens and half the area is of Spanish speaking citizens who are in need of bilingual services;
- Having bilingual signage at the business is a necessity;
- Agrees with the Police Officer who said if you're going to invite the Police Department and Planning staff to visit your business, to make sure you are compliant with all the Conditions;
- It's shameful, disrespectful and a waste of everyone's time to not be 100 percent compliant;
- To say that this is a difficult area is a sad excuse and that this is a challenging neighborhood is another sad excuse;
- Area is extremely professional, with Doctors, Lawyers and is noted by several publications as having the highest concentration of African-American wealth in the world;
- No one wants to operate a business near the LB; This is one of the main reasons we have not seen good businesses come into the Crenshaw Stocker corridor;
- Businesses come to our Neighborhood Council and they are interested in opening other types of neighborhood serving retail uses their biggest compliant is the LB;
- It is an eye-sore, the graffiti, the trash, urination, unprofessional staff and the overall customer service level are poor and with all the calls for service it is a magnet for crime in the neighborhood;
- Respectfully ask that the Conditional Use Permit be revoked.
- If not revoked, the hours of operation be severely restricted to 10am to 6pm Monday through Friday and 10am to 7pm on the weekends;
- Use should be limited to no more than, or required to have no less than 4 security guards;
- They should also be required to employ at least 2 personnel to keep the property clear of debris and trash because that is one of the biggest issues also;
- They should also be at 100 percent compliance with all Conditions. The renewal of the Conditional Use Permit should be .

Lynell Waswhington, Planning Director for Council Member Marqueece Harris-Dawson,

Since the Council Member has taken office in January of 2015 the field office has gotten numerous calls regarding nuisance uses and public drunkenness and some of the continuous business particularly on the west side have also complained of loitering and drinking in public on their businesses.

The Council Office is in support of revocation not limiting the hours of operation, but limiting the hours of sales of alcohol; I think that is one way to deal with the public drunkenness.

We offer, with regard to helping the store owner if they're interested in re-purposing their building and operations into doing something we think is a lot more lucrative, a lot more financially beneficial for them other than just sales of alcohol, whether that be a grocery store or housing projects or a mixed use project we're more than willing to help them get started with that. We are in support of revocation action.

Other Public Comments

Dr. Roberta Jones-Booker, Homeowner

- Has a different perspective to the issue;
- A member of the Mc Chung block-club;
- Has been living in the area since 1973, previously in Baldwin Hills since 1963;
- Concern today as it will be continually is with the quality of life of the people who live in the area.
- Understands the business perspective because she was a business owner for many years in Ladera Heights; Also understands that when the business closes for the day the people who are left in that neighborhood are the people who are paying the taxes, mowing the lawns, planting the succulents and walking their children and their pets; It does not behoove us to ignore the quality of life issues that so predominate the Crenshaw corridor;
- Agrees that the commercial side of life has deteriorated to such a point over the last fifty years;
- There seems to be very little interest in the quality of life that I and many other people have to contend with day after day;
- Has been a very good customer over the years at this store;
- Mentioned at a previous hearing that it has bothered her that at the top of the LB store there is a sign that says, The Liquor Bank S-t-o-r the owners don't care enough to restore the "e" on their sign;
- Added to the larger picture it presents a very unhealthy and unwholesome character for the area;
- Very concerned about the issues presented and personally saw a female lift up her dress and urinate in front of a security guard facing the Stocker corridor and the security guard made no effort to intervene.
- If we were talking about Brentwood we wouldn't be having this conversation;
- The proprietor's and people in the store have always treated me courteously, thank them for that.

- The store itself and the groups that accommodate themselves on the premises are not expectable to the residents of the area;

Keith Davis, Resident

- Lived in View Park entire life almost fifty years attended local schools;
- Remembers LB when they had a nice deli inside, now the deli is closed and all they sell is liquor;
- Works in the neighborhood and sees constant vending against the wall. People setting up shop and selling food and their items, on the wall and on the fence ;
- People loitering in the parking lot;
- Ran into man with open container walking on street when asked here did he get the liquor he stated, at LB;
- Sees this all the time along with public urination;
- Living and working in the area finds it to be a nuisance to be the single most difficult item that he deals with on a daily basis;

Dates Cherry, Resident

- Part of the reason we have these problems is not because of LB but because of poverty;
- After 4:00 the youth cannot be inside the mall, that makes them on the streets
- A lot of the people doing these things in Leimert Park are really poor and don't have any mental health;
- We talk about people selling bean pies like it's a horror story but we don't talk about the fact that people need to eat.
- These people are in a state of survival
- Black poor people with bad mental health are not getting hired;
- They are not the ones being hired for jobs that come into our neighborhood;
- They remain homeless and in order to feed themselves they hustle and sell bean pies;
- Has never had a problem with someone trying to sell a bean pie;
- If you don't want people urinating make sure you have public bathrooms
- If you don't have the things these people need, closing the Liquor Bank will not make a difference. It might help to gentrify the neighborhood.
- These people are being demonized, they are not demons but living in the neighborhood in a way that most would not understand.

Shade Awad,

- Tried to invest in the Liquor Bank
- Saw the movie that showed the Liquor Bank
- Reached out to investors regarding the LB to see what they could do
- Currently owns supermarkets
- Reached out to City Council to ask what they saw for the LB
- Was told that investment in LB is not wanted
- If you want to invest remove alcohol sell whatever it is other than alcohol
- Respects what everyone has said, especially the police department

- Will take what LAPD is saying to make decision with his group
- It's ironic how we talk about people urinating in the street and we're giving them tickets, but when I want to use the rest room right here, there are two that are not functioning. It's very disheartening
- Today saw two people urinating within a mile of the hearing
- Not just a problem for Liquor Bank but for all of LA County especially with the homeless
- Remember 7-11, Walgreens, CVS are all open 24 hours and they all sell liquor;
- When I went to the LB the security guards were friendly and that's what I would expect is for anybody to be friendly with me
- We need more ownership: more mom and pop stores, a sense of pride in your business
- If you see an effort every time improving, improving that's what you want for your business
- You go into a bigger business, a corporate store you see one or two employees, no security guards and that's what you want in a close tight-knit community. Like hey, you need to fix your sign, I saw someone urinating are you giving them a ticket?
- If I'm a business, do I report the guy that's urinating on the street; do I report the guy opening the container outside; do I report the guy doing illegal vending outside. Do I want to report it or does it go against my numbers; I had five thousand...nuisance calls and that's where the happy medium comes in.

Michael Gonzalez representing the Business Owner-Rebuttal

- Applicant is the business owner, not the property owner (clarification);
- I want to thank LAPD and we want to be cooperative with them.
- Relationship described as two ships passing in the night and that's what I see here. A PD that see progress, an operator that needs to do better.
- I think what we saw at the original hearing back in 2015 was an effort to make them do better on something they were completely unaware of.
- They had no clue these conditions even existed
- They've made some effort to make this operation better.
- There could be more done, there always could be more done. We strive for perfection and I don't think we ever get there. Some do others don't
- There are many things that can be done: closing that back gate-that has to happen, there is no exception to that condition.
- Additional security. I think that's a fair thing to ask for. We would be willing to offer an additional security guard from 5 to close. I think that would help if we had one guard inside and one guard patrolling the perimeter. Again as non-peace officers we cannot force people to leave the public right-of-way. The vending that occurring along Crenshaw, or perhaps even Stocker. We can ask them to leave, but I think the last speaker nailed something perfectly: if we call for help does that hurt us in the future, because I've got more calls to my location.
- One Officer mentioned 701 calls to the area, 18 of which were attributed to

the address. It's unclear because we've not received those documents, what exactly those calls for service were.

- Based on the staff report five of those calls were after the hours of operation; six were for Officer Reporting location. It's unclear what the incident was that generated the call, and to attribute it to the business operator is not in the record today and has not been established. We'd like to see what those were so we can address those concerns.
- One other thing we could do is a security plan, working close with the LAPD on tightening up what needs to be done so that they are not bothered and resources aren't being used unnecessarily for this business' operation.
- Agrees that on the day that LAPD was there there should have been 150 percent compliance with every single condition. My client didn't achieve that; they didn't have proper security monitoring; security roving. Things that can be addressed going forward.
- Absent from today's proceeding is any allegations of drug sales, drug use, drinking on the property. Things in their control. They have taken a big step to correct things that are within their control. Previously we had images of graffiti and people loitering. Images of very bad things which now have been lessened or eliminated completely.
- Would like to request that the record remain open so that they can obtain calls for service, work with LAPD to identify what those calls were about and how we can formulate a security plan with additional security guards that will address these problems.
- Client may be willing to explore additional food items to become more of an asset toward the community.
- We want to do better, but we need additional time to explore what that means based on the 701 calls of service to the area and the 18 calls that are attributed to this operation.
- We did attempt to reach out to the neighborhood council (website) last month to see what could be done but we did not hear back from them.
- Wants to point out that they do know where fees are to be paid (gave address), but you need an invoice. The City won't just accept, they need to know where to assign the fee. It's a big bureaucracy and we still haven't received that invoice.
- We appreciate the Council Office's desire to see this area transformed and perhaps become a mixed use project, we know the train is coming there and that's going to stimulate development in the area. It's a commercial zone, it does allow for housing but it's a big process to achieve a mixed use housing project. That would be great for area, but we don't own the property so we can't make that decision. We can however tighten up security and work on a security plan.

Appreciates Officer Mitchell's support and will take him up on the offer. Requests 45 days to work with LAPD to come up with some additional conditions and if they can't we leave it in the hands of the City to make whatever decision deemed appropriate based on evidence before you.

Officer Eric Mitchell, LAPD Southwest Division Foot Beat. (Response)

- As SLO has a City phone that will not generate a call for service.
- Text number is also available to businesses that reach out to Foot Beat and does not generate a call for service.
- When made aware of a problem he can put his team on the problem and shut it down
- We can sit at the Liquor Bank if we are requested to, if security asks us because they have a problem with a person, they may not be able to do something, but we can.
- We can't do it unless we're asked.
- Has set up the contact with multiple businesses in the immediate area. They all have the number and know that they can either call or text me.
- They have both non-emergency and emergency numbers. Handles the non-emergency calls
- Information that is received on a daily basis does not generate call for service and it doesn't count against them if we are aware of the problem.

Has not been reached out to by Liquor Bank but has by other businesses when they have a problem.

Officer Mike Dickes, LAPD (Response)

- The Police Department is in support of revocation at this location.
- If revocation is not attained would like the file to stay open so that more strict conditions can be drawn up for the property.

After testimony was taken, the case was taken under advisement for 45 days until April 24, 2017 (two additional weeks were granted) in order to allow the business owner to meet with LAPD to develop a Security Plan and to allow time for the review of the LAPD 11/04/15 through 11/16/16 Calls for Service Report.

WRITTEN COMMUNICATIONS RECEIVED AT AND SUBSEQUENT TO THE PUBLIC HEARING

Submissions were received from the Gonzales Law Group, representative for the business owner, the Los Angeles Police Department, the Empowerment Congress West Area Neighborhood Development Council, the local Council District and several members of the community, A copy of all correspondence is included in the case file.

A letter dated April 24, 2017 from the Gonzales Law Group APC, Michael Gonzales representative for the business operator follows:

Attn: Aleta James, Associate Zoning Administrator

Re: Case No. DIR 2009-1885-RV-PA2

Dear AZA James:

As you know, this firm represents WB & M, Inc., ("WBM")¹, the owner and operator of a business known as The Liquor Bank (the "Business"), a neighborhood store located at 3600 Stocker Street (the "Property") in the City of Los Angeles ("City"). The Property is the subject of City Planning Case No. DIR-2009-1885-RV (the "Original RV Case") and City Planning Case No. DIR-2009-1885-RV-PA2 (the "Second Plan Approval"), a second plan approval to test compliance with conditions of approval imposed by the City in March, 2010 and modified on May 11, 2016. A public hearing on the Second Plan Approval was held on February 21, 2017. The record was kept open for 45 days to allow WBM time to meet with the Los Angeles Police Department ("LAPD") to discuss a new security plan, and to allow our office additional time to obtain from LAPD details on the 16 calls for service noted in your February 16, 2017 Staff Report (the "Staff Report"). On April 7, 2017 you granted an additional two weeks before the record would close. Accordingly, the record will close today, April 24, 2017.

As discussed in more detail below, while LAPD representatives provided colorful testimony regarding operation of the Business, an examination of the record before you reveals that, while WBM did not perfectly adhere to the conditions of approval, the minor deviations noted in the Staff Report and the minor deviations discussed by LAPD during the hearing do not rise to the level of revocation. As discussed in prior correspondence, the bar for revocation is purposefully high because you are depriving someone's property rights. In this case, staff and the LAPD have not met that bar. The record is void of any substantial evidence that the Business is continuously operated as a nuisance or jeopardizes or adversely affects the public health, peace, or safety. Accordingly, while imposing stricter or additional conditions may be warranted, revocation is not supported by the record before you.

I. AN AREA IN TRANSITION BUT STILL A DIFFICULT AREA

As you know, the Business is a convenience store that offers the sale of alcoholic beverages for off-site consumption plus a large assortment of non-alcoholic food items and other items that meet daily needs. The Property is located at the intersection of Stocker Street and Crenshaw Boulevard. Stocker Street is designated a Boulevard II, formerly a Major Highway. Crenshaw Boulevard is designated an Avenue I, formerly a Major Highway. The intersection of these two major arterial streets carries thousands of vehicles per day, as well as many pedestrians and mass transit vehicles. This transit and transient setting increases the likelihood for crimes of opportunity.

The area immediately surrounding the Property is in transition. The Crenshaw Line is currently under construction and recent investments in the Baldwin Hills Crenshaw Plaza

are expected to benefit the broader neighborhood. Even with all these investments, the area around the Property continues to rank among the highest in terms of violent and property crimes. In short, while improving, the area around the Property continues to be rough and poses a challenge to many businesses operating in the area. It is no secret that the southbound Crenshaw bus stop near the Property is a source of loitering and other problems. WBM and their security guards cannot forcibly remove people from the public right-of-way. While WBM's security can request that individuals leave the public right of way, they cannot force such individuals to leave.

Moreover, the Property's immediate vicinity is also problematic. Across Crenshaw Boulevard from the Property is a vacant lot. South of the vacant lot is Jack in the Box. South of the Jack in the Box is a car wash. Immediately adjacent to the Property is a small restaurant. South of the restaurant is a parking lot. South of the parking lot is Maverick's Flat a known nightlife venue. North of Stocker Street, Crenshaw Boulevard is dominated by strip malls and run down commercial uses. None of these uses stimulate pedestrian activity, but instead encourage loitering around the area. Such loitering contributes to the area's high crime rate. WBM does not contribute to the area's loitering, the area's lack of economic activity creates the conditions where loitering can thrive. Efforts to place blame solely on WBM are not supported by the record before you. Therefore, while LAPD would like to attribute the area's crime solely to the Business, it is clear that the area immediately surrounding the Property suffers from a high incidence of loitering created by the lack of economic opportunity and the area's transient nature.

II. WBM HAS TAKEN ADDITIONAL STEPS TO CONTINUE ADDRESSING CONCERNS RAISED AT THE HEARING.

WBM has recently taken additional steps to alleviate concerns raised during the recent public hearing. WBM has prepared a security plan that has been reviewed by LAPD. LAPD's Senior Lead Officer for the area was generally satisfied with the security plan, but did provide minor edits. We are currently awaiting any final additional comments from LAPD Vice and the Nuisance Abatement Unit. WBM has also agreed to provide LAPD with remote access to Liquor Bank's outdoor CCTV security cameras. LAPD Southwest Division officers will now have direct access to the outdoor camera feeds. Signs alerting patrons to LAPD live monitoring will be posted on the site. While live monitoring will certainly benefit the Business, it will also help LAPD solve and prevent crime in the area surrounding the Property. When the community at large learns that LAPD's eyes are literally on the street surrounding Property, problematic behavior will reduce. Continued LAPD access to these outdoor security cameras is part of the security plan. Compliance with the security plan is vital and essential. Further to this end, WBM and their security provider have entered in to an addendum to the security contract that will obligate all security guards working at the Business to comply with the security plan. Failure to do so results in immediate termination and the security provider is obligated to immediately replace any terminated security guard. A copy of both the security plan, the security contract and the contract addendum are attached hereto for your convenience.

WBM has also restriped the parking lot to facilitate traffic flow entering from Crenshaw and exiting on to Stocker Street. Prior to restriping, the parking lot was striped in a way that made it practically impossible to facilitate a single in/single out traffic flow because vehicles in the parking lot adjacent to the alley could not turn around to exit to Stocker Street. The restriping, which came at a significant expense, now facilitates a single exit on Stocker Street. After restriping WBM can now close and lock the gate at the rear of the Property adjacent to the alley. This gate will remain closed and locked at all times, except during trash pick-up. As you may recall, LAPD raised multiple concerns with this gate remaining open. This issue has now been permanently resolved. Additionally, WBM has also replaced the broken trash receptacle with a new trash receptacle with a locking mechanism. Only WBM employees and refuse pick-up services will have keys to the lock. Attached for your convenience are photos of the restriped parking lot.

On March 22, 2017 WBM and their representatives met with LAPD at the Southwest Division station to discuss the security plan and present evidence of the restriping. During the meeting LAPD suggested additional monthly neighborhood and LAPD meetings WBM should attend. Since the meeting with LAPD, WBM's ownership has begun to attend these meetings. Additionally, as noted above, LAPD seemed pleased with the draft security plan and restriping efforts.

Moreover, as suggested during the hearing and during the follow up LAPD meeting, sales floor dedicated to non-alcoholic items like food, toiletries and other household goods was increased to provide customers with access to additional convenience items. The increase in floor area dedicated to non-alcoholic items correlates to a reduction in alcohol sales floor area.

WBM has also added additional signage to correct the partial compliance with required signage raised during the public hearing. While this signage has been added, during WBM's March 22 meeting with LAPD, the Senior Lead Officer suggested thinning out the signage because too much signage leads only to clutter and failure to "send the message". On April 12, 2017, our office met with the Senior Lead Officer and Nuisance Abatement Unit officers to review existing signage and to discuss more effective signage options. Attached for your convenience is a reduced size copy of the signage type LAPD has suggested placing at the Business.

WBM's recent efforts reflect their willingness to continue searching for better methods and practices to ensure continued compliance with the conditions of approval. As noted above, both staff and LAPD's testimony during the public hearing evidence an operator that is operating better than before, but that has not strictly adhered to every condition of approval. These minor deviations, while not tolerable, do not rise to the LAMC's purposefully high bar for revocation. Moreover, WBM has invested significant sums of money to correct these minor deviations and to ensure continued compliance.

III. THE STAFF REPORT REFLECTS WBM'S COMPLIANCE WITH MOST CONDITIONS OF APPROVAL.

The Staff Report reflects that the WBM was in compliance or partial compliance

with the majority of the conditions of approval. As you know, in a May 11, 2016 Letter of Determination, the City continued to impose 28 conditions of approval on the Business' operation. Since that time, WBM has complied or substantially complied with most every condition imposed by the City. According to the Staff Report, during a staff investigation on January 18, 2017 staff observed a lack of compliance with 2 conditions of approval and a lack of compliance with portions of 2 other conditions of approval. When staff visited, the Business was in compliance or partial compliance with 26 of the 28 conditions, excepting the 2 portions where compliance was lacking.

First, staff noted that the Business did not comply with one part of Condition No. 4, a 5 part condition. Condition 4 requires the posting of a 24 hour hotline at various locations. The number was only posted at the front entrance. The Staff Report notes staff attempted to call the number, which was answered as "Essential Escrow." The number noted in the Staff Report is a cell phone belonging to WBM owner's spouse. She is also the marketing director for an escrow company.

Second, staff noted that the Business did not comply with one part of Condition No. 13, an 8 part condition. Condition 13 requires posting security guards, language requirements for those guards, guard patrolling requirements, and log requirements.

Staff noted that while the rotation of the guards was noted, no incidents or resolutions were noted.

Third, staff noted that the Business was not in compliance with Condition No. 17 requiring one way ingress and egress from the site. As noted above, WBM recently expended large sums of money to restripe the parking lot to ensure one way ingress and egress. WBM provided LAPD with images of the restriped lot during the March 22, 2017 meeting. These images are also attached for your convenience. LAPD expressed satisfaction with the restriping.

Fourth, staff noted that the Business did not comply with Condition No. 22, requiring reimbursing the City of Los Angeles for the first plan approval fee. As discussed during the recent public hearing, our office and WBM repeatedly requested an invoice to pay this fee and was never provided with one. Moreover, after the hearing, our office contacted City Planning staff in an effort to pay this fee. Attached for your convenience is a series of staff emails establishing that staff is unaware of the procedure to reimburse the City.

Needless to say compliance with conditions is essential. Nevertheless, WBM's lack of compliance with the above conditions can be construed as simple oversight for portions of 4 and 13 and condition 17. WBM cannot be held responsible for compliance with condition 22 when staff cannot determine the process to reimburse the City. Moreover, in light of the fact that WBM was in compliance or partial compliance with 26 of the 28 conditions of approval, the Staff Report cannot be construed to support a claim that WBM operated in disregard of the conditions such that a nuisance or public harm was occurring. The opposite is true, the Staff Report can only be construed to support a conclusion that WBM was doing its best to operate in a difficult environment and an area fraught with

transient activity, a lack of economic activity and loitering. The record before you does not support a revocation in this case. The conditions of approval are working and WBM has taken additional steps to ensure compliance with the conditions of approval going forward.

IV. THE CALLS FOR SERVICE NOTED IN THE STAFF REPORT DO NOT CONTAIN ANY SPECIFICS AND ARE NOT EVIDENCE OF A NUISANCE AT THE PROPERTY.

During the hearing LAPD referenced various calls for service to the Property. Additionally, the Staff Report noted 16 calls for service from November 4, 2015 to November 16, 2016. Other than date, time and a brief description, the Staff Report did not contain any details on the calls for service. LAPD testimony referred to the calls for service but did not elaborate on them. Moreover, our office has repeatedly requested additional details from both LAPD's official records unit and from the officers who testified during the hearing. To date, we have not received any additional information regarding the calls for service and our requests have largely been ignored. In any event, 7 of the calls for service are described as "officer reporting location." It is not clear what this means, other than perhaps an officer using the Property address as a landmark for unrelated matters. As noted above the Property sits at the intersection of two very busy streets and has a prominent structure at that corner. Other than the Staff Report and a vague printout from LAPD's inquiry system, the record before you is void of any evidence supporting a conclusion that these 7 calls can be attributed to the Business' operation.

Moreover, many of the remaining calls for service were placed by WBM employees to address illegal outdoor vending, theft from the store, group disturbances and other disruptions of the Business' operations. LAPD has repeatedly requested WBM employees and security personnel contact LAPD when illegal vending and other disturbances occur to help curb this behavior. It is no secret that the bus stop adjacent to the Property is a problematic customer base for the illegal vendors who position themselves in the public right of way. WBM's security personnel cannot remove individuals from the public right of way, only LAPD has that authority. Including these calls for service raises a problem noted during the hearing. WBM places a call for service because LAPD has asked them to place such a call, but the call is then used as evidence of a nuisance against WBM. The problem WBM faces in these decisions is obvious, should they place the call and run the risk it will be used against them or should they ignore the illegal vending in the public right of way. Recent discussion between WBM and LAPD have resulted in the exchange of numbers between WBM management and LAPD's Senior Lead Officer for the area. Hopefully this new contact information avoids this problem.

V. LAPD TESTIMONY REVEALS THE BUSINESS IS OPERATING BETTER.

LAPD's own testimony shows that the business is operating better, the conditions are working. LAPD officers testified during the hearing that the Business was operating better and that WBM was making concerted efforts to ensure compliance with the conditions of approval. Additionally, as discussed in more detail above, WBM has taken steps to further ensure compliance with the conditions of approval, including agreeing to allow LAPD officers direct access to all cameras monitoring the Property's outdoor area.

Signs alerting patrons to the live LAPD monitoring will also be placed at the Property. While certainly a benefit for the Business, the area surrounding the Property will also benefit from the additional LAPD eyes on the street. WBM has demonstrated a repeated willingness to work with LAPD to ensure the successful operation of the Business.

VI. THINLY VEILED EFFORTS TO GENTRIFY THE AREA

The Property's vicinity is changing. The recent investment in the adjacent shopping center and the addition of the Crenshaw Line are major economic growth forces. Such forces may lead to additional development along the Crenshaw Line. As noted by the Council Office, they would prefer a mixed use project for the Property, a clear indication that the area should change. While this is a great policy goal, such statements fail to recognize WBM's land use rights and right to operate the Business from the Property.

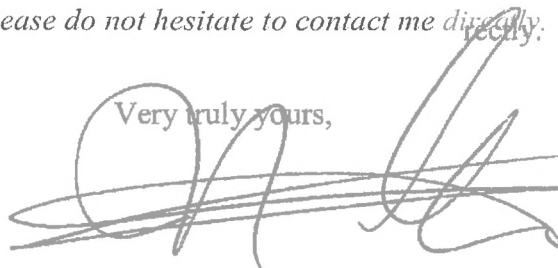
The City's revocation process should not be used to spearhead the gentrification of a specific Property. In fact, the LAMC expressly prohibits a revocation unless the Director finds that the revocation does not impair anyone's constitutional rights. In the case before you, WBM's constitutional rights to continue operating will be impaired. When balanced against the complete lack of evidence supporting a conclusion that the Business is a nuisance, findings supporting revocation cannot be made. As noted above, and during the hearing, LAPD testified that the operation is better. While not perfect, LAPD clearly noted that the operation is better. Prior efforts by the City and LAPD to eliminate the alleged problems are working. In short, the conditions of approval are working. Moreover, WBM's recent steps (restriped parking lot, LAPD access to outdoor camera feeds, increased sales area dedicated to food items) demonstrate WBM's continued efforts at eliminating the alleged problems. Therefore, the record before you does not support findings for revocation.

VII. CONCLUSION

The record before you is void of evidence supporting a determination revoking the existing land use. The LAMC required findings cannot be made because other than the Original RV Case, this Plan Approval process is a continuation of the first official governmental effort to cause WBM to eliminate the alleged problem. As before, WBM has taken immediate active operational steps to address the alleged problems and to work with LAPD on a going forward basis. While WBM disagrees the Business is a nuisance, WBM nevertheless agrees to the continued imposition of the conditions of approval including continuous live LAPD access to the Property's outdoor cameras. Therefore, we urge your office to support the continued imposition of the conditions of approval and not revocation of an existing land use.

If you have any questions, please do not hesitate to contact me directly.

Very truly yours,

A large, stylized handwritten signature in dark ink, written over the words "Very truly yours,".

Michael Gonzales Gonzales Law Group APC

The following report dated April 21, 2017 was submitted by the Los Angeles Police Department.

April 21, 2017

To: Assistant Zoning Administrator Aleta James

From: Abatement Investigator, Police Officer Orlando Levingston

SUBJECT: Case No: DIR 2009-1885 (RV) (PA2)

I, Officer Levingston attended the Zoning / Revocation Hearing regarding the property located at 3600 Stocker Street (The Liquor Bank) at Los Angeles City Hall on February 21, 2017. During the hearing the applicant, Mr. Steve Oh, along with his representative, Mr. Michael Gonzales, were proposing the modification of the following conditions:

In attendance at the hearing were various community members (for and against the applicant), along with representatives from City Planning and the Council Office (CD #8).

I, Officer Levingston would like to modify and add to the following items:

Condition #13

A minimum of one security guard shall patrol the parking lot areas during the operating hours 8 a.m. to 5 p.m. Two security guards (including one guard who shall patrol the parking lot area as required above) shall patrol/monitored the subject premises after 5 p.m. daily until 30 minutes after closing. I would like to maintain these hours and would like to recommend that the business increase their security detail by adding (2) security guards (Friday-Sunday) between the hours 8:00 a.m. to 5 p.m. By adding the (2) security guards during opening/closing hours on the weekend and a detail security plan would display the quality through continuous improvement.

Condition #14

As a compromise in the reduction of security hours, I would request that the operator / owner allow and provide the LAPD access (password protected) to the video system so the images and recordings can be monitored remotely. This will allow the LAPD in monitoring the property in "real-time" and assist in the crime reduction in the area.

As long as the property has operating conditions and if, they are deemed / determined to be a nuisance in the future, the City of Los Angeles (Planning, Council Office or LAPD) can initiate the Plan Approval Review.

The conditions will remain in place (with the modifications) and can be enforced by regulatory agencies such as Los Angeles Department of Building and Safety or the Los Angeles Police Department in the interim.

Working with the owner / operator, the community members, Southwest Division and Southwest Area Vice, I believe the following additional conditions should be implemented. These conditions are at a minimal or no cost to the owner / operator and can provide additional assistance in crime reduction, as well as bonding with the community the business serves.

The owner /operator shall identify and assign a contact person to respond to a posted 24-hour "hot line" telephone number for any inquires or complaints from the community regarding the property and/or operation of the business. The hot line number shall be conspicuously posted at the front (south) and east sides of the business. The calls shall receive response within 24-hours and documented in a log and available for review by the Los Angeles Police Department upon request. The log shall include when the calls were received, when the calls were returned, action taken and the name and phone number of the complainant. The lettering within the signs shall be at a minimum of 2" wide and 4" in height.

All owners and managers shall join and actively participate in the Southwest Area neighborhood watch, CPAB (community police advisory board), council meetings and /or residential association meetings, and shall provide proof of such attendance.

In conclusion, it would have been ideal to have the community and property / business owner to come to a collective agreement on fair and practical operating conditions, but no mutual agreement could be made. The ultimate goal is to have the business provide a clean, safe and nuisance free environment, at the same time being a positive additional to the community while being a prosperous business. The Zoning process is one that is supposed to be corrective, not punitive. The business has had operating conditions for nearly 8 years and for most of that time those conditions were warranted. It is acknowledged that this business still has some criminal activity in and around the area to this date.

However, comparing the crime stats and calls for service of the revocation conditions to the present, there have been substantial improvements and reduction in those numbers.

The modifications proposed are more than a fair compromise to all parties involved. The owner / operator will have a reduction in monetary operating costs (reduction in security hours, while providing the LAPD with "real-time" access to video on the property and better lighting in the areas needed to deter criminal activity. Further, the revocation conditions will be in effect indefinitely until either the applicant applies to have them removed or the City of Los Angeles has deemed the location to be once again a nuisance and another hearing will be initiated.

Sincerely,

Officer Orlando Levingston

Other Correspondence

Between the date of the public hearing and the completion of this report two emails in support of retaining the use and an unverified petition with 332 signatures supporting the use were submitted. During the same time ten correspondence were received indicating that the use is a nuisance and public health and safety issue, that any Conditional Use permit should be revoked, that despite previously instituted Conditions nuisance activity still occurs on the site, and that the quality of life for residents should be put before profits. Correspondence from the McClung Bronson Block Club, the local Certified Neighborhood Council and the local Council Office were also received. All indicted support for revocation of the use.

FINDINGS AND MODIFICATION O F CONDITIONS

DISCUSSION

The subject liquor store, The Liquor Bank located at 3600 West Stocker Street, was previously determined by the Zoning Administrator, on December 28, 2009, to be a public nuisance as established in Section 12.27.1 of the Los Angeles Municipal Code. The Liquor Bank had been found to adversely impact nearby residential or commercial uses, jeopardize or endanger the public health or safety of persons residing or working on the premises or in the surrounding area, constitute a public nuisance, and result in repeated nuisance activities, including but not limited to disturbances of the peace, illegal drug activity, harassment of passersby, public intoxication, urination and theft. In order to mitigate public nuisance activities on or nearby the subject site and to prevent worsening criminal activities, the Zoning Administrator established Corrective Conditions. Without the imposition of the Corrective Conditions, the Zoning Administrator found that The Liquor Bank would continue to result in nuisance activities. The present business owner/operator, who acquired the business in 2013, initially expressed a lack of understanding and knowledge of the existing operating conditions but was subsequently found, through site review by City staff and reports from the LAPD, to be in substantial compliance with the established Conditions.

After considering the testimony from the public hearing, a review of all the submitted communications and the results of the City Condition Compliance review, the Zoning Administrator has determined that the operator of the Liquor Bank, while substantially compliant, is still not at a level of full compliance with the imposed Conditions. Several letters were received from residents voicing opposition to the continued use of the site as a liquor store citing problems with littering, loitering, lack of property maintenance thereby adding to a decline in property values, limited on-site parking and drinking in public.

Also received to the public record was a petition with 332 signatures indicating support of the continued use of the site as a store of which 60% of sales involve household goods and groceries and retaining the current operating hours. As reflected in the staff's condition compliance investigation report resulting from a site visit on January 18, 2017, the operator has taken steps to address the nuisance activity such as providing an assortment of general merchandise and non-alcoholic beverages for sale, keeping the site free of debris, providing STAR training for employees, installation of a video surveillance system and the reduction of illegal vending on-site. However, the operator has not reached compliance on several issues such as providing a dedicated "hot-line" for complaints, providing all of the required signage or consistently securing the gate abutting the alley.

While none of these semi-compliant issues can be viewed as directly contributing to increased nuisance activity, they are conditions that are required in order for the business to obtain non-nuisance standing and they have been discussed previously with the operator by the LAPD and can be easily addressed and corrected. With this in mind, the operator is being given 90 days to make the necessary corrections and to file for a Condition Compliance Review. While it does appear that the operator's lack of action related to the non and partially compliant Conditions is self-imposed, these items can and should be quickly corrected. The operator, and operations of the business have shown improvement as indicated in a LAPD communication, which states,

The ultimate goal is to have the business provide a clean, safe and nuisance free environment, at the same time being a positive addition to the community while being a prosperous business. The Zoning process is one that is supposed to be corrective, not punitive. The business has had operating conditions for nearly 8 years and for most of that time those conditions were warranted. It is acknowledged that this business still has some criminal activity in and around the area to this date. However, comparing the crime stats and calls for service of the revocation conditions to the present, there have been substantial improvements and reduction in those numbers.

The testimony and evidence does not support that the level of nuisance warrants the revocation of the use of the site as a liquor store at this time. Nevertheless, conditions have been retained and modified in the attempt to eliminate all nuisance activities associated with the site. Recommendations from LAPD to increase the number of security personnel to four on the weekend and to reduce the operating hours from closing at 10:00p.m. to 5:00p.m. were taken into consideration.

The number of security staff has been modified to require two, on-site, daily during business hours. This will allow for better coverage of the parking area and any increases in weekend activity. The Operator and the LAPD met after the Public Hearing to devise a Security Plan for the business. The operator has agreed to provide video surveillance access to the LAPD and to establish contact with the SLO of the LAPD Crenshaw Foot-beat. The increased access to LAPD and implementation of the LAPD approved Security Plan should allow for a timely reduction in nuisance activity at the business and ultimately the elimination of the need for on-site security personnel.

Additionally, the hours of operation have been modified to change the time of closing from 10:00 p.m. to 8:00 p.m. daily. The purpose of the reduction in hours is to support the operator's speedy and full compliance with the imposed Conditions. It is understood that the operator

can request an expansion in the hours of operation or elimination of all Conditions once the business has reached full compliance and has achieved a status of non-nuisance.

CONDITION MODIFICATIONS

The following modifications to existing Conditions have been made based upon the current review:

Additionally,

Condition No. 1 has been modified to require a 90 day period for the next Plan Approval in order to assess in an expedient manner whether the business owner has made the changes necessary to bring the operation into compliance with the corrective conditions. The Plan Approval review will require a public hearing at which the property owner/business operator's level of compliance with the Corrective Conditions will be determined and where members of the public, the Los Angeles Police Department and the local Council Office will be given an opportunity to provide information and testimony regarding the effectiveness of the conditions and the level of compliance.

Condition No. 3 has been modified to reduce the use's hours of operation from 10:00 p.m. to 8:00 p.m. daily. The use will continue to open at 8:00 a.m. The reduction in hours will help to facilitate the reduction and elimination of possible nuisance activity.

Condition No. 5 has been modified to require that the operator include the name and phone number of all complainant and to show daily review and verification of the complaint log using initials and a date.

Condition No. 12 has been modified to reflect compliance with the 45 day verification of STAR training for all employees. The Condition has also been modified to exclude contracted security personnel from the requirement of completing STAR training and to require the operator to provide proof of STAR training for all future new hires.

Condition No. 13 has been modified to require that two security guards patrol the subject site daily from opening to closing, and that there be at least one bilingual security guard on duty per shift. The operator shall also provide a copy of the LAPD approved security plan within 30 days of the effective date of the subject action.

Condition No. 14 has been modified to require the operator to provide access to the video surveillance system to the LAPD, to facilitate remote monitoring of the site.

Condition No. 17 has been modified to require that the gate remain closed and secured except to permit site maintenance, but shall be monitored while open and secured immediately after use.

Condition No. 18 has been modified to require signage at the cashier prohibiting public drinking.

Condition No. 24 has been modified to require the operator to provide verification of contact with the SLO of the LAPD Crenshaw Foot Patrol.

Condition No. 26 has been modified to require the operator to maintain a valid/active Trespass Authorization.

Condition No. 27 has been modified to require the operator to secure the premises in accordance with the LAPD approved Security Detail Plan.

The following Conditions have been shown to be in compliance and have been modified to reflect this: 4, 6, 10, 12, 16 and 21.

All other conditions remain as previously imposed.

FINDINGS

It is hereby determined that substantial compliance has been achieved in the operation of the liquor store located at 3600 West Stocker Street known as The Liquor Bank, and that the nuisances associated with the nature and operation of the liquor store are still impacting nearby uses and affecting public safety and welfare.

It is also determined that the Conditions contained herein are still necessary to ensure that the prior level of nuisance activity, which has significantly decreased since the initiation of the Corrective Conditions, does not return and to address the concerns of the surrounding community. Therefore, the Conditions previously imposed are retained as modified herein.

It is the purpose of these proceedings, under Ordinance No. 171,740, to provide a just and equitable method to be cumulative with, and in addition to, any other remedy available for the abatement of public nuisance activities.

I FIND THAT, the subject Action is in compliance with Section 12.27.1 of the Los Angeles Municipal Code and has been conducted so as not to impair the constitutional right of any person. The Owner/Operator of the business was afforded the opportunity to review the file in advance of the hearing, which was duly noticed, and to testify and respond to the allegations concerning the impacts of the operation of The Liquor Bank. The Business Operator and the Representative of the Business Operator were in attendance at the public hearing held on February 21, 2017. Further, the Conditions imposed are not so onerous as to prevent the viable operation of the business.

VINCENT P. BERTONI, AICP
Director of Planning



ALETA D. JAMES
Associate Zoning Administrator

ADJ: LS

cc: Councilmember Marqueece Harris-Dawson: Eight District
Adjacent Property Owners
Public Hearing Sign-in/Notification Sheet: February 21, 2017