

# TRANSMITTAL TO COUNCIL

Case No. <b>DIR 2010-1361(RV)</b>	Planning Staff Name(s) and Contact No. <b>Linn K. Wyatt – 213-978-1318</b>	C.D. No. <b>14</b>
Related Case No(s).		Last Day to Appeal <b>December 17, 2010</b>

Location of Project (Include project titles, if any.)  <b>1123 East 7th Street</b>
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Applicant(s) and Representative(s) Name(s) and Contact Information, including phone numbers, if available.  <b>Office of Zoning Administration City of Los Angeles 200 North Spring Street, #763 Los Angeles, CA 90012 213-978-1318</b>
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Appellant(s) and Representative(s) Name(s) and Contact Information, including phone numbers, if available.  <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <b>Michael Kim 1123 East 7th Street Los Angeles, CA 90021 310-561-3182</b> </div> <div style="width: 45%;"> <b>Baret C. Fink, Esq. Perelman and Fink 1880 Century Park East, Suite 315 Los Angeles, CA 90021 310-553-8787</b> </div> </div>
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**Final Project Description** (Description is for consideration by Committee/Council, and for use on agendas and official public notices. If a General Plan Amendment and/or Zone Change case, please include the prior land use designation and zone, as well as the proposed land use designation and zone change (i.e. "from Very Low Density Residential land use designation to Low Density land use designation and concurrent zone change from RA-1-K to (T)(Q)R1-1-K). In addition, for all cases appealed in the Council, please include in the description only those items which are appealable to Council.)

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

The appellant, Michael Kim, is appealing part of the determination of the Zoning Administrator. The appellant is appealing various Conditions of the Zoning Administrator's determination.

**Background:** On December 2, 2010, Acting Chief Zoning Administrator Linn K. Wyatt, acting for the Director of Planning, pursuant to the provisions of Section 12.27.1 found that modification of the operation of a market/liquor store known as Ken's Market located at 1123 East 7th Street, was required in order to mitigate adverse impacts caused by said operation and the sale of alcoholic beverages and any potential impacts caused by any future operation of the market/liquor store.

Items Appealable to Council <b>DIR 2010-1361(RV)</b>
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Fiscal Impact Statement  <div style="display: flex; justify-content: space-around;"> <span>Yes</span> <span>No X</span> </div>	ENV. No., if applicable  <b>ENV 2010-1362-CE</b>	Commission Vote:
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Please note: In addition to this transmittal sheet, Council needs:

- (1) One original and two copies of the Commission, Zoning Administrator or Director of Planning report
- (2) Staff recommendation report
- (3) Appeal, if applicable;
- (4) environmental document used to approve the project, if applicable;
- (5) public hearing notice; and (6) mailing labels
- (7) Condo projects only: 2 copies of Determination labels (including tenants and 500 ft. radius).

Prepared by  <b>Linn K. Wyatt</b>	Date  <b>December 22, 2010</b>	Contact Number  <b>213-978-1318</b>
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LINN K. WYATT  
ACTING CHIEF ZONING ADMINISTRATOR  
ASSOCIATE ZONING ADMINISTRATORS  
R. NICOLAS BROWN  
SUE CHANG  
LOURDES GREEN  
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

DEPARTMENT OF  
CITY PLANNING  
MICHAEL J. LOGRANDE  
DIRECTOR

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

December 22, 2010

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

Case No. DIR 2010-1361(RV)  
Appellant: Michael Kim  
Address: 1123 East 7th Street  
Council District: 14  
Plan: Central City  
Environmental: ENV 2010-1362-CE

Honorable Members:

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

**Appeal Request:**

The appellant, Michael Kim, is appealing part of the determination of the Zoning Administrator. The appellant is appealing various Conditions of the Zoning Administrator's determination.

**Background:** On December 2, 2010, Acting Chief Zoning Administrator Linn Wyatt, acting for the Director of Planning, pursuant to the provisions of Section 12.27.1 found that modification of the operation of a market/liquor store known as Ken's Market located at 1123 East 7th Street, was required in order to mitigate adverse impacts caused by said operation and the sale of alcoholic beverages and any potential impacts caused by any future operation of the market/liquor store.



LINN K. WYATT  
Chief Zoning Administrator

LKW:lmc



# MASTER APPEAL FORM

ORIGINAL

City of Los Angeles – Department of City Planning

APPEAL TO THE: ~~CITY PLANNING COMMISSION~~ CITY COUNCIL

(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

REGARDING CASE #: DIR 2010-1361 (RV)

PROJECT ADDRESS: 1123 East Seventh Street, Los Angeles, CA 90021

FINAL DATE TO APPEAL: December 17, 2010

TYPE OF APPEAL:

1. ~~1~~ <sup>omit</sup> Appeal by Applicant  
2. ☒ Appeal by a person, other than the applicant, claiming to be aggrieved  
3. ☐ Appeal by applicant or aggrieved person from a determination made by the Department of Building and Safety

## APPELLANT INFORMATION – Please print clearly

Name: MICHAEL KIM

(Ho Yur Kim)

- Are you filing for yourself or on behalf of another party, organization or company?

☒ Self

☐ Other: \_\_\_\_\_

Address: 1123 East Seventh Street

Los Angeles, California

Zip: 90021

Telephone: (310) 561-3182

E-mail: \_\_\_\_\_

- Are you filing to support the original applicant's position?

☐ Yes

☒ No

## REPRESENTATIVE INFORMATION

Name: BARET C. FINK, ESQ., PERELMAN AND FINK

Address: 1880 Century Park East, Suite 315

Los Angeles, California

Zip: 90021

Telephone: (310) 553-8787

E-mail: bcfink@iname.com

This application is to be used for any appeals authorized by the Los Angeles Municipal Code for discretionary actions administered by the Department of City Planning.



**JUSTIFICATION/REASON FOR APPEALING** – Please provide on separate sheet.

Are you appealing the entire decision or parts of it?

☐ Entire

☒ Part

Your justification/reason must state:

- The reasons for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

**ADDITIONAL INFORMATION/REQUIREMENTS**

- Eight (8) copies of the following documents are required (1 original and 7 duplicates):
  - Master Appeal Form
  - Justification/Reason for Appealing document
  - Original Determination Letter
- Original applicants must provide the original receipt required to calculate 85% filing fee.
- Original applicants must pay mailing fees to BTC and submit copy of receipt.
- Applicants filing per 12.26 K "Appeals from Building Department Determinations" are considered original applicants and must provide notice per 12.26 K 7.
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (i.e. ZA, APC, CPC, etc...) makes a determination for a project that is not further appealable.

*"If a nonelected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any."*

--CA Public Resources Code § 21151 (c)

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

Appellant Signature: \_\_\_\_\_

MICHAEL KIM

Date: December 14, 2010

**Planning Staff Use Only**

Amount	\$ 105.02	Reviewed and Accepted by	<i>[Signature]</i>	Date	12-14-10
Receipt No.	263229	Deemed Complete by	<i>Rash Arin</i>	Date	12-15-10



Determination Authority Notified



Original Receipt and BTC Receipt (if original applicant)



**JUSTIFICATION/REASON FOR THE APPEAL**  
**CASE NO. DIR 2010-1361(RV)**

This appeal is from the following orders sought to be imposed on Michael Kim and Ken's Market.

The Appellant, Michael Kim, is the owner of Ken's Market located at 1123 East Seventh Street, Los Angeles, California 90021.

Appellant objects to and appeals from the following orders in the City's December 2, 2010 Order:

No. 7. **Hours of Operation.** Reducing hours of operation to open at 8:00 A.M. and to close at 7:30 P.M. will impact the ability to attract early morning business. Appellant will consent to open not earlier than 7:00 A.M. and close not later than 7:30 P.M. daily. Reduction of operating hours will impact sales and cause customers to shop at other locations. Customers like to be able to purchase coffee and breakfast items and loss of the one hour between 7:00 A.M. and 8:00 A.M. will affect business without any perceived benefit to the City.

No. 8. **Security Guard.** Appellant objects to being required to have a security guard and even if required to have a security guard, objects to the requirement that the security guard police any premises other than the interior of the premises and the parking lot in that the store operator has no jurisdiction to police public areas. If a security guard is required, there is no objection to Items 8a, b, c, d, f and g (inside the store). The cost for the security guard will be at least \$6,000 a month, which is a cost that this small market cannot afford especially with the other conditions being imposed. This market barely makes a profit and these conditions will force the store to close.

No. 22. **Limitation of Sale of Wine and Distilled Spirits.** Sale of products in lower quantity than 750 ml will drastically affect sales as most sales are for smaller quantities. Appellant does not sell "singles", but does sell quantities less than 750 ml. It is legal to sell all types of alcoholic products and it is unfair and puts Appellant at an unfair disadvantage by having restrictions on the size containers Appellant can sell. There is a store a few doors away where this restriction does not apply and therefore, customers will shop a few doors away for their purchases with no benefit to the City's goals other than

impacting Appellant's business. The restriction will so impact Appellant's business that Appellant may be forced to close the market.

No. 23. **Limitation of Sale of Beer, Ale, Alcoholic Cider, Malt Beverages and Wine Cooler Products.** Sale of single containers is an essential part of Appellant's business. Appellant has previously ceased selling single containers of non-premium brands of this type product. It is legal to sell all types of alcoholic products and it is unfair and puts Appellant at an unfair disadvantage by having restrictions on the size containers Appellant can sell. There is a store a few doors away where this restriction does not apply. Therefore, customers will shop a few doors away for their purchases. The restriction will so impact Appellant's business that Appellant may face having to close the market. Appellant is at an unfair disadvantage by having restrictions on the size containers Appellant can sell. Since there is a store a few doors away where this restriction does not apply, the result of imposing the restriction will be to cause Appellant's customers to go to the store not impacted by this order and to financially ruin the operation of Appellant's business. There is no logical benefit to be obtained by the Orders in Items 22 and 23.

Appellant has agreed to accept almost all of the conditions imposed on his business. The items appealed from represent the straw that will force Appellant out of business. The imposed conditions are confiscating and are unfair.

Appellant's business is not the cause of criminal activity in the area. It is the area itself and the lack of adequate police enforcement. It is not fair to punish Appellant's business for conditions over which he has no control.

If Appellant is not permitted to service his customers, the customers will go a few doors away and purchase from another vendor who is not subject to the conditions imposed on Appellant.

Appellant requests that the requirements in Paragraphs 7, 8, 22 and 23 not be imposed and that the City allow time to see the effectiveness resulting from imposition of the other conditions.

Respectfully submitted,

  
\_\_\_\_\_  
MICHAEL KIM



LINN K. WYATT  
ACTING CHIEF ZONING ADMINISTRATOR  
ASSOCIATE ZONING ADMINISTRATORS  
R. NICOLAS BROWN  
SUE CHANG  
LOURDES GREEN  
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES  
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LOS ANGELES, CA 90012  
(213) 978-1318  
FAX: (213) 978-1334  
[www.planning.lacity.org](http://www.planning.lacity.org)

December 2, 2010

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

Hal C. Bitran Trust (O)  
3001 East Pico Boulevard  
Los Angeles, CA 90023

Kim Ho Yun  
Ken's Market  
1123 East 7th Street  
Los Angeles, CA 90021

CASE NO. DIR 2010-1361(RV)  
IMPOSITION OF CONDITIONS  
1123 East 7th Street  
Central City Planning Area  
Zone : M2-2D  
D. M. : 126A213  
C. D. : 14  
CEQA : ENV 2010-1362-CE  
Legal Description : Lot No. 9, W. J.  
Fisher's Addition No. 1 to Kohler and  
Frohling Tract

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

the modification of the operation of a market/liquor store known as Ken's Market,  
located at 1123 East 7th Street, in order to mitigate adverse impacts caused by said  
operation and the sale of alcoholic beverages and any potential impacts caused by  
any future operation of the business as a market/liquor store,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such





Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. The premises shall be maintained as a market, not as a liquor store, with the sale of alcohol incidental to the store in which other grocery/general merchandise items such as milk, fruits, vegetable, water, juice, deli sandwiches, and non-alcoholic beverages are available for purchase.[LAPD]
7. Hours of operation shall be restricted to opening no earlier than 8:00 a.m. daily to closing at 7:30 p.m., daily.
- ✓ 8. A State-licensed and uniformed security guard shall be stationed at the store to patrol the site including the interior, exterior, and parking lot of the premises and the adjoining streets to discourage loitering, drinking in public and other nuisance activities on and around the property. The security guard shall patrol during the full extent of the operating hours at all times. [LAPD]

The security guard 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. The guard shall be fluent in English and will have clear instructions to enforce applicable conditions and uphold the law.
- d. The guard shall not follow, impede, obstruct or delay any law enforcement personnel conducting inspections or official business at the location.
- e. The guard shall insure that a 50-foot area in front of the market is to remain clear and free of any loitering.
- f. The guard shall ensure that there are no groups of five or more persons congregating inside the store.
- g. The guard 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 guard shall be responsible for preventing loitering and any criminal activity on and around

the store including public drinking, littering, trespassing, transactions involving controlled substances, and other illegal and public nuisance activities. If unlawful activity inside and outside the store including in the parking lot and adjoining areas related to loitering, drinking alcoholic beverages, or illegal drugs is observed or reasonably assumed, then the guard(s) shall verbally request such persons to leave the area. The guard shall request the assistance of the Los Angeles Police Department if, based upon the guard's training, the situation so warrants.

- h. The store owner/operator and security guard shall maintain a daily log of patrol activities in the market, 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 market during the security patrol, and resolution of the incidents.
  - i. 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.
9. **Within 90 days of the effective date of this determination**, all persons at the store involved in the direct sale of alcoholic beverages to the public who have not had STAR training shall enroll in STAR training offered by the Los Angeles Police Department. Confirmation of attendance at such training shall be provided to the Zoning Administrator.
10. The premises, including the parking lot and sidewalk in front, shall be cleaned of trash and debris on a daily basis and free of any other items that encourage loitering.
11. Patrons shall not be allowed to remain inside the market for more than ten minutes. The operator and any employee shall instruct patrons as to these prohibitions and also to not open any alcoholic beverages within the interior, in front of, or adjacent to, the premises. [LAPD]
12. 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."

13. No public payphones shall be permitted on the property.
14. **Within 45 days of the effective date of this action**, additional lighting, preferably halogen lighting, shall be provided inside and outside of the store with views of all common areas in order to provide for improved security and deter loitering along these areas of the property. Placement of such lighting fixtures and cameras shall be installed in consultation with and to the satisfaction of the Police Department's Central Area Vice Unit.
15. A video surveillance system shall be maintained in fully operational condition, 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. All employees shall be familiar with the video equipment and the machines shall be maintained in working order at all times. [LAPD]

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 (KEN'S MARKET) 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. The sign shall comply with Condition No. 16 of this determination.

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.

16. The store windows shall be maintained free of signs to provide clear visibility in and out of the store and a clear view of the cash register/point-of-sale location inside the premises. No signs advertising the sale of alcohol shall be permitted on windows and walls.
17. The owner/operator shall join and actively participate in the efforts of any local neighborhood watch and shall meet initially with the Los Angeles Police Department's Newton Vice Unit representatives **within two months of this action**



and then on an as-needed basis to receive appropriate training and information regarding any alcoholic beverage control in the immediate area and any narcotics laws and nuisance abatement procedures.

18. The operator shall make available a copy of these conditions to all employees of the store and shall train them to insure that compliance with the conditions is monitored and enforced.
19. There shall be no sale or giving away of cork screws, can and/or bottle openers or single cups, glasses or receptacles commonly used for drinking in quantities of less than 24 count, or ice in quantities of less than 41-pound packages.
20. All items purchased by customers shall be placed in a clear plastic bag or container rather than an opaque paper or plastic bag, thus allowing items to be easily seen and identified. [LAPD]
21. Cigarettes for purchase shall be available only in a standard unopened pack unit or carton size unit. No narcotic paraphernalia or related items shall be sold or distributed at the location; no copper-wire scouring pads shall be sold or distributed at the location.
- ✓ 22. No wine, wine products or distilled spirits shall be sold in less than 750 ml quantities or four-pack containers per sale. No miniature bottles of alcoholic beverages shall be sold. [LAPD]
- ✓ 23. No beer, ale, alcoholic cider, malt beverage, or wine cooler product shall be sold in single cans/bottles at the location; alcoholic beverages shall only be sold in a six-pack or quart/liter size quantities per sale. [LAPD]
- ✓ 24. An electronic age verification device which can be used to determine the age of any individual attempting to purchase alcoholic beverages shall be installed on the premises at each point-of-sale location. This device shall be maintained in operational condition and all employees shall be instructed in its use prior to the sale of any alcoholic beverage.
- ✓ 25. Conditions of approval shall be maintained on the premises at all times and posted along with other permits and produced immediately upon request of the Police Department, the Department of Building and Safety or other government entity.
- ✓ 26. The property owner and/or operator shall post signs in compliance with Section 41.27(e) LAMC on the premises notifying the public of the provisions of Section 41.27(d) LAMC, in both English and Spanish to read as follows ***"It is a violation of 41.27(d) of LAMC to possess any bottle, can, or other receptacle containing any alcoholic beverage, which has been opened, or the seal is broken, or the contents of which have been partially removed, on or adjacent to these premises"***.



27. The operator shall observe strict adherence to the Department of Alcoholic Beverage Control laws and conditions, specifically 25612.5 BP (retail operating conditions).
28. **No earlier than 5 months and no later than 6 months from the effective date of this action**, the owner/operator of the subject premises and/or the property owner of the land shall file a Plan Approval with the Office of Zoning Administration together with a filing fee and a mailing list of owners and occupants within 500 feet of the premises to determine the effectiveness of compliance with the conditions herein, and to determine whether additional and more restrictive conditions or, fewer conditions need to be considered for the operation of the facility or whether revocation is appropriate. The matter shall be set for a public hearing. The operator shall submit with the application documentation of how compliance with each condition has been attained.
- ✓ 29. **Within 30 days of the effective date of this determination**, the property owner of the subject property shall record a covenant and agreement with the County Recorder, in a manner suitable to the Zoning Administrator, containing all of these conditions. This Covenant and Agreement shall be maintained in full force and effect at all times that the store is in business and shall not be terminated unless approved by the Zoning Administrator. If the property owner fails to comply with this condition, the City will record the covenant. 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.
- ✓ 30. **Within 30 days of the effective date of this action**, the business owner and/or the property owner shall reimburse the City for the costs required to conduct and process the subject nuisance abatement action pursuant to Section 19.01-P of the Los Angeles Municipal Code. A check in the amount of the applicable fee shall be paid to the City of Los Angeles with confirmation of payment made to the Zoning Administrator within this same time period.

#### **TRANSFERABILITY**

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

#### **VIOLATIONS OF THESE CONDITIONS IS A MISDEMEANOR**

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



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

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

The Zoning Administrator's determination in this matter will become effective after DECEMBER 17, 2010, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>**. Public offices are located at:

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

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

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

#### **NOTICE**

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

#### **FINDINGS OF FACT**

After thorough consideration of the statements and correspondence contained in the file, the report of the Zoning Analyst thereon, the statements made at the public hearing before the Zoning Administrator on June 24, 2010, all of which are by reference made a part hereof, as well as knowledge of the property and the surrounding district, I find that there is cause for imposition of corrective Conditions based upon the provisions of Section 12.27.1 of the Municipal Code which has been established by the following facts:



## **BACKGROUND**

The subject site is a level, 5,571 square-foot, rectangular-shaped, record lot developed with a three-story, approximate 14,250 square-foot mixed-use building containing ground floor retail uses with two floors above of a residential motel. The subject market, Ken's Market, is located on the ground floor on the corner of 7th Street and Kohler Street.

The subject site has approximately 51 linear feet of frontage along the north side of 7th Street and 110 linear feet of frontage along the west side of Kohler Street. The subject site is zoned M2-2D.

The subject building was originally constructed in the early 1920's therefore there is no on-site parking provided. Patrons utilize a parking lot which abuts the subject site to the west which is also shared with an abutting printing business. The parking lot is under ownership different from the subject site. The store operator stated that he closes and locks the gate to the parking lot each night when the store closes at 7:30 p.m.

At the time of field investigation, the site was generally clean. There was no graffiti and no trash around the exterior perimeter of the property. The store operator stated that he and his clerks will clean the site but that the Central City East Association (CCEA) provides personnel who regularly clean up trash and debris in the area on a daily basis. There is no trash enclosure on-site. Trash is thrown into a bin shared with the printing business and is located in the parking lot to the west of the market and is picked up by a private refuse company.

The subject store is one of two retail stores occupying the ground floor level of the property. The store contains approximately 1,500 square feet of gross floor area. The other commercial business is a retail clothing store.

The store recently changed its name on the exterior awning to "99 Cent Store" in lieu of "Ken's Market". The store has operating hours of 6:30 a.m. to 7:30 p.m. seven days a week.

The majority of the signage visible from the exterior advertises groceries and household goods. There is only one sign above the door advertising an alcoholic beverage.

There are two public pay phones on the subject site. One phone is located on the southeast corner of the building near the entrance to the market. The other pay phone is located on the southwest corner of the building adjacent to the parking lot.

The market sells grocery items and household goods along with alcoholic beverages. No single cups are sold or given away and no single cigarettes are sold. Within the interior of the market, there are no video games or vending machines. There is an ATM machine located near the front entrance.

There are a total of 13 security cameras installed in the subject store. There are ten cameras located within the interior of the store. There are three cameras located on the exterior of the store showing the entrance and sidewalk areas in front of the location. There are three monitors within the store. One monitor is located near the cash register

and the other two monitors are located in the office with the recording equipment which is a DVD system.

Lighting on the site appears minimal. There are no exterior light fixtures attached to the building and the only lighting appears to be a City streetlight on the sidewalk in front of the market.

Properties to the north are classified in the M2-2D Zone and are developed with one- and two-story commercial and industrial/warehouse buildings.

Properties to the east, across Kohler Street, are classified in the M2-2D Zone and are developed with a three-story motel, one- and two-story commercial buildings.

Properties to the south, across 7th Street, are classified in the M2-2D Zone and are developed with one- and two-story commercial and industrial/warehouse buildings.

Properties to the west are classified in the M2-2D Zone and are developed with a parking lot and one- and two-story commercial and industrial buildings.

7th Street, adjoining the property to the north, is a designated Secondary Highway, dedicated a width of 80 feet and is improved.

Kohler Street, adjoining the property to the east, is a Local Street dedicated a width of 60 feet and is improved.

The Central City District Plan designates the subject property for Light Industrial with corresponding zones of M2, MRZ, P and PB and Height District No. 2-D. The "D" limitation states that the total floor area contained in all buildings on a lot shall not exceed three (3) times the buildable area of the lot. The term "floor area" shall mean floor area as defined in Municipal Code Sections 12.21.1-A.5 and 12.21.1-B.4. The property is not currently within the area of any specific plans or interim control ordinances

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

#### Subject Property

ABC License No. 454061 – The California Department of Alcoholic Beverage Control issued this Type 20 Off-Sale Beer and Wine license to Kim Ho Yun doing business as "Ken's Market." This license is valid from October 1, 2009 to September 30, 2010.

#### Surrounding Properties

Case No. DIR 99-0334(RV)(PA4) – On May 6, 2010, the Zoning Administrator determined that the operation of Alex's Market, located at 423 East 7th Street (approximately 2,000 feet west of the subject site, Ken's Market), has been in general compliance with the imposed conditions set forth in the determination. This case has two components, the retail market selling alcoholic beverages and a motel. The determination combines the conditions related to each use.



**CORRESPONDENCE AND REPORTS****Comments from Other Departments**

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

**Police Department**

Letter dated January 20, 2010, including conditions (also submitted at public hearing) recommended for imposition on the market/liquor store as part of nuisance abatement proceedings.

**Office of the City Attorney** submitted the following information:

A Consolidated Crime Analysis Database (CCAD) report from March 8, 2007 to March 8, 2010 which identifies the following crimes or arrests:

1. 03/21/2007 - POSS/PURCHASE COCAINE BASE FOR SALE
2. 03/21/2007 - PROPERTY REPORT
3. 04/05/2007 - SPOUSAL ABUSE SIMPLE ASSAULT
4. 04/27/2007 - MISD VNDL - OTHER THAN CNVY
5. 06/12/2007 - FAIL TO MAINTAIN MOTEL REGISTER
6. 06/26/2007 - STOLEN VEHICLE
7. 07/17/2007 - PROPERTY REPORT
8. 07/17/2007 - ALCOHOLIC BEV SALES TO INTOXICATED
9. 08/04/2007 - PROPERTY REPORT
10. 08/04/2007 - INTENTIONAL INTERFERENCE W/PUBLIC T
11. 09/14/2007 - ROBBERY - STREET
12. 09/14/2007 - MISDEMEANOR BATTERY
13. 10/15/2007 - ROBBERY - STREET
14. 11/04/2007 - PETTY THEFT W/PRIOR THEFT
15. 11/04/2007 - POSSESSION NARCOTIC CONTROLLED SUBS
16. 11/13/2007 - BATTERY ON NONCOHABITATING FORMER S
17. 11/13/2007 - FTA AFTER WRITTEN PROMISE
18. 11/14/2007 - POSSESSION CONTROLLED SUBSTANCE
19. 11/14/2007 - MISD VNDL - OTHER THAN CNVY
20. 11/20/2007 - POSSESSION NARCOTIC CONTROLLED SUBS
21. 11/20/2007 - PROPERTY REPORT
22. 11/20/2007 - BURGLARY
23. 11/20/2007 - VIOLATION OF PAROLE: FELONY
24. 11/28/2007 - ILLEGAL POSSESSION OF SHOPPING CART



25. 12/18/2007 - ASSAULT W/DEADLY WEAPON
26. 12/23/2007 - MISDEMEANOR BATTERY
27. 12/26/2007 - POSSESSION CNTL SUBSTANCE PARAPHERN
28. 12/31/2007 - POSSESSION MARIJUANA FOR SALE
29. 01/04/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
30. 01/04/2008 - PROPERTY REPORT
31. 01/04/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
32. 01/22/2008 - IDENTITY THEFT
33. 01/23/2008 - EMPLOY MINOR UNDER 18 OFF SALE PREM
34. 01/25/2008 - DEAD BODY
35. 02/06/2008 - PROPERTY REPORT
36. 02/06/2008 - POSS/PURCHASE COCAINE BASE FOR SALE
37. 02/07/2008 - PROPERTY REPORT
38. 02/07/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
39. 02/08/2008 - GRAND THEFT FROM VEHICLE
40. 02/12/2008 - MISDEMEANOR BATTERY
41. 02/12/2008 - RECEIVING KNOWN STOLEN PROPERTY
42. 02/12/2008 - PROPERTY REPORT
43. 02/12/2008 - 243APC
44. 02/26/2008 - FTA AFTER WRITTEN PROMISE
45. 02/26/2008 - POSSESSION CONTROLLED SUBSTANCE
46. 02/29/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
47. 02/29/2008 - FTA TRAFFIC WARRANT
48. 02/29/2008 - PROPERTY REPORT
49. 03/08/2008 - GRAND THEFT
50. 03/15/2008 - 25668A BP
51. 03/20/2008 - ROBBERY
52. 03/22/2008 - RECOVERED VEHICLE
53. 03/25/2008 - ROBBERY
54. 03/27/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
55. 03/27/2008 - PROPERTY REPORT
56. 04/01/2008 - FTA AFTER WRITTEN PROMISE
57. 04/01/2008 - FTA AFTER WRITTEN PROMISE
58. 04/09/2008 - PROPERTY REPORT
59. 04/09/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
60. 04/23/2008 - FTA AFTER WRITTEN PROMISE
61. 05/01/2008 - MISDEMEANOR BATTERY
62. 05/14/2008 - LOS ANGELES MUNICIPAL CODE
63. 05/18/2008 - DEAD BODY
64. 06/07/2008 - POSSESS/PURCHASE CONTROLLED SUBS
65. 06/07/2008 - PROPERTY REPORT
66. 06/08/2008 - PROPERTY REPORT
67. 06/08/2008 - POSSESSION CNTL SUBSTANCE PARAPHERN
68. 06/23/2008 - GRAND THEFT
69. 06/25/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
70. 06/25/2008 - UNDER INFLUENCE CNTL SUB
71. 07/26/2008 - MISDEMEANOR BATTERY
72. 08/06/2008 - PROPERTY REPORT

73. 08/06/2008 - POSS/PURCHASE COCAINE BASE FOR SALE
74. 08/12/2008 - PROSTITUTION
75. 08/12/2008 - 103.205LAMC
76. 08/12/2008 - PROPERTY REPORT
77. 08/20/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
78. 08/24/2008 - ROBBERY
79. 08/27/2008 - POSS/PURCHASE COCAINE BASE FOR SALE
80. 08/27/2008 - PROPERTY REPORT
81. 08/27/2008 - POSS/PURCHASE COCAINE BASE FOR SALE
82. 09/03/2008 - PROPERTY REPORT
83. 09/03/2008 - 308.2A PC
84. 09/09/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
85. 09/10/2008 - DRINKING IN PUBLIC
86. 09/16/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
87. 09/16/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
88. 09/23/2008 - TRANSPORT/SELL CONTROLLED SUBST
89. 09/23/2008 - PROPERTY REPORT
90. 09/24/2008 - POSS/PURCHASE COCAINE BASE FOR SALE
91. 09/24/2008 - FAILURE TO DISPLAY LIQUOR LICENSE
92. 09/29/2008 - TRANSPORT/SELL CONTROLLED SUBST
93. 09/29/2008 - PROPERTY REPORT
94. 09/30/2008 - FTA/TRAFFIC WARRANT
95. 10/01/2008 - PROPERTY REPORT
96. 10/01/2008 - POSSESS 28.5 GRAMS OR LESS OF MARIJ
97. 10/09/2008 - POSSESSION CONTROLLED SUBSTANCE
98. 10/18/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
99. 10/18/2008 - PROPERTY REPORT
100. 10/18/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
101. 10/29/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
102. 11/03/2008 - PROPERTY REPORT
103. 11/03/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
104. 11/29/2008 - PROPERTY REPORT
105. 11/29/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
106. 12/10/2008 - PROSTITUTION
107. 12/10/2008 - KEEP DISORDERLY HOUSE
108. 12/10/2008 - PROSTITUTION
109. 12/10/2008 - PROPERTY REPORT
110. 12/14/2008 - PROPERTY REPORT
111. 12/14/2008 - TRANSPORT/SELL CONTROLLED SUBST
112. 12/14/2008 - POSS/PURCHASE COCAINE BASE FOR SALE
113. 12/22/2008 - TRANSPORT/SELL CONTROLLED SUBST
114. 12/22/2008 - TRANSPORT/SELL CONTROLLED SUBST
115. 12/22/2008 - PROPERTY REPORT
116. 01/30/2009 - DRINKING IN PUBLIC
117. 02/15/2009 - PROPERTY REPORT
118. 02/15/2009 - POSSESSION NARCOTIC CONTROLLED SUBS
119. 04/01/2009 - 103.205B LAMC
120. 04/12/2009 - DEAD BODY



121. 05/03/2009 - STOLEN VEHICLE
122. 05/27/2009 - 103.205B LAMC
123. 05/27/2009 - SUPERVISOR OF PROSTITUTE
124. 05/27/2009 - PROSTITUTION
125. 05/27/2009 - PROPERTY REPORT
126. 05/30/2009 - SALE/ETC OF ALCOHOLIC BEVERAGE TO M
127. 07/09/2009 - 103.205.3BLA
128. 07/09/2009 - 103.205.1BLA
129. 07/09/2009 - 103.205.1BLA
130. 07/14/2009 - DRINKING IN PUBLIC
131. 07/29/2009 - PROSTITUTION
132. 07/29/2009 - PROPERTY REPORT
133. 07/29/2009 - PROPERTY REPORT
134. 07/29/2009 - PROSTITUTION
135. 07/29/2009 - SUPERVISOR OF PROSTITUTE
136. 07/29/2009 - PROPERTY REPORT
137. 07/29/2009 - PROSTITUTION
138. 07/29/2009 - 103.205B LAMC
139. 08/04/2009 - 103.205(B)
140. 08/04/2009 - PROPERTY REPORT
141. 08/04/2009 - PROSTITUTION
142. 08/15/2009 - 7544.6 MP
143. 08/26/2009 - POSS ALCH BEV ON POSTED PREM
144. 09/08/2009 - TRANSPORT/SELL CONTROLLED SUBST
145. 10/28/2009 - 103 .205B LAMC
146. 10/28/2009 - 103.205B LAMC
147. 10/28/2009 - 103.205B LAMC
148. 11/05/2009 - POSS ALCH BEV ON POSTED PREM
149. 11/05/2009 - POSS ALCH BEV ON POSTED PREM
150. 11/10/2009 - 103.205B LAMC
151. 11/10/2009 - 103.205B LAMC
152. 11/10/2009 - 103.205B LAMC
153. 11/18/2009 - POSS ALCH BEV ON POSTED PREM
154. 12/08/2009 - 103.205 LAMC
155. 12/08/2009 - PROSTITUTION
156. 12/11/2009 - DRINKING IN PUBLIC
157. 12/11/2009 - DRINKING IN PUBLIC
158. 12/17/2009 - SPOUSAL ABUSE SIMPLE ASSAULT
159. 12/17/2009 - CORPORAL INJURY ON SPOUSE/COHABITAN
160. 12/17/2009 - SPOUSAL ABUSE SIMPLE ASSAULT
161. 01/05/2010 - TRANSPORT/SELL CONTROLLED SUBST
162. 02/02/2010 - POSS ALCH BEV ON POSTED PREM
163. 02/11/2010 - DRINKING IN PUBLIC
164. 02/11/2010 - DRINKING IN PUBLIC
165. 02/12/2010 - DISORD CONDUCT: U/I DRUG, ALCOHOL
166. 02/12/2010 - ALCOHOLIC BEV SALES TO INTOXICATED
167. 02/12/2010 - PROPERTY REPORT
168. 02/12/2010 - DRINKING IN PUBLIC

- 169. 02/13/2010 - DRINKING IN PUBLIC
- 170. 02/13/2010 - DRINKING IN PUBLIC
- 171. 02/17/2010 - 7544.6 BP
- 172. 03/03/2010 - ROBBERY - STREET
- 173. 03/03/2010 - ROBBERY

The **Office of the City Attorney** submitted the following arrest and crime reports specific to the subject property:

1. September 29, 2008 – Sales of Rock Cocaine Arrest Report, occurred approximately 5:25 p.m. – Undercover narcotics officer asks to buy narcotics from suspect standing on corner of 6th Street and Kohler Street; suspect tells officer to follow him into rear of Ken's Market where suspect retrieves narcotics from his mouth and completes transaction with officer; uniformed officers enter Ken's Market to arrest suspect.
2. May 30, 2009 – Sales of Alcoholic Beverage to a Minor Arrest Report, occurred approximately 3:30 p.m. – Undercover 19 yr. old subject enters Ken's Market and takes bottle of beer to register; clerk asks for ID; clerk still directs cashier to accept undercover subject's money for the beer; undercover subject exits the liquor store; uniformed officers enter liquor store and place clerk under arrest.
3. July 17, 2009 – Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 7:15 p.m. – Undercover officers observe suspect standing approximately two feet in front of Ken's Market drinking a 16 oz. can of beer; suspect arrested and released at scene; officers go back inside liquor store to advise operator of violation occurring immediately outside store.
4. July 31, 2009 – Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 1:30 p.m. – Undercover officers observe suspect 1 standing on sidewalk approximately two feet in front of Ken's Market drinking a 24 oz. can of malt liquor; suspect arrested; officers observe suspect 2 enter Ken's Market then exit a few minutes later with a black plastic bag; suspect 2 crosses the street and proceeds to remove a can of beer from the bag then open and begin drinking it; suspect 2 arrested; officers observe suspect 3 walking on the sidewalk drinking from a styrofoam cup containing beer; suspect 3 arrested.
5. August 7, 2009 – Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 2:15 p.m. – Undercover officers observe three suspects loitering in front of Ken's Market sharing an alcoholic beverage concealed in a black plastic bag; one suspect enters liquor store and later exits with an unopened alcoholic beverage; suspects arrested and released at scene; officers go back inside liquor store to advise operator of violation occurring immediately outside store.
6. August 7, 2009 - Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 4:00 p.m. – Undercover officers observe suspect exit Ken's Market carrying a beer can partially concealed by a brown paper bag; suspect then re-enters liquor store then exits while still holding beer; suspect stands on sidewalk



approximately two feet away from Ken's Market entrance then begins to drink beer; suspect arrested then released at scene.

7. August 15, 2009 – Operating as a Security Guard Without a Permit Arrest Report, occurred approximately 1:15 p.m. – Undercover officers conduct guard card registration check at Ken's Market; security guard states he was never issued a California State Security Guard permit; security guard arrested then released at scene.
8. August 25, 2009 – Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 4:00 p.m. – Undercover officers observe suspect standing on sidewalk in front of Ken's Market drinking from a 16 oz. can of beer; suspect arrested then released from scene; officers go back inside liquor store to advise operator of violation occurring immediately outside store.
9. September 9, 2009 – Furnishing Alcoholic Beverage to a Minor Arrest Report, occurred approximately 4:15 p.m. – Undercover 18 yr. old minor decoy asks suspect to purchase beer for her; suspect agrees, enters Ken's Market and purchases a beer; suspect exits liquor store and gives beer to minor decoy; officers arrest suspect then release at scene.
10. November 5, 2009 – Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 5:25 p.m. – Undercover officers observe three suspects loitering against the east wall of Ken's Market sharing a 16 oz. can of malt liquor; suspect states that malt liquor purchased at Ken's Market for \$1; three suspects arrested then released at scene.
11. November 10, 2009 – Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 3:00 p.m. – Undercover officers observe suspect standing by pay phone near entrance to Ken's Market drinking from a can of beer partially concealed by a brown paper bag; suspect arrested and released at scene; officers enter Ken's Market to advise clerk of the violation occurring outside; clerk states that he tries to tell customers to leave but they do not obey.
12. November 18, 2009 – Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 1:15 p.m. – Undercover officers observe suspect exit Ken's Market holding a brown paper bag; suspect pulls out a 16 oz. can of malt liquor, opens it then starts drinking from it while standing approximately two feet from the liquor store entrance; suspect arrested and released at scene; officers enter Ken's Market to advise clerk of the violation occurring outside.
13. November 18, 2009 – Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 1:45 p.m. – Officers observe suspect standing on sidewalk in front of Ken's Market drinking from a 16 oz. can of malt liquor; suspect arrested then released at scene.
14. November 19, 2009 – Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 3:40 p.m. – Officers observe suspect standing on sidewalk in front of

- Ken's Market drinking from a 16 oz. can of malt liquor; suspect arrested then released at scene.
15. November 22, 2009 – Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 12:45 p.m. – Officers observe suspect standing on sidewalk in front of Ken's Market drinking from a 40 oz. can of malt liquor; suspect arrested then released at scene.
  16. November 22, 2009 – Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 12:45 p.m. – Officers observe suspect standing on sidewalk in front of Ken's Market drinking from a 40 oz. can of malt liquor; suspect arrested then released at scene.
  17. February 12, 2010 - Drinking Alcoholic Beverage in Public/Sales to Intoxicated Person Arrest Report, occurred approximately 6:00 p.m. – Undercover officers specifically monitoring Ken's Market due to numerous arrests made in the past; officers observe obviously intoxicated suspect stumbling while entering Ken's Market; suspect able to purchase alcoholic beverage; suspect exits liquor store and is arrested; officers enter Ken's Market and arrest clerk who sold alcoholic beverage; while making arrests, officers observe another suspect drinking from a 16 oz. can of malt liquor while standing in front of Ken's Market; suspect arrested and released at scene.
  18. February 13, 2010 - Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 4:30 p.m. – Undercover officers observe two suspects drinking from a 16 oz. can of malt liquor while standing in front of Ken's Market; suspects arrested and released at scene.
  19. February 19, 2010 - Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 3:30 p.m. – Undercover officers observe suspect drinking from a 16 oz. can of beer while standing on the sidewalk in front of Ken's Market; suspect arrested and released at the scene; officers enter Ken's Market to advise clerk of the violation occurring outside.
  20. March 9, 2010 - Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 9:30 a.m. – Undercover officers observe suspect drinking from a 24 oz. can of beer while standing on the sidewalk approximately five feet east of the front door of Ken's Market; when asked by officers, suspect states he purchased beer at Ken's Market; suspect arrested and released at scene.
  21. April 2, 2010 – State Baton Card Not in Possession Arrest Report, occurred approximately 5:50 p.m. – Undercover officers approach security guard at Ken's Market and ask if he has a permit for the side-handle baton on his belt; security guard admits to not having a baton permit; security guard arrested and released at scene.



**State Department of Alcoholic Beverage Control (ABC)**

Office of Zoning Administration staff contacted the State Department of Alcoholic Beverage Control (ABC) prior to the public hearing (approximately June 21, 2010) to verify the current status of the license issued by the ABC for the sale of alcoholic beverages in association with Ken's Market. It was identified that the operator is currently in the process of requesting a transfer of the license from himself to his son. As part of the transfer process, the ABC had the ability to place further conditions on the license. The license transfer process was pending at the time of the hearing. The ABC District Administrator, Enforcement Unit, Marcie Griffin stated that future conditions, if imposed by the Zoning Administrator, would not be anticipated to conflict with any conditions that the ABC might place on Ken's Market. It was noted that the ABC had previously investigated Ken's Market in response to complaints regarding alcohol-related nuisance activities. The ABC had imposed a 10-day suspension and one-year probationary period on the operation, whereby if the liquor store receives a single violation within the one-year period, the privilege to sell single cans of alcohol would be automatically revoked. The operator, while agreeing to this condition, maintains the ability to withdraw any previously agreed upon condition. This action may then be subject to further ABC consideration pursuant to ABC judicial review procedures in order to evaluate possible suspension or other action related to the license.

**Other Correspondence Received Prior To or At the Public Hearing**

A letter dated January 20, 2010 addressed to the Department of Alcoholic Beverage Control (ABC) from the Los Angeles Police Department (Todd Chamberlain, Central Area Commanding Officer), identified alcohol-related violations and other arrests adjoining Ken's Market, an ABC location, and requested that recommendations regarding operation of the facility be implemented in association with continued sale of alcohol at the location.

A letter dated March 18, 2010 from the Office of the City Attorney was received by the Office of Zoning Administration. The letter stated that Ken's Market is one of the most problematic liquor stores in the area by attracting persons who engage in public intoxication, disturbances of the peace and unruly behavior related to the consumption of alcohol. In light of the above, Deputy City Attorney Aguillon requested that the case be reviewed for revocation proceedings.

A letter dated June 3, 2010, from Larry Vickman, S.D. Herman Company, noted that as the owner of four buildings in the immediate area of Ken's Market, the nuisance created by continued operation of Ken's Market "jeopardizes our tenants and makes it difficult to rent our buildings. I urge the City to either issue a Citation to substantially restrict the activities at this location or shut it down."

A letter dated June 9, 2010 from the Downtown Los Angeles Neighborhood Council (DLANC) was received by the Office of Zoning Administration. The letter stated that the DLANC encourages the Zoning Administrator to consider discontinuing sales of alcohol at Ken's Market. The DLANC further stated that nuisance activity in the area is caused by the number of businesses allowed to sell alcohol. Therefore, a comprehensive approach to evaluating all such businesses in the Central City East community should be undertaken by the City.



A letter submitted at the public hearing, June 24, 2010, from Councilmember Jose Huizar, Fourteenth District, supporting revocation of the deemed approved license at Ken's Market, noting that Ken's Market has a long history of selling to intoxicated patrons dealing with substance abuse issues and creating an environment where nuisance and illegal activities constantly occur.

A letter submitted at the public hearing June 24, 2010, from Socorro Chacon, United Coalition East Prevention Project, noting that revocation of the deemed approved license at Ken's Market had been requested over a decade ago, that the UCEPP has maintained monitoring of the market, and observed that the operation continues to create an environment where nuisance and illegal activities occur, thus warranting corrective conditions, including limited hours of operation, the presence of a state-licensed security guard, and restrictions on the sale of single-units of beer, malt beverages, and wine coolers.

A letter submitted at the public hearing June 24, 2010, from Estela Lopez, Central City East Association (CCEA) noted that the subject market is located within the boundaries of the Downtown Industrial District BID and has been carefully monitored by the CCEA as to its status, and history of creating a hostile environment, nuisance and illegal activities, with significant detriment to the community. As part of the BID services, the CCEA provides security to improve the public safety of the area and maintains records of all incidents handled by the BID officers. The letter identified incidents directly associated with operations at or near Ken's Market, including 53 incidents of public drinking, 166 incidents of loitering, 116 incidents of blocking the sidewalk (passed out on the street), 4 drug sales, 6 fights, 6 trespassing, 1 assault, 3 public intoxication, 1 prostitution, and 3 aggressive panhandling. It was noted that within the month of June, 2010, over 52 incidents had been responded to by CCEA officers. The statements emphasized impacts on preschool-aged children living in the area and attending programs at the Inner-City Arts Center located across the street from Ken's Market, and Para Los Ninos, a few blocks away (map attached to file). The letter noted that "Ken's Market has proven to be a threat to the public health and safety of the residents and employees in the area surrounding the property and is a constant contributor to the deterioration of the community. We therefore urge the office of Zoning Administration to exercise its maximum legal options against this deemed to be approved license location and force the discontinuance of sale and distribution of alcohol."

### **Correspondence Received Subsequent To The Public Hearing**

#### **City Departments**

On September 9, 2010, the Office of the City Attorney submitted the following Los Angeles Fire Department records regarding Call for Service reports relating to incidents occurring at Ken's Market and its immediate vicinity (1117 to 1123 East 7th Street and 675 to 677 Kohler Street) for the period from January 1, 2007 to July 29, 2010). These records are attached to the case file. The more serious responses involved incidents with assailants possessing bottles, knives and 2X4's as weapons.



***Fire Department Call for Service Reports (1117 to 1123 East 7th Street and 675 to 677 South Kohler Street)***Location: 1117 to 1123 East 7th Street

<u>Date</u>	<u>Number of Calls for Service</u>
January 5, 2007- December 29, 2007	36
January 5, 2008 - December 25, 2008	64
January 10, 2009 - December 30, 2009	49
January 10, 2010 - July 17, 2010	40

Location: 675 to 677 South Kohler Street

<u>Date</u>	<u>Number of Calls for Service</u>
January 14, 2007- December 3, 2007	31
January 7, 2008 - December 29, 2008	26
January 25, 2009 - December 30, 2009	49
January 13, 2010 - July 17, 2010	40

**Scott Kim, Operator's Son***Email received July 19, 2010*

Mrs Wyatt,

This is Scott Kim from Ken's Market and I would just like to give you a update since our hearing we had June 24, 2010.

June 25, 2010 - Now have a full time Security Guard.

We have continued to stop sales of the following alcohol which we haven't sold since March 19, 2010.

List of 16oz Malt Liquor

Schlitz malt  
Miller High Life  
St Ides  
Colt 45  
Old English  
Steel Reserve  
King Cobra  
Magnum  
Wine Coolers

We have added external lighting outside the store.

All Employees have been through STAR training.

I am working with Sergeant Humphrey and Will Salao (ABC District Administrator) on setting up voluntary ABC conditions. I have been trying to setup a physical meeting but as of yet because of schedule conflict between Sergeant Humphrey and Will Salao we have not been able to meet. I hope to do this very soon, hopefully this coming week.

I have been trying to get a updated (CNAP) Citywide Nuisance Abatement Program report to show that we have been making strides and there has been significant drop in nuisance since March 19, 2010. As soon as I can get a copy of that I will email and bring you a copy to City Hall.

Also I just wanted to let you know the name of the Assistant Director that came to our store and decided not to put conditions on us was Joseph L. Cruz. He is the one that I believe noticed we are truly trying to make a difference is giving us a chance.

I will continue to put all my efforts to working with the police to do what I can to keep the streets clean and have a good working relationship with the city. I do not want to be a problem and hope to make strides to work with the city and be able to make a income.

Please let me know if there is anything else I can do or get you to help you with your decision.

Thank You for your time,

Scott Kim <scott@scottkim23.com>  
To: Linn Wyatt <Linn.Wyatt@lacity.org>

Mon, Aug 9, 2010 at 1:21 PM

Hello All,

I was wondering if it was possible to extend the case. I have been trying to get Sergeant Humphrey and Will Salao (ABC Supervisor) together to see if we can setup self conditions and advice to help with this case. I haven't been able to get them together yet because of scheduling conflicts.

Thanks,

Scott Kim  
Ken Market

Scott Kim <scott@scottkim23.com>  
To: Linn Wyatt <Linn.Wyatt@lacity.org>  
Cc: Maria Aguillon <Maria.Aguillon@lacity.org>  
Mrs. Wyatt,

Thu, Sep 9, 2010 at 3:39 PM

Thank you for your postponement but I was still unable to get Sergeant Humphrey and Will Salao (Alcohol Beverage Control) together to come up with self imposed conditions for Kens Market. One week when Sergeant Humphrey would be available Will Salao wasn't and so on. I know this is no excuse and I apologize but I promise I really did make an effort.



I just wanted to add that I understand why we have come to this point in this case and I apologize. I believe we have taken steps in the right direction to solve this and I hope to continue to work with the police and ABC office to continue to strive with the community. My family is not out to get rich but just to get by till retirement for my parents. We drive old Honda Civics, Accords, and live in Harbor City. We really as a family do care about the community and hope to continue to work with the community to help each other out.

We still have self imposed singles that we don't sell and continue to abide by and believe has helped the situation tremendously. Here is the list:

We have continued to stop sales of the following alcohol which we haven't sold since March 19, 2010.

List of 16oz Malt Liquor

Schlitz malt  
Miller High Life  
St Ides  
Colt 45  
Old English  
Steel Reserve  
King Cobra  
Magnum  
Wine Coolers

I hope you take the following into your consideration and you will have our complete cooperation in the judgment in your case.

Thank You,

Scott Kim  
Kens Market

### **PUBLIC HEARING**

In response to the allegations, the Office of Zoning Administration instituted proceedings to conduct a public hearing in order to obtain testimony from the owner/operator of the facility and interested or affected persons regarding the operation of Ken's Market. The hearing was noticed and mailed to the business operator of the facility and to the property owner of the premises and to owners and occupants of nearby properties within 500 feet, in compliance with Municipal Code requirements.

A public hearing was held by the Zoning Administrator on June 24, 2010 which was scheduled for 2:00 p.m. at City Hall located at 200 North Spring Street. The hearing began at 2:00 p.m. and concluded at 3:00 p.m. In attendance and testifying were representatives of the Los Angeles Police Department; a representative (son) of the operator, Scott Kim, the operator, Mr. Kim; Edel Vizcarra, the representative for the Fourteenth Council District; a representative from the State of California Department of Alcoholic Beverage Control;

and, six area stakeholders. A representative of the City Attorney's Office, Deputy City Attorney Maria Aguillon, was also in attendance to observe the proceedings.

The purpose of the hearing was to obtain testimony from the owner and operator of the subject facility and from any other affected or interested parties regarding the operation of the market/liquor store to determine whether the use constitutes a public nuisance or has resulted in repeated nuisance activities and to determine whether conditions should be imposed on the operation of the premises. The Director of Planning has the authority under Section 12.27.1 of the Municipal Code to impose conditions on the operation of an existing business to mitigate any land use impacts caused by the operations of such use.

### **Summary of Testimony**

The following is a summary of the points made in verbal testimony at the June 24, 2010 public hearing.

### **Los Angeles Police Department**

**Sergeant Humphrey, Detective Central Bureau; Senior Lead Officer Jack Richter; Captain Todd Chamberlain; Officer O'Brien; Officer Hoffman**

The Los Angeles Police Department representatives provided the following statements:

- The Los Angeles Police Department has actively focused attention on addressing problematic areas within the Skid Row downtown neighborhood within the past two years;
- The immediate neighborhood is characterized by a disproportionate level of nuisance and illegal activities in comparison with other areas under the purview of in the Central Area Vice;
- Repeated infractions including drinking in public in front of the subject market/liquor store, physical altercations, loitering, drunken persons passed out and lying in the street, public urination and defecation, harassment of pedestrians by individuals in close proximity to the subject market/liquor store, blocking the street by drunken persons, and panhandling in the parking lot and streets adjacent to the premises;
- Trash and debris including food containers and empty bottles of alcoholic beverages litter the street around the site;
- The operator has shown an inability, reluctance, and lack of accountability in responding to and resolving issues associated with market/liquor store despite ongoing interaction with the LAPD, the ABC, and the City Attorney's office;
- Any response by the operator has been minimal and is not "recovery-oriented" ;
- Mr. Kim, the operator, continues to conduct operations in a manner that encourages nuisance behavior (e.g., single-unit sales of alcoholic beverages at discounted prices; no security; drinking on the site);
- The operator continues to provided single-unit sales of 22- to 24-ounce beer and malt liquor, at prices less than a dollar which serves as significant influence in facilitating and encouraging nuisance behavior by patrons;
- The statements by the operator asserting that single-sales of beer and malt liquor had been terminated at Ken's Market are inconsistent and misleading, as there is



evidence obtained by the SLO and other LAPD officers that single-sales of beer and malt liquor were observed on March 25, 2010, and April 8, 2010, and the refrigerator section was full with single-sale units at that time;

- The meetings between LAPD and the operator have not resulted in a commitment or and adequate response by the operator to resolve ongoing problems associated with the market/liquor store;
- Nuisance activities occur daily on the site, as well as in an adjacent parking lot and surrounding streets with LAPD observing loitering and alcohol purchases occurring at the location as early as 7:30 a.m.;
- After roll call for the morning duty shift, nuisance issues, including sale of alcohol and public drunkenness, have been observed at or near Ken's Market by 7:30 a.m.;
- LAPD recognized over 60 violations, and made over 32 arrests associated with public drinking in the past 6 months, eleven (11) of which occurred directly adjacent to the subject store including aggravated assaults;
- LAPD officers were informed by detainees associated with public drinking on or adjacent to the subject market/liquor store that alcoholic beverages had been purchased from Ken's Market;
- Ken's Market does not serve as a "convenience store" or "market" for providing grocery and sundry items for patrons, but operates as a de facto liquor store that serves as a primary source for patrons intent on obtaining inexpensive and easily-acquired (i.e., single-unit quantity) alcohol;
- The security guard previously employed by the operator was not properly licensed and was cited for carrying a baton without a permit;
- A security guard had previously been observed on the site; however, recently, there has been no security guard on the site;
- Flagrant disregard and rampant abuse by the operator has hindered LAPD's ability to address problems further taxing resources;
- Operator has been unwilling to enter into a partnership with LAPD and City Attorney to mitigate undesirable circumstances;
- The market/liquor store serves as both a source of intoxication and catalyst to further nuisance and criminal activity in the area.

**Scott Kim** made the following comments on behalf of his father, the operator of Ken's Market:

- The business operator acknowledged that there had been problems in the past;
- They have been cooperative with the LAPD;
- Some improvements implemented in the past 6 months (lighting, discouraging loitering) to mitigate the nuisance problems on and around the property;
- Significant reduction in nuisance problems had been observed since March, 2010;
- ABC representative visited the store, remarked on being "proud of the changes in the store and its operation" with the warning that "if there was trouble again, there would be higher penalties;
- Sale of single-units of alcoholic beverages has been stopped; there is no refrigeration of six-packs, and all sales of malt-liquor have been stopped in response to the ABC directives;



- No security guard currently on-site because with drop in revenue due to curtailing single-sales, they cannot afford the security guard;
- Other stores are able to sell single-units/cans of alcohol;
- Operator is making best efforts to address problems, but not all are associated with their operation.

**Edel Vizcarra, Fourteenth Council District Representative**

- Councilman Huizar supports revocation of the deemed to be approved license for Ken's Market;
- Continued, unabated violations with history of selling to intoxicated patrons or those affected by substance abuse issues;
- Operator has remained uncooperative placing adjoining property owners and other stakeholders at risk, creating an environment where nuisance and illegal activities occur with great frequency;
- Operator has only become more responsive in recent months as a result of potential loss of his ABC license and pending revocation procedures;
- Voluntary conditions are insufficient to address full scope of issues and to protect interests of other stakeholders in the area.

**Estella Lopez, Central City East Association**

**Russell Brown, Downtown Neighborhood Council**

**Alanna Stern, Maria Aguilar, Para Los Ninos**

**Socorro Chacon, UCEDDP**

**Sahryn Chunda, Inner City Arts Center**

- Ken's Market has created significant adverse effects on local children and others obtaining services at local community resource agencies in the immediate area;
- Para Los Ninos and the Inner City Arts Center provide support services via a charter school, after school programs, and visual arts programs to children and families in the skid row area, with location in the immediate neighborhood providing sanctuary from the challenges of the Skid Row environment for these children and their families;
- Seventh Street serves as a primary access route to both the Para Los Ninos and Inner City Arts Center locations; children attending these programs are exposed on a daily basis to the nuisance and criminal activities at or around the market/liquor store, such as public drinking and intoxication, loitering, excessive trash/debris, public urination, fights, and narcotics sales;
- Agency administrators, instructors, parents, and others participating in programs conducted at the Inner City Arts Center location directly across the street from Ken's Market are continually harassed by beggars, panhandlers and intoxicated persons on the streets with aggressive and offensive language; and are afraid to walk on the streets near the subject location;
- Ongoing efforts made by the Central City East Association to monitor and assist in security within the area are thwarted by the operator of Ken's Market who continues to enable alcohol abuse and related nuisance behavior without any concerted effort to resolve or prevent such acts, to the full detriment of the safety and well-being of these children, their parents, and others subjected to an intolerable situation;



- Ken's Market is less than 300 feet in distance from a homeless service unit, and thus creates an environment that is not conducive to improving the situation for those surviving under difficult circumstances;
- The operator shows complete disregard and disrespect for the community;
- Other businesses within the area, including even those cited for nuisance behavior, have made measurable improvements in an effort to improve the quality of life for the community;
- For the betterment of the neighborhood, Ken's Market should have the ability to sale alcohol revoked.

**Will Salao, Los Angeles Metro, Department of Alcoholic Beverage Control (ABC)**

- Current request for license transfer is under investigation by the ABC;
- LAPD protest has been filed in regards to licensing;
- Operator is subject to pending disciplinary actions and enforcement by ABC;
- Conditions have been implemented voluntarily by the operator, as any further operating conditions are pending the outcome of the nuisance abatement/revocation procedure currently being conducted by the City;
- Mr. Salao had not given any recognition of improvement regarding the operation as implied by Scott Kim in his testimony and refuted statements by Scott Kim that the ABC had acknowledged any specific improvements in the operation;
- Mr. Salao had not been involved with any meetings between the operator and LAPD to discuss issues; and no such meeting had occurred to his knowledge.

At the close of receiving public testimony, the **LAPD noted** that officers were presently located at the subject premises (while the hearing was being conducted), and that officers had observed single units within the refrigerator case available for purchase, at reduced prices, and that single-units were being actively sold at that immediate time.

**Scott Kim** was queried by the Zoning Administrator as to any response he might have in regards to the LAPD's report of sales occurring on the premises during the hearing. Mr. Kim noted that only single malt beverages *in bottles* were no longer available, but could not respond with any certainty in regards to availability of other types of single-unit beverages (i.e., beer, in cans, bottles or otherwise, and wine coolers).

At the close of the public hearing, the record on the matter was maintained open at the request of the City Attorney's Office, via Deputy City Attorney Maria Aguillon, to allow additional time for the City Attorney's Office to obtain and submit Fire Department reports of calls for service, and for any interested party to submit additional information regarding statements made in testimony or provided in writing at the hearing. The record was closed on September 20, 2010.

**DISCUSSION OF TESTIMONY**

The record, including correspondence and testimony at the public hearing, indicates that there have been continuous complaints at the location which are related to a variety of activities associated primarily with loitering, public drinking, and the sale of alcohol at the market/liquor store. These have led to impacts which have occurred during the day and at



night and which have had a direct impact on the quality of life of adjacent residential neighbors and the community at-large as well as placed an inordinate demand on limited Police resources.

The record identifies that Central Area Vice has responded to multiple alcohol-related problems adjacent to or at the subject location. Central Area Vice officers have noted that despite continued monitoring of the location, and repeated discussions with Mr. Kim, (operator) that no significant modifications have been implemented by Mr. Kim, and that nuisance issues remain unabated, lacking any substantive or credible response by Mr. Kim. Central Area Vice officers emphasized that several arrests for drinking in public adjacent to the location have been made. These incidents occurred at various times of the day but with most frequency evident in the afternoon, though officers have noted that upon leaving the LAPD headquarters after Department roll call for the morning duty shift, nuisance issues, including the sale of alcohol and public drunkenness, have been observed at or near Ken's Market by 7:30 a.m.. Administrators associated with the Para Los Ninos and Inner City Arts agencies noted that children are routinely exposed to nuisance behavior throughout the day (morning, mid-day, and afternoon) as they travel between the two locations to attend arts programs and other functions.

Testimony was also presented that this corner location has had a history of loitering, some of which may or may not have been directly attributable to the operation of the liquor store. The arrests related to public drinking of alcohol have been tied to individuals' consumption of single cans. Whether all of these arrestees purchased the alcohol at Ken's Market exclusively cannot be definitely determined, however, it is clear that ongoing sales of single cans of alcohol at Ken's Market will continue to contribute and exacerbate such impacts. Given the high number of alcohol-related arrests, the operator's assertion that single can sales have been terminated and are thus no longer problematic is clearly inconsistent with evidence established in the record. While the operator submitted that they would voluntarily eliminate single can sales and maintain full-time security, a lack of accountability and responsible oversight has created impacts on the community pointing to an operation which constitutes a public nuisance. Such conduct led to the subject hearing for nuisance abatement.

The operator's attempt to address loiterers and vagrancy has been essentially nonexistent and, thus ineffective. While the operator's son, Scott Kim, has indicated in emails subsequent to the hearing that there is a security guard present "full time", this has neither been verified by observation nor have any supportive documents been submitted by the operator to the Zoning Administrator to establish the qualifications of the security guard or to verify their actual presence on the site. It is recognized that efforts to have some control over public property can be limiting. However, as stated by the Police, such improvements should not be dependent on the operator's personal actions; the test of any conclusive reduction in nuisance behavior needs to be based on long-term prevention and effective elimination of factors contributing to a hostile environment. With this goal in mind, an expanded security presence is warranted. A proactive security guard by mere presence may be able to deter the identified impacts even when these are occurring across the street without even being required to leave the subject premises. The hours for the security guard have been applied to extend for the full period of daily operation to insure that children, their parents, residents, business operators, and other stakeholders are not prevented from pursuing normal daily activities throughout the day including walking to



school, service agencies, places of employment or otherwise conducting activities or business in the area.

Conditions have been imposed specifically prohibiting any single-can sales of beer, wine, malt liquor, and other alcoholic beverages, as well as limitations on other specific single unit sizes of alcoholic beverages. As previously noted, a State-licensed security guard is required to be present on the site during all operational hours. These conditions, in addition to the others imposed herein, are express *requirements* in order to maintain the operation of the market with the continued sale of alcohol; while the cooperation of the operator has been offered voluntarily, these restrictions and requirements are not optional nor at the discretion of the operator. In addition, all other conditions submitted by the Los Angeles Police Department have been incorporated as corrective conditions pursuant to this determination.

The purpose and typical first step in any nuisance abatement proceeding is to establish corrective conditions to address and curtail those issues which fostered the original nuisance activities. Most of these are directly related to the nature of the nuisance and to that extent those have been incorporated in this action. A six-month review period is established by this action to allow for a future assessment of the market operation and of compliance with the imposed conditions. At such time, the nature of the operation and the implementation and effectiveness of the conditions can be evaluated in a public hearing based on a record that can be documented. There is substantial room for improvement in the maintenance, monitoring and accountability of the operation on the premises, and a more dedicated effort by the operator is expected in order to assure that further nuisance impacts are fully avoided and existing nuisance issues abated without resurgence. To this end, the community and the market operator and the property owner(s) will have an opportunity to be vigilant and document compliance as well as non-compliance with any of the imposed conditions and whether the premises are operated in a manner which does not create a nuisance to the surrounding community.

#### AUTHORITY

On October 27, 1997, under Ordinance No. 171,740, Section 12.21-A, 15 was repealed and superseded by Section 12.27.1 which continued the established administrative procedures for nuisance abatement relating to the modification, discontinuance or removal of a land use that constitutes a public nuisance or endangers the public health, peace, health and safety of persons residing or working in the surrounding area or violates any land use related condition or other provision of City, State or Federal statutes or ordinance.

#### FINDINGS

As presented in the information documented herein through correspondence and public testimony by affected parties, it is determined that the operation of the market known as Ken's Market has created nuisance impacts at the site. The Zoning Administrator, on behalf of the Director, finds that the business as operated:

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



There are Police reports in the file, as well as public verbal testimony and correspondence which indicate that activities at the subject location have resulted in impacts to the community at large. These impacts have been associated with the operation of the market on the premises and a lack of oversight of the parking lot as well. Such impacts include but are not limited to public drinking and intoxication, aggravated assault, sale of alcohol to minors, prostitution, public urination and defecation, loitering, drug possession or sale of controlled substance, aggressive panhandling, and individuals passed out in the public right-of-way. The conduct of these activities deprives residents, business and property owners, and other community stakeholders of their rightful ability to enjoy their neighborhood.

**2. Constitutes a public nuisance.**

Testimony at the hearing and in correspondence attests to the nuisance impacts generated by the numerous activities being conducted on the premises. There has only recently been a more involved response by the operator as a result of the initiation of this nuisance abatement review. Previously there was no effective and timely response by the operator and the property owner(s) to curtail activities leading to public nuisance which impacts the community and utilizes limited City resources.

**3. Has resulted in repeated nuisance activities, including but not limited to public drinking, drug sales, drug possession and loitering.**

The record based on public testimony, correspondence and reports from the Police Department, as further detailed in Finding Nos. 1 and 2, Summary of Testimony and Discussion of Testimony shows that these activities occurred on an ongoing basis on the liquor store premises and immediate surroundings, which ultimately led to the initiation of nuisance abatement proceedings.

In order to preclude the occurrence of any problems, as described herein in the future, and to protect the surrounding neighborhood, the Zoning Administrator has imposed conditions upon the site (and its use as a market with the ability to conduct the sale of alcohol for off-site consumption, with associated parking), which are intended to protect the interest of the surrounding neighborhood and to prevent further detrimental effect thereon.

**RELATIONSHIP OF CONDITIONS TO FINDINGS**

Condition Nos. 1 through 5 - These conditions represent administrative conditions that are imposed upon all discretionary approvals. These conditions are designed to insure that any use of land or a business operation is conducted in a manner which respects the character of the surrounding community including to insure that the site plan considered is accurately represented and to admonish that all other regulations of the Municipal Code shall be observed. Graffiti clean-up is also required within 24 hours of occurrence, which is also a condition imposed for any case.



Condition No. 6 - This condition requires that the operation of the market be maintained fully as a market, and not as a de facto liquor store, with grocery, food items, and other products made readily available to customers for purchase.

Condition No. 7 - This condition memorializes the hours of operation of the market, with opening at 8:00 a.m. and closing at 7:30 p.m. This condition establishes that operation of the store will occur at a time which will minimize interference with or inhibit the safe movement and activity of residents, business operators, agencies, students, and other neighborhood stakeholders within the vicinity of Ken's Market. It was noted in written statements and testimony that school-aged children attending Para Los Ninos/Inner City Arts Center, clients of other public agencies in the area, as well as pedestrians and motorists were being adversely affected by patrons of Ken's Market due to loitering, aggressive panhandling, drunkenness within the public right-of-way, fights, and otherwise creating nuisance behavior issues. Many of the arrests, particularly for drinking in public, have taken place for offenses prior to 6 p.m., as evidenced by the arrest records. Some have occurred earlier in the day, during morning hours. It is noted that the market currently opens as early as 6:30 a.m., as testified to by the operator's son. The LAPD noted in testimony that officers patrolling the area in the morning hours frequently observed and cautioned the operator of Ken's Market regarding nuisance behavior associated with patrons of Ken's Market occurring after opening of the market, but that the operator had not proceeded in providing an effective response or resolution of these issues.

Condition No. 8 - This condition requires the presence of an on-site security guard during the full extent of operational hours of the market. At the hearing, the operators' representative testified that a security guard had previously been present at the store, but with losses in revenue, the operator was unable to afford maintaining the guard. Clearly the location has had problems monitoring activities outside the facility, even on its own parking lot, which include loitering, public drinking, and aggressive panhandling. Oversight of the premises needs to be formalized with the assistance of a State-licensed professional. The required hours for security guard presence are designed to alleviate and deter these impacts. The condition requires that the guard's presence be for the patrolling of both the inside and outside of the premises, recognizing that the exterior of the market is primarily where offenses have occurred.

Condition No. 9 - This condition requires that *all* employees be trained by the Police Department in alcohol sales under the STAR program. This condition requires that such training be current for existing as well as any new employees as adequate training is intended to provide for increased accountability and responsibility in alcohol sales practice.

Condition No. 10 - This condition seeks to insure that the operator and the property owners concentrate on the upkeep of the premises and particularly conduct daily clean up of the trash and debris on the premises. A lack of maintenance reaffirms to those who want to drink outside the premises and loiter in the area that there is no one who takes care of the property and that it is acceptable to further degrade it.



Condition Nos. 11 and 12 – These conditions prohibit any on-site drinking and loitering and limit the presence of patrons inside the store to no more than ten minutes. The Police have advised that this limit on time spent within the store, which has been implemented elsewhere also, is desirable to discourage loitering inside the premises.

Condition No. 13 - This condition requires that there be no public phones permitted on the property as these tend to provide a cover for loiterers, opportunities for illegal narcotics sales, or others who use the phone as a cover-up to nuisance-related activities.

Condition Nos. 14 and 15 - These conditions require that outdoor lighting be enhanced and that surveillance cameras be maintained, with placement further reviewed with the input of the Police Department. At the hearing, Police testimony addressed the need for better surveillance and lighting. This condition also requires that tapes be maintained for 30 days in the event that the Police Department or another agency needs to review these for any criminal activity.

Condition No. 16 - This condition requires that the market's windows be kept free and clear of signs to insure visibility of the indoors for safety and monitoring by Police. The operator has also agreed to not provide any alcohol-advertising signs on the market's windows.

Condition No. 17 – This condition is intended to insure that the operator continues to be an active member in the community through participation in community organizations and interaction with the Police Department, which can provide preventive advice to promote a more responsible operation.

Condition No. 18 – This condition requires that the operator and the property owner make all employees familiar with all conditions of this action. Familiarity with such conditions is intended to promote compliance with the conditions as further implemented by knowledgeable employees.

Condition Nos. 19 through 21 - These conditions seeks to curtail the selling of any items that may facilitate the public drinking that has occurred on the parking lot and in the sidewalk as well as the sale of other items such as single cigarettes. The conditions also preclude sale of products within the market that would encourage or facilitate illegal narcotics use or sales (e.g., copper scouring pads), and specify that clear bags are to be used to assure that purchases carried by patrons are visible, thus minimizing the opportunity for public consumption of alcohol concealed by a paper or other opaque bag.

Condition Nos. 22 and 23 – These conditions preclude any sale of single-units of alcoholic beverages on the site, which can create significant patron traffic, loitering and contribute to vagrancy and nuisance behavior at the location. The operator noted at the public hearing that single-sales had been stopped and only six packs of larger quantities were available at the location. The LAPD verified at the public hearing, via telephone testimony from LAPD officers located on-site at the market during the public hearing, that single-units of alcoholic beverages (beer and malt



liquor in both cans and bottle) were observed within the refrigerator case, and that the actual sale of a single-unit alcoholic beverage had occurred at the market at the immediate time of the public hearing on June 24, 2010.

Condition No. 24. - This condition requires an electronic age verification device to insure that proper age verification is conducted in the sale of alcoholic beverages and that no sale to minors occurs. This condition is imposed on non-nuisance markets as well as on restaurants which only have on-site sales in recognition of the need to provide accurate age verification.

Condition No. 25 – This condition requires the retention and posting of these conditions and any other permits to insure that the operator is adhering to these and to share with any enforcement agencies that may need to evaluate current compliance.

Condition No. 26 – This condition requires the posting of signs identifying Los Angeles Municipal Code provisions which prohibit the opening of alcoholic beverages on the subject premises which admonishes patrons. This condition also supplements Condition No. 11.

Condition No. 27 - This condition admonishes the operator to comply with all requirements of the Department of Alcoholic Beverage Control regarding retail operating conditions related to alcohol sales.

Condition No. 28 – This condition requires that the owner/operator file a Plan Approval with the Zoning Administrator within 5 to 6 months of the effective date of this determination. It is the intent of this condition to permit the Zoning Administrator to maintain close monitoring of the operation of the premises. To do so it is necessary to determine whether the owner/operator is complying with the conditions imposed herein and to determine whether more or less stringent controls are required or whether the conditions imposed herein have resulted in the desired effect of reducing or eliminating the nuisance activities associated with the current use or whether revocation of the use is warranted.

Condition No. 29 - This condition requires that a covenant and agreement regarding all of the conditions of approval be recorded with the County Recorder by the owner/operator. This is a standard condition required in order to insure that any future owner of the property be made aware of the restrictions and requirements that have been made applicable to the premises. This condition serves to insure that in the event of a successor owning or operating the site, the new owner or operator is made aware of the requirements of this Office in order to assure the compatibility of the use with the surrounding businesses and properties. The City will record this covenant if the property owner does not comply with this condition as required.

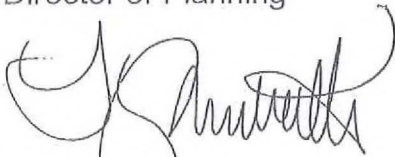
Condition No. 30 - This condition provides for the payment of the costs associated with the nuisance abatement proceedings pursuant to Section 12.27.1 of the Los Angeles Municipal Code. On October 27, 1997, Ordinance No. 171,740 became effective adding Section 19.01-P to the Los Angeles Municipal Code. This Section establishes the authority for the amount that may be charged for the processing of a

modification or discontinuation of a use. The fee is intended to address the sum of labor costs preparing the review of the case and its processing as well as hearing notice preparation/ mailing costs. This figure undoubtedly understates true total costs to the City because it does not include overhead cost, the time spent on appeals, the time spent by the Chief Zoning Administrator and others including the Police Department and other City agencies involved in addressing the review of this property.

It is further determined that the instant action by the Zoning Administrator on behalf of the Director of Planning is in compliance with Section 12.27.1 of the Municipal Code and has been conducted so as not to impair the constitutional right of any person. All of the procedures followed as a part of this action conform to the Municipal Code. The owner/operator of the premises as well as the property owners have been provided notice of these proceedings and have been afforded the opportunity to testify and respond to the allegations concerning the impacts of the operation of the liquor store known as Ken's Market and the past operation on the property. Further, the conditions imposed are not so onerous as to prevent the viable, legal operation of the business.

It is the purpose of these proceedings under Ordinance No. 171,740 to provide a just and equitable method to be cumulative and in addition to any other remedy available for the abatement of certain public nuisance activities. This action is, therefore, to advise the owner and any future owner or lessee that this determination constitutes the first governmental action (provided by for the above noted ordinance) and to make the herein cited correction and changes. **Failure to comply with the conditions cited herein will put you at risk of revocation and the issue of an order directing the discontinuance of the use as a market located 1123 East 7th Street.**

MICHAEL LOGRANDE  
Director of Planning



LINN K. WYATT  
Acting Chief Zoning Administrator  
Direct Telephone No. (213) 978-1318

LKW:lmc

cc: Councilmember Jose Huizar  
Fourteenth District  
Adjoining Property Owners



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

**STAFF INVESTIGATOR REPORT**

June 22, 2010

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

Hal C. Bitran Trust (O)  
3001 East Pico Boulevard  
Los Angeles, CA 90023

Kim Ho Yun  
Ken's Market  
1123 East 7th Street  
Los Angeles, CA 90021

CASE NO. DIR 2010-1361(RV)  
POSSIBLE IMPOSITION OF  
CONDITIONS TO ABATE NUISANCE  
OR REVOCATION OF USE  
1123 East 7th Street  
Central City Planning Area  
Zone : M2-2D  
D. M. : 126A213  
C. D. : 14  
CEQA : ENV 2010-1362-CE  
Legal Description : Lot No. 9, W. J.  
Fisher's Addition No. 1 to Kohler and  
Frohling Tract.

**Request**

The purpose of the hearing is to obtain testimony of the property owner and/or business operator, plus affected and/or interested persons regarding the operation of Ken's Market located at 1123 East 7th Street. Following the hearing, the Zoning Administrator may require the discontinuance of the use, or may impose corrective conditions in order to mitigate any land use impacts caused by the liquor store.

**Property Description**

The subject site is a level, 5,571 square-foot, rectangular-shaped, record lot developed with a three-story, approximate 14,250 square-foot mixed-use building containing ground floor retail uses with two floors above of a residential motel. The subject liquor store, Ken's Market, is located on the ground floor on the corner of 7th Street and Kohler Street.

The subject site has approximately 51 linear feet of frontage along the north side of 7th Street and 110 linear feet of frontage along the west side of Kohler Street. The subject site is zoned M2-2D.

The subject building was originally constructed in the early 1920's therefore there is no on-site parking provided. Patrons utilize a parking lot which abuts the subject site to the west which is also shared with an abutting printing business. The parking lot is under ownership

different from the subject site. The liquor store operator stated that he closes and locks the gate to the parking lot each night when the liquor store closes at 7:30 p.m.

At the time of field investigation, the site was generally clean. There was no graffiti and no trash around the exterior perimeter of the property. The liquor store operator stated that he and his clerks will clean the site but that the Central City East Association (CCEA) provides personnel who regularly clean up trash and debris in the area on a daily basis. There is no trash enclosure on-site. Trash is thrown into a bin shared with the printing business and is located in the parking lot to the west of the liquor store and is picked up by a private refuse company.

The subject liquor store is one of two retail stores occupying the ground floor level of the property. The liquor store contains approximately 1,500 square feet of gross floor area. The other commercial business is a retail clothing store.

The liquor store recently changed its name on the exterior awning to "99 Cent Store" in lieu of "Ken's Market". The liquor store has operating hours of 6:30 a.m. to 7:30 p.m. seven days a week. The majority of the signage visible from the exterior advertises groceries and household goods. There is only one sign above the door advertising an alcoholic beverage.

There are two public pay phones on the subject site. One phone is located on the southeast corner of the building near the entrance to the liquor store. The other pay phone is located on the southwest corner of the building adjacent to the parking lot.

The liquor store sells grocery items and household goods along with alcoholic beverages. No single cups are sold or given away and no single cigarettes are sold. Within the interior of the liquor store, there are no video games or vending machines. There is an ATM machine located near the front entrance.

There are a total of 13 security cameras installed in the subject liquor store. There are ten cameras located within the interior of the liquor store. There are three cameras located on the exterior of the liquor store showing the entrance and sidewalk areas in front of the location. There are three monitors within the liquor store. One monitor is located near the cash register and the other two monitors are located in the office with the recording equipment which is a DVD system.

Lighting on the site appears minimal. There are no exterior light fixtures attached to the building and the only lighting appears to be a City streetlight on the sidewalk in front of the liquor store.

### **The Project**

There are community allegations and Los Angeles Police Department police call and arrest report documentation of: repeated nuisance activity associated with the site including possession/sale of illegal drug paraphernalia, drinking in public, public intoxication, sale of alcohol to an intoxicated person, sale of alcohol to a minor, disorderly conduct of persons under the influence of drugs and/or alcohol, disturbance of the peace and loitering. These



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

**STAFF INVESTIGATOR REPORT**

June 22, 2010

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

Hal C. Bitran Trust (O)  
3001 East Pico Boulevard  
Los Angeles, CA 90023

Kim Ho Yun  
Ken's Market  
1123 East 7th Street  
Los Angeles, CA 90021

CASE NO. DIR 2010-1361(RV)  
POSSIBLE IMPOSITION OF  
CONDITIONS TO ABATE NUISANCE  
OR REVOCATION OF USE  
1123 East 7th Street  
Central City Planning Area  
Zone : M2-2D  
D. M. : 126A213  
C. D. : 14  
CEQA : ENV 2010-1362-CE  
Legal Description : Lot No. 9, W. J.  
Fisher's Addition No. 1 to Kohler and  
Frohling Tract.

**Request**

The purpose of the hearing is to obtain testimony of the property owner and/or business operator, plus affected and/or interested persons regarding the operation of Ken's Market located at 1123 East 7th Street. Following the hearing, the Zoning Administrator may require the discontinuance of the use, or may impose corrective conditions in order to mitigate any land use impacts caused by the liquor store.

**Property Description**

The subject site is a level, 5,571 square-foot, rectangular-shaped, record lot developed with a three-story, approximate 14,250 square-foot mixed-use building containing ground floor retail uses with two floors above of a residential motel. The subject liquor store, Ken's Market, is located on the ground floor on the corner of 7th Street and Kohler Street.

The subject site has approximately 51 linear feet of frontage along the north side of 7th Street and 110 linear feet of frontage along the west side of Kohler Street. The subject site is zoned M2-2D.

The subject building was originally constructed in the early 1920's therefore there is no on-site parking provided. Patrons utilize a parking lot which abuts the subject site to the west which is also shared with an abutting printing business. The parking lot is under ownership

different from the subject site. The liquor store operator stated that he closes and locks the gate to the parking lot each night when the liquor store closes at 7:30 p.m.

At the time of field investigation, the site was generally clean. There was no graffiti and no trash around the exterior perimeter of the property. The liquor store operator stated that he and his clerks will clean the site but that the Central City East Association (CCEA) provides personnel who regularly clean up trash and debris in the area on a daily basis. There is no trash enclosure on-site. Trash is thrown into a bin shared with the printing business and is located in the parking lot to the west of the liquor store and is picked up by a private refuse company.

The subject liquor store is one of two retail stores occupying the ground floor level of the property. The liquor store contains approximately 1,500 square feet of gross floor area. The other commercial business is a retail clothing store.

The liquor store recently changed its name on the exterior awning to "99 Cent Store" in lieu of "Ken's Market". The liquor store has operating hours of 6:30 a.m. to 7:30 p.m. seven days a week. The majority of the signage visible from the exterior advertises groceries and household goods. There is only one sign above the door advertising an alcoholic beverage.

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There are a total of 13 security cameras installed in the subject liquor store. There are ten cameras located within the interior of the liquor store. There are three cameras located on the exterior of the liquor store showing the entrance and sidewalk areas in front of the location. There are three monitors within the liquor store. One monitor is located near the cash register and the other two monitors are located in the office with the recording equipment which is a DVD system.

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### The Project

There are community allegations and Los Angeles Police Department police call and arrest report documentation of: repeated nuisance activity associated with the site including possession/sale of illegal drug paraphernalia, drinking in public, public intoxication, sale of alcohol to an intoxicated person, sale of alcohol to a minor, disorderly conduct of persons under the influence of drugs and/or alcohol, disturbance of the peace and loitering. These



activities are jeopardizing and/or endangering the public health and safety of persons residing or working on the premises or in the surrounding area, thereby constituting a public nuisance, and contributing to the deterioration of the adjacent community. The activities occurring in and around the premises have generated numerous police responses thereby straining the resources of the Police Department.

The operator stated that he has owned the liquor store for a little more than five years and admittedly had alcohol and drug-related problems in the past. Sensing that the problems were escalating, the operator hired an unarmed security guard. The operator stated that he felt the security guard was able to help curtail the problems at the liquor store. However, approximately five weeks ago, in late May 2010, the security guard decided to quit. When the security guard was employed at the liquor store, his hours were from 1 p.m. to 7:30 p.m. seven days a week.

In order to further decrease alcohol-related problems, the subject liquor store self-imposed a policy whereby no sales of single cans of 16 ounce malt liquor is permitted. Only sales of six packs are permitted. Single cans of regular beer are still permitted to be sold.

Vice officers noted that a common household cleaning item, "Chore Boy" copper scrubbers are sold at the liquor store in a large box. Pieces of these copper scrubbers are used in pipes to smoke "crack" cocaine. There is nothing inherently illegal about selling the copper scrubbers however, they do appear to be out of place being sold at the subject liquor store.

The liquor store operator stated that he had attended an LAPD-sponsored STAR training session approximately five weeks ago. However, the operator was not able to produce any proof of attendance in the form of a letter normally sent by the LAPD to the attendees and signed by the captain of the Detective Support and Vice Division.

### **Surrounding Land Uses**

Properties to the north are classified in the M2-2D Zone and are developed with one- and two-story commercial and industrial/warehouse buildings.

Properties to the east, across Kohler Street, are classified in the M2-2D Zone and are developed with a three-story motel, one- and two-story commercial buildings.

Properties to the south, across 7th Street, are classified in the M2-2D Zone and are developed with one- and two-story commercial and industrial/warehouse buildings.

Properties to the west are classified in the M2-2D Zone and are developed with a parking lot and one- and two-story commercial and industrial buildings.

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

ABC License No. 454061 – The California Department of Alcoholic Beverage Control issued this Type 20 Off-Sale Beer and Wine license to Kim Ho Yun doing business as "Ken's Market." This license is valid from October 1, 2009 to September 30, 2010.

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

Case No. DIR 1999-0334-RV-PA4 – On May 6, 2010, the Zoning Administrator determined that the operation of Alex's Market, located at 423 East 7th Street (approximately 2,000 feet west of the subject site, Ken's Market), has been in general compliance with the imposed conditions set forth in the determination. This case has two components, the retail market selling alcoholic beverages and a motel. The determination combines the conditions related to each use.

**General Plan, Specific Plans and Interim Control Ordinances****Community Plan**

The Central City District Plan designates the subject property for Light Industrial with corresponding zones of M2, MRZ, P and PB and Height District No. 2-D. The "D" limitation states that the total floor area contained in all buildings on a lot shall not exceed three (3) times the buildable area of the lot. The term "floor area" shall mean floor area as defined in Municipal Code Sections 12.21.1-A.5 and 12.21.1-B.4.

**Specific Plans and Interim Control Ordinances**

The property is not currently within the area of any specific plans or interim control ordinances.

**Streets**

7th Street, adjoining the property to the north, is a designated Secondary Highway, dedicated a width of 80 feet and is improved.

Kohler Street, adjoining the property to the east, is a Local Street dedicated a width of 60 feet and is improved.

**Flood Hazard Evaluation**

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

**Environmental Clearance**

On May 20, 2010, the project was issued a Notice of Exemption (Article III, Section 3, City CEQA Guidelines), log reference ENV 2010-1362-CE, for a Categorical Exemption, Class 21, Category 2, City CEQA Guidelines, Article VII, Section 1, State EIR Guidelines, Section 15100.



**Comments from Other Departments or the General Public**

The Office of the City Attorney submitted the following information:

A Consolidated Crime Analysis Database (CCAD) report from March 8, 2007 to March 8, 2010 which identifies the following crimes or arrests:

1. 03/21/2007 - POSS/PURCHASE COCAINE BASE FOR SALE
2. 03/21/2007 - PROPERTY REPORT
3. 04/05/2007 - SPOUSAL ABUSE SIMPLE ASSAULT
4. 04/27/2007 - MISD VNDL - OTHER THAN CNVY
5. 06/12/2007 - FAIL TO MAINTAIN MOTEL REGISTER
6. 06/26/2007 - STOLEN VEHICLE
7. 07/17/2007 - PROPERTY REPORT
8. 07/17/2007 - ALCOHOLIC BEV SALES TO INTOXICATED
9. 08/04/2007 - PROPERTY REPORT
10. 08/04/2007 - INTENTIONAL INTERFERENCE W/PUBLIC T
11. 09/14/2007 - ROBBERY - STREET
12. 09/14/2007 - MISDEMEANOR BATTERY
13. 10/15/2007 - ROBBERY - STREET
14. 11/04/2007 - PETTY THEFT W/PRIOR THEFT
15. 11/04/2007 - POSSESSION NARCOTIC CONTROLLED SUBS
16. 11/13/2007 - BATTERY ON NONCOHABITATING FORMER S
17. 11/13/2007 - FTA AFTER WRITTEN PROMISE
18. 11/14/2007 - POSSESSION CONTROLLED SUBSTANCE
19. 11/14/2007 - MISD VNDL - OTHER THAN CNVY
20. 11/20/2007 - POSSESSION NARCOTIC CONTROLLED SUBS
21. 11/20/2007 - PROPERTY REPORT
22. 11/20/2007 - BURGLARY
23. 11/20/2007 - VIOLATION OF PAROLE: FELONY
24. 11/28/2007 - ILLEGAL POSSESSION OF SHOPPING CART
25. 12/18/2007 - ASSAULT W/DEADLY WEAPON
26. 12/23/2007 - MISDEMEANOR BATTERY
27. 12/26/2007 - POSSESSION CNTL SUBSTANCE PARAPHERN
28. 12/31/2007 - POSSESSION MARIJUANA FOR SALE
29. 01/04/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
30. 01/04/2008 - PROPERTY REPORT
31. 01/04/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
32. 01/22/2008 - IDENTITY THEFT
33. 01/23/2008 - EMPLOY MINOR UNDER 18 OFF SALE PREM
34. 01/25/2008 - DEAD BODY
35. 02/06/2008 - PROPERTY REPORT
36. 02/06/2008 - POSS/PURCHASE COCAINE BASE FOR SALE
37. 02/07/2008 - PROPERTY REPORT
38. 02/07/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
39. 02/08/2008 - GRAND THEFT FROM VEHICLE
40. 02/12/2008 - MISDEMEANOR BATTERY

41. 02/12/2008 - RECEIVING KNOWN STOLEN PROPERTY
42. 02/12/2008 - PROPERTY REPORT
43. 02/12/2008 - 243APC
44. 02/26/2008 - FTA AFTER WRITTEN PROMISE
45. 02/26/2008 - POSSESSION CONTROLLED SUBSTANCE
46. 02/29/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
47. 02/29/2008 - FTA TRAFFIC WARRANT
48. 02/29/2008 - PROPERTY REPORT
49. 03/08/2008 - GRAND THEFT
50. 03/15/2008 - 25668A BP
51. 03/20/2008 - ROBBERY
52. 03/22/2008 - RECOVERED VEHICLE
53. 03/25/2008 - ROBBERY
54. 03/27/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
55. 03/27/2008 - PROPERTY REPORT
56. 04/01/2008 - FTA AFTER WRITTEN PROMISE
57. 04/01/2008 - FTA AFTER WRITTEN PROMISE
58. 04/09/2008 - PROPERTY REPORT
59. 04/09/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
60. 04/23/2008 - FTA AFTER WRITTEN PROMISE
61. 05/01/2008 - MISDEMEANOR BATTERY
62. 05/14/2008 - LOS ANGELES MUNICIPAL CODE
63. 05/18/2008 - DEAD BODY
64. 06/07/2008 - POSSESS/PURCHASE CONTROLLED SUBS
65. 06/07/2008 - PROPERTY REPORT
66. 06/08/2008 - PROPERTY REPORT
67. 06/08/2008 - POSSESSION CNTL SUBSTANCE PARAPHERN
68. 06/23/2008 - GRAND THEFT
69. 06/25/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
70. 06/25/2008 - UNDER INFLUENCE CNTL SUB
71. 07/26/2008 - MISDEMEANOR BATTERY
72. 08/06/2008 - PROPERTY REPORT
73. 08/06/2008 - POSS/PURCHASE COCAINE BASE FOR SALE
74. 08/12/2008 - PROSTITUTION
75. 08/12/2008 - 103.205LAMC
76. 08/12/2008 - PROPERTY REPORT
77. 08/20/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
78. 08/24/2008 - ROBBERY
79. 08/27/2008 - POSS/PURCHASE COCAINE BASE FOR SALE
80. 08/27/2008 - PROPERTY REPORT
81. 08/27/2008 - POSS/PURCHASE COCAINE BASE FOR SALE
82. 09/03/2008 - PROPERTY REPORT
83. 09/03/2008 - 308.2A PC
84. 09/09/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
85. 09/10/2008 - DRINKING IN PUBLIC
86. 09/16/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
87. 09/16/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
88. 09/23/2008 - TRANSPORT/SELL CONTROLLED SUBST



89. 09/23/2008 - PROPERTY REPORT
90. 09/24/2008 - POSS/PURCHASE COCAINE BASE FOR SALE
91. 09/24/2008 - FAILURE TO DISPLAY LIQUOR LICENSE
92. 09/29/2008 - TRANSPORT/SELL CONTROLLED SUBST
93. 09/29/2008 - PROPERTY REPORT
94. 09/30/2008 - FTA/TRAFFIC WARRANT
95. 10/01/2008 - PROPERTY REPORT
96. 10/01/2008 - POSSESS 28.5 GRAMS OR LESS OF MARIJ
97. 10/09/2008 - POSSESSION CONTROLLED SUBSTANCE
98. 10/18/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
99. 10/18/2008 - PROPERTY REPORT
100. 10/18/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
101. 10/29/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
102. 11/03/2008 - PROPERTY REPORT
103. 11/03/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
104. 11/29/2008 - PROPERTY REPORT
105. 11/29/2008 - POSSESSION NARCOTIC CONTROLLED SUBS
106. 12/10/2008 - PROSTITUTION
107. 12/10/2008 - KEEP DISORDERLY HOUSE
108. 12/10/2008 - PROSTITUTION
109. 12/10/2008 - PROPERTY REPORT
110. 12/14/2008 - PROPERTY REPORT
111. 12/14/2008 - TRANSPORT/SELL CONTROLLED SUBST
112. 12/14/2008 - POSS/PURCHASE COCAINE BASE FOR SALE
113. 12/22/2008 - TRANSPORT/SELL CONTROLLED SUBST
114. 12/22/2008 - TRANSPORT/SELL CONTROLLED SUBST
115. 12/22/2008 - PROPERTY REPORT
116. 01/30/2009 - DRINKING IN PUBLIC
117. 02/15/2009 - PROPERTY REPORT
118. 02/15/2009 - POSSESSION NARCOTIC CONTROLLED SUBS
119. 04/01/2009 - 103.205B LAMC
120. 04/12/2009 - DEAD BODY
121. 05/03/2009 - STOLEN VEHICLE
122. 05/27/2009 - 103.205B LAMC
123. 05/27/2009 - SUPERVISOR OF PROSTITUTE
124. 05/27/2009 - PROSTITUTION
125. 05/27/2009 - PROPERTY REPORT
126. 05/30/2009 - SALE/ETC OF ALCOHOLIC BEVERAGE TO M
127. 07/09/2009 - 103.205.3BLA
128. 07/09/2009 - 103.205.1BLA
129. 07/09/2009 - 103.205.1BLA
130. 07/14/2009 - DRINKING IN PUBLIC
131. 07/29/2009 - PROSTITUTION
132. 07/29/2009 - PROPERTY REPORT
133. 07/29/2009 - PROPERTY REPORT
134. 07/29/2009 - PROSTITUTION
135. 07/29/2009 - SUPERVISOR OF PROSTITUTE

- 136. 07/29/2009 - PROPERTY REPORT
- 137. 07/29/2009 - PROSTITUTION
- 138. 07/29/2009 - 103.205B LAMC
- 139. 08/04/2009 - 103.205(B)
- 140. 08/04/2009 - PROPERTY REPORT
- 141. 08/04/2009 - PROSTITUTION
- 142. 08/15/2009 - 7544.6 MP
- 143. 08/26/2009 - POSS ALCH BEV ON POSTED PREM
- 144. 09/08/2009 - TRANSPORT/SELL CONTROLLED SUBST
- 145. 10/28/2009 - 103 .205B LAMC
- 146. 10/28/2009 - 103.205B LAMC
- 147. 10/28/2009 - 103.205B LAMC
- 148. 11/05/2009 - POSS ALCH BEV ON POSTED PREM
- 149. 11/05/2009 - POSS ALCH BEV ON POSTED PREM
- 150. 11/10/2009 - 103.205B LAMC
- 151. 11/10/2009 - 103.205B LAMC
- 152. 11/10/2009 - 103.205B LAMC
- 153. 11/18/2009 - POSS ALCH BEV ON POSTED PREM
- 154. 12/08/2009 - 103.205 LAMC
- 155. 12/08/2009 - PROSTITUTION
- 156. 12/11/2009 - DRINKING IN PUBLIC
- 157. 12/11/2009 - DRINKING IN PUBLIC
- 158. 12/17/2009 - SPOUSAL ABUSE SIMPLE ASSAULT
- 159. 12/17/2009 - CORPORAL INJURY ON SPOUSE/COHABITAN
- 160. 12/17/2009 - SPOUSAL ABUSE SIMPLE ASSAULT
  
- 161. 01/05/2010 - TRANSPORT/SELL CONTROLLED SUBST
- 162. 02/02/2010 - POSS ALCH BEV ON POSTED PREM
- 163. 02/11/2010 - DRINKING IN PUBLIC
- 164. 02/11/2010 - DRINKING IN PUBLIC
- 165. 02/12/2010 - DISORD CONDUCT: U/I DRUG, ALCOHOL
- 166. 02/12/2010 - ALCOHOLIC BEV SALES TO INTOXICATED
- 167. 02/12/2010 - PROPERTY REPORT
- 168. 02/12/2010 - DRINKING IN PUBLIC
- 169. 02/13/2010 - DRINKING IN PUBLIC
- 170. 02/13/2010 - DRINKING IN PUBLIC
- 171. 02/17/2010 - 7544.6 BP
- 172. 03/03/2010 - ROBBERY - STREET
- 173. 03/03/2010 - ROBBERY

The Office of the City Attorney submitted the following arrest and crime reports specific to the subject property:

1. September 29, 2008 – Sales of Rock Cocaine Arrest Report, occurred approximately 5:25 p.m. – Undercover narcotics officer asks to buy narcotics from suspect standing on corner of 6th Street and Kohler Street; suspect tells officer to follow him into rear of Ken's Market where suspect retrieves narcotics from his



mouth and completes transaction with officer; uniformed officers enter Ken's Market to arrest suspect.

2. May 30, 2009 – Sales of Alcoholic Beverage to a Minor Arrest Report, occurred approximately 3:30 p.m. – Undercover 19 yr. old subject enters Ken's Market and takes bottle of beer to register; clerk asks for ID; clerk still directs cashier to accept undercover subject's money for the beer; undercover subject exits the liquor store; uniformed officers enter liquor store and place clerk under arrest.
3. July 17, 2009 – Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 7:15 p.m. – Undercover officers observe suspect standing approximately two feet in front of Ken's Market drinking a 16 oz. can of beer; suspect arrested and released at scene; officers go back inside liquor store to advise operator of violation occurring immediately outside store.
4. July 31, 2009 – Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 1:30 p.m. – Undercover officers observe suspect 1 standing on sidewalk approximately two feet in front of Ken's Market drinking a 24 oz. can of malt liquor; suspect arrested; officers observe suspect 2 enter Ken's Market then exit a few minutes later with a black plastic bag; suspect 2 crosses the street and proceeds to remove a can of beer from the bag then open and begin drinking it; suspect 2 arrested; officers observe suspect 3 walking on the sidewalk drinking from a styrofoam cup containing beer; suspect 3 arrested.
5. August 7, 2009 – Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 2:15 p.m. – Undercover officers observe three suspects loitering in front of Ken's Market sharing an alcoholic beverage concealed in a black plastic bag; one suspect enters liquor store and later exits with an unopened alcoholic beverage; suspects arrested and released at scene; officers go back inside liquor store to advise operator of violation occurring immediately outside store.
6. August 7, 2009 - Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 4:00 p.m. – Undercover officers observe suspect exit Ken's Market carrying a beer can partially concealed by a brown paper bag; suspect then re-enters liquor store then exits while still holding beer; suspect stands on sidewalk approximately two feet away from Ken's Market entrance then begins to drink beer; suspect arrested then released at scene.
7. August 15, 2009 – Operating as a Security Guard Without a Permit Arrest Report, occurred approximately 1:15 p.m. – Undercover officers conduct guard card registration check at Ken's Market; security guard states he was never issued a California State Security Guard permit; security guard arrested then released at scene.
8. August 25, 2009 – Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 4:00 p.m. – Undercover officers observe suspect standing on sidewalk in front of Ken's Market drinking from a 16 oz. can of beer; suspect

arrested then released from scene; officers go back inside liquor store to advise operator of violation occurring immediately outside store.

9. September 9, 2009 – Furnishing Alcoholic Beverage to a Minor Arrest Report, occurred approximately 4:15 p.m. – Undercover 18 yr. old minor decoy asks suspect to purchase beer for her; suspect agrees, enters Ken's Market and purchases a beer; suspect exits liquor store and gives beer to minor decoy; officers arrest suspect then release at scene.
10. November 5, 2009 – Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 5:25 p.m. – Undercover officers observe three suspects loitering against the east wall of Ken's Market sharing a 16 oz. can of malt liquor; suspect states that malt liquor purchased at Ken's Market for \$1; three suspects arrested then released at scene.
11. November 10, 2009 – Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 3:00 p.m. – Undercover officers observe suspect standing by pay phone near entrance to Ken's Market drinking from a can of beer partially concealed by a brown paper bag; suspect arrested and released at scene; officers enter Ken's Market to advise clerk of the violation occurring outside; clerk states that he tries to tell customers to leave but they do not obey.
12. November 18, 2009 – Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 1:15 p.m. – Undercover officers observe suspect exit Ken's Market holding a brown paper bag; suspect pulls out a 16 oz. can of malt liquor, opens it then starts drinking from it while standing approximately two feet from the liquor store entrance; suspect arrested and released at scene; officers enter Ken's Market to advise clerk of the violation occurring outside.
13. November 18, 2009 – Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 1:45 p.m. – Officers observe suspect standing on sidewalk in front of Ken's Market drinking from a 16 oz. can of malt liquor; suspect arrested then released at scene.
14. November 19, 2009 – Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 3:40 p.m. – Officers observe suspect standing on sidewalk in front of Ken's Market drinking from a 16 oz. can of malt liquor; suspect arrested then released at scene.
15. November 22, 2009 – Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 12:45 p.m. – Officers observe suspect standing on sidewalk in front of Ken's Market drinking from a 40 oz. can of malt liquor; suspect arrested then released at scene.
16. November 22, 2009 – Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 12:45 p.m. – Officers observe suspect standing on sidewalk in front of Ken's Market drinking from a 40 oz. can of malt liquor; suspect arrested then released at scene.



17. February 12, 2010 - Drinking Alcoholic Beverage in Public/Sales to Intoxicated Person Arrest Report, occurred approximately 6:00 p.m. – Undercover officers specifically monitoring Ken's Market due to numerous arrests made in the past; officers observe obviously intoxicated suspect stumbling while entering Ken's Market; suspect able to purchase alcoholic beverage; suspect exits liquor store and is arrested; officers enter Ken's Market and arrest clerk who sold alcoholic beverage; while making arrests, officers observe another suspect drinking from a 16 oz. can of malt liquor while standing in front of Ken's Market; suspect arrested and released at scene.
18. February 13, 2010 - Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 4:30 p.m. – Undercover officers observe two suspects drinking from a 16 oz. can of malt liquor while standing in front of Ken's Market; suspects arrested and released at scene.
19. February 19, 2010 - Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 3:30 p.m. – Undercover officers observe suspect drinking from a 16 oz. can of beer while standing on the sidewalk in front of Ken's Market; suspect arrested and released at the scene; officers enter Ken's Market to advise clerk of the violation occurring outside.
20. March 9, 2010 - Drinking Alcoholic Beverage in Public Arrest Report, occurred approximately 9:30 a.m. – Undercover officers observe suspect drinking from a 24 oz. can of beer while standing on the sidewalk approximately five feet east of the front door of Ken's Market; when asked by officers, suspect states he purchased beer at Ken's Market; suspect arrested and released at scene.
21. April 2, 2010 – State Baton Card Not in Possession Arrest Report, occurred approximately 5:50 p.m. – Undercover officers approach security guard at Ken's Market and ask if he has a permit for the side-handle baton on his belt; security guard admits to not having a baton permit; security guard arrested and released at scene.

A letter dated March 18, 2010 from the Office of the City Attorney was received by the Office of Zoning Administration. The letter states that Ken's Market is one of the most problematic liquor stores in the area by attracting persons who engage in public intoxication, disturbances of the peace and unruly behavior related to the consumption of alcohol. In light of the above, Deputy City Attorney Aguillon requests that the case be reviewed for revocation proceedings.

A letter dated June 9, 2010 from the Downtown Los Angeles Neighborhood Council (DLANC) was received by the Office of Zoning Administration. The letter states that the DLANC encourages the Zoning Administrator to consider discontinuing sales of alcohol at Ken's Market. The DLANC further states that nuisance activity in the area is caused by the number of businesses allowed to sell alcohol. Therefore, a comprehensive approach to evaluating all such businesses in the Central City East community should be undertaken by the City.

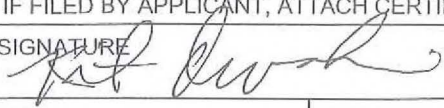
No other correspondence was received from other government agencies or the general public.

A handwritten signature in black ink, appearing to read "Kit Awakuni". The signature is fluid and cursive, with a large initial "K" and a long, sweeping underline.

KIT AWAKUNI  
Zoning Investigator

KA:lmc



COUNTY CLERK'S USE	<b>CITY OF LOS ANGELES</b> OFFICE OF THE CITY CLERK ROOM 395, CITY HALL LOS ANGELES, CALIFORNIA 90012 <b>CALIFORNIA ENVIRONMENTAL QUALITY ACT</b> <h2 style="margin: 0;">NOTICE OF EXEMPTION</h2> (Article III, Section 3—City CEQA Guidelines)	CITY CLERK'S USE
Submission of this form is optional. The form shall be filed with the County Clerk, 111 No. Hill St., Los Angeles, California 90012, pursuant to Public Resources Code Section 21252 (b). Pursuant to Public Resources Code Section 21188 (d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations being extended to 180 days.		
LEAD CITY AGENCY City of Los Angeles Department of City Planning		COUNCIL DISTRICT 14
PROJECT TITLE ✖ Revocation Action		LOG REFERENCE ENV 2010-1362-CE
PROJECT LOCATION ✖ 1123 East 7th Street		
DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT: ✖ Mitigate nuisance activities on-site and upon adjacent properties by imposition of conditions and/or revocation of use		
NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY: ✖ Chief Zoning Administrator		
CONTACT PERSON ✖ Kit Awakuni	AREA CODE ✖ 213	TELEPHONE NUMBER ✖ 978-1345
EXEMPT STATUS: (Check One)		
<input type="checkbox"/> MINISTERIAL	CITY CEQA GUIDELINES Art. III, Sec. 2b	STATE EIR GUIDELINE Sec. 15073
<input type="checkbox"/> DECLARED EMERGENCY	Art. III, Sec. 2a (1)	Sec. 15071 (a)
<input type="checkbox"/> EMERGENCY PROJECT	Art. III, Sec. 2a (2) & (3)	Sec. 15071 (b) & (c)
<input type="checkbox"/> GENERAL EXEMPTION	Art. III, Sec. 1	Sec. 15060
<input checked="" type="checkbox"/> CATEGORICAL EXEMPTION	Art. VII, Sec. 1	Sec. 15100
Class <u>21</u> Category <u>2</u> (City CEQA Guidelines)		
<input type="checkbox"/> OTHER (See Public Resources Code Sec. 21080 (b) and set forth state and city guideline provision.		
JUSTIFICATION FOR PROJECT EXEMPTION: The adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate or other entitlement for use or enforcing the general rule, standard or objective		
IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.		
SIGNATURE 	TITLE City Planning Associate	DATE 5/20/10
FEE:	RECEIPT NO.	REC'D. BY
DATE		DATE

Office:

Downtown ☒Van Nuys ☐Department of City Planning  
Los Angeles

Nº 283229

Date 12-14-10

## City Planning Request

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

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

Applicant/APPEALANT - MICHAEL (HO YUN) Kim			
Representative BARET C. FINK, ESQ., PERELMAN AND FINK			
Project Address 1123 EAST SEVENTH STREET			
Telephone Number 213 623-3622			
Case Number and Description	Task	SubTask	Ordinance Fee
DIP - 2010-1361 (RV)			\$ 89.00
			\$
			\$
			\$
	Sub Total Fees Paid		\$
OSS Surcharge - 2%			\$ 1.78
Development Surcharge - 6%			\$ 5.34
Operating Surcharge - 7%			\$ 6.23
Expediting Fee	3% GPF		\$ 2.67
Bad Check Fee			\$
Miscellaneous/Photocopy			\$
			\$
TOTAL FEES PAID			\$ 105.02

( ) Cash

(X) Check # 2859

( ) Money Order #

Council District 14

Plan Area CENTRAL CITY  
LA Department of Buildings and Safety  
LA 05 10 305564 12/14/10 01:17PM

Processed by

Print &amp; sign

PHYLLIS PAPVER

PLAN & LAND USE	\$39.0
ONE STOP CITY PL	\$1.7
DEVELOPMENT SURCHG	\$5.3
OPERATING SURCHG	\$6.2
GEN PLAN MAINT SURCHARGE	\$2.6

Total Due:	\$105.0
Check:	\$105.0





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

**NOTICE OF PUBLIC HEARING TO PROPERTY OWNERS**

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

CASE NO. DIR 2010-1361(RV)  
 POSSIBLE IMPOSITION OF CONDITIONS  
 TO ABATE NUISANCE OR REVOCATION  
 OF USE  
 CEQA NO. ENV 2010-1362-CE

CENTRAL CITY PLANNING AREA  
 DISTRICT MAP NO. 126A213  
 COUNCIL DISTRICT NO. 14

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

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

TIME: **THURSDAY, JUNE 24, 2010 AT 2:00 P.M.**

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

The purpose of the hearing is to obtain testimony of the property owner and/or business operator, plus affected and/or interested persons regarding the operation of the Ken's Market, use location address: 1123 East 7th Street. (property location addresses of: 1117-1123 East 7th Street and 675-677 South Kohler Street). Following the hearing, the Zoning Administrator may require the discontinuance of the use; or may impose corrective conditions regarding its use as a market in order to mitigate any land use impacts caused by the use. The public is also invited to submit written comments prior to the hearing.

**ISSUES:** There are community allegations and Los Angeles Police Department police call and arrest report documentation of: repeated nuisance activity associated with the site including possession/sale of illegal drug paraphernalia, drinking in public, public intoxication, sale of alcohol to an intoxicated person, sale of alcohol to a minor, disorderly conduct of persons under the influence of drugs and/or alcohol, disturbance of the peace and loitering. These activities are jeopardizing and/or endangering the public health and safety of persons residing or working on the premises or in the surrounding area, thereby constituting a public nuisance, and contributing to the deterioration of the adjacent community. The activities occurring in and around the premises have generated numerous police responses thereby straining the resources of the Police Department.

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

**PROPERTY INVOLVED:** The business conducted at the subject property is known as the Ken's Market and is located at 1123 East 7th Street. The property is legally described as Lot No. 9, W. J. Fisher's Addition No. 1 to Kohler and Frohling Tract. The property is zoned M2-2D.

**REVIEW OF FILE:** Case No. DIR 2010-1361(RV) containing the application, maps and exhibits with the request, is available in the Office of Zoning Administration, 7th Floor, 200 North Spring Street, Los Angeles, CA 90012, between the hours of 7:15 a.m. and 4 p.m., Monday through Friday. Please call (213) 978-1318, (818) 756-8121 or (310) 548-7721 in advance to assure that the file will be available. The file will be unavailable for review the day of the hearing.

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

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

Ken's Market/ 5146001001  
FORD APARTMENTS LP  
354 S SPRING ST STE 400  
LOS ANGELES CA 90013

Ken's Market/ 5146001002  
SINGLE ROOM OCCUPANCY HOUSING CORP  
354 S SPRING ST STE 400  
LOS ANGELES CA 90013

Ken's Market/ 5146001027  
LENACK MAURICE ET AL (TRS) LENACK FAMILY TR 12-5-80  
2618 OBELISCO PL  
CARLSBAD CA 92008

Ken's Market/ 5146001027  
LENACK, MAURICE AND ADELE TRS  
7 LAURELGLEN  
IRVINE CA 92614

Ken's Market/ 5146001029  
BEAVERMAN CARL & SHIRLEY (TRS)  
9770 SAN CIRCLE  
BEV. HILLS CA 90210

Ken's Market/ 5146001029  
MI YOUNG JEON  
711 CERES AVE  
LOS ANGELES CA 90021

Ken's Market/ 5146001030  
BOCANEGRA JUAN & BEATRICE (TRS) THE BOCANEGRA  
FAMILY TRUST  
16401 CHATSWORTH ST.  
GRANADA HILLS CA 91344

Ken's Market/ 5146001036  
HARBAB LLC  
11533 DILLING ST  
STUDIO CITY CA 91604

Ken's Market/ 5146001037  
VICKMAN HARRY B  
11533 DILLING ST  
STUDIO CITY CA 91604

Ken's Market/ 5146001038  
LENACK MAURICE (ET AL) (TRS) LENACK FAM TR UDT  
12-5-80  
5509 PASEO DEL LAGO #A  
LAGUNA HILLS CA 92653

" Ken's Market/ 5146004002  
SUNG MARTHA ET AL  
405 EMERALD AVE  
WEST COVINA CA 91791

Ken's Market/ 5146004024  
AHDoot ENAYAT AND MANIJHE  
18122 MEDLEY DR  
ENCINO CA 91316

Ken's Market/ 5146004025  
GOLDBERG THOMAS C. (ET AL)  
22544 MARYLEE ST.  
WOODLAND HILLS CA 91367

Ken's Market/ 5146004034  
GUERRERO LUIS  
3021 BARTLETT AVE  
ROSEMEAD CA 91770

Ken's Market/ 5146004034  
GUERRERO, LUIS  
6246 N MUSCATEL AVE  
SAN GABRIEL CA 91775

Ken's Market/ 5146004035  
ALVAREZ EVANGELINA  
4522 MAYCREST AVE  
LOS ANGELES CA 90032

Ken's Market/ 5146004036  
OCEAN INVESTMENTS INC  
1100 SANTA FE AVE  
LOS ANGELES CA 90021

Ken's Market/ 5146004037  
SONG CHUNG SUP & SOON HEE TRS (CHUNG SUP SONG &  
SOON HEE  
1704 N SHELLY COURT  
BREA CA 92821

Ken's Market/ 5146004037  
SONG, CHUNG S AND SOON H TRS  
9906 POMERING RD  
DOWNEY CA 90240

Ken's Market/ 5146004040  
MATSUSHITA SHIGERU N AND DARLENE M  
15904 AURORA CREST DR  
WHITTIER CA 90605

Ken's Market/ 5146004048  
ZAHEDI ALI  
15301 MULHOLLAND DR.  
LOS ANGELES CA 90077

Ken's Market/ 5146004049  
FRED K ANDERSON & SON INC.  
725 S KOHLER ST  
LOS ANGELES CA 90021

Ken's Market/ 5146004054  
FRED K ANDERSON & SON INC.  
759 S KOHLER ST  
LOS ANGELES CA 90021

Ken's Market/ 5146005001  
INNER-CITY  
720 S KOHLER ST.  
LOS ANGELES CA 90021



Ken's Market/ 5146005022  
HEIRS OR DEVISEES OF THE ESTATE OF NAT ASHER (DECD.)  
2743 FORESTER DR.  
LOS ANGELES CA 90064

" Ken's Market/ 5146005029  
INNER-CITY ARTS  
720 KOHLER ST  
LOS ANGELES CA 90021

Ken's Market/ 5146008016  
NAKANO JACK H. & CHIYOKO  
728 MERCHANT ST  
LOS ANGELES CA 90021

Ken's Market/ 5147029047  
WANG, PETER C AND CINDY I  
23727 FALCONS VIEW DR  
DIAMOND BAR CA 91765

Ken's Market/ 5147030063  
SKID ROW DEVELOPMENT CORP-LESSEE  
434 S SAN PEDRO ST STE 601  
LOS ANGELES CA 90013

Ken's Market/ 5147031005  
MARTIN BENSON TRUST ET AL  
615 S KOHLER ST  
LOS ANGELES CA 90021

\*\* Ken's Market/ 5147032001  
BITRAN HAL C. (TR) HAL C. BITRAN FAMILY TR DTD  
4/22/1997 (ET AL)  
3001 E PICO BLVD  
LOS ANGELES CA 90023

" Ken's Market/ 5147032038  
BLAHUT DONALD J.(TR) BLAHUT FAMILY TRUST UTD  
6-12-86  
1107 E 7TH ST.  
LOS ANGELES CA 90021

Ken's Market/ 5146005025  
YOON SUENG M. & RYANG S.  
5033 ACACIA ST  
SAN GABRIEL CA 91776

Ken's Market/ 5146008001  
RIVERS HOTEL LP  
354 SPRING ST 400  
LOS ANGELES CA 90013

Ken's Market/ 5146008016  
NAKANO JACK H. & CHIYOKO  
5318 VIA GERALDINA  
YORBA LINDA CA 92686

Ken's Market/ 5147030008  
MERCOR GROUP--620 GLADYS AVENUE LLC  
791 TERMINAL STREET BLD 1 2ND FL  
LOS ANGELES CA 90021

Ken's Market/ 5147030064  
KIM SANG K  
644 GLADYS AVE  
LOS ANGELES CA 90021

Ken's Market/ 5147031005  
CAMPBELL, SCOTT CO TR  
615 KOHLER ST  
LOS ANGELES CA 90021

" Ken's Market/ 5147032032  
MUNGUIA JOSE L. & CARMEN (CO-TRS) MUNGUIA FAMILY  
TRUST  
3146 GAGE AVENUE  
EL MONTE CA 91731

" Ken's Market/ 5147032038  
CORRELATION PARTNERSHIP  
1107 E 7TH ST.  
LOS ANGELES CA 90021

Ken's Market/ 5146005025  
KHAU, ANDY  
729 MERCHANT ST  
LOS ANGELES CA 90021

Ken's Market/ 5146008015  
SALIM TOUPAN T. OR MINAH LINC (TRS)  
715 S CENTRAL AVE  
LOS ANGELES CA 90021

Ken's Market/ 5147029047  
WANG PETER C.H. & CINDY I.K.  
21101 E WOODLAND CT.  
WALNUT CA 91789

Ken's Market/ 5147030054  
MERCOR GROUP--620 GLADYS AVENUE LLC  
761 TERMINAL STREET BLD 1 2ND FL  
LOS ANGELES CA 90021

Ken's Market/ 5147030064  
TRI-OCEAN ENTERPRISES INC  
644 GLADYS AVE  
LOS ANGELES CA 90021

Ken's Market/ 5147031025  
KLEIN HOWARD B. (CO-TRS) HOWARD B. KLEIN &  
DEBORAH A. KLEIN  
1300 FACTORY PL  
LOS ANGELES CA 90013

Ken's Market/ 5147032036  
D.F. ASSOCIATES  
550 CERES AVE  
LOS ANGELES CA 90013

Ken's Market/ 5147032040  
D F ASSOCIATES  
401 S CENTRAL AVE  
LOS ANGELES CA 90013

Ken's Market/ 5147034001

TRANS OCEAN STAR INC.  
6931 LINDA VISTA RD  
SAN DIEGO CA 92111

Ken's Market/ 5147034001

TRANS OCEAN STAR LTD.  
9631 LINDA VISTA RD  
SAN DIEGO CA 92111

"

Ken's Market/ 5147034012

TRANS OCEAN STAR INC  
1225 E 7TH ST  
LOS ANGELES CA 90021

Ken's Market/ 5147034015

ALAMEDA PRODUCE MARKET INC.  
1875 W MISSION BLVD  
POMONA CA 91766

"

Ken's Market/ 5147034016

OLYMPIA HOTEL LIMITED PARTNERSHIP  
315 N NINTH ST. STE 410  
LOS ANGELES CA 90015

Ken'sMarket/ 5147034016

OLYMPIA HOTEL LIMITED PTNSHP  
1317 E 7<sup>TH</sup> ST  
LOS ANGELES CA 90021

Ken's Market/

Downtown Los Angeles CNC  
P O BOX 13096  
LOS ANGELES CA 90013



CASE NO. DIR 2010-1361(RV)

Martha Sung, et al  
405 Emerald Avenue  
West Covina, CA 91791

Inner-City Arts  
720 Kohler Street  
Los Angeles, CA 90021

Hal C. Bitran, Tr., et al  
3001 East Pico Boulevard  
Los Angeles, CA 90023

Donald Blahut, Tr.  
1107 East 7th Street  
Los Angeles, CA 90021

Jose & Carmen Munguia, Tr.  
3146 Gage Avenue  
El Monte, CA 91731

Correlation Partnership  
1107 East 7th Street  
Los Angeles, CA 90021

Olympia Hotel, LP  
315 North 9th Street, #410  
Los Angeles, CA 90015

Trans Ocean Star, Inc.  
1225 East 7th Street  
Los Angeles, CA 90021

Ken's Market  
1123 East 7th Street  
Los Angeles, CA 90021

Det. Julie Covarrubias, LAPD  
Detective Support & Vice Division  
100 1st Street, 4th Floor  
STOP 400

Maria Aguillon  
Office of the City Attorney, CNAP  
Central Bureau, Central Area  
1645 Corinth Avenue, 2nd Floor  
STOP 149

LAPD, Vice  
Central Area  
251 East 6th Street  
STOP 433

Will Salao  
State ABC - Metro/Los Angeles  
888 South Figueroa Street, Rm. 320  
Los Angeles, CA 90017

**KIM HO YUN  
KEN'S MARKET  
1123 EAST 7TH STREET  
LOS ANGELES, CA 90021**

**VCEDP  
SOCORRO CHACON  
864 E. 6TH ST.  
LOS ANGELES, CA 90021**

**CELINA MANCIA  
CCEA  
725 S. CROCKER ST.  
LOS ANGELES, CA 90021**

OCCUPANT 1104 1/2 E 7TH ST LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1110 E 7TH ST LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1111 E 7TH ST LOS ANGELES CA 90021	Ken's Market
OCCUPANT 1117 E 7TH ST LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1119 E 7TH ST LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1121 E 7TH ST LOS ANGELES CA 90021	Ken's Market
OCCUPANT 1122 E 7TH ST LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1123 E 7TH ST LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1200 E 7TH ST LOS ANGELES CA 90021	Ken's Market
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OCCUPANT 1209 E 7TH ST LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1211 E 7TH ST LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1221 E 7TH ST LOS ANGELES CA 90021	Ken's Market
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OCCUPANT 1225 E 7TH ST # 3 LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1225 E 7TH ST # 4 LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1225 E 7TH ST # 5 LOS ANGELES CA 90021	Ken's Market



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OCCUPANT 1225 E 7TH ST # 3 LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1225 E 7TH ST # 4 LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1225 E 7TH ST # 5 LOS ANGELES CA 90021	Ken's Market

OCCUPANT 1104 1/2 E 7TH ST LOS ANGELES CA 90021	Ken's Marke	OCCUPANT 1110 E 7TH ST LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1111 E 7TH ST LOS ANGELES CA 90021	Ken's Market
OCCUPANT 1117 E 7TH ST LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1119 E 7TH ST LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1121 E 7TH ST LOS ANGELES CA 90021	Ken's Market
OCCUPANT 1122 E 7TH ST LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1123 E 7TH ST LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1200 E 7TH ST LOS ANGELES CA 90021	Ken's Market
OCCUPANT 1200 E 7TH ST # A LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1200 E 7TH ST # B LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1200 E 7TH ST # C LOS ANGELES CA 90021	Ken's Market
OCCUPANT 1200 E 7TH ST # D LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1201 E 7TH ST LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1203 E 7TH ST LOS ANGELES CA 90021	Ken's Market
OCCUPANT 1209 E 7TH ST LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1211 E 7TH ST LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1221 E 7TH ST LOS ANGELES CA 90021	Ken's Market
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OCCUPANT 1225 E 7TH ST # 3 LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1225 E 7TH ST # 4 LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1225 E 7TH ST # 5 LOS ANGELES CA 90021	Ken's Market



OCCUPANT 1000 E 7TH ST LOS ANGELES CA 90021	Ken's Marke	OCCUPANT 1001 E 7TH ST # A LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1001 E 7TH ST # B LOS ANGELES CA 90021	Ken's Market
OCCUPANT 1001 E 7TH ST # D LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1001 E 7TH ST LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1001 E 7TH ST # F LOS ANGELES CA 90021	Ken's Market
OCCUPANT 1001 E 7TH ST # G LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1010 E 7TH ST LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1014 E 7TH ST LOS ANGELES CA 90021	Ken's Market
OCCUPANT 1020 E 7TH ST LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1102 E 7TH ST LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1104 E 7TH ST LOS ANGELES CA 90021	Ken's Market
OCCUPANT 1106 E 7TH ST LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1107 E 7TH ST LOS ANGELES CA 90021	Ken's Market	OCCUPANT 1108 E 7TH ST LOS ANGELES CA 90021	Ken's Market
OCCUPANT 603 S CENTRAL AVE LOS ANGELES CA 90021	Ken's Market	OCCUPANT 605 S CENTRAL AVE LOS ANGELES CA 90021	Ken's Market	OCCUPANT 607 S CENTRAL AVE LOS ANGELES CA 90021	Ken's Market
OCCUPANT 609 S CENTRAL AVE LOS ANGELES CA 90021	Ken's Market	OCCUPANT 611 S CENTRAL AVE LOS ANGELES CA 90021	Ken's Market	OCCUPANT 613 S CENTRAL AVE LOS ANGELES CA 90021	Ken's Market
OCCUPANT 615 S CENTRAL AVE LOS ANGELES CA 90021	Ken's Market	OCCUPANT 617 S CENTRAL AVE LOS ANGELES CA 90021	Ken's Market	OCCUPANT 619 S CENTRAL AVE LOS ANGELES CA 90021	Ken's Market

OCCUPANT 672 S CENTRAL AVE LOS ANGELES CA 90021	Ken's Market	OCCUPANT 676 S CENTRAL AVE LOS ANGELES CA 90021	Ken's Market	OCCUPANT 682 S CENTRAL AVE LOS ANGELES CA 90021	Ken's Market
OCCUPANT 701 S CENTRAL AVE LOS ANGELES CA 90021	Ken's Market	OCCUPANT 701 1/2 S CENTRAL AVE LOS ANGELES CA 90021	Ken's Market	OCCUPANT 703 S CENTRAL AVE LOS ANGELES CA 90021	Ken's Market
OCCUPANT 703 1/2 S CENTRAL AVE LOS ANGELES CA 90021	Ken's Market	OCCUPANT 705 S CENTRAL AVE LOS ANGELES CA 90021	Ken's Market	OCCUPANT 707 S CENTRAL AVE LOS ANGELES CA 90021	Ken's Market
OCCUPANT 709 S CENTRAL AVE LOS ANGELES CA 90021	Ken's Market	OCCUPANT 715 S CENTRAL AVE LOS ANGELES CA 90021	Ken's Market	OCCUPANT 720 S CENTRAL AVE LOS ANGELES CA 90021	Ken's Market
OCCUPANT 641 CERES AVE LOS ANGELES CA 90021	Ken's Market	OCCUPANT 647 CERES AVE LOS ANGELES CA 90021	Ken's Market	OCCUPANT 649 CERES AVE LOS ANGELES CA 90021	Ken's Market
OCCUPANT 656 CERES AVE LOS ANGELES CA 90021	Ken's Market	OCCUPANT 711 CERES AVE LOS ANGELES CA 90021	Ken's Market	OCCUPANT 712 CERES AVE LOS ANGELES CA 90021	Ken's Market
OCCUPANT 718 CERES AVE LOS ANGELES CA 90021	Ken's Market	OCCUPANT 719 CERES AVE LOS ANGELES CA 90021	Ken's Market	OCCUPANT 720 CERES AVE LOS ANGELES CA 90021	Ken's Market
OCCUPANT 725 CERES AVE LOS ANGELES CA 90021	Ken's Market	OCCUPANT 727 CERES AVE LOS ANGELES CA 90021	Ken's Market	OCCUPANT 728 CERES AVE LOS ANGELES CA 90021	Ken's Market



OCCUPANT  
624 GLADYS AVE  
LOS ANGELES CA 90021

Ken's Market

OCCUPANT  
643 GLADYS AVE  
LOS ANGELES CA 90021

Ken's Market

OCCUPANT  
644 GLADYS AVE  
LOS ANGELES CA 90021

Ken's Market

OCCUPANT  
649 GLADYS AVE  
LOS ANGELES CA 90021

Ken's Market

OCCUPANT  
713 GLADYS AVE  
LOS ANGELES CA 90021

Ken's Market

OCCUPANT  
722 GLADYS AVE  
LOS ANGELES CA 90021

Ken's Market

OCCUPANT  
1200 INDUSTRIAL ST  
LOS ANGELES CA 90021

Ken's Market

OCCUPANT  
1213 INDUSTRIAL ST  
LOS ANGELES CA 90021

Ken's Market

OCCUPANT  
1217 INDUSTRIAL ST  
LOS ANGELES CA 90021

Ken's Market

OCCUPANT  
1227 INDUSTRIAL ST  
LOS ANGELES CA 90021

Ken's Market

OCCUPANT  
615 KOHLER ST  
LOS ANGELES CA 90021

Ken's Market

OCCUPANT  
619 KOHLER ST  
LOS ANGELES CA 90021

Ken's Market

OCCUPANT  
621 KOHLER ST  
LOS ANGELES CA 90021

Ken's Market

OCCUPANT  
625 KOHLER ST  
LOS ANGELES CA 90021

Ken's Market

OCCUPANT  
630 KOHLER ST  
LOS ANGELES CA 90021

Ken's Market

OCCUPANT  
647 KOHLER ST  
LOS ANGELES CA 90021

Ken's Market

OCCUPANT  
651 KOHLER ST  
LOS ANGELES CA 90021

Ken's Market

OCCUPANT  
675 KOHLER ST  
LOS ANGELES CA 90021

Ken's Market

OCCUPANT  
677 KOHLER ST  
LOS ANGELES CA 90021

Ken's Market

OCCUPANT  
695 1/2 KOHLER ST  
LOS ANGELES CA 90021

Ken's Market

OCCUPANT  
720 KOHLER ST  
LOS ANGELES CA 90021

Ken's Market

OCCUPANT  
724 KOHLER ST  
LOS ANGELES CA 90021

Ken's Market

OCCUPANT  
729 KOHLER ST  
LOS ANGELES CA 90021

Ken's Market

OCCUPANT  
724 MERCHANT ST  
LOS ANGELES CA 90021

Ken's Market