

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

STAFF INVESTIGATOR REPORT

March 9, 2017

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

Rabone Family Trust (O)
2715 W. Verdugo Blvd.
Burbank, CA 91505

El Sereno Liquor Store
3325/3327 N. Eastern Avenue
Los Angeles, CA 90032

CASE NO. DIR 2016-4686(RV)
POSSIBLE IMPOSITION OF
CONDITIONS TO ABATE NUISANCE
OR REVOCATION OF USE
3325/3327 N. Eastern Avenue
Northeast Los Angeles Community Plan
Area
Zone : [Q]C4-1XL
D. M. : 142-5A233
C. D. : 14
CEQA : ENV 2016-4687(CE)
Legal Description: Lots 55, 56, 57, 58;
Tract 7228

Request

The purpose of the hearing is to obtain testimony of the property owner and/or business operator, plus affected and/or interested persons regarding the operation of the El Sereno Liquor store / El Sereno Daje Recycling at 3325 and 3327 North Eastern Avenue. Following the hearing, the Zoning Administrator may require the discontinuance of the use, or may impose corrective conditions regarding its use as a liquor/convenience store and recycling center in order to mitigate any land use impacts caused by the use. The public is invited to submit written comments prior to the hearing. The Zoning Administrator will consider:

1. Los Angeles Police Department arrest report and crime analysis documentation of: sale of narcotics, possession of controlled substance, assault with a deadly weapon, battery, cohabitant abuse, grand theft auto, robbery, lost property, drinking in public, and urinating or defecating in public.
2. Pursuant to Section 21084 of the California Public Resources Code, the above referenced project has been determined not to have a significant effect on the environment and which shall therefore be exempt from the provisions of CEQA.

The environmental document will be among the matters considered at the hearing. The decision maker will consider all the testimony presented at the hearing, written communication received prior to and at the hearing, and the merits of the case as it relates to existing environmental and land use regulations.

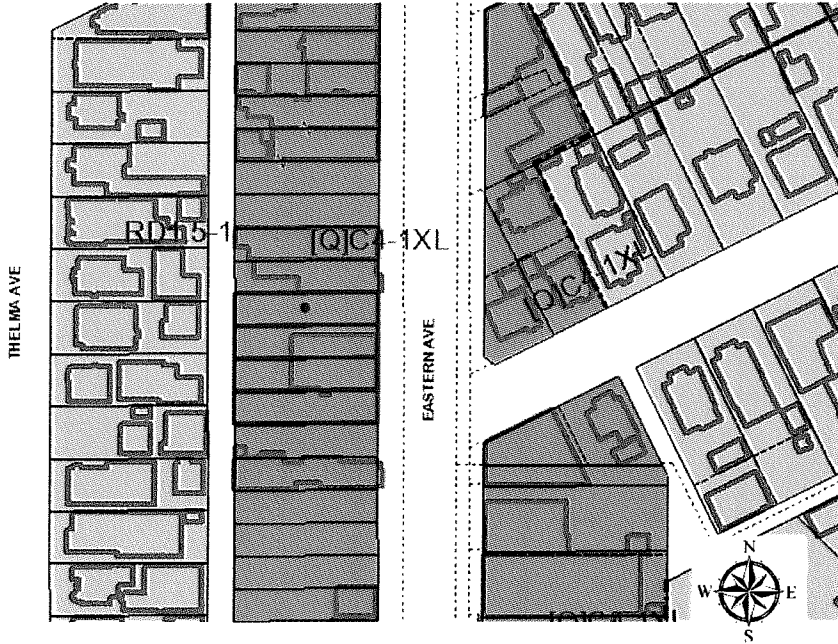
Authority

The Director of Planning, through the Office of Zoning Administration, has the authority to modify or discontinue the use, or to impose corrective conditions on the operation of the

existing business as a liquor store and recycling center under Section 12.27.1 (land use impacts caused by any use) of the Los Angeles Municipal Code.

Property Description

The site is comprised of four rectangular lots. Located on the west side of the Eastern Avenue and midblock from Huntington Drive to the north and Twining Street to the south. The lot fronts the westerly terminus of Axtell St and is approximately 11,000 sq. ft. with a frontage of 100 feet along Eastern Avenue and 110 feet in depth.



Zimas Zoning Map, 2015



Zimas Air Photo, 2014

The property is zoned [Q]C4-1VL and is developed with a 2,700 sq. ft. single-story liquor store. The liquor store offers on-site parking at its north and south. The rear of the site contains a driveway and abuts a public alleyway. The liquor store building has a frontage of approximately 40 feet along Eastern Avenue. Its entrance to costumers is located at Eastern Avenue. The exterior façade is built with a combination of exterior finishes, aluminum frame/glass for half portion of its frontage and board-and-batten siding for the remaining frontage.

The building frontage contains signs advertising check cashing services, availability of California Lottery products, neon signs advertising a variety of brands of alcoholic beverages and signs advertising availability of automatic teller machine inside the liquor store.



Liquor store east façade

The subject site offers vehicular entrance at two locations, one to the north of the building businesses located to the north and south. During the field visit, the parking lot to the north lot allowed vehicular access to the site. The parking lot to the south however, contained a post in the middle of the driveway therefore preventing vehicular ingress/egress to and from the site.



Parking lot north of the building



Driveway south of the building

To the north of the site there is a one-story building commercial building. To the south, the site is separated by a six foot concrete block wall fence from a single-story larger convenience market store. To the east, the site faces Eastern Avenue; and to the west, the site contains a chain-link fence with a rolling gate along the public alleyway.

A building permit (Certificate of Occupancy) authorizes the operation of a recycling facility at the south portion of the site. It was granted on October 22, 2008. The building permit in association with the recycling establishment contains a site diagram identifying seven automobile parking spaces – five parking stalls at the north end of the site and another two to the southwest end of the site including a handicap parking stall.

Streets

Eastern Avenue, adjoining the property to the east, is designated as Avenue II and has a width of 86 feet right-of-way width and is fully improved with curb, gutter and sidewalk.

Surrounding Land Uses

Properties to the north, south and east are similarly zoned with a [Q]C4-1XL classification. To the north, properties are developed with a single story building containing retail/commercial establishments - a restaurant, a hair salon and church. To the south, the adjacent site is developed with a single story meat market/convenience store with on-grade automobile parking.

Properties to the east are developed with a one-story single family residence and vacant retail/commercial single story building. Properties to the west are zoned RD1.5-1 and developed with one and two-story multiple family residential uses.

Background

The last change of ownership was 7/23/2009 as described on the ZIMAS Parcel Profile Report.

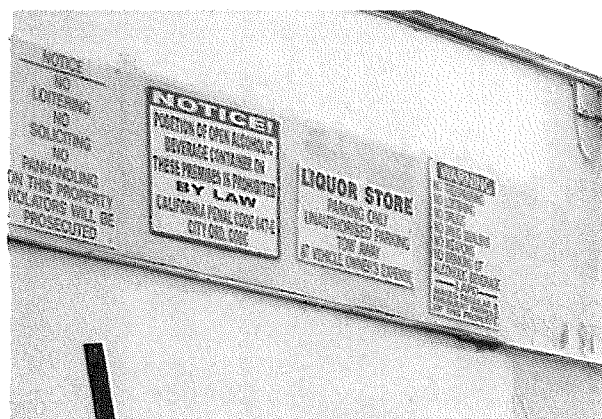
Nuisance Investigation

The Los Angeles Police Department (LAPD) has submitted documentation, including arrest reports, investigative reports, and calls for service relating to sale of narcotics, possession of controlled substance, assault with a deadly weapon, battery, cohabitant abuse, grand theft auto, robbery, lost property, drinking in public, and urinating or defecating in public between April 2, 2014 and November 30, 2016. These activities may be endangering the public health and safety of persons who reside and work on the premises and in the surrounding community, thus constituting a public nuisance. The business conducted at the site has generated numerous complaints and has required consistent police enforcement. As this operation may jeopardize and adversely affect the public health, peace, and safety of persons residing and working on the premises and in the surrounding area, and has documented reports of repeated nuisance activities, the City has responded with a public hearing for possible imposition of conditions to abate nuisance or to revoke said use.

Planning staff conducted a field analysis as part of the nuisance investigation on December 15, 2016 from 10:00 a.m. to 12:00 p.m. All photographs in the staff report were taken on said date and time unless otherwise noted.

Signage, Rules, and Regulations

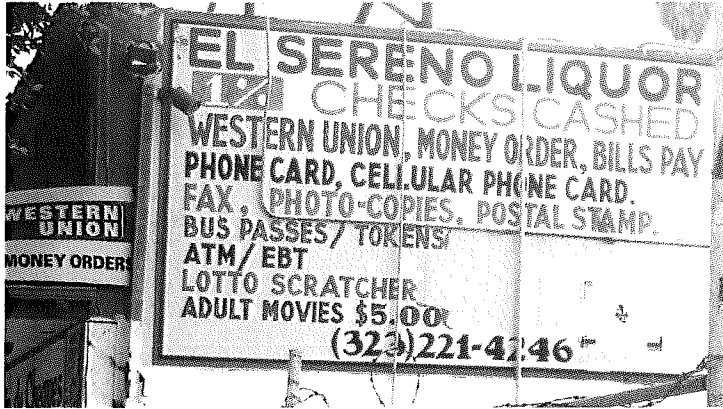
There are multiple signs posted on the north wall of the liquor store. These signs are relating to: 1) parking limited to liquor store patrons; 2) prohibition of trespassing, loitering and panhandling; 3) possession of open alcoholic beverages; and 4) trespassing and the use of drugs and drugs sales in the property.



Sign at north wall

There is also sign on both north and south face of the liquor store advertising and listing the services it provides – check cashing, money orders, bills payments, phone cards, bus passes and tokens, photo copy services, payment of bills (utility bills), sale of U.S. postage stamps and the rental of adult movies. In addition to the sign advertising the services the

liquor store provides also contains, the south wall façade contains a free standing billboard. Said billboard does not exceed the building parapet wall.



Advertising signs

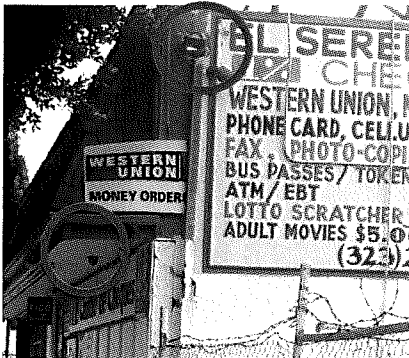


Authorized recycling use location

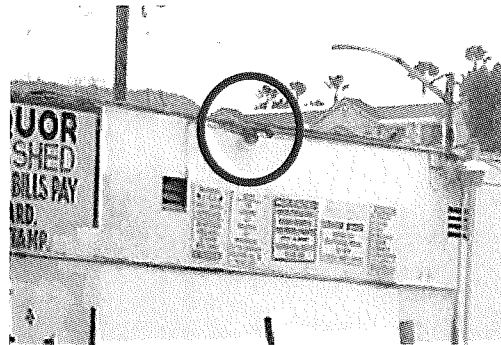
Signs at south façade

Liquor Store Security System

The liquor store has a security video system. No information regarding the number of cameras was obtained during the field visit. The outdoor cameras were mounted on the underside of the canopy along the store frontage and mounted on the north wall - directed towards the parking lot.



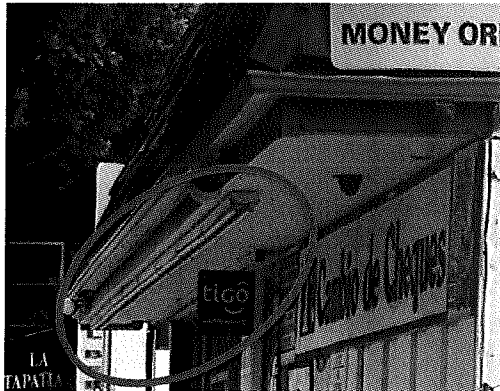
Camera on canopy underside and parking lot



Camera at parking lot

Liquor Store Exterior Lighting

Exterior lighting was also observed throughout the site. Fluorescent light was observed mounted on the underside of the canopy fronting the liquor store. Lighting fixtures are mounted on exterior at the north wall, south wall and west wall.



Exterior lighting on canopy underside



Exterior lighting at parking lot – north wall



Exterior lighting at parking lot – south wall

Security Personnel

During the field visit there was no private security personnel observed.

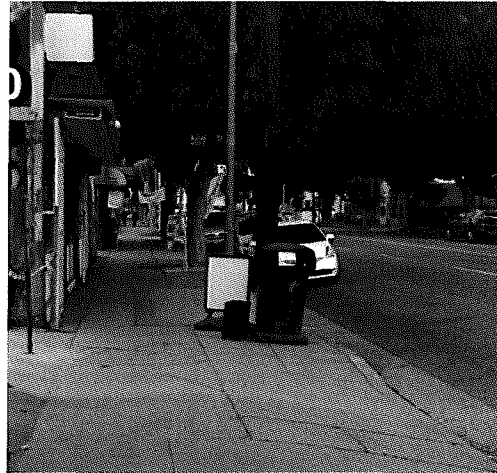
Trash, Debris, Graffiti, Loitering

One freestanding trash dumpster was located outside the northeast corner at the parking lot of the liquor store. There was also a City trash container on the sidewalk fronting the liquor store site. During the field visit there was a chain-link bundle on the parking lot. Overall, the area was generally clean with no noticeable litter on the pavement near the dumpster nor around the site. However, it was observed that the asphalt concrete finish surface at the parking lot to be badly broken throughout the site. There were no abandoned vehicles observed. There was no overgrown vegetation and no public telephones observed on the site.

During the field visit no loitering was observed and the site was free of graffiti on all sides.



Trash dumpster



Trash bin on the public right-of-way



Chain-link bundle on the parking lot

Comments from Other Departments and/or the General Public

General Public: At the time of report preparation, four telephone calls from the general public had been received citing concerns at the location regarding loitering, drug use, drinking in public, fire arms shootings and general nuisance activities from the subject location.

One telephone call was received in support of the current liquor store operation.

Five letters were received during the preparation of the report expressing concerns with the nuisance activity generated at the subject location. The nuisance activities mentioned in these letters are relating to: drinking in public in the public alleyway - the rear of the subject liquor store and adjacent to residential uses, drug sale and use, defecation, urination, fire arms shooting and accumulation of trash.

The Los Angeles Police department submitted the following reports:

Arrest and Investigative Reports:

LAPD submitted arrest and investigative reports for twenty-one incidents at 3327 N. Eastern Avenue between April 2, 2014 and September 21, 2016:

1. September 21, 2016, 12:55 p.m. – Arrest Warrant - Arrest Report - Issued for a warrant for arrest of suspect at the subject liquor store location. Warrant No. LACBA45017003.
2. September 13, 2016, 4:30 p.m. – Drinking in Public – Notice to appear issued to an individual who was drinking beer (Bud Light) in parking lot at parking lot of subject liquor store.
3. June 24, 2016, 6:47 a.m. - Sales of Narcotics (Heroin) – Investigation Report – Investigation of the recycling establishment located within the liquor store site for the sale of 21 balloons of heroin.
4. May 12, 2016, 8:00 a.m. – Sales of Narcotics (Heroin) – Investigation Report – Investigation of the recycling establishment located within the liquor store site for the sale of eight balloons of heroin.
5. May 6, 2016, 7:35 a.m. – Sales of Narcotics (Heroin) – Investigation Report – Investigation of the recycling establishment located within the liquor store site for the sale of four balloons of heroin with a street value of \$40.00 and a balloon of heroin to an individual in the recycling center.
6. March 1, 2016, 7:10 a.m. – Sales of Narcotics (Heroin) – Investigation Report – Investigation of the recycling establishment located within the liquor store site for the sale of one balloon of heroin with a street value of \$20.00.
7. March 1, 2016, 7:10 a.m. – Sales of Narcotics (Heroin) – Investigation Report from the recycling establishment located within the liquor store site for the sale of one balloon of heroin with a street value of \$20.00.
8. February 9, 2016, 11:50 a.m. – Sales of Narcotics (Heroin) – Investigation Report – Investigation of a suspect from the recycling establishment located within the liquor store site for the sale of four balloons of heroin.
9. January 16, 2016, 1:40 p.m. – Cohabitation Abuse – Arrest report – Victim stated to have been involved in an argument with suspect (ex-boyfriend) over suspect's lost cellular telephone. A physical altercation ensued where the victim was punched on her face. Suspect fled on bicycle.

10. November 4, 2015, 11:50 p.m. – Battery – Investigative Report – Victim reported to have been attacked by a three assailants while walking out of the subject liquor store. Victim received medical care at USC Medical Center where he was treated for fractured ankle and leg.
11. September 4, 2015, 9:05 a.m. – Arrest Warrant - Arrest Report – Issued for a warrant for arrest of suspect at the subject liquor store location. Warrant No. C303789420.
12. September 4, 2015, 8:15 a.m. – Arrest Warrant - Arrest Report – Issued for a warrant for arrest of suspect at the subject liquor store location. Warrant No. 5CA0738101.
13. August 2, 2015, 2:47 a.m. – Attack with Deadly Weapon – Investigative Report – Arrest for assault with deadly weapon of a suspect who allegedly works at the liquor store to have cut a victim with a box cutter. The victim and suspect argued over the sale of beer after permitted hours. Allegedly, by the victim, the suspect and victim agreed to walk out of liquor store to engage in physical altercation. Upon follow-up investigation, the liquor store was closed.
14. July 7, 2015, 8:00 p.m. – Arrest Warrant - Arrest Report – Issued for a warrant for arrest of suspect at the subject liquor store location. Warrant No. B4725619420.
15. May 23, 2015, 11:50 a.m. – Sales of Narcotics (Heroin) – Arrest Report – Arrest of suspect at the recycling establishment located within the liquor store site. The subject was found to be in parole violation and upon search, the police department found five balloons with black-tar heroin.
16. January 9, 2015, 11:40 a.m. – Grand Theft Auto – Arrest Report – Arrest of suspect from the subject liquor store location. A vehicle was driven erratically and upon parking the vehicle the suspect ran from the subject location, officers pursued without success. The vehicle was reported stolen. The passenger in the vehicle provided information about the suspect who was later arrested from the subject liquor store.
17. August 19, 2014, 9:20 a.m. – Possession of Control Substance – Arrest Report – Arrest of a suspect employed at the recycling establishment located at the south vehicular entrance of the liquor store. The suspect threw a rolled napkin inside a trash can. Napkin contained a cylindrical object with a bulbous end containing crystalline residue resembling the remains of amphetamine.
18. May 15, 2014, 1:30 p.m. – Felony Warrant – Arrest Report issued for warrant for arrest of suspect at the subject liquor store. Warrant No. REV4PR0211601.
19. April 10, 2014, 1:30 p.m. – Battery – Investigative Report – Victim drove vehicle to the subject liquor store to recycle bottles and cans. Victim stated to have had previous confrontation with the suspect who was standing next to his vehicle. Suspect pushed victim with both hands on the victim's left shoulder while victim was inside the vehicle. Victim stated the suspect spat on the left side of his face.

20. April 9, 2014 – 1:15 a.m. - Robbery – Investigative Report – Suspect 1 and 2 approached a vehicle parked on the liquor store’s parking lot where the victim was eating. The suspects engaged the victim in an altercation. The victim claimed one of the suspects to have taken his wallet which contained a \$20.00 bill. One of the suspects was booked. The victim was bleeding but declined medical assistance.
21. April 2, 2014, 6:00 p.m. – Lost Property – Investigative Report – Victim reported wallet lost to Los Angeles police Department on April 2, 2014. Victim reported to believe she placed wallet on counter. When ready to pay for merchandise she discovered her wallet missing. Money lost: \$16.00; lost items: cellphone, social security card and driver’s license.

Calls for Service Report:

There were 48 calls for service submitted for 3327 N. Eastern Avenue between January 7, 2015 and November 30, 2016:

No.	Date	Time	Description
1.	11/30/2016	16:01	Officer Reporting Location
2.	10/21/2016	17:08	Officer Reporting Location
3.	10/11/2016	11:48	Vandalism
4.	10/07/2016	12:51	Theft – Officer Holding Suspect
5.	10/03/2016	16:17	Officer Reporting Location
6.	09/29/2016	13:12	Officer Reporting Location
7.	09/23/2016	16:32	Officer Reporting Location
8.	08/09/2016	09:43	Officer Reporting Location
9.	07/18/2016	11:19	Overdose - Ambulance
10.	07/08/2016	08:47	Fire Department Back Up - Request
11.	07/08/2016	08:12	Fire Department Back Up - Request
12.	07/03/2016	15:43	Vicious Dog
13.	06/29/2016	19:27	Battery Suspect – Female Victim
14.	06/25/2016	20:04	Overdose – Ambulance
15.	06/06/2016	10:58	Overdose – Ambulance
16.	06/04/2016	07:21	Overdose – Ambulance
17.	03/02/2016	17:24	Overdose – Ambulance
18.	03/01/2016	09:32	Officer Reporting Location
19.	02/18/2016	15:39	Officer Reporting Location
20.	02/13/2016	04:24	Narcotic Activity
21.	02/12/2016	23:04	Narcotic Activity
22.	02/07/2016	20:17	Overdose – Ambulance
23.	02/05/2016	14:56	Officer Reporting Location
24.	02/01/2016	16:47	Officer Reporting Location
25.	02/01/2016	16:47	Officer Reporting Location
26.	01/28/2016	15:34	Overdose – Ambulance
27.	01/22/2016	12:28	Officer Reporting Location

- 28. 01/16/2016 13:42 Officer Reporting Location
- 20. 01/13/2016 06:47 Officer Reporting Location
- 30. 12/24/2015 07:38 Officer Reporting Location
- 31. 12/17/2015 10:56 Officer Reporting Location
- 32. 12/10/2015 13:38 Officer Reporting Location
- 33. 12/03/2015 22:09 Other
- 34. 11/05/2015 13:23 Officer Reporting Location
- 35. 10/29/2015 17:54 Officer Reporting Location
- 36. 09/10/2015 13:32 Ambulance Man Down
- 37. 09/08/2015 15:19 Disturbance – Group Fight
- 38. 09/04/2015 09:04 Officer Reporting Location
- 39. 08/03/2015 11:37 Narcotic Activity
- 40. 07/29/2015 20:24 Traffic Accident – Ambulance
- 41. 07/20/2015 13:4 Officer Reporting Location
- 42. 05/15/2015 21:20 Officer Reporting Location
- 43. 04/03/2015 14:49 Forgery / False ID
- 44. 04/03/2015 02:08 Overdose - Ambulance
- 45. 02/27/2015 15:15 Officer Reporting Location
- 46. 02/09/2015 15:15 Officer Reporting Location
- 47. 01/16/2015 12:26 Officer Reporting Location
- 48. 01/17/2015 19:42 Officer Reporting Location

On-Site Cases, Affidavits, Permits, and Orders

Date	Document	Description
10/22/2008	69409	Certificate of Occupancy for Recycling Center in conjunction with a market store.

Surrounding Cases, Affidavits, Permits, and Orders

No relevant cases were found.

Additional Parcel Information

General Plan:

The property is within the Northeast Los Angeles Community Plan Map designates the property for Neighborhood Commercial land use with corresponding zones of C1, C1.5, C2, C4, P and RAS3.

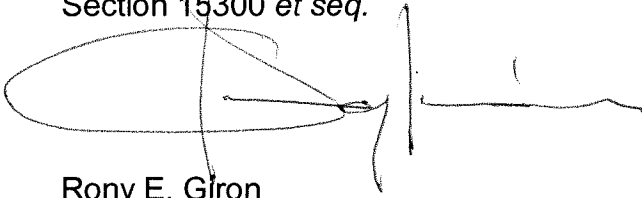
Specific Plans, Interim Control Ordinances, and Other Site Information:

The property is subject to the Permanent Qualified Conditions established by Zoning Ordinance No. 173541, Sub-Area 6070 which requires: one hundred percent (100%) residential development prohibited; and residential density limited to the RD1.5 zone.

The property is within the East Los Angeles State Enterprise Zone.

Environmental Clearance

On December 29, 2016, the project was issued a Notice of Exemption (Article III, Section 1, City CEQA Guidelines), log reference ENV 2016-4687-CE, for a Categorical Exemption, Class 21, Category 2, City CEQA Guidelines Article VII, Section 1, State CEQA Guidelines, Section 15300 *et seq.*

A handwritten signature in black ink, appearing to read 'Rony E. Giron', is written over a horizontal line. The signature is stylized with a large loop on the left and a horizontal stroke extending to the right.

Rony E. Giron
Staff Investigator

REG

Attachment 1: Recycling Certificate of Occupancy

CITY OF LOS ANGELES CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

CERTIFICATE OF OCCUPANCY

OWNER **ROBONE, LAWRENCE AND LILLIAN TRS**
ROBONE TRUST

2715 W VERDUGO AVE
BURBANK CA 91505

No building or structure or portion thereof and no trailer park or portion thereof shall be used or occupied until a Certificate of Occupancy has been issued thereof. Section 91.109.1 LAMC

CERTIFICATE:	Issued-Valid	DATE
BY:	LUKE ZAMPERINI	10/22/2008

SITE IDENTIFICATION
ADDRESS: 3325 N EASTERN AVE 90032

LEGAL DESCRIPTION	BLOCK	LOT(s)	ARB CO. MAP REF #	PARCEL PIN	APN
TRACT TR 7228		57	M B 77-14	142-5A233 276	5213-015-021

This certifies that, so far as ascertained or made known to the undersigned, the vacant land, building or portion of building described below and located at the above address(es) complies with the applicable construction requirements (Chapter 9) and/or the applicable zoning requirements (Chapter 1) of the Los Angeles Municipal Code for the use and occupancy group in which it is classified and is subject to any affidavits or building and zoning code modifications whether listed or not.

COMMENT RECYCLING CENTER IN CONJUNCTION WITH THE MARKET STORE ; USE OF LAND BUSINESS HOURS NOT TO EXTEND BEYOND 7 A.M TO 11PM.

USE PRIMARY Recycling Center or Site	OTHER (-) None
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PERMITS 08020-10000-02761

DEPARTMENT OF BUILDING AND SAFETY

STRUCTURAL INVENTORY	CHANGED	TOTAL
ITEM DESCRIPTION		
Type V-B Construction		
U Occ. Group	0 Sqft	
Parking Req'd for Bldg (Auto+Bicycle)	0 Stalls	

CITY LA DBS
DEPARTMENT OF BUILDING AND SAFETY

APPROVAL

CERTIFICATE NUMBER 69409
 BRANCH OFFICE LA
 COUNCIL DISTRICT 14
 INSPECTION DISTRICT CEBCD14
 BUREAU: CODENFRC
 DIVISION: SPECIALT
 STATUS: CoFO Issued
 STATUS BY: LUKE ZAMPERINI
 STATUS DATE: 10/22/2008

L. Zamperini

APPROVED BY: LUKE ZAMPERINI
 EXPIRATION DATE: