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March 20, 2018

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

Robone Family Trust (O)  
2715 West Verdugo Boulevard  
Burbank, CA 91505

Cerrano Daje Recycling (Op)  
3323 North Eastern Avenue  
Los Angeles, CA 90032

El Sereno Liquor Store (Op)  
3325-3331 North Eastern Avenue  
Los Angeles, CA 90032

CASE NO. DIR 2016-4686(RV)  
DISMISSAL AND IMPOSITION OF  
CONDITIONS  
3323-3331 North Eastern Avenue  
Northeast Los Angeles Community Plan  
Zone : [Q]C4-1XL  
D. M. : 142-5A233  
C. D. : 14 – Jose Huizar  
CEQA : ENV 2016-4687(CE)  
Legal Description: Lots 55, 56, 57, 58;  
Tract 7228

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

the initiation of a Nuisance Abatement/Revocation Action related to the recycling center previously operating as Cerrano Daje Recycling located at 3323 North Eastern Avenue, as the Department of Building and Safety has confirmed that as of October 30, 2017, the subject Use has been vacated and is no longer in operation, and

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

the modification of the operation of the market, known as the El Sereno Liquor Store located at 3325-3331 North Eastern Avenue, in order to mitigate adverse impacts caused by said operation and any potential impacts caused by any future operation of the Use, as follows:

1. The property and/or business owners shall file a Plan Approval application between 8 months and 12 months from the effective date of this action to allow for a review of the effectiveness in implementing the Conditions established herein and to determine whether the public nuisance problems identified in the Findings Section of this Determination have been eliminated. A public hearing shall be conducted. Notice of the public hearing shall be mailed to all property owners and occupants

located within 500 feet of the property. The owners shall submit evidence of compliance of each Condition with the Plan Approval application. The Zoning Administrator conducting the hearing may add, modify or delete Conditions as determined appropriate. The Zoning Administrator, on behalf of the Director of Planning, may also require the Discontinuance of the uses or any portion of the property or individual lease space if the applicable findings can be made.

2. The use of the property shall be conducted at all times with due regard for the character of the surrounding neighborhood.
3. The operating hours of the market shall be limited to 7:00 a.m. to 1 a.m. daily. The business hours shall be clearly and fully posted at the entrance/exit door of the market.
4. There shall be general merchandise items and other non-alcoholic beverages available for purchase at the location.
5. Within 30 days from the effective date of this Determination, electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages or tobacco products shall be installed on the premise at each point-of-sale location. The device(s) shall be maintained in operational Condition and all employees shall be instructed in its use prior to the sale of any alcoholic beverage or tobacco product.
6. Within 60 days from the effective date of this Determination, all personnel acting in the capacity of a manager of the premise and all employees shall complete the STAR (Standardized Training for Alcohol Retailers) session sponsored by the Los Angeles Police Department. All employees shall attend follow-up STAR classes every 24 months. The STAR training shall be conducted for all new hires within two months of their employment. Upon the hiring of any new staff, verification of the employee(s) hire date and written confirmation of their STAR training and follow-up training for all employees shall be submitted to the Department of City Planning Office of Zoning Administration, and shall be retained on the premise at all times and be immediately produced upon request of any Los Angeles Police officer or Department of Alcoholic Beverage Control investigator.
7. The business operator shall identify a contact person and provide a 24-hour, dedicated "hot line" telephone number for any inquiries or complaints from the community regarding the subject facility. Within one week from the effective date of this Determination, the phone number shall be posted on the site so that it is readily visible to any interested party. The hot line shall be:

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

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

Documented in a log and available for review by the Los Angeles Police Department and the Director of Planning upon request on when the calls were received, returned, the action taken and the name and phone number of the complainant. The business operator shall review the log daily and show verification of the review. The lettering within the signs shall be at a minimum of 2" wide and 4" in height.

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

8. A minimum of one California State licensed, uniformed security guard shall patrol the site, including parking lot areas and sidewalks adjacent to the business from 6:00 p.m. to closing, daily. The security guard shall be fluent in English and Spanish.
9. There shall be no loitering at the property, including in the parking lots, and no alcoholic beverages shall be opened or consumed on the property or any property adjacent to the premises under the control of the owner/operator.
10. A video surveillance system shall be provided inside and on the exterior of the market to the satisfaction of the Los Angeles Police Department. Management/employees/security personnel shall routinely monitor the cameras and keep the video tapes/DVDs for at least 30 days. Management shall immediately notify the LAPD when criminal activity is observed and shall keep and make available to the LAPD upon request any and all tapes, which indicate possible criminal activity.
11. 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 IS UNDER 24-HOUR SURVEILLANCE BY  
THE STORE MANAGEMENT AND THE LOS ANGELES  
POLICE  
DEPARTMENT WITH A VIDEO SURVEILLANCE MONITORING  
SYSTEM.**

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

12. Signs in English and Spanish, stating "No Trespassing, No Loitering, No Narcotics use or Dealers, No Prostitution, No Weapons, No Drinking of Alcoholic

Beverages. This Property is patrolled regularly and frequently by the LAPD", shall be posted at the cashier, at the entrance(s) of the premises, and in the parking lots.

13. All windows shall be maintained free of signs and other material that inhibit views into the facility by law enforcement agencies.
14. Coin operated game machines, gambling machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
15. No narcotic paraphernalia or related items shall be sold or distributed at the location.
16. No single cigarettes shall be sold.
17. The property owner and/or the business owner/operator shall keep the premises and any area adjacent to the premises over which he/she has control free of litter/debris, newspaper racks, benches, boxes or objects that encourage loitering. The exterior portion of the site, including the parking facilities shall be maintained on a continuing basis.

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

18. Any graffiti painted or marked upon the premise or adjacent area under the control of the owner/operator shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
19. Exterior lighting on the building and in all open spaces between buildings shall be maintained and provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible to the satisfaction of the LAPD. Lighting in the parking area of the premises shall be directed/shielded in such a manner so as not to illuminate adjacent properties.
20. Should there be a change in the ownership of the property/the business and/or the business operator, the property owner and the business owner/operator shall provide the prospective new property owner and/or business owner/operator with a copy of the Conditions of this action prior to the legal acquisition of the property and/or the business. Prior to the closing of escrow for a potential change in the ownership of the property/business owner or operator, evidence showing that a copy of this Determination including the Conditions required herewith has been provided to the prospective owner/operator, shall be submitted to the Office of Zoning Administration for inclusion in the administrative file.

21. The Conditions of this Determination, a copy of a business license, insurance information and applicable Police permits shall be retained on the premises at all times and be immediately produced upon request of any Los Angeles Police officer, Department of Alcoholic Beverage Control investigator or other responsible agencies. The manager and all employees shall be knowledgeable of these Conditions. The Conditions of this action shall be provided to and reviewed by employees and security personnel. The employees/security personnel shall be informed that any violations of the required Conditions will result in disciplinary action including possible termination of employment. Within 30 days from the effective date of this Determination, Evidence of compliance with this Condition shall be submitted to the satisfaction of the Director of Planning.
22. Within 30 days of the effective date of this action, the property and business owners shall record a covenant acknowledging and agreeing to comply with all the terms and Conditions established herein in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the Conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Office of Zoning Administration for attachment to the subject case file.
23. **Within 30 days of the effective date of this Determination**, 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. Payment shall be made to the City of Los Angeles with confirmation of payment forwarded to the Department of City Planning, Nuisance Abatement and Revocations Section within this same time period.

**NOTICE: Pursuant to Los Angeles Municipal Code Section 12.27.1-C,2 failure to comply with the imposed Conditions may result in the issuance of an Order to Discontinue the Land Use.**

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

The Director's Determination in this matter will become effective after **April 4, 2018** 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 subject 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:

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

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

West Los Angeles Development Services Center  
1828 Sawtelle Boulevard, 2nd Floor  
West Los Angeles, CA 90025  
(310) 231-2901

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 staff member assigned to this case. This would include clarification, verification of Condition compliance, submittal of all required evidence as required in this Determination, and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

#### FINDINGS OF FACT

After thorough consideration of the statements and correspondence contained in the file, the report of the Staff Investigator thereon, the statements made at the public hearing before the Zoning Administrator on March 14, 2017, all of which are by reference made a part hereof, as well as knowledge of the property and the surrounding district, I find as follows:

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

Los Angeles Municipal Code Section 12.27.1 authorizes the Director of Planning the ability to require the Modification, Discontinuance or Revocation of any Land Use (use of land) or discretionary Zoning Approval if it is found that the Land Use or discretionary Zoning Approval as operated or maintained:

1. Jeopardizes or adversely affects the public health, peace, or safety of persons residing or working on the premises or in the surrounding area; or
2. Constitutes a public nuisance; or
3. Has resulted in repeated nuisance activities, including, but not limited to, disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises (especially in the late night or early morning hours), traffic violations, curfew violations, lewd conduct, or police detentions and arrests; or
4. Adversely impacts nearby uses; or
5. Violates any provision of Chapter I of the LAMC; or any other City, State, or Federal regulation, ordinance, or statute; or
6. Violates any Condition imposed by a prior discretionary Land Use Approval including approvals granted pursuant to Sections [12.24](#), [12.27](#), [12.28](#), [12.32](#) or [14.00](#) of the LAMC; or an approval initiated by application of a property owner or owner's representative related to the use of land including, but not limited to, parcel map, tentative tract map, coastal development permit, development agreement, density transfer plan, exception from a specific plan, and project permit pursuant to a moratorium or an interim control ordinance.

### **Background**

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

The property is zoned [Q]C4-1VL and is currently developed with a 2,700 sq. ft. single-story liquor store and surface parking. The liquor store contains on-site parking to the north, and to the south where the Cereno Daje Recycling Center was previously located. 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 customers is located at Eastern Avenue.

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 the availability of an automatic teller machine inside the liquor store.

The subject site offers vehicular entrances at two locations, one to the north of the market and one to the south. While the parking lot to the north continues to allow vehicular access to the market, the parking lot to the south currently contains a post in the middle of the driveway blocking access to the site where the recycling Use was previously located.

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 chain-link and concrete block wall fence from the surface parking/access driveway of a single-story meat market (Carniceria) with liquor sales. 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 with Residential Uses immediately abutting the alley.

A building permit (Certificate of Occupancy) authorizing the operation of the recycling facility dba Cereno Daje Recycling within the parking area located at the south portion of the site (abutting the market/liquor store) was issued 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. The subject recycling center was permitted pursuant to Los Angeles Municipal Code Section 12.21 A, 18(d) in association with the El Sereno Liquor Store/Market.

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

Properties to the north, south and east (across Eastern Avenue) are similarly zoned with a [Q]C4-1XL classification. To the north, properties are developed with multiple single story buildings 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 with on-grade automobile parking. Properties to the east (across Eastern Avenue) are developed with one-story single family residences and a 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.

## **CORRESPONDENCE AND REPORTS**

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, 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 related to: drinking in public in the public alleyway – located at the rear of the subject site and adjacent to residential uses, drug sales and use, defecation, urination, fire arms shooting and accumulation of trash.



The Los Angeles Police department submitted the following reports:

Calls for Service Report:

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

<b>No.</b>	<b>Date</b>	<b>Time</b>	<b>Description</b>
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

## **PUBLIC HEARING**

In response to the allegations of nuisance activities and a request to review the location for possible revocation of the recycling center use by the Office of the City Attorney - Citywide Nuisance Abatement Program, the Director of City Planning (Office of Zoning Administration) initiated proceedings and conducted a Public Hearing pursuant to Municipal Code Section 12.27.1, in order to obtain testimony from the owner/operator of the facility and interested or affected persons regarding the operation of the Cereno Daje Recycling Center and the associated El Sereno Liquor Store. The hearing was noticed and mailed to the property owner and the premises and to owners and occupants of all properties within 500 feet of the Use(s), in compliance with Municipal Code requirements.

A public hearing was held by the Zoning Administrator on March 14, 2017, scheduled for 10:00 a.m. at City Hall located at 200 North Spring Street. In attendance at the hearing and testifying were the property owner, the liquor store owner and their representative, a representative for the local Council District, representatives of the Los Angeles Police Department and members of the community.

**Testimony** – The following is a summary of testimony provided on March 14 2017:

### **Sargent Eduardo Mercado – Los Angeles Police Department**

- Assigned Hollenbeck Division, Gang Enforcement Detail of the LAPD between 2011 to 2014 – Primary responsibility is enforcement in El Sereno.
- Responded to many calls from the subject location which is along the path of travel for students from nearby schools (Middle School). Who were either attacked or threatened by individuals who were drinking in public or selling and using drugs in the parking lot or in front of the location.
- Contacted older gang members who stated to be employed by the manager or owner of the location. Drove by many times at night and saw them with access to the rear door, cleaning the parking lot and inside the store. When talking to them they indicated
- These individuals indicated they were getting paid, they stated they would get paid

on a weekly basis. Officer is very familiar with the activities going on at the location. They also indicated that there was a lot of heroin sales activity and use at the location. Community members also reported the same issues so Officer knew that it was a problem location.

- Transferred to gang narcotics Division Nuisance Abatement Unit in 2014. In 2016 met with the Hollenbeck Senior Lead Officers and this location was still an issue for the Division. Conducted eight operations from January 2016 – June 2016. These operations consisted of: three surveillance operations and five operations which resulted in the purchasing of heroin and four arrest warrants and arrests. The defendants pled on their cases.
- There are still a couple of ongoing investigations stemming from this location. Two of the individuals are known to supply or sell at the liquor store or parking lot, but they also direct their dealers to other locations in the area. That investigation is ongoing and the Officer could not disclose where those locations are.

#### Officer Sanchez - Citywide Nuisance Abatement Unit, Los Angeles Police Department

- Compiled a calls for service report from January 2015 – March 2017. Said report shows 48 calls for service from the subject location.
- The types of crimes reported in this calls were relating to batteries, (AWD) attack with deadly weapon, vandalism, robberies and narcotics related calls.
- There were also six radio calls where the fire department had to respond for overdoses; men or women who were found lying in the alley or the parking lot of the location and were overdosed on narcotics or overuse of alcohol.
- During the same period there were numerous arrests that were made there were three felony arrest warrants, or arrests for felony warrants; three for misdemeanor warrants; two arrest for possession of narcotics, GTA (grand theft automobile) arrest, a robbery and fourteen for drinking in public either at the parking lot or on the sidewalk around the location and also an arrest and citation for urinating in public.
- This location is a nuisance location which requires a lot of police response to address the issues in the area.

#### Officer Michael Klee – Los Angeles Police Department

- Assigned to Hollenbeck area Vice Unit in June 2016. Dealt primarily with alcohol and general nuisance related activities
- Neighborhood prosecutor advised Officer about the problems at the liquor store and the recycling center.
- Information was related to narcotics activities, drinking in public, public urination, trespassing and similar activities.
- While in the Vice Unit conducted surveillance at the location for these types of violations.
- Made 8 to 10 citations and/or arrest between June 2016 and November 2016, when the recycling center left the location.
- Surveillance of the area has continued and at this time there has been no further violations since the recycling center left.

Officer Frank Dominguez – Los Angeles Police Department

- Was assigned to the Hollenbeck Division, El Sereno foot beat officer since 2010 to 2016.
- Worked quality of life issues responded to calls around the El Sereno area that included the recycling center.
- During his service of five to six years in El Sereno, cited over 50 people for drinking in public, open container of alcoholic beverages in and around the recycling center.
- Responded to numerous radio calls that resulted from drinking in public, fighting, stabbings in and around the recycling center.
- Assisted Sargent Mercado with narcotics investigation which lead to the arrest warrant issued, two of the warrants that were issued the Officer personally arrested two of those people at the recycling center,
- Conducted several task forces in 2015 and 2016 which resulted in warrants being issues from the citations that the Officer had issued. Each task force resulted in ten arrests of those misdemeanor warrants were issued for drinking in public or possession of open containers.
- Currently Officer Dominguez is the Senior Lead Officer for the El Sereno area and now that the recycling operation has closed the calls are less and the nuisance calls and complaints from the community are less.
- Area is a lot cleaner now with less police activity responding to radio calls at that location.

Kazi MD Zohrab – Liquor Store Owner/Operator

- The alleged nuisances have been abated.
- 21 incidents occurred between April 22, 2014 to September 21, 2016 the majority of these incidents occurred at the recycling center.
- November 30, 2016 the landlord of the property, the Robone Family Trust removed the recycling center that had leased a portion of the parking lot from the landlord.
- 
- Other crimes were not committed on the liquor store site.
- Access to the site is limited and the rear of the site has a chain link fence preventing access from the alleyway and incidents reported take place on the public alleyway at the rear of the store.
- Staff's Investigation confirms that our store to be in good operations, there are signs prohibiting illegal activities on the site, there is a camera surveillance system, exterior lighting, the site is clean, free of graffiti and no loitering was observed during the field visit.
- Any issues relating to nuisance should be directed to the landlord and not the liquor store owner (tenant).
- The property owner was collecting rent from the recycling center and the liquor store tenant so therefore he's ultimately responsible for said operation.
- The property owner is responsible for the badly broken surface at the parking lot.
- The communications received regarding nuisance activities relating to public drinking refers to drinking on the public alleyway and not on the subject site.
- Community members presented testimony in support of the liquor store

- The community appreciates and support the liquor store establishment and it has been expressed with a petition with almost 800 signatures.
- It is asked that no further revocation actions be taken.

#### Joseph Robone – Property Owner

- Owned the liquor store from 1970 to 1980.
- Operated the liquor store and there were not issues during that time
- The liquor was a neighborhood friendly business and engaged the neighborhood.
- He directed people not to drink on the premises.
- The liquor store contained the related signage prohibiting drinking on the premises.
- Mr. Robone, sold the liquor store in 1988 to a different party and there were no significant issues with the previous liquor store owner.
- There were no issues which would result in the issuance for a notice for a public hearing for a revocation use from the Planning Department.
- The current owner has been there approximately for 10 years and he subleased to the recycling center.
- There was never an intent to having a recycling center on the property.
- The recycling operation was the source of many issues which resulted in meetings with the police department.
- After attempts to get rid of the recycling operation the Los Angeles Police department (Sargent Archuleta) served summons, however they still operated.
- There were lease contractual obligations which allowed the sublease to remain valid until November 2016.
- The recycling center is gone and there will not be any other similar purpose
- There is another adjacent establishments which sell alcoholic beverages and it also contributes to the nuisance in the surrounding area.

#### Community Resident

- Has witnessed the sale and use of narcotics at the site in public view.
- Has witnessed knife fights, domestic violence, fights/altercations, theft and robberies and public intoxications.
- He has witnessed the numerous times the presence of ambulance service to the subject location.
- He has witnessed urination and defecation at and around the site.
- He has observed the trash and debris including discarded syringes at the site.\
- The operator and property owner have shown a total disregard for the residents and commercial uses of the community of El Sereno.
- The accumulation of trash and debris at the subject location represents a health hazard.

#### Resident/Community Activist

- Resident of the community
- The subject location is a nuisance and has been for years
- Spoken with the Middle School and the principal has made a comments about the subject location which is submitting a letter for the public records.

- As an employee for the councilmember for the area, he has received many calls and emails complaining about the subject location.
- He stated the operations are carried in an irresponsible manner.

#### El Sereno Market Employee

- Full time employee of the liquor store for the last three years.
- Has heard and seen a couple of scenes of the people when there was a recycling center.
- We have cameras and monitors and have been watching the activities on going around. We watch, we removed them, we warned them. We called the LAPD. We tried not to see any kind of activity over there.
- It's been many three or four months or more and the recycling center is gone.
- After that the area is very quiet, silent. Even the neighbors appreciate us and we all are happy since removing the recycling center.
- After that we have not seen any type of activities we have cameras in the parking lots, in the front and in the back.
- In his opinion after the Cerrano Deja recycling center left the area is very quiet and we have no problem with the public and the public doesn't have any argument with us (the market). So we are fine right now.

#### Maintenance Consultant

- Resident of El Sereno for 51 years.
- He and his family are customers of the liquor store.
- He was employed by liquor store owner to install exterior lighting fixtures
- Installation of signage prohibiting loitering and drinking on the premises among other signage.
- Has witness the activity at the recycling center, but since the recycling center is gone is much safer.
- The recycling center was owned by a different person that wasn't part of the store. The store owner didn't have anything to do with the recycling center.
- Against closing the liquor the store/Market, it's a neighborhood market.

#### Art Studio Co-Owner

- Owner of art studios in the neighborhood since 2012.
- Activities on the front steps and vestibule of the studios are individuals drinking throughout the day.
- Individuals using drugs at rear of the property and facing residential areas.
- Individuals at the rear often intoxicated confronting/yelling at the people in the art studios.
- Individuals confronting the artist when being requested to move from the art studio.
- Disruption of operations and meetings.
- Defecation found in vestibule
- Police Department requested to patrol the site multiple times due to: nude individual on the site, several cases due to individuals too drunk and sleeping near the art studio.

- Although things have improved since recycling is no longer in operation, nuisance relating to drinking in public still continues.
- Drug paraphernalia found on the site.
- Nuisance relating with drug abuse and drinking in the immediate area still continue to be a serious issue.

#### Business Owner

- Property owner since June 2016.
- She has witnessed of crimes consisting of robberies, defecation and urination behind the building, drinking in public, harassment of clientele.
- Clientele includes families with children which is of concerned to the business owners.
- She has expressed her concerns to the Los Angeles Police Department and requested police service during various celebrations held at the subject location.
- Although, nuisance issues have been reduced since the recycling establishment cease its operation, they have not fully been eliminated specially issues relating with drug use, drinking and harassment.
- Her concerns are heightened due to the closing hours of operation – until 12:00 midnight or 1:00 a.m. and has to increase private security service during those occasions.
- She had to invest in the improvement of camera surveillance system on her site to enhance security.
- She requests that an action be taken by city agencies to remove the crime activity from the area.

#### Heating and Ventilation Consultant

- Heating and Ventilation repair specialist.
- He is employed by the liquor store owner to fix electrical fixtures and heating and ventilation systems.
- There used to be nuisance related issues specifically with the recycling establishment when it was in operation on the site.
- Actions regulating businesses are an attack to property rights and are an infringement on his constitutional property right protections.
- The property owner does not have the authority to regulate activities by individuals on public property.
- The liquor store owner has responsibilities but he is not fully responsible for the overall nuisance activity on the neighborhood.
- The liquor store has to enforce procedure a little bit harder.
- It is the role of the police department to regulate the crime activity in the area.
- The liquor store is creating jobs.
- It would not be right for the liquor store to cease operations for nuisances he is not fully responsible for.
- The liquor provides service and access to products to the community when other establishments are closed.
- It would not be fair for the liquor store to be shut down when considering the

recycling establishment was the main issue

#### Resident

- Resident of El Sereno for the years and friend of the liquor store owner.
- The liquor is not the sole source for nuisance, El Sereno has historically had various nuisance issues.
- The liquor is operating in a responsible manner as opposed to the recycling operation on the site.
- Nuisance activities in the neighborhood has been reduced since it ceased operations on the site.
- The operator is a typical American family man and business owner.
- He discourages the type of nuisance activities mentioned. They have occurred but not on the liquor store site.
- Food assistance cards are not abused at the subject location as opposed to other nearby establishments.
- He is not responsible for the nuisance of the community.

#### Resident

- Has been a resident in El Sereno for the last thirty years.
- The liquor store provides a valuable service and a convenient location to purchase other items besides liquor when other establishments are closed. The liquor store is open until 2:00 a.m.
- Besides liquor, the store offers over-the-counter medicine, diapers, etc.
- He is also employed by the liquor store owner.
- The liquor store is not the sole responsible use creating nuisance in the community.
- The liquor store owner does not have the authority to prevent public drinking or where to direct others to drink.

#### Resident

- There has been positive changes in the area.
- The current liquor operator is a responsible operator.
- Since the recycling center ceased its operation, the nuisance activities have been eliminated.
- The subject liquor store offers convenient hours of operation even at 11:00 p.m.

### **FINDINGS**

As presented in the information documented herein through correspondence and public testimony by the Los Angeles Police Department and affected parties, it is determined that the operation of the recycling center Use known as El Sereno Daje Recycling Center located at 3325-3331 South Eastern Avenue has created nuisance impacts at the site and upon the surrounding community.



As presented in the information documented herein through correspondence and public testimony by the Los Angeles Police Department and affected parties, it is determined that the operation of the Market/Liquor Store doing business as El Sereno Liquor located at 3325-3331 South Eastern Avenue has created nuisance impacts at the site and upon the surrounding community.

The Director of Planning hereby finds that:

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

The El Sereno Liquor Store is located at 3325-3327 North Eastern Avenue in the Northeast Los Angeles Community. City records indicate that a market use has been in operation at the location since 1957. The current property owner has been associated with the use and the site since 1970 and the current operator has been at the location for the past ten years. In 2008 the City of Los Angeles issued a Certificate of Occupancy for 3325 North Eastern Avenue for a recycling center in conjunction with a market store (Los Angeles County Assessor records indicate the site address as 3323 North Eastern, Lot 58). As required by Los Angeles Municipal Code Section 12.21 A 18(c), the Cereno Daje Recycling use was opened in conjunction with the El Sereno Liquor Store but was neither owned nor operated by the market or the property owner. After documented on-going nuisance activity and multiple LAPD actions, the recycling center's lease agreement was not renewed and per the Department of Building and Safety, the Use ceased to operate at the site on November 30, 2016.

Correspondence dated 10/18/16 from the Office of the City Attorney – Citywide Nuisance Abatement Program (CNAP), was received by the City Planning Department Nuisance Abatement/Revocations Unit and indicated as follows:

*...the property located as 3325/3327 N. Eastern Ave. ("Property") has been referred to our office as a public nuisance location. The Property is home to both a liquor/grocery market and a recycling center called Cereno Daje Recycling. Recently LAPD has conducted investigations which uncovered narcotics activity at the recycling center. And, the recycling center has been the source of numerous community complaints regarding nuisance activity at and around the Property.*

The subject case was opened by the Office of Zoning Administration and a public hearing was held on March 14, 2017, at Los Angeles City Hall. In attendance at the hearing and testifying were the property owner, the liquor store owner and their representative, a representative for the local Council District, representatives of the

Los Angeles Police Department and members of the community. A summary of the testimony offered at the public hearing is contained in this Determination.

Los Angeles Police Department reports and public testimony indicate that activities at the subject location have resulted in numerous nuisance impacts to the community at large and to the patrons (and employees) of the market. These impacts have been shown to be directly associated with the operation of the recycling facility where narcotics sales and use combined with alcohol use and gang activity have contributed to multiple overdoses, intimidation of neighbors, fights and multiple cases of robbery and battery of customers of the liquor store. However, as a result of the insufficient and ineffective response of the property owner and the market/liquor store operator, these activities continued to occur on the site for a period of over three years.

2. **Constitutes a public nuisance and has resulted in repeated nuisance activities, including but not limited to criminal activities, including drug possession and sales, theft, battery, and felonies.**

LAPD Calls for Service reports indicate that 48 calls for service were associated with the site between January 7, 2015 and November 30, 2016. These reports identify a pattern of drug and gang related activity shown to be associated with the recycling center which directly affected adjacent commercial and residential uses, the safety of customers and employees at the liquor store/market and local emergency medical and law enforcement resources. Four of the incidents were related to issues such as: vandalism; theft; battery and using a false identification. Fourteen of the calls indicated narcotics activity such as sales, possession of controlled substance, overdose and requests for assistance by the Los Angeles Fire Department, all of which were related to activity at the recycling center. There were also calls indicating a group fight and a vicious dog at the recycling center. The remaining calls were identified as, Officer Reporting Location.

Arrest and Investigative Reports

The Los Angeles Police Department submitted Arrest and Investigative Reports for twenty-one incidents at 3327 N. Eastern Avenue between April 2, 2014 and September 21, 2016:

April 9, 2014 – 1:15 a.m. - Robbery – Investigative Report – Customer is attacked and robbed while parked in the liquor store parking lot;

May 15, 2014, 1:30 p.m. – Felony Warrant – Arrest Report issued for warrant for arrest of suspect at the subject liquor store;

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;

August 19, 2014, – Arrest Report – Arrest of a suspect employed at the recycling establishment;

May 23, 2015, Arrest Report – Arrest of suspect at the recycling establishment. The subject was found to be in parole violation and upon search, the police department found five balloons with black-tar heroin;

August 2, 2015, 2:47 a.m. – Attack with Deadly Weapon – Investigative Report – The victim and suspect (employee of liquor store) argued after the customer was denied the sale of beer after permitted hours. The customer stated that the employee allegedly attacked him with a box cutter. No arrest was made;

November 9, 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;

February 9, 2016, Investigation Report – Investigation of the recycling establishment for the sale of heroin;

May 6, 2016, Investigation Report – Investigation of the recycling establishment for the sale of heroin;

May 12, 2016, Investigation Report – Investigation of the recycling establishment for the sale of heroin;

June 24, 2016, Investigation Report – Investigation of the recycling establishment for the sale of heroin;

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 of subject liquor store;

September 21, 2016, Arrest Report - Issued a Felony Warrant for arrest of recycling center employee.

The following is a summary of testimony provided by the Los Angeles Police Department at the March 14, 2017 public hearing:

Sargent Eduardo Mercado – Los Angeles Police Department

- Assigned Hollenbeck Division, Gang Enforcement Detail of the LAPD between 2011 to 2014 – Primary responsibility is enforcement in El Sereno.

- The officer responded to many calls from the subject location which is along the path of travel for students from nearby schools who were either attacked or threatened by individuals who were drinking in public or selling and using drugs in the parking lot or in front of the location.
- He was in contact with older gang members who stated to be employed by the manager or owner of the location. The officer drove by many times at night and saw them with access to the rear door, cleaning the parking lot and inside the store.
- These individuals indicated that they were getting paid on a weekly basis and the officer was very aware of the type of activity going on in the area. They also indicated that there was a lot of heroin sales activity and use at the location. The officer indicated that many community members also reported the same issues so Officer knew that it was a problem location.
- The Officer transferred to gang narcotics Division Narcotics Abatement Unit in 2014. In 2016 he met with the Hollenbeck Senior Lead Officers and this location was still an issue for the Division. The officer conducted eight operations at the location between January 2016 and June of 2016. These operations consisted of: three surveillance operations and five operations which resulted in the actual buying of heroin at the location. The operations led to four arrest warrants which were recorded by the officer and four arrests. The defendants pled on their cases.
- The officer indicated that there were still a couple of ongoing investigations stemming from this location. Two of the individuals are known to supply or sell at the liquor store or parking lot, but they also direct their dealers to other locations in the area. That investigation is ongoing and officer could not disclose where those locations were.

Officer Sanchez – Vice Division, Citywide Nuisance Abatement Unit, Los Angeles Police Department

- Compiled a calls for service report from January 2015 – March 2017. Report shows 48 calls for service from the subject location.
- The types of crimes reported in these calls were relating to batteries, attack with deadly weapon, vandalism, robberies and narcotics related calls.
- There were also six radio calls where the fire department had to respond for overdoses; men or women who were found lying in the alley or the parking lot of the location and were overdosed on narcotics or overuse of alcohol.
- During the same period there were numerous arrests that were made there were three felony arrest warrants, or arrests for felony warrants; three for misdemeanor warrants; two arrest for possession of narcotics, GTA (grand theft automobile) arrest, a robbery and fourteen for drinking in public either at the parking lot or on the sidewalk around the location and also an arrest and citation for urinating in public.
- This location is a nuisance location which requires a lot of police response to address the issues in the area.

Officer Michael Klee – Los Angeles Police Department

- Assigned to Hollenbeck area Vice Unit in June 2016. Dealt primarily with alcohol and general nuisance related activities.
- Neighborhood prosecutor advised Officer about the problems at the liquor store and the recycling center.
- Information was related to narcotics activities, drinking in public, public urination, trespassing and similar activities.
- While in the Vice Unit conducted surveillance at the location for these types of violations.
- Made 8 to 10 citations and/or arrest between June 2016 and November 2016, when the recycling center left the location.
- Surveillance of the area has continued and at this time there has been no further violations since the recycling center left.

#### Officer Frank Dominguez – Los Angeles Police Department

- Was assigned to the Hollenbeck Division, El Sereno as a foot beat officer from 2010 to 2016.
- Worked quality of life issues and responded to calls around the El Sereno area that included the recycling center.
- During his service of five to six years in El Sereno, cited over 50 people for drinking in public, open container of alcoholic beverages in and around the recycling center.
- Responded to numerous radio calls that resulted from drinking in public, fighting, stabbings in and around the recycling center.
- Assisted Sargent Mercado with narcotics investigation which lead to the arrest warrant issued, two of the arrest warrants that were issued the Officer personally arrested two of those people at the recycling center.
- Conducted several task forces in 2015 and 2016 which resulted in warrants being issued from the citations that the Officer had issued. Each task force led to ten arrests of those misdemeanor warrants for failing to pay for their warrants for drinking in public or possession of open containers.
- Currently Officer Dominguez is the Senior Lead Officer for the El Sereno area and now that the recycling operation has closed the calls are less and the nuisance calls and complaints from the community are less.
- Area is a lot cleaner now with less police activity responding to radio calls at that location.

As evidenced by the testimony and submitted reports from the Los Angeles Police Department, the subject location has been under review for on-going nuisance activities related to narcotics sales and use, public intoxication, public urination, battery and multiple warrants actions for approximately three years. While the majority of the identified and reported activity was related to drug sales and use, which has been directly identified by the LAPD as originating from the recycling center use, the acts of public intoxication, urination and battery that took place on the site can be partly attributed to insufficient business operations (ie. no on-site security) on the part of the liquor store/market operator and the property owner.

#### 4. Adversely impacts nearby uses

The subject site is located along Eastern Avenue with an abutting alley along the western property line. This alley separates the Uses from the residential Uses located to the immediate west of the site. It has been documented by the LAPD and community complaints and testimony that the long-term nuisance activities generating from the site have created issues for not only those adjacent commercial and residential uses, but also for the safety of employees and patrons of the market/liquor store. There were six radio calls where the fire department had to respond due to narcotic/alcohol related overdoses. Multiple persons were found lying in the alley which abuts residential uses or in the parking lot of the location. Additionally, testimony from the LAPD indicated that there have been multiple assistance calls from the subject location which is along the path of travel for students from nearby schools, who were either attacked or threatened by individuals who were drinking in public or selling and using drugs in the parking lot or in front of the location.

#### 5. Violates provisions of Chapter 1 of the Municipal Code, or any other city, state, or federal regulation, ordinance, or statute.

Identification of such violations is set forth in the multiple arrest and crime reports referenced herein by the Los Angeles Police Department. These include violations of regulations related to narcotics sales and use, public intoxication, robbery, battery and parole violations. Violations have also been identified related to the operation of the recycling center, for which the operator was cited by the Department of Building and Safety (LADBS) for non-compliance.

The following is a history of LADBS enforcement calls to the subject site:

##### **DATE / PROBLEM/ DESCRIPTION/ STATUS DETAILS**

11/07/2007 BUILDING OR WALL THAT COULD FALL DOWN - No Violation

07/25/2008 MISCELLANEOUS COMPLAINTS - Closed

04/28/2010 OFF-SITE ADVERTISEMENT - Under Investigation

06/23/2010 ANY ISSUE REGARDING RECYCLING CENTERS - No Violation

02/09/2012 ANY ISSUE REGARDING RECYCLING CENTERS - Under Investigation

05/17/2012 ANY ISSUE REGARDING RECYCLING CENTERS - No Violation

11/17/2014 ANY ISSUE REGARDING RECYCLING CENTERS - Under Investigation

11/17/2014 ISSUES REGARDING AUTOMOBILE REPAIR BUSINESSES Duplicate Service

11/03/2016 ISSUES REGARDING AUTOMOBILE REPAIR BUSINESSES - No Violation

11/14/2016 ANY ISSUE REGARDING RECYCLING CENTERS - Under Investigation

11/30/2016 ANY ISSUE REGARDING RECYCLING CENTERS - Under Investigation

12/01/2016 ANY ISSUE REGARDING RECYCLING CENTERS - No Violation

## **RELATIONSHIP OF CONDITIONS TO FINDINGS**

Condition No. 1 – This Condition requires the property owner and/or operator to file for a review of compliance with the subject corrective Conditions. The intent of the Condition is to notify the owner/operator and the public of the compliance review and to allow testimony from the owner/operator, relevant enforcement agencies and the public regarding the operation of the Use as Conditioned, and to allow a review by the Director of Planning regarding the effectiveness of the Conditions.

Condition No. 2 – The intent of this Condition is to ensure that any use of the land is conducted in a manner which respects the character of the surrounding neighborhood and to reinforce the need for and effectiveness of the subject Conditions.

Condition No. 3 – This Condition limits the hours of operation for the liquor store to 7:00 a.m. to 1:00 a.m. The reduction in hours of operation (currently the store is open until 2:00 a.m.) is intended to limit the possibility of late night nuisance activities without severely limiting the liquor store/market operations.

Condition No. 4 – These Conditions are being required to ensure that the Use operates as a full service market with the majority of sales dedicated to non-alcoholic items and contains no activities that might encourage loitering.

Condition No. 5 – The requirement of an electronic age verification device ensures consistency in the method of assessing the age of patrons and is a standard requirement for all alcoholic beverage sellers under the City's Conditional Use process.

Condition No. 6 – This Condition ensures that the liquor store conducts alcohol sales according to standardized best practices, and that the liquor store staff and management has received training that is supported by the Los Angeles Police Department. The STAR classes are a requirement for all new establishments that serve and/or sell alcoholic beverages within the City.

Condition No. 7 – This Condition requires the liquor store operator to be responsive in a timely manner to concerns from the community and to provide a record of response to inquiries through the provision of a 24-hour, dedicated hot-line number.

Condition No. 8 - This Condition requires the operator to provide a licensed, on-site security guard, who will patrol the parking lot and the interior of the market during the evening operating hours in order to provide assistance to customers and employees and to discourage loitering and other potential nuisance activities at the site.

Condition No. 9 – This Condition is intended to discourage nuisance activity or loitering in and around the premises and also to improve the safety of anyone on the premises.

Condition No. 10 – This Condition requires that there is video camera surveillance (monitoring) of the site that has been approved by the LAPD and that there is adequate signage informing the public of the use of the surveillance system.

Condition No. 11 – This Condition informs the general public that the site is under the regular surveillance of the LAPD.

Condition No. 12 - This Condition is intended to give clear notice to the public of activities that are prohibited at the location.

Condition No. 13 – The intent of this Condition is to support safety by providing the LAPD and emergency personnel with a clear line of vision into the premises.

Condition No. 14 and 16 – The intent of these Conditions is to prohibit activities that may encourage loitering and/or nuisance activities.

Condition No. 15 – The intent of this Condition is to prohibit the sale of items used for the consumption of narcotics.

Condition No. 17 – This Condition seeks to insure that the operator and the property owners remain active with, and responsive to, the upkeep and maintenance of the premises.

Conditions No. 18 – This Condition is a city-wide requirement enacted to help lessen public nuisance impacts, particularly in areas where gang activity may be prevalent.

Condition No. 19 – The intent of this Condition is to support public safety by providing a well-lit site which will also assist the LAPD and other emergency personnel.

Condition No. 20 – This Condition ensures full disclosure of the limitations (Conditions) placed on the property (Use) by the City.

Condition No. 21 – The intent of the Condition is to ensure that the operator and all employees are aware of and knowledgeable of the Corrective Conditions. The Condition also requires that the business owner maintain all required permits and licenses required for operations, on-site and that they are readily available for review by any responsible Agency. Retention of Conditions ensures that enforcement agencies that may need to evaluate compliance while visiting the premises will have access to the Conditions.

Condition No 22 - This is a standard Condition that is required to ensure that the corrective Conditions are adhered to and are noted as legally binding to the land (Use).

Condition No. 23 - This Condition gives notice to the owner/operator of the requirement to reimburse the City to cover the costs associated with the Nuisance Abatement proceedings as required by Section 12.27.1.C.2 of the Los Angeles Municipal Code.



**DISCUSSION**

The record, including correspondence, testimony at the public hearing and a review of the submitted Arrest Reports, indicates that the premises, which includes the recently vacated recycling center (October 2016) has been the source of a number of nuisance activities such as: sale and possession of narcotics (heroin and methamphetamine); robbery; battery; attack with a deadly weapon; public drunkenness and theft. The subject site has been under LAPD and the Department of Building and Safety review since 2007.

Los Angeles Police Department Arrest and Investigative reports indicate that approximately 21 incidents were reported at the subject site between April 2, 2014 and September 21, 2016. Of the 21 cited occurrences, nine of the incidents were directly related to narcotics activities that took place at the recycling center formally operating as Cereno Daje Recycling, (eight incidents related to the sale and possession of narcotics and one report of battery against a recycling center customer were detailed in the investigative reports). Five incidents were reported to have occurred at the liquor store/market, two in the primary parking lot (Drinking in Public, Robbery) and two outside the liquor store entrance where an employee was allegedly involved in an altercation with a customer who insisted on buying alcohol after permitted hours, and in the other incident a customer was confronted and attacked by three suspects upon leaving the liquor store.

A research of public records indicates that a liquor and packaged food store was issued a Certificate of Occupancy at the subject location by the City of Los Angeles on September 26, 1957. Testimony provided at the March 14, 2017, Public Hearing indicated that the liquor store/market was under the ownership of Joseph Robone from 1970 to 1980 and was sold in 1988. The Lawrence and Lillian Robone Trust is identified as the current property owner. The recycling center was issued a Certificate of Occupancy (recycling use in conjunction with market) from the City of Los Angeles on October 22, 2008.

Eleven City of Los Angeles Building and Safety (LADBS) actions have been identified related to the subject site. Seven of these were directly related to the recycling center Use. A LADBS Order to Comply was issued on August 12, 2016. The Compliance Order indicated that the recycling center was to discontinue all recycling operations or obtain required permits and inspections. In addition to being non-compliant with Municipal Code requirements for operation of a recycling center, the Use was also cited for not maintaining a source of running water and for permitting unapproved acts on the premises by the public, customers or employees such as loitering, consumption of alcoholic beverages, use of illegal narcotics and/or any other criminal activity.

The property owner, Joseph Robone, indicated in testimony at the March 14, 2017 Public Hearing that the liquor store/market has been owned by the current operator for the past 10 years and that the current operator subleased the space on the property (in the south parking lot) to the recycling facility. In response, the liquor store/market owner indicated that the landlord (property owner) issued the sublease to the recycling center and that any issues relating to nuisance should be directed to the landlord and not to the business

owner. The property owner stated that multiple attempts had been made to remove the Use including the property owner taking legal action, but the attempt to sever the lease was denied by the Court and the recycling center continued to operate. The recycling Use vacated the premises in October of 2016, and as verified by LADBS, all of the structures pertaining to the recycling center were removed from the site in November of 2016.

Declarations submitted by citizens identified the sale of narcotics, loitering, fighting, drinking in public and gang intimidation/violence as the most common nuisances related to the site. As noted in testimony, neighbors and patrons have witnessed inebriated persons loitering at the site, the selling and taking of narcotics and multiple drug overdoses at the rear of the property facing/abutting residential uses. Claims were also made of harassment of students who use Eastern Avenue for access El Sereno Middle School by persons associated with the recycling center. These acts were reported to have occurred during the operation of the recycling facility. Testimony provided by both the LAPD and the general public indicate a marked reduction in nuisance activity at the site since the closure of the recycling center, however, public drinking is still occurring within the immediate area.

While it has been demonstrated through LAPD testimony and a review of crime statistics that the most egregious acts were related to the operations at the recycling center, the liquor store/market has been in operation since the 1950s (well prior to the onset of the recorded nuisance activity) and should be brought up to current City requirements for operators of liquor retail facilities. The imposed Conditions will support increased safety for customers, employees and neighbors through more responsive and updated operational practices, such as on-site security, video surveillance and LAPD led staff training for alcohol retailers.

The purpose and typical first step in any City-initiated nuisance abatement proceeding is to establish Corrective Conditions to address and eliminate any identified nuisance activities. Under this action, Conditions will be imposed on the liquor store/market which address operational deficiencies such as no on-site security. A review period will be established by this Action to allow for an assessment of the liquor store/market operations and compliance with the imposed Conditions. At such time, the nature of the operation and the implementation and effectiveness of the Conditions will be evaluated and a public hearing will be required. At the hearing, the liquor store operator, the property owner and the community will have an opportunity to present how the premises is being operated in a manner which does not create or encourage nuisance activities and to discuss the effectiveness of the imposed Conditions.

It is the purpose of these proceedings under Ordinance No. 180,409 to provide a just and equitable method to be cumulative with and in addition to any other remedy available for the abatement of public nuisance activities. This action is, therefore, to advise the owner and any future owner or lessee that this Determination constitutes the first governmental action under the above noted ordinance to make the herein cited correction and changes. Failure to comply with the Conditions herein will put the property at risk of Revocation and/or the Discontinuance of the use as a liquor store.

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 business as well as the property owner 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 former recycling center and the market/liquor store known as El Sereno Liquor Store, on the property and the surrounding area. The property owner and the business owner were present at the public hearing and provided testimony. The Conditions imposed under this initial action are not so onerous as to prevent the viable, legal operation of the business.

I have reviewed the proposed project and I hereby:

DETERMINE based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15321 (Enforcement Actions by Regulatory Agencies) and City CEQA Guidelines Article III, Section 1: Class 21, Category 2 (The adoption of an administrative decision revoking the use of land or enforcing the general standard); and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

Inquiries regarding this matter shall be directed to Lynda J. Smith, Planning staff for the Office of Zoning Administration at (213) 202-5408.

VINCENT P. BERTONI, AICP  
Director of Planning

ALETA D. JAMES  
Associate Zoning Administrator

ADJ:LS

cc: Councilmember Jose Huizar, Fourteenth District  
Adjoining Property Owners  
Public Hearing Sign-in / Notification Sheet: March 14, 2017