

**PLANNING DEPARTMENT TRANSMITTAL
TO THE CITY CLERK'S OFFICE**

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
DIR 2016-4686-RV-1A	ENV 2016-4687(CE)	14 - Huizar
PROJECT ADDRESS:		
3323-3331 North Eastern Avenue		
OWNER /OPERATOR:	TELEPHONE NUMBER:	EMAIL ADDRESS:
<p>Robone Family Trust (Owner) 2715 West Verdugo Boulevard Burbank, CA 91505</p> <p>Cerrano Daje Recycling (Operator) 3323 North Eastern Avenue Los Angeles, CA 90032</p> <p>El Sereno Liquor Store (Operator) 3325-3331 North Eastern Avenue Los Angeles, CA 90032</p> <p><input type="checkbox"/> New/Changed</p>		
APPELLANT/REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
<p>Kazi Sohrab El Sereno Liquor Store 3325-3331 North Eastern Avenue Los Angeles, CA 90032</p> <p>Marc Collins, Esq / Azim Khanmohamed, Esq Collins Law Group, LLP 3435 Wilshire Blvd., Suite 2600 Los Angeles, CA 30010</p>		
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323-549-0700	marc@clqla.com azim@clqla.com	
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Aleta James	213-202-5402	aleta.james@lacity.org
APPROVED PROJECT DESCRIPTION:		
N/A - This is not a Project.		

COMMISSION ACTION(S) / ZONING ADMINISTRATOR ACTION(S):

The Zoning Administrator:

Dismissed 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

Required 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.

ITEMS APPEALED:

Condition Nos. 1, 3, 8, 22 and 23 of the decision letter.

ATTACHMENTS:	REVISED:	ENVIRONMENTAL CLEARANCE:	REVISED:
<input checked="" type="checkbox"/> Letter of Determination	<input type="checkbox"/>	<input checked="" type="checkbox"/> Categorical Exemption	<input type="checkbox"/>
<input checked="" type="checkbox"/> Findings of Fact	<input type="checkbox"/>	<input type="checkbox"/> Negative Declaration	<input type="checkbox"/>
<input checked="" type="checkbox"/> Staff Recommendation Report	<input type="checkbox"/>	<input type="checkbox"/> Mitigated Negative Declaration	<input type="checkbox"/>
<input checked="" type="checkbox"/> Conditions of Approval	<input type="checkbox"/>	<input type="checkbox"/> Environmental Impact Report	<input type="checkbox"/>
<input type="checkbox"/> Ordinance	<input type="checkbox"/>	<input type="checkbox"/> Mitigation Monitoring Program	<input type="checkbox"/>
<input type="checkbox"/> Zone Change Map	<input type="checkbox"/>	<input type="checkbox"/> Other _____	<input type="checkbox"/>
<input type="checkbox"/> GPA Resolution	<input type="checkbox"/>		
<input type="checkbox"/> Land Use Map	<input type="checkbox"/>		
<input type="checkbox"/> Exhibit A - Site Plan	<input type="checkbox"/>		
<input checked="" type="checkbox"/> Mailing List	<input type="checkbox"/>		
<input type="checkbox"/> Land Use	<input type="checkbox"/>		
<input type="checkbox"/> Other _____	<input type="checkbox"/>		

NOTES / INSTRUCTION(S):

Applicant is the City of Los Angeles;

FISCAL IMPACT STATEMENT:

Yes

No

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

LAST DAY TO APPEAL:	APPEALED:
April 2, 2018	Yes (4/4/18)
TRANSMITTED BY:	TRANSMITTAL DATE:
Rocky Wiles Commission Office	5-2-18

ASSOCIATE ZONING ADMINISTRATORS

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March 16, 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

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

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 2, 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:

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 costumers 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 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:

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

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.

- 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.

- 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

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

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.

- 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 led 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.

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.

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

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