

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

STAFF INVESTIGATOR REPORT

October 25, 2019

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

Martin Dream LLC (O)
7174 Melrose Avenue
Los Angeles, CA 90046

Anat Escher (Op)
900 West Martin Luther King Boulevard
Los Angeles, CA 90037

Bandito's Taco & Tequila
900 West Martin Luther King Boulevard
Los Angeles, CA 90037

CASE NO. DIR-1992-818-RV-PA1
REVIEW OF CONDITIONS AND/OR
REVOCATION OF USE
900 West Martin Luther King Boulevard
South Los Angeles Planning Area
Zone : C2-2D-CPIO
D. M. : 155B193
C. D. : 9
CEQA : ENV-2019-5725-CE
Legal Description: FR of Lot 151,
Exposition Park Square Tract

Request

The purpose of the hearing is to obtain testimony of the property owner and/or business operator, plus affected and/or interested persons regarding the operation of Bandito's Taco & Tequila, located at 900 – 902 West Martin Luther King Jr. Boulevard. The Department of City Planning has received reports from the Los Angeles Police Department, citing repeated nuisance activities on the subject site. The business conducted at the site has generated numerous community complaints and has required consistent police enforcement, as evidenced by submissions from the Los Angeles Police Department. The Los Angeles Police Department has investigated the subject site for service of alcohol to minors, minors in possession of false identification, public intoxication, trash and debris, loitering and fighting, excessive noise and loud music, public urination, and violation of Conditions of operations under Case No. ZA-1992-818-RV-PAD. As the operation may currently jeopardize and adversely affect public health, peace, and safety of persons residing or working on the premises and in the surrounding area, the City of Los Angeles has responded with a public hearing to review compliance and effectiveness of existing conditions or possible discontinuance of use by the Associate Zoning Administrator of the bar/restaurant known as Bandito's Tacos & Tequila.

Following the hearing, the Zoning Administrator may require the discontinuance of the use, or may impose corrective conditions regarding its use as a bar/restaurant in order to mitigate

any land use impacts caused by the use. The public is invited to submit written comments prior to the hearing.

The Zoning Administrator will consider:

1. An Exemption from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15321, Enforcement Actions by Regulatory Agencies and 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.
2. A Plan Approval (Compliance Review), pursuant to Los Angeles Municipal Code Section 12.27.1, of Zoning Administrator's determination letter dated June 28, 1995, for the purpose of reviewing compliance with the conditions and effectiveness of the conditions in eliminating the public nuisance problems related to the subject site.

Authority

The Director of Planning, through the Office of Zoning Administration, has the authority to modify or discontinue the use, or to impose corrective conditions on the operation of the existing business as a bar/restaurant under Section 12.27.1 (land use impacts caused by any use) of the Los Angeles Municipal Code.

Property Description

The South Los Angeles Community Plan Map designates the property for Community Commercial land uses with corresponding zones of C2, C4, RAS3, R3, RAS4 and R4 and Height District No. 2D. The subject site is in the South Los Angeles Community Plan Implementation Overlay District (CPIO). The "D" limitation is for new uses and development projects shall comply with the South Los Angeles CPIO District, including the TOD Medium Subarea regulations. The property is within the South Los Angeles Alcohol Sales Specific Plan. It is in the Urban Agriculture Incentive Zone, Central City Revitalization Zone, Broadway/Manchester Redevelopment Project Area, Transit Priority Area and State Enterprise Zone. The subject site is within CPC-2007-3827-ICO, which pertains to the South Los Angeles Fast Food Interim Control Ordinance.

The subject property is a level, rectangular-shaped, corner, record lot, having a frontage of approximately 50 feet on the south side of Martin Luther King, Jr. Boulevard and an approximate depth of 120 feet. The property also fronts on Menlo Avenue for approximately 120 feet. The subject site is developed with a one-story commercial structure that fronts along Martin Luther King, Jr. Boulevard while a parking area is provided to the rear. Ingress and egress to customer parking is via Menlo Avenue. The site is in Reporting District 396, of LAPD's South Bureau – Southwest Area Station.

ZIMAS Generalized Zoning Map, 2017



ZIMAS Aerial, 2017



Surrounding Properties are within the C2-2D-CPIO, R3-1-CPIO, PF-1-SN Zones, and is characterized by level topography and fully improved streets. Other surrounding properties are developed with one- and two-story single-family dwellings, apartments, and commercial buildings.

The subject site is developed with the one-story Bandito's Tacos & Tequila Bar/Restaurant and associated parking. Additionally, the subject business is situated on the northwest corner of Martin Luther King Jr. Boulevard and Menlo Avenue. The subject site is a popular point of interest with the USC student body, soccer, college and pro-football game day.

On-line research indicate that the hours of operation of Bandito's are Monday closed, Tuesday 5:00 p.m. – 12:00 a.m., Wednesday 5:00 p.m.-12:00 a.m., Thursday 5:00 p.m.-

12:00 a.m., Friday & Saturday 4:00 p.m.- 2:00 a.m., Saturday and Sunday 10:00 a.m.-12:00 a.m.



Streets

Martin Luther King, Jr. Boulevard, adjoining the property to the north, is designated by the Mobility Plan as Avenue I, within a dedicated, variable width of 90 to 95 feet, and is fully improved.

Menlo Avenue, adjoining the property to the east, is a Local Standard Street dedicated a width of 60 feet and improved with curb, gutter, and sidewalk.

Background

On October 8, 1992, the Zoning Administrator, under ZA-1992-818-RV, determined that the operation of the "The Menlo Bar", located at 900 West Martin Luther King Jr. Boulevard, found sufficient evidence to conclude that the past operation of the subject property constituted public nuisance activities and had endangered the safety of persons residing in the surrounding area.

On June 28, 1995, under ZA-1992-818-RV-PAD, for review of conditions, the Zoning Administrator determined that the operation of The Menlo Bar, had operated in partial compliance with the terms and conditions set forth in the last determination and retained, added and modified the existing conditions.

According to the Los Angeles Police Department, "since March of 2017, the LAPD, Detective Support and Vice Division, Citywide Nuisance Abatement Unit in conjunction with LAPD Southwest Area has conducted a comprehensive investigation into the nuisance complaints emanating from 900 West Martin Luther King Boulevard, "Banditos Tacos & Tequila."

This bar is located near the intersection of Martin Luther King Jr. Boulevard and Menlo Avenue, which is located in Los Angeles City Council District 9. This establishment is a part

of the West University Park section of the City. This location has fast become problematic for the Southwest community, literally since the opening of the establishment.

"Banditos Taco Bar & Tequila" is registered under a Type 48 License with the Alcohol Beverage and Control, which means that at no time is a person under the age of (21) legally permitted to be inside the establishment.

Nuisance activity at the location consists of inebriated persons walking onto the major thoroughfare (Martin Luther King Boulevard) and into the neighborhood, which is residential. There is also an ever-present nuisance at the location in regards to the numerous noise violations committed by amplified music that is permitted to escape from the perimeter of the establishment and into the neighborhood, disturbing the tranquility of the neighborhood."

Nuisance Investigation

Planning staff, conducted field analysis, on October 16, 2019, between 12:00 noon and 1:00 p.m., as part of the nuisance investigation to observe the surrounding area and some degree of compliance with the operating conditions of Case No. ZA-1992-0818-RV-PAD.

Staff observed the following:

The conditions and limitations established under case No. ZA-1992-818-RV, effective October 23, 1992 shall continue in effect or shall be revised as follows:

Condition No. 1 (Hours) – Hours of operation Sunday to Thursday are increased from 10 p.m. closing to 12 midnight but these hours can again be reduced if there are new problems.

Condition No. 5 (Security) – This condition is dropped for the time being due to lack of serious problems the past two years but can always be added if problems were to return.

Operational Conditions:

1. Hours. The hours of operation for this establishment shall be from 10 a.m. to 10 p.m. Sunday through Thursday and from 10 a.m. to 2 a.m. on Friday and Saturday.

Comment: In-compliance. On-line research states hours of operation are Sunday-Thursday 4:00 p.m. – 12:00 a.m. (midnight), and 4:00 p.m. – 2:00 a.m. Friday and Saturday.

2. Noise. The establishment, both inside and outside, and the parking lot shall be operated in such a manner as to prevent noise disturbances to the neighboring residential area.

Comment: Non-compliance: Four citizen's declarations (residents in the area) submitted by LAPD, complaining about traffic, loitering, excessive noise, trash, public urination, lewd activity, and loud music.

3. Fire Safety. The owner shall comply with all Fire Department regulations regarding maximum capacity and fire safety.

Comment: Non-compliance. Staff requested capacity and occupancy for the operator and have not received capacity information from the operator. On October 22, 2019, LADBS inspection **did not observe** maximum occupancy displayed.

4. Occupancy. The owner shall provide the Zoning Administrator with a copy of the Occupancy Load Sign issued by the Fire Department. In the event the property has not been posted, the operators shall obtain same form from the Fire Department, Public Safety Section, Room 920, City Hall East, and present it to the Zoning Administrator for inclusion in the file.

Comment: Non-compliance. Staff requested LAFD capacity and occupancy for the operator and have not received capacity information from the operator.

5. Security. Between the hours of 6 p.m. and closing, whenever the business is open, the owner shall provide a State Licensed uniformed security guard on the premises who shall maintain order inside and outside the building and prevent any loitering or other activity which is unlawful or would interfere with the quiet enjoyment of the neighboring residential property.

a. The security guard mentioned above shall be a private patrol operator as defined in the Business and Professions Code, Section 7521, Subsection (B), who is duly licensed by the State of California pursuant to the Private Investigators Act, or at least one of said private investigator's duly registered employees.

b. The requirement for the security guard may be waived by the Zoning Administrator upon the written recommendation of the Commanding Officer of the Southwest Division of the Los Angeles Police Department. This recommendation must be based upon a finding that there are no longer any police problems associated with the establishment and that the security guard is no longer needed.

Comment: This condition was dropped by ZA-1992-818-RV-PAD, dated June 28, 1995, Zoning Administrator's determination. However, the operator still retains on-state-licensed site security.

6. Maintenance. The owner shall keep the subject property and parking lot free from debris and trash.

Comment: In-compliance. Staff conducted a land use survey, on October 16, 2019, the site was clear any trash and debris.

7. Graffiti. Notwithstanding the "graffiti ordinance" requirements pursuant to Municipal Code Sections 91.1707(e), and 91.1804.1, or any amendment thereto, graffiti shall be removed from the exterior walls and structures on the subject ownership and any

associated parking facilities at least 24 hours after graffiti has been reported to the management of the facility.

Comment: In-compliance. The building was clear of any graffiti, none was observed on the building.

8. Plan. A maintenance and security plan to accomplish items 5, 6 and 7 shall be prepared and presented to the Zoning Administrator for approval.

Comment: Non-compliance. No maintenance and security plan for the current operator was submitted.

9. Sign. The owner shall post and maintain a sign in the parking lot and at each entrance to the business and in the parking lot stating that loitering is prohibited in the parking lot. The signs shall measure at least 1-foot by 1-foot.

Comment: Non-compliance. "No Loitering" signs are posted at the business entrance, but according to LADBS-Order to Comply, no signs is posted in the parking lot.

10. Lighting. Adequate lighting shall be provided on the exterior of the building and in the parking lot so as to make easily discernible the appearance and conduct of all persons on or about the property and the parking lot. Lighting on the property and the parking lot shall be located as to as to not unreasonably illuminate the window area of any nearby residences.

Comment: In-compliance. The subject site has sufficient lighting standards at the front and side of the site. From staff's perspective, it appears that these lights are set so as not to disturb the adjoining residential neighborhood.

Comments from Other Departments and/or the General Public

The Los Angeles Police department submitted the following reports:

Arrest and Investigative Reports:

May 2, 2019 – Citywide Nuisance Abatement Problem Property Referral from LAPD to Zoning Administration/Department of City Planning:

Summary of Investigation, Bandito's Tacos & Tequila is a general nuisance for the Southwest Community. Citizens have complained regarding amplified noise that permeates from the restaurant. Bandito's Bar and Tequila engages in furnishing alcohol to those under the age of 21 and service of alcohol to intoxicated persons. Thus, is now a public safety concern. University of Southern California, Public Safety, has been summoned to assume responsibility and care for inebriated USC students who have been allowed access into the bar, despite being under legal age (21) and sold alcohol for consumption. Students are then unable to care for themselves.

May 3, 2019 – Citizen Declarations. Four Citizen Declarations from residents living south of

the subject Bandito's were submitted by LAPD. The Declarations state the following problems at the subject site:

- Traffic/Parking Violations
- Loitering/Fighting
- Excessive Noise/Loud Music
- Trash/Debris
- Patrons enter private property engaging in sexual activity
- Public urination

May 4, 2019 – LAPD- Detective Dana Harris (CNAU) submitted a Nuisance Abatement Referral, arrest, and investigative reports from March 2017 – June 2017. The Referral stated the following:

The following crime stats for the location covers a two-year period for 900 W. MLK

- Service of Alcohol to intoxicated person(s)
- Minors being in possession of alcohol
- Minors in possession of false identification

Investigative efforts at this location have revealed that there are sensitive sites near the intersection of Martin Luther King Boulevard and Menlo Avenue. These locations are:

- Los Angeles Memorial Coliseum
- Exposition Park
- Los Angeles Swimming Club Stadium
- University of Southern California

Investigations:

Citywide Nuisance Abatement Unit (CNAU) and Southwest Area Vice investigators have conducted numerous surveillance and investigations (over 50) in the area, finding that the number of persons under the age of 21 who have been allowed into the establishment to consume alcohol is a direct violation of state law, where the legal age to consume alcohol is (21). The establishment has also cited establishment management for Service to an Intoxicated Person. On two separate occasions, LAPD Southwest Area Watch Commanders have summoned uniformed officers to rescue a patron. In both cases, the patron was under the age of 21 and a current University of Southern California (USC) student who was over intoxicated and unable to care for themselves.

These are the investigations:

- On March 12, 2017, at approximately 0300 hours, University of Southern California, Department of Public Safety (USC-DPS), during routine patrol, observed a male standing in the middle of Martin Luther King Boulevard, in the 900 block.

Upon contacting the male, they found that the male was intoxicated to the point of requiring care. DPS officers asked the young male his name. The male replied that

he was a current student at USC and was under the age of 21. He then stated that he was allowed to enter Banditos Tacos & Tequila bar without providing proper identification where he was served alcohol until closing. He was then ushered out of the establishment with the rest of the patrons.

The underage male was clearly unable to care for himself, according to DPS. DPS transported the male back to the USC campus where he lived after having him treated and released by campus nurses. DPS notified LAPD Southwest Command Staff regarding the incident whom relayed the same incident to the Southwest Area Vice unit.

- On March 16, 2017, Southwest Area Vice investigators conducted a surveillance and investigation at 900 W. Martin Luther King Boulevard, "Banditos Tacos and Tequila" as a way of corroborating or disproving information provided by DPS.

At approximately 2030 hours, investigators deployed a Minor Decoy, who is under 21 years of age and has the appearance of someone who is less than 21 as well. The decoy entered the establishment posing as a customer. No one stopped or checked the decoy for proper identification. The decoy then purchased an alcoholic beverage in violation of 25658 B&P from the bartender. The bartender was cited on RFC # G00473.

Southwest Area investigators notified the establishment management regarding the violation with "best practice" suggestions. Management (Anat Escher) informed the police that the incident would not happen again.

The investigators told management that not only had they arrested the bartender for Service to a Minor, but they also pointed out that there were overly intoxicated persons in the establishment, live entertainment for which the establishment was not permitted (103.102 LAMC) and overcrowding for which is an issue of public safety.

- On March 16, 2017, Southwest Area Vice investigators conducted an undercover operation at Banditos Bar. Officers were served alcoholic beverages. The officers then took these same beverages off premises onto the public sidewalk without interference from security or employees. The officers completed a Statement Sheet for 41.27 (d), for the allowance of patrons inside an alcohol retail establishment to exit the premises in possession of an open beverage of alcohol and away from the designated area permitted under the diagram of the service area. The alcohol was booked as evidence at Southwest station.
- On April 1, 2017, Sergeant Koval as the Officer in Charge of the Vice unit conducted surveillance (from unseen vantage point) at the Banditos Bar through open establishment roll top windows. He observed over-crowding inside the bar which appeared to be a public safety issue. Koval noted the overcrowding and noted to check the permitted capacity prior to notifying the Fire Department. The location closed for business (0200 hours) prior to FD arrival. Koval cancelled LAFD response.
- On April 6, 2017, Southwest Area investigators conducted an undercover

investigation at Banditos Bar. Officers noted that patrons were dancing on a makeshift dance floor (103.102 LAMC-No Café Entertainment Permit), in the aisles between tables with a live DJ playing music behind a laptop (103.106 LAMC-No Live Entertainment Permit). Sergeant Koval warned management (Escher) that they were once again in violation.

- On April 15, 2017, Sergeant Koval received a phone call from Southwest Area Watch Commander, Mike Richardson. Sergeant Richardson informed Koval that at approximately 0300 hours, a male White was standing in the middle of the street at Martin Luther King Boulevard and Menlo Avenue. The male stated that he had been drinking alcohol inside Banditos Bar. Southwest officers detained the young man who stated that he is a current student at USC and lives on campus. He stated that he is currently 20 years of age. The male stated that he was trying to find his way home, but was unsure due to intoxication. USC-DPS transported the male back to campus and his residence.
- On April 20, 2017, Southwest Area Vice conducted an inspection of Banditos Bar. As they approached the location from over 200 feet away, they could hear amplified music being played from speakers, in violation of 116.01 LAMC. Once inside the officers detained two individuals who were youthful in appearance. Officers cited two individuals for 25661 B&P, Minors in Possession of False Identification. The manager (Escher) was again cited for 103.102, No Dance Hall Permit.

*Investigator notes...Of the over twenty persons inside the bar, there were only (5) persons in the bar who were over the age of 21 years. All others were under proper age for Type 48 license which prohibits all persons from entering the establishment whom are under the age of 21.

- On April 27, 2017, Southwest officers conducted a "Trap Door operation at Banditos Bar to further investigate illegal activity and underage persons being permitted to the establishment. Officers observed, detained and cited (9) persons for 25661 B&P, Minors in possession of false identification while consuming alcohol.
- On August 26, 2017, Southwest Area Vice investigators conducted a "Minor Decoy" operation at Banditos Bar. The investigation was due largely to the number of persons under the age of 21 years that have been detained consuming an alcoholic beverage inside the bar.

Investigators and a Minor (for these purposes, a person under the age of 21), entered the establishment in an undercover capacity to conduct an investigation. The Minor is a person who is under the age of 21 years with valid identification that states as much.

The Minor entered the establishment and walked past a gentleman whom was wearing a black shirt with the word, "Security" emblazoned on the front. The Minor walked directly past the security guard and entered the establishment without anyone asking for identification, which is a violation of the land use which strictly prohibits any person under the age of 21 from entering the establishment.

The Minor was approached by female wait staff who requested the Minor's drink order. The Minor ordered a "Stella Artois" beer in a can. Staff then retrieved the beer and handed it to the Minor who in turn handed Staff \$20 to pay for the beverage.

For the evening, Defendant Escher, who is the Business Owner and responsible party for the establishment, was cited for 25658 (d) B&P, Allowance of a Minor into a Type 48 establishment where alcohol is sold. Waitress staff (Cheyenne Cortez) was cited for 25658 B&P, Furnishing of Alcohol to a Minor and Staff Security Guard (Ian Adendorf), whom was cited for 75.82, No Guard Card. (Report attached to file)

- February 23, 2018, the Los Angeles Police Department, Southwest Area Vice officers, conducted a "Minor Decoy Operation" at various licensed establishments in the city. A decoy under the age of 21, was sent into the establishment in an attempt to purchase alcoholic beverages. The business was successful in preventing stated activity.
- On March 9, 2018, Southwest Area Vice conducted a "Trap Door" with the California Department of Motor Vehicles and the Alcohol Beverage and Control. The premise of the operation was to conduct investigations at alcohol retail establishments near the University of Southern California for minors in possession of false identification and in possession of alcoholic beverages in Type 47/48 establishments. Agent Castellon of DMV, was one of the agents present.

At approximately 0100 hours at 900 W. Martin Luther King Blvd, "Banditos Bar and Tequila, a person under the age of 21 was identified inside "Banditos Bar" while in possession of alcohol and cited for 25665 B&P, Minor in Possession of Alcohol. RFC# H05502. (Report attached to file)

- On March 22, 2018, Southwest Area Vice along with the Department of Motor Vehicles conducted an additional Trap Door operation at 900 West Martin Luther King, "Banditos Tacos and Tequila. The operation yielded citations by the Department of Motor Vehicles for nine (9) persons being inside Banditos Bar in possession of False Identification, in violation of 21651 B&P. (Report attached to file)
- On July 3, 2018, in response to the numerous citations written against the ownership of Banditos Bar, Anat Escher, for Alcohol Beverage and Control violations ranging from Service of Alcohol to an Intoxicated Person and Minors in Possession of Alcohol in a Type 48, Establishment, the licensed sale of alcohol on premises was suspended for 15 days. Registration Number, 18086590 on Business and Professions Section 25658 (A) B&P.
- A letter dated November 8, 2018 – On October 26, 2018, the Los Angeles Police Department, Southwest Area Vice officers, conducted a "Minor Decoy Operation" at various licensed establishments in the city. A decoy under the age of 21, was sent into the establishment in an attempt to purchase alcoholic beverages. The business was successful in preventing stated activity.

- On March 1, 2019 (March 7, 2019), Southwest Area Vice investigators responded to several citizen complaints regarding chronic noise and nuisance activity emanating from 900 W. Martin Luther King Boulevard, "Banditos Tacos and Tequila." The investigators conducted an operation in which they cited Anat Escher, the Business Owner and on-site manager of Banditos for 25665 B&P, Allowing Persons Under the Age of 21 to Enter and Remain in an Alcohol Licensed Location. During the inspection by officers, detained (10) underage individuals for being inside the location. (Report attached to file)
- On April 19, 2019, Southwest Area Vice conducted a Minor Decoy inspection. One of the locations to be inspected was, 900 W. Martin Luther King Boulevard, Banditos Tacos and Tequila Bar. This establishment is a Type 48 License (no persons under the age of 21). This establishment has had numerous complaints from citizens in the Southwest portion of Los Angeles. Southwest Area Vice has made numerous arrests at that location for a host of Alcohol Beverage and Control related offenses.

The Business Owner/Manager, Anat Escher has been educated and warned numerous times regarding her license status. She and her staff have been offered training on detecting false identification and best business practices.

Officers approached the entrance of the bar to conduct the inspection. They were met by a male who was performing as a security guard at the location. The male had "Security" emblazoned across his back. He was equipped with a collapsible baton, pepper spray and wearing a tin badge that also stated "security." Male "security" stated that he was currently in training and in process of awaiting confirmation of his fingerprint register in Sacramento and receiving his guard card (in violation of 7582 B&P (Report attached to file).

Officers continued with their inspection at Banditos Tequila Bar. They found that inside the bar and either in the process of purchasing or attempting to purchase alcohol were (9) persons who were under the age of 21, in violation of 22655 B&P. All USC students with false identification from out of state. (Report attached to file)

To date, the number of Calls for Service, high incidence of arrest are problematic at Banditos Tacos & Tequila Bar. Complaints from various sources (USC-DPS, Southwest Area Vice, Senior Lead Office and Council District 9, have distinguished this location as a nuisance and a public safety issue.

Southwest Area Vice officers as well as investigators from the Detective Support and Vice Division have met with the Business Owner, Anat Escher and not only provided training for her staff, but offered suggested improvements for the establishment that would lend to public safety. Ms. Escher was either unwilling or unable to implement changes that would lend to best business practices and maintain a business free from nuisance issues.

It is the position of the Los Angeles Police Department to see Revocation conditions imposed at this location to remedy the nuisance activity. Ms. Escher has been given ample opportunity to remedy the public safety issues at the location and change the dynamics of the property. She has also been provided ample opportunity to implement changes that will mitigate the nuisance activity at 900 West Martin Luther King Boulevard. Very little has been

implemented.

It is the responsibility of the citizens and business owners in the City of Los Angeles to maintain public safety in which our citizens may remain in an environment in which their safety, despite their age is not placed in jeopardy.

May 27, 2017 – A letter sent from Captain Lee Sands: Commanding Officer-Southwest Area Community Police Station to the ABC Licensee of Bandito's Tacos & Tequila.

"On May 26, 2017, the Los Angeles Police Department, Southwest Area Vice Officers, conducted a "Minor Decoy Operation" at various licensed establishments in the city. A decoy, under the age of 21, was sent into your establishment in an attempt to purchase alcoholic beverages. Your business was unsuccessful in preventing this activity.'

The result of this action will lead to a criminal complaint filed against the seller with the City Attorney's Office. In addition, the Department of Alcoholic Beverage Control may take administrative action against the licensee."

May 9, 2019 – Los Angeles Police Department Employee's Report states:

"I, Sergeant II Paul Shearholdt, Serial No. 34890, Officer-in-Charge, Southwest CLEAR, have been made aware of, and have personally observed, numerous issues Banditos Tacos & Tequila" that have the potential to grow into larger problems. The bar is located at 900 W. Martin Luther King Jr. Blvd, on the southwest corner of Martin Luther King Jr. Blvd and Menlo Avenue.

First, the patrons that I have seen approaching the entrance and leaving the location appear to be extremely young to be entering a 21 and older establishment. Some of these individuals appear to be between 17 and 20 years of age. When I have observed this, I have notified our Vice Unit.

Second, the traffic congestion near the business caused by patrons being dropped off and picked up is a hazard. There is no space for these vehicles to safely pull out of lanes of traffic to drop off or pick up patrons. Especially at closing time, I have noticed traffic' being affected on MLK and on Menlo. On occasion, I have even stopped to conduct traffic control because some of the vehicles are blocking the streets.

Lastly, the open-air style of the building seems to invite transients and patrons to loiter on the outside of the building near the large open windows. This has been the source of several "415 man" radio calls that I am personally aware of. The loitering at these windows is not limited to the local homeless but I have also seen patrons loitering near these windows on the outside of the business, which could lead to people drinking alcohol on the sidewalk. The business recently added security bars to these windows but I have continued to see transients and patrons still standing outside these windows.

So far, the issues appear to be isolated to ABC, Vice, and quality of life issues, but if

there is anything the GED or CLEAR can do to help, please let me know.”

May 24, 2019 – Los Angeles Police Department Complaint Application

Source of Activity:

On 05-24-19 at approximately 2130 hours, my partners, (Sgt.II Ercolano, #37574), (Officer Gevorgyan, #41253) and I (Officer Trujillo, #40066) were assigned to the Southwest Area Vice Unit. We were driving a plain vehicle. We were both wearing our LAPD department approved tactical vests.

We responded to 900 W. Martin Luther King Jr. Blvd. (Baniditos Tacos and Tequila). We met with the owner of the establishment (Escher, Anat) and served her with a copy of the (Imposition of Conditions). (Case NO. ZA 92-0818(RV)) placed on October 8, 1992, along with a copy of the (Review of Conditions) (Case NO. ZA 92-0818(RV)(PAD)) from June 28, 1995. We advised her that she would be required to abide by the conditions and that we would return in two weeks to ensure she was in compliance. She stated that she would give the document to her attorney and would abide by them if he advised her to do so.

On 06/14/19 at approximately 1945 hours, my partners, (Sgt.II Ercolano, #37574), (Officer Richardson, #36402), (Reserve Officer Strauss, #R6544) and I (Officer Trujillo, #40066) were assigned to the Southwest Area Vice Unit. We were driving a plain vehicle and wearing department approved tactical vests.

We responded to 900 W. Martin Luther King Jr. Blvd and conducted an inspection of the location, with Senior Building and Safety Inspector Portillo Serial No. 20144.

Investigation:

The focus of this investigation was to identify Building and Safety violations and ensure compliance with the imposed conditions. Upon our arrival, we made contact with (Escher, Anat). We advised Escher that we were conducting an inspection of the location. We then began the inspection.

The following are the results of our inspection:

Per City Imposed Condition Number 9: Signs. The owner shall post and maintain a sign in the parking lot and at each entrance to the business and in the parking lot stating that loitering is prohibited in the parking lot. The signs shall measure at least 1-foot by 1-foot square.

During our inspection, we inspected the above named areas, as required by imposed condition number 9 and did not see any posted signs. Clearly, the owner (Escher, Anat) is out of compliance with this condition. Based on our observations of the location, the signs were not posted. Escher acknowledged the signs were not posted. We then formed the opinion the suspect (Escher, Anat) is in violation of 12.27 .1 LAMC (Failure to comply with city imposed conditions). We request a complaint be filed for failure to comply with City Imposed Condition number 9.

Additional:

During this incident, officers observed a patio area set up in the rear parking lot of the.

location. Officers observed three male Hispanics drinking alcoholic beverages in this area, in violation of the location's ABC license. A 15.7 was completed and forwarded to ABC to document this violation.

June 23, 2019 – Los Angeles Police Department Investigative Report of Kidnapping:

Investigation:

My partner and I met with the Victim, across from 532 W 40th Pl. The Victim stated she was at the Banditos Tacos & Tequila (900 W Martin Luther King Jr Blvd, Los Angeles, CA 90037). At approximately 0145 hours, she left the bar with her friends (Witness 1-3). She walked S/B on Menlo and then E/B through the alley (E/W alley S/O King Blvd E/O Menlo Ave.). Her friends (Witness 1-3) fell behind as she walked through the alley and out of sight. She exited the alley on Hoover St. and walked S/B on Hoover St. She was approached by a dark colored SUV, possibly a black or blue Chevrolet Tahoe or Suburban (Suspect Vehicle). A Hispanic male, approximately 32 years old, 6 foot tall, 190 lbs., with brown hair exited the vehicle from the rear passenger side door. The Suspect was wearing red-orange shirt, blue ripped jeans, white shoes, and had a gold chain with a crucifix. The Suspect approached The Victim from behind and grabbed her by the neck by wrapping one of his arms round her neck. The Suspect pulled her into the Suspect vehicle from the west sidewalk of Hoover St (in front of 4025 S Hoover St). The Victim was pulled approximately three feet from the curb and into the Suspect vehicle. The Victim immediately jumped out the open rear window of the rear passenger side. She then ran E/B on 40th Pl to 712 40th Pl. She hid in the back until she felt safe and called her friends. She then ran to 532 W 40th Pl and met with her friends. The Victim then called Police.

July 9, 2019 – Citation for 12.27.1 LAMC - Failure to comply with City imposed Conditions. Condition No. 9 (post and a maintain no loitering signs at each entrance to the business and in the parking lot. LAPD documentation as follows:

Source of Activity:

On 07-09-19 at approximately 2130 hours, my partners, Sgt. II Ercolano, #37574, Officer Gevorgyan, #41253, and I Officer Trujillo, #40066, were assigned to the Southwest Area Vice Unit. We were driving a plain vehicle. We were wearing our LAPD department approved tactical vests. We were accompanied by LAFD Fire Inspector Walker. The purpose of our inspection was to follow up on the possible Fire Code violations inspector Portillo observed.

Investigation:

During the above date and time, my partners and I drove to the above-referenced location. We walked in and met with Escher. We advised Escher, we were conducting a follow up to insure she had posted the signs, as required per city imposed condition number 9.

During our inspection, it was clear that the required signs were not posted. Sgt. II Ercolano took photos of the areas required to have posted signs per the City Imposed Condition number 9. Escher asked my partners and I what signs were they and what did they need to say. I advised her to review City Imposed Condition number 9 as instructed to do so in the past and reiterated that she is required to have No Loitering signs.

Based on our training, experience, and observations, we determined that Arrestee Escher,

Anat (owner of Banditos Taco and Tequila) was in violation of 12.27.1 LAMC- Violation of City Imposed Conditions.

Arrest:

Officers arrested Escher for 12.27.1 LAMC - Violation of City Imposed Conditions. We issued her RFC No. H05070.

Sgt.II Ercolano took photos of the building, entrance and parking lot.

Additional:

During this incident, officers observed a patio area set up in the rear parking lot of the location. Officers observed a male Hispanic and female Hispanic drinking alcoholic beverages in this area, in violation of the location's ABC license. A 15.7 was completed and forwarded to ABC to document this violation. Fire Inspector Walker observed several fire code violations which were documented and forwarded to Fire Station 46 for enforcement.

Correspondence from the Operator:

On October 11, 2019, the operator submitted a receipt as evidence that an electronic age verification device is installed at the subject site.

On October 18, 2019, e-mail from the operator submitted photos of confiscated fake identification cards and a short video announcing that fake identification cards will be confiscated.

On October 18, 2019, the operator submitted this statement via e-mail:

"I want to tell you my side of the story.

I want to start first by saying that I had no idea that there was a ZA case from 1995. I was in business for almost 3 years before anyone brought it to my attention. When I bought the business, we did a search and nothing came up. I am going to send you a picture a day after I found out from ZIMA that it doesn't show that this report was available.

When I did find out about 4 months ago about the conditions, we immediately complied with all of them. The main one was to close during week by 12 am midnight, which we do.

I don't see my business as a nuisance to the area. The opposite actually. We have cleaned up the area, made it more visible, and brought the neighborhood together by providing a place they can come to and enjoy.

Another point that is very important that I would like to have in the report is that I don't even have to serve food and I do. I bought a trailer that serves tacos and other food items that customers can order to help prevent anyone from getting too inebriated.

When I opened in February 2017 unfortunately, the manager and the team that I had working for me did not do a very good job and we got caught 3 times in a 6 months period serving underage kids (not USC students)

I paid high penalties to the ABC and in 2018 I fired the manager and most of the bartenders and started a clean slate. My staff knows now and checks everyone's IDs regardless of how old they may appear. IN FEBRUARY 23, 2018, WE PASSED SUCCESSFULLY AND UNDERCOVER STING AND AGAIN IN NOVEMBER 2018 WE PASSED AGAIN. This shows that we have cleaned up and are on the right path.

But, we still have a problem with underage USC wanting to come to my bar (especially on Wednesday and Thursday, those are the days they like to come to my bar because they cannot do it on the row).

Unfortunately, a few times when VICE came and conducted a raid, they found 10-15 kids with fake ID - not consuming alcohol, but in the restaurant. And this is what triggered this situation between me and the city. I did everything in my power to check their IDs - with a special scanner - but they are way too smart and have a lot of money to spend on IDs that are difficult to detect.

At one point, in 2018 I bought a top of the line computer scanner for more than \$5000 that definitely helped the situation. We also learned that even if you have the best software and scanners out there, technology eventually improves and can become obsolete, and did catch all of the fake IDs.

All of this helped, but we still had a problem with VICE when they once came in. I understand this makes me look bad. I personally have a 17-year-old son and I don't want him to drink at this age.

At one point in 2019, I had a few meetings with the head of VICE, Sgt. Ercolano, and I decided to take a different approach, which worked amazingly for the last 6 months.

- 1. We stopped promoting on Instagram or any platform any parties. Please check.*
- 2. We started confiscating the IDs that we came across at the door every night - even if I slightly suspected - I have about 200 actual IDs in my possession. I take pictures of them and send them to VICE - this deters them from even trying to come in because those IDs are expensive.*
- 3. I will send you some emails that I actually announce to the lines outside of the establishment that I will confiscate their fake ID if they attempt to use them.*
- 4. If someone looks too young, I don't even deal with it, I tell them to leave and refuse any service to them.*
- 5. Even though we scan all IDs at the door, everyone of my staff still checks their IDs when someone orders a drink - it's always another barrier they have to go through.*
- 6. Even though I applied and received a police permit to have a DJ, I no longer allow any USC DJs, and the reason is that it is very difficult to regulate the volume. So now we just use a personal Ipod and we have complete control*

over the volume.

Other points that I would like to address, I am not just the owner of the bar, but also the owner of the property itself so you can understand that I am fully invested. Throughout the whole process, I have been working with VICE and definitely made progress with our communications. And please refer to the emails we have sent to one another showing this.

We are also gathering letters of support from the neighbors which I will send in the next few weeks, most importantly the nearest neighbors to the bar.

Another very important point is that in the 2 1/2 years I am open, police was never called to my location for noise, fights, shooting, stabbing, etc. This has to be a part of the report. Please confirm this with me.

It was always a problem and concern with USC underage/fake IDs.

Other points that I would like to add to the report is that this area is known for gangs and violence. So police officers, almost on a weekly basis, come into my business to ask to see footage captured on my 24 cameras I have on my property - half of them film the outside - concerning incidences that have nothing to do with my business, typically occurring not during my business hours. As far as keeping the area clean, the city definitely doesn't do a good job cleaning the area - my corner is the cleanest one because we do it ourselves every day. I can also send you pictures to prove this.

Please let me know if you have any other questions and I will send you more emails soon."

Anat Escher

Staff have received 22 e-mails from the owner/operator stating how she is working to curtail nuisance activities. An electronic age verification device has been purchased by the operator, and fake identification cards are being confiscated. Also, in the e-mail attachments from the operator are accounts of inspections from the LAPD and on one occasion LA City Fire with LAPD providing security.

One letter was received in support of Banditos and two letters supporting the City Nuisance Abatement action was received.

On-Site Cases, Affidavits, Permits, and Orders

Type 48 ABC License No. 568665 – On sale general public premises Bandito's Management Inc. Expiration Date June 30, 2020.

Type 58 ABC License – Caterer permit. Expiration Date June 30, 2020.

Type 77 ABC License – Event permit. Expiration Date June 30, 2020.

LADBS-Order to Comply # 866327– Effective Date October 30, 2019.

The inspection revealed that the property (Site Address) listed above is in violation of the

Los Angeles Municipal Code (L.A.M.C.) sections. A copy of the official O.T.C. is attached to the file.

The violations are listed as follows:

1. Expansion of an existing establishment dispensing alcoholic beverages for sale or other considerations by more than 20 percent.
2. Violation of condition No. 4 of the Conditional Use Permit ZA 92-0818 (RV).
3. Violation of condition No. 9 of the Conditional Use Permit ZA 92-0818(RV).
4. Unapproved occupancy and use of the storage room that has resulted in the expansion of the bar.
5. The approximate 15 ft x 10 ft addition to the rear part of the building was/is constructed without the required permits and approvals.
6. Unapproved use of Land.
7. The approximate 22 ft x 22 ft construction of a metal framed canopy over outdoor cooking equipment was/is constructed without the required permits and approvals.
8. The tenant improvement was/is constructed without the required permits and approvals.
9. An updated Certificate of occupancy is required for the expansion of the bar.

ZA-1992-818-RV-PAD – On June 28, 1995, the Zoning Administrator, under ZA-1992-818-RV, determined that the operation of the “The Menlo Bar”, located at 900 West Martin Luther King Jr. Boulevard, found sufficient evidence to conclude that the past operation of the subject property constituted a public nuisance and activities had endangered the safety of persons residing in the surrounding area.

ZA-1992-818-RV – On October 8, 1992, under ZA-1992-818-RV-PAD, for review of conditions, the Zoning Administrator determined that the operation of The Menlo Bar, had operated in partial compliance with the terms and conditions set forth in the last determination and retained, added and modified the existing conditions.

Permit No. 18048-10000-00107 - Issued on January 31, 2018, for a new non-illuminated was sign to read “Happy Hour 2-4-1 All Drinks Mon-Fri.”

Permit No. 18048-10000-00107 – Not issued or finalized, corrections issued on April 9, 2018, to install two new wall signs: sign A: (2'x17.25') internally illuminated channel letter sign area – 34.5 sq. ft. height from adjacent grade to bottom of sign is 15'-5"; sign B: (2.33'x4') illuminated wall sign area=9.33 sq. ft. height adjacent grade to bottom of sign is 10'0".

Certificate of Occupancy - Corresponding to building permit 1963LA499779, issued on September 3, 1965, for a 47'x5s' bar converted from a non-conforming, one-story, type III-B, 47'x52' irregular shaped commercial building. (no cooking or entertainment) (110 occupancy).

Certificate of Occupancy - Corresponding to building permit 1959LA41037, issued on June 5, 1960, for a 50' x 75' parking lot for use of land only.

Certificate of Occupancy - Corresponding to building permit 1958LA95161, issued on August 1, 1958, for a one-story, type III-B, 10'6" x 28' storeroom addition to an existing one-story, type-III-B, 41'6"x50' cocktail lounge.

There are no similar or relevant Nuisance Abatement/Revocation cases on surrounding properties.

A handwritten signature in blue ink, appearing to read "Pio Vincent Qutoriano", with a date "Jun 1996" written at the end.

PIO VINCENT QUTORIANO
Staff Investigator