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**MEMORANDUM**

**From:** Jack Chiang, Associate Zoning Administrator, City Planning Department  
Matthew Lum, City Planner, City Planning Department

**To:** Office of City Clerk; Attention: Roberto Mejia, Chief Legislative Analyst

**Date:** September 8, 2022

**Subject:** CF 21-1272: Report to the City Clerk to amend the City Planning Department Letter of Determination and recommendation to the appeal of Case No. DIR-2021-1463-RV-1A

Council File No. 21-1272, is an appeal to City Council for a Revocation/Nuisance Abatement action under Department City Planning Case No. DIR-2021-1463-RV-1A. The case matter is imposition of conditions of a restaurant/retail use, currently operating as Habibi Cafe. The City Planning Department issued a determination on October 6, 2021 declaring the subject business a public nuisance. The business operator appealed the Department decision, and the matter is scheduled for the Planning Land Use Management Committee hearing on September 20, 2022.

Based on the review of the appeal documents, additional Los Angeles Police Department crime reports/statistics, and the Councilmember Paul Koretz' letter dated August 31, 2022, the Department of City Planning recommends the Planning Land Use Management Committee to require the discontinuance of the restaurant/retail use, currently known as the Habibi Café and any similar land uses, located at 923-925 South Broxton Avenue. The discontinuance is necessary because the subject business continues to jeopardize the public health, peace, and safety of persons who reside and work on the premises and in the surrounding community.

The Planning staff recommends the Planning Land Use Management Committee to adopt the following:

Pursuant to CEQA Guidelines Section 15061, I hereby DETERMINE:

Based on the whole of the administrative record as supported by the justification prepared and found in the environmental case file, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines,

Section 15321, of the State's CEQA Guidelines for enforcement actions by regulatory agencies and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways or hazardous waste sites, or historical resources applies; and

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

the discontinuance of the operation of an existing approximately 3,356 square-foot restaurant/retail use, currently known as the Habibi Café and any similar land uses, located at 923-925 South Broxton Avenue. However, the following four (4) conditions shall become effective for the subject property:

- (1) Within 30 days of the effective date of this determination, pursuant to the Los Angeles Municipal Code Section 19.01 N, the property owner and/or the business owner/operator shall reimburse the City of Los Angeles applicable fees and surcharges for processing the subject application for DIR-2021-1463-RV, with confirmation of payment forwarded to the Department of City Planning, Nuisance Abatement and Revocations Section within this same time period.
- (2) Within 30 days of the effective date of this determination, the property owner shall record a covenant acknowledging and agreeing to comply with Condition Nos. (1) through (4) established herein at 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 property owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning, Nuisance Abatement and Revocations Section for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Department of City Planning, Nuisance Abatement and Revocations Section for attachment to the subject case file. If the property owner fails to comply with this condition, the City will record the covenant.
- (3) Should there be a change in the ownership of the property, the restaurant/retail use, and/or the business operator, the property owner and the business owner/operator shall provide the prospective new property owner and the 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 Zoning Administrator for inclusion in the case file.
- (4) Should there be a change in the ownership of the property, the restaurant/retail use, and/or the business operator, the new property owner and the business

owner/operator shall file an application with the Department of City Planning, accompanied by the applicable fees, for any and all proposed uses on the subject property, if such a use requires a discretionary action and review by the City. Prior to filing of the application, the property owner and the business owner/operator shall contact Department of City Planning, Nuisance Abatement and Revocations Section, for a review of the proposed application. A signed referral form from Department of City Planning, Nuisance Abatement and Revocations Section, is required prior to the filing of an application.

### **TRANSFERABILITY**

In the event of a sale or transfer of the subject property, located at 4058 Crenshaw Boulevard, the new property owners shall be responsible for any and all outstanding invoices of fees and surcharges owed to the City, for the processing of applications on the subject site. A change of business or property ownership, change of use, change of business operator, and/or discontinuation of use, will not grant release to subsequent property owners from the responsibility to remit fees owed to the City.

These Conditions run with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than the current owner, it is incumbent that the property owner advises them regarding the Conditions of this grant.

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

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

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment. (Section 11.00-M of the Municipal Code)

### **FINDINGS OF FACT**

After thorough consideration of the statements, letters and correspondence contained in the file, the report of the Staff Investigator thereon, and the statements made at the public hearing on May 19, 2021, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find as follows:

### **BACKGROUND**

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 (LAPD), including arrest reports regarding have generated

attempted murder, shootings, homicide, fights, disturbances, stabbing, batteries, assault with deadly weapon, grand theft, trespassing, business disputes, criminal threats, robberies, thefts, and vandalism and violations of Case No. DIR-2004-2253-DRB-SPP-1A, Condition No. 10. These activities may be endangering the public health and safety of persons who reside and work on the premises and in the surrounding community, thus constituting a public nuisance.

### **Property Description**

On August 12, 2004, the Director of Planning approved a Design Review and Project Permit Compliance (Case No. DIR-2004-2253-DRB-SPP) for the following: installation of an awning 923 and 925 Broxton Avenue; the remodel of front façade at 925 Broxton Avenue to include an outside patio area; certain existing exterior signage to remain, as well as the addition of minor signage at 923 and 925 Broxton Avenue; and a change of use at 925 Broxton Avenue (expansion of the existing restaurant at 923 Broxton Avenue). A member of the public appealed the decision and on November 14, 2004 the West Los Angeles Area Planning Commission denied the appeal and modified the Conditions of Approval and Findings (Case No. DIR-2004-2253-DRB-SPP-1A).

The restaurant/retail operations, have generated consistent police enforcement, as evidenced by Los Angeles Police Department documentation including arrest reports, investigative reports, and crime analysis documentation relating to an attempted murder, shootings, a stabbing, numerous batteries and assault with deadly weapon, criminal threats, robberies and thefts, vandalism.

It was decided that the operation may jeopardize and adversely affect the public health, peace, and safety of persons residing and working on the premises and in the surrounding area, thus constituting a public nuisance. As a result, the City responded with a public hearing for possible imposition of Conditions to abate nuisance or to revoke said use.

The Westwood Community Plan Map designates the property for Community Commercial (C4) land uses with Height District No. 2D. The property is within the West Los Angeles Transportation and Mitigation Specific Plan, Westwood Community Design Review Board, Westwood Village Specific Plan Area, and in a Transit Priority Area. The subject site is in a Methane Zone, Special Grading Area and is in a Special Flood Risk Area (Watercourse permit). The subject property is in the Fire District No. 1 area, Liquefaction Area, Westwood Business Improvement District, and within the Santa Monica Fault Zone.

The property is located in the Los Angeles Police Department West Bureau of the West Los Angeles Division in Reporting District 817.

Surrounding properties are within the C4-2D-O Zone and are characterized by relatively flat lots and fully improved streets. The north, east, west and south adjoining properties are developed with one- and two-story commercial uses, ranging from restaurant/retail uses.

The subject property, consisting of a relatively flat, regular-shaped, approximately 3,360 square-foot parcel of land with a 60-foot frontage on the west side of Broxton Avenue. A 20-foot wide alley separates the subject site to the north from the adjacent commercial uses.

The property is developed with a one-story, 3,861 square-foot commercial building containing the subject restaurant/retail store ("Habibi Cafe"). The City of Los Angeles Office of Finance LATAX Report shows that Habibi Café (Account 399210) started on February 21, 2001 at the subject property. According to the Certificate of Occupancy, there are 16 required parking spaces, with 10 off-site parking spaces at 960 Gayley Avenue. A Covenant and Agreement for Maintenance of Off-Site Parking Space (Instrument No. 20100098266) that was recorded with the Los Angeles County Recorder's Office on January 22, 2010 for 10 off-site parking spaces at 1300 Westwood Boulevard.

At the time of the site visit conducted on March 19, 2021, the restaurant/retail store had no hours of operation posting. However, during the hearing, the operator stated that the hours of operation are: Friday and Saturday, from 10:00 a.m. to 4:00 a.m. and Sunday through Thursday, from 10:00 a.m. to 3:00 a.m.

### **Streets**

Broxton Avenue, adjoining the subject property to the east, is designated by the Mobility Plan as a Local Street - Standard, with a 60-foot right-of-way and improved with curb, gutter and sidewalk.

Alley, adjoining the property to the north, is approximately 20 feet wide.

### **On-Site Cases, Affidavits, Permits, and Orders**

Building and Safety Order to Comply A-5400820 – Effective November 9, 2020, Building and Safety issued an order to comply for tenant improvements constructed without the required permits, unapproved occupancy or use of the warehouse as retail, dining tables and chairs placed along the sidewalk that do not provide a minimum of 10-foot pedestrian walkway.

Bureau of Engineering Revocable Permit R-0385-0028 – On July 16, 2013, the Bureau of Engineering issued a revocable permit for 6 tables and 16 chairs encroaching a maximum of 2 feet in the public right of way at 923 Broxton Avenue.

Building and Safety Permit No. 10016-20000-18127 – On October 5, 2010, Department of Building and Safety issued a permit to remove a 40-foot wall between 923 and 925 Broxton Avenue; add glass wall, door at the cashier and kitchen area.

Covenant and Agreement for Maintenance of Off-Site Parking Space – On January 22, 2010, a Covenant and Agreement for Maintenance of Off-Site Parking Space

(Instrument No. 20100098266) was recorded with the Los Angeles County Recorder's Office for 10 off-site parking spaces at 1300 Westwood Boulevard.

Building and Safety Permit No. 06041-20000-31057 – On April 13, 2007, a permit was issued to replace a 200 AMP service and subpanel.

Building and Safety Permit No. 04016-20000-04637 – On May 6, 2005, a permit was issued for the change of use from a retail to a restaurant and outdoor eating area.

Building and Safety Permit No. 02016-20000-06753 – On April 12, 2005 a permit was issued to add an awning over the outdoor dining area in the front of the building which complied with Order to Comply No. 248351.

Bureau of Engineering Revocable Permit R-0585-0029 – On March 29, 2005, the Bureau of Engineering issued a revocable permit for 4 tables and 8 chairs encroaching a maximum of 2 feet in the public right of way at 925 Broxton Avenue.

Case No. DIR-2014-2253-DRB-SPP – On August 12, 2004 the City Planning Department issued a Design Review and Project Permit Compliance determination that the proposed project is in substantial compliance. The project consisted of installation of an awning; the remodel of front façade; existing signage to remain; and a change of use at 925 Broxton Avenue. A community member appealed the determination and on November 17, 2004, the West Los Angeles Area Planning Commission denied the appeal and modified the conditions of approval and findings.

Certificate of Occupancy Permit No. 94VN46837 – On November 25, 1998, Building and Safety issued a Certificate of Occupancy to convert a 36-foot by 36-foot portion of an existing one-story, Type III-N, 36-foot by 66-foot retail building to a restaurant/retail. There is a total of 16 parking spaces, with 10 required off-site parking spaces located at 960 Gayley Avenue.

Certificate of Occupancy Permit No. WLA60832 – On July 21, 1986, Building and Safety issued a Certificate of Occupancy for a one-story, type V, 14-foot by 54-foot restaurant, change of use from retail to a restaurant, with no change in parking.

## **CORRESPONDENCE AND REPORTS RECEIVED**

### **The Los Angeles Police department submitted the following reports:**

The Los Angeles Police department submitted the following reports:

#### On-Site:

Calls for Service: There were 190 calls for service submitted for the property located at 923 Broxton Avenue, between February 22, 2003 and October 10, 2020.

No.	Date	Time	Description
1	02/22/03	11:33 PM	DISTURBANCE
2	12/30/03	11:36 PM	DISTURBANCE
3	12/31/04	9:11 PM	DISTURBANCE
4	07/29/05	11:57 PM	BATTERY
5	12/22/10	2:48 AM	THEFT
6	01/01/11	9:40 AM	DEATH AMBULANCE ER INVESTIGATE
7	01/04/11	10:34 PM	OFFICER REPORTING
8	01/14/11	12:15 PM	BURGLAR ALARM
9	02/24/11	1:01 PM	MENTAL ILLNESS DISTURBANCE
10	03/23/11	4:39 AM	ASSAULT WITH DEADLY WEAPON
11	05/10/11	7:35 AM	THEFT
12	05/11/11	11:03 AM	OTHERS
13	07/24/11	3:46 AM	ASSAULT WITH DEADLY WEAPON
14	08/04/11	11:51 PM	DISTURBANCE
15	09/18/11	4:17 AM	BATTERY
16	10/09/11	10:15 PM	OTHERS
17	10/09/11	10:15 PM	DISPUTE BUSINESS
18	10/10/11	12:23 AM	PROWLER TRESPASSING
19	10/27/11	9:49 PM	VANDALISM
20	10/30/11	4:34 AM	DISPUTE BUSINESS
21	12/05/11	11:32 PM	BATTERY
22	03/25/12	4:12 AM	DISTURBANCE / FIGHT
23	06/11/12	11:58 PM	DISTURBANCE
24	06/12/12	3:21 AM	DISPUTE BUSINESS
25	06/13/12	2:14 AM	DISTURBANCE
26	06/14/12	2:22 AM	DISTURBANCE
27	07/12/12	10:20 PM	BURGLAR ALARM
28	08/16/12	3:45 AM	OTHERS
29	09/09/12	9:04 PM	NARCOTICS
30	09/29/12	4:19 AM	DISTURBANCE GROUP
31	10/03/12	7:00 PM	ASSAULT WITH DEADLY WEAPON
32	11/10/12	11:18 PM	OFFICER REPORTING
33	12/09/12	3:43 AM	ASSAULT WITH DEADLY WEAPON
34	12/09/12	3:45 AM	DISTURBANCE GROUP / FIGHT
35	12/13/12	11:08 PM	OFFICER REPORTING
36	02/18/13	2:09 AM	THEFT
37	03/03/13	4:07 AM	PROWLER
38	05/26/13	3:34 AM	THEFT
39	06/22/13	1:06 AM	DISTURBANCE
40	07/02/13	11:00 PM	DISTURBANCE
41	07/07/13	4:38 AM	VANDALISM
42	07/21/13	12:51 AM	CHILD ALONE
43	08/25/13	2:32 AM	THEFT
44	08/27/13	7:20 PM	DISTURBANCE

45	09/06/13	11:08 PM	DISTURBANCE
46	09/08/13	3:44 AM	THEFT
47	09/11/13	9:57 PM	DISTURBANCE
48	10/29/13	9:36 PM	DISTURBANCE
49	11/09/13	2:41 AM	DISPUTE BUSINESS
50	11/09/13	2:26 AM	DISPUTE BUSINESS
51	11/23/13	2:49 AM	DISPUTE BUSINESS
52	12/14/13	1:18 AM	ASSAULT WITH DEADLY WEAPON
53	02/10/14	9:00 PM	DISTURBANCE
54	03/29/14	4:23 AM	DISPUTE BUSINESS
55	06/04/14	8:21 AM	BURGLAR ALARM
56	06/13/14	10:43 PM	INTOXICATION IN VEHICLE
57	06/20/14	1:23 AM	VANDALISM
58	07/13/14	2:20 AM	DISTURBANCE
59	08/29/14	1:09 PM	BURGLAR ALARM
60	10/11/14	12:07 AM	OFFICER REPORTING
61	04/03/15	2:19 AM	DISPUTE BUSINESS
62	04/22/15	12:36 AM	ASSAULT WITH DEADLY WEAPON
63	06/05/15	1:21 AM	DISPUTE BUSINESS
64	07/31/15	5:18 AM	DISTURBANCE
65	08/12/15	8:45 PM	BATTERY
66	08/16/15	4:19 AM	DISTURBANCE GROUP FIGHT
67	08/19/15	2:10 AM	BATTERY
68	10/03/15	2:41 AM	ASSAULT WITH DEADLY WEAPON
69	12/20/15	2:30 AM	THEFT
70	01/13/16	3:14 AM	DISTURBANCE / FIGHT
71	01/19/16	1:12 AM	DISTURBANCE
72	02/19/16	1:08 PM	BURGLAR ALARM
73	03/13/16	10:19 AM	DISTURBANCE
74	03/18/16	1:06 AM	BATTERY
75	03/20/16	4:48 AM	ASSAULT WITH DEADLY WEAPON
76	03/20/16	5:58 AM	ASSAULT WITH DEADLY WEAPON
77	03/28/16	6:20 PM	DISPUTE BUSINESS
78	04/03/16	5:02 AM	DISTURBANCE / FIGHT
79	04/16/16	4:42 AM	ASSAULT WITH DEADLY WEAPON
80	07/09/16	1:23 AM	THEFT
81	07/16/16	4:21 AM	BATTERY
82	07/19/16	12:01 PM	DISTURBANCE
83	07/19/16	5:00 PM	VANDALISM
84	08/01/16	2:50 AM	DISTURBANCE
85	09/25/16	7:37 AM	DISTURBANCE
86	12/29/16	12:49 AM	DISTURBANCE
87	12/30/16	1:38 AM	VANDALISM
88	01/07/17	3:15 AM	DISTURBANCE
89	01/14/17	12:22 AM	DISTURBANCE
90	03/09/17	6:51 PM	DISTURBANCE
91	04/15/17	3:19 AM	ASSAULT WITH DEADLY WEAPON



92	04/19/17	2:38 AM	DISPUTE
93	06/11/17	2:57 AM	DISTURBANCE / GROUP / FIGHT
94	06/11/17	7:17 PM	DISTURBANCE
95	06/11/17	7:14 PM	DISTURBANCE
96	08/20/17	3:08 AM	THEFT
97	09/10/17	8:13 PM	BURGLAR ALARM
98	10/23/17	4:17 AM	BATTERY
99	11/19/17	3:14 AM	BURGLAR ALARM
100	12/03/17	4:45 AM	THEFT
101	02/22/18	11:47 PM	ASSAULT WITH DEADLY WEAPON
102	03/05/18	3:39 AM	THEFT
103	03/09/18	3:14 AM	DISTURBANCE
104	03/16/18	3:48 AM	DISTURBANCE
105	03/28/18	10:53 PM	DISTURBANCE
106	05/03/18	2:26 AM	DISTURBANCE
107	06/11/18	11:15 PM	THEFT
108	06/14/18	3:17 AM	DISTURBANCE GROUP
109	07/04/18	12:48 AM	INJURY AMBULANCE E/R
110	07/04/18	11:39 PM	DISTURBANCE
111	07/18/18	8:55 PM	DISTURBANCE
112	07/20/18	10:32 PM	BATTERY
113	07/21/18	5:28 AM	NARCOTICS
114	07/26/18	3:43 PM	DISTURBANCE
115	07/26/18	11:03 PM	PROWLER TRESPASSING
116	07/26/18	11:06 PM	PROWLER TRESPASSING
117	08/28/18	6:15 AM	BATTERY
118	09/15/18	3:35 AM	BOMB THREAT
119	09/15/18	4:24 AM	DISPUTE BUSINESS
120	09/27/18	12:13 PM	BURGLAR ALARM
121	09/28/18	1:02 AM	ASSAULT WITH DEADLY WEAPON
122	09/28/18	1:02 AM	DISTURBANCE GROUP
123	09/29/18	4:11 PM	BURGLAR ALARM
124	11/02/18	6:07 PM	DISPUTE BUSINESS
125	11/02/18	6:42 PM	DISPUTE BUSINESS
126	12/13/18	3:31 AM	MEET FIRE DEPT
127	12/18/18	1:58 AM	DISTURBANCE
128	12/20/18	12:46 AM	PROWLER TRESPASSING
129	01/19/19	4:40 AM	BATTERY
130	02/06/19	11:21 PM	DISTURBANCE
131	03/02/19	7:58 AM	BURGLAR ALARM
132	03/05/19	11:48 PM	ASSAULT WITH DEADLY WEAPON
133	03/29/19	5:56 AM	INTOXICATION IN VEHICLE
134	03/29/19	10:21 AM	VANDALISM
135	04/21/19	4:30 AM	OFFICER REPORTING
136	04/23/19	2:56 PM	BURGLAR ALARM
137	05/15/19	5:54 PM	DISTURBANCE
138	06/06/19	3:01 PM	BURGLAR ALARM

139	06/23/19	1:57 AM	ASSAULT WITH DEADLY WEAPON
140	07/27/19	3:57 AM	BATTERY
141	07/28/19	4:29 AM	DISTURBANCE / GROUP
142	09/29/19	5:52 PM	BATTERY
143	10/20/19	3:05 AM	DISTURBANCE GROUP FIGHT
144	11/10/19	3:36 PM	DISTURBANCE
145	11/11/19	11:23 PM	ASSAULT WITH DEADLY WEAPON
146	11/12/19	6:28 PM	DISTURBANCE
147	11/17/19	10:56 PM	BATTERY
148	11/21/19	1:28 AM	BURGLAR ALARM
149	01/17/20	6:56 PM	BATTERY
150	01/18/20	1:54 AM	BATTERY
151	01/25/20	8:13 PM	DISTURBANCE
152	01/31/20	12:29 AM	DISTURBANCE
153	02/02/20	3:21 AM	ASSAULT WITH DEADLY WEAPON
154	02/03/20	10:56 PM	OFFICER REPORTING
155	02/09/20	1:04 AM	IMPERSONATING OFFICER
156	02/10/20	9:04 PM	DISTURBANCE
157	02/15/20	3:38 AM	ASSAULT WITH DEADLY WEAPON
158	02/23/20	7:18 AM	DISTURBANCE
159	02/23/20	8:56 AM	DISTURBANCE
160	05/05/20	10:37 AM	DISTURBANCE
161	05/19/20	6:23 AM	ASSAULT WITH DEADLY WEAPON
162	05/20/20	11:58 AM	BATTERY
163	05/21/20	8:38 AM	BATTERY
164	05/29/20	5:52 PM	PROWLER TRESPASSING
165	06/17/20	1:29 AM	OFFICER REPORTING
166	06/20/20	2:12 AM	DISPUTE BUSINESS
167	06/27/20	2:53 AM	DISTURBANCE GROUP
168	06/27/20	4:50 AM	ROBBERY
169	07/01/20	3:54 AM	ASSAULT WITH DEADLY WEAPON
170	08/10/20	2:51 AM	ASSAULT WITH DEADLY WEAPON
171	08/12/20	7:44 PM	OFFICER REPORTING
172	08/22/20	3:39 AM	ASSAULT WITH DEADLY WEAPON
173	08/22/20	3:42 AM	ASSAULT WITH DEADLY WEAPON
174	08/22/20	7:57 PM	OFFICER REPORTING
175	08/22/20	3:40 AM	SHOTS FIRED HEARD ONLY
176	08/22/20	3:43 AM	ASSAULT WITH DEADLY WEAPON
177	08/27/20	10:38 PM	OFFICER REPORTING
178	08/28/20	5:22 AM	OFFICER REPORTING
179	08/28/20	7:44 PM	OFFICER REPORTING
180	09/02/20	12:41 AM	OFFICER REPORTING
181	09/07/20	3:47 AM	OFFICER REPORTING
182	09/08/20	8:15 PM	OFFICER REPORTING
183	09/13/20	11:49 PM	OFFICER REPORTING
184	09/14/20	8:50 PM	OFFICER REPORTING
185	09/14/20	11:36 PM	OFFICER REPORTING

186	09/15/20	3:10 AM	OFFICER REPORTING
187	09/17/20	1:57 PM	BATTERY
188	09/17/20	11:33 PM	OFFICER REPORTING
189	09/17/20	11:33 PM	OFFICER REPORTING
190	10/10/20	1:04 AM	OFFICER REPORTING

The Los Angeles Police Department submitted arrest reports, investigative reports, property reports, and notice to appear for 51 incidents at the subject property (923-925 Broxton Avenue) between April 1, 2001 and April 20, 2021.

1. April 1, 2001, 4:00 a.m. – Investigative and Arrest Reports – Robbery – Suspect removed victim’s purse by force and fled on foot to vehicle.
2. September 18, 2001, 9:45 p.m. – Investigative Report – Battery – Suspect struck victim (supervisor of Habibi Café) on face and fled in an unknown direction.
3. March 22, 2002, 2:00 a.m. – Investigative Report – Robbery – Suspect stole victim’s phone and demanded victim’s money; suspect was armed.
4. April 4, 2002, 1:00 p.m. – Investigative Report – Criminal Threats – Suspect (transient) made verbal criminal threats to victim.
5. April 20, 2002, 10:50 p.m. – Investigative Report – Battery – Dispute between suspect and victim; suspect pushed victim.
6. April 29, 2002, 3:00 a.m. – Investigative Report – Assault with Deadly Weapon - Verbal dispute; suspect struck and kicked victim.
7. October 27, 2002, 2:30 a.m. – Investigative Report – Criminal Threat - Suspect(s) threatened victim with bodily harm.
8. November 30, 2002, 3:45 a.m. – Investigative Report – Battery - Suspect (security guard at Habibi Café) grabbed and pulled victim.
9. July 14, 2003, 1:00 p.m.- Investigative Report – Battery - Verbal dispute; suspect struck victim's (identified himself as owner of business) arm and fled south bound on Broxton Avenue.
10. July 19, 2003, 4:00 a.m. – Investigative Report – Assault with Deadly Weapon – Verbal dispute; suspect hit victim on head; suspect(s) hit victim with tables and chairs.
11. September 15, 2003, 11:20 p.m. – Investigative Report – Assault with Deadly Weapon - Suspect (transient) placed hands around victim's neck, strangled victim and made verbal threats.
12. December 25, 2005, 1:40 a.m. – Homicide - Decedent shot one time in head with .45 cal bullet (GSW to the head); expired January 27, 2007.
13. December 27, 2005 – Follow-up Investigation - Follow-up report to original December 25, 2005 report.
14. January 10, 2006 - Follow-up Investigation - Follow-up report to original December 25, 2005 report.
15. February 16, 2006 – Follow-up Investigation - Follow-up report to original December 25, 2005 report.
16. August 5, 2007, 3:00 a.m. – Investigative Report – Battery - Suspect punched victim in face.

17. January 23, 2010, 2:00 a.m. – Investigative Report – Assault with Deadly Weapon – Suspect(s) stabbed victim with sharp objects and fled in an unknown direction.
18. September 2, 2010, 3:10 a.m. – Investigative Report – Battery - Suspect punched victim in face.
19. October 11, 2010, 8:50 p.m. - Arrest Report – Criminal Threats – Suspect threatened to kill victims, burn business, and shoot everyone at subject location.
20. March 17, 2011, 5:00 a.m. – Investigative Report – Battery - Verbal dispute; suspect strangled victim around her neck.
21. September 18, 2011, 4:00 a.m. – Investigative Report – Battery - Suspect punched victim and fled (café not equipped w/ video cameras when crime occurred).
22. August 16, 2012, 12:35 a.m. – Investigative Report – Battery - Disputes between victim and suspect(s) (Habibi Café manager and employee) regarding unpaid bill; victim stated suspect(s) chased him down, poked him with stick, and punched him in face.
23. September 22, 2012, 1:10 a.m. - Property Report - Café allowed smoking inside restaurant and sold single packs of cigarette (counterfeit product); VIP room had DJ; patrons dancing; business served food and allowed patrons to smoke cigarettes inside location.
24. November 11, 2012, 1:30 a.m. - Property Report - Alcohol (vodka contained in clear sample bottle) recovered at location.
25. July 7, 2013, 4:15 a.m. – Investigative Report – Felony Vandalism - Suspect(s) damaged victims' vehicles with sharp object and fled.
26. October 21, 2013 – Follow-up Investigation - (follow up report to original July 7, 2013 report regarding vandalism).
27. July 31, 2015, 10:30 p.m. – Complaint Application - Simultaneous inspections for tobacco compliance check: Gypsy Café (940 Broxton) & Habibi Café (923 Broxton). Violations at Habibi Café: illegal indoor smoking in work place, illegal smoking by patron in outdoor dining area, customers consuming food while smoking hookah.
28. March 18, 2016, 1:00 a.m. – Investigative Report – Battery - Suspect (transient) walked up to victim (waiter for Habibi Café) and slapped victim on face.
29. April 19, 2017, 2:30 a.m. Investigative Report – Grand Theft - Suspect stole victim's cell phone and cash.
30. December 3, 2017, 4:40 a.m. – Investigative Report – Defrauding an Innkeeper - Suspects fled without paying bill (food and hookah purchases).
31. May 1, 2018, 12:01 a.m. – Investigative Report – Lost Property - Victim lost pocket knife.
32. November 2, 2018, 8:00 p.m. Arrest Report – Violation of Protective Order – Suspect violated restraining order by arriving at victim's work.
33. November 17, 2018, 4:30 a.m. Investigative Report – Battery - Suspect headbutted the victim.

34. February 23, 2019, 3:30 a.m. – Investigative Report – Battery – Suspects approached victim from behind and began to assault him. The suspects fled in an unknown direction.
35. February 24, 2019, 3:30 a.m. – Investigative Report – Battery - Suspect(s) assaulted victim and fled.
36. March 29, 2019, 10:30 a.m. – Investigative Report – Vandalism – Suspect attempted to punch a customer and yelled at the suspect. Suspect became enraged and smashed the glass table with an ash tray.
37. June 9, 2019, 2:00 a.m. – Investigative Report – Battery – Suspect and victim were in a verbal argument. The suspect punched the victim in the face and fled south bound on Broxton in a vehicle.
38. July 27, 2019, 3:35 a.m. – Investigative Report – Battery – Verbal dispute; suspect slapped victim and fled.
39. July 28, 2019, 4:40 a.m. – Investigative Report – Battery - Verbal dispute; suspect punched victim in mouth.
40. January 20, 2020, 1:45 a.m. – Investigative Report – Battery - Suspect punched victim in face.
41. February 2, 2020, 3:00 a.m. – Investigative Report – Robbery – Victim and her friend met the suspects at Habibi Café and two unknown females wanted to fight them. The females walked across the street to the parking lot and a fight broke out. A suspect fired shots and the victim attempted to flee in a car with an unknown individual. The victim escaped but a suspect grabbed the victim and the other suspect used force to take her keys.
42. February 4, 2020 – Follow-up Investigation and Property Report – Robbery – Follow up report to original February 2, 2020 report.
43. July 20, 2020 – Follow-up Investigation – Robbery – Follow up report to original February 2, 2020 report.
44. August 11, 2020, 12:40 a.m. – Investigative Report – Vandalism - Suspect fired two rounds at victim's vehicle causing damage.
45. August 22, 2020, 3:39 a.m. – Investigate Report – Assault with Deadly Weapon – Suspects and victim had a verbal altercation. Suspects shot the victim causing the suspects to flee to an unknown location.
46. August 28, 2020, 7:30 p.m. – Compliant Application/Notice to Appear – Violations related to: Los Angeles Administrative Code 8.77 Violation of Local Emergency Order; Los Angeles Municipal Code Section 41.50 (B)(2)(C) Smoking in outdoor dining area; Los Angeles Municipal Code Section 41.50C.1 failure to post “No Smoking” signs in outdoor dining area; Los Angeles Municipal Code 56.08 property owner obstructing sidewalk; Los Angeles Municipal Code 41.18(a) obstructing sidewalk with less than 3 feet of clearance; and Los Angeles Municipal Code 116.01 loud, unnecessary and unusual noise anytime.
47. September 4, 2020, 12:55 a.m. – Compliant Application – Violations related to: Los Angeles Municipal Code Section 41.50C.1 failure to post “No Smoking” signs in Outdoor Dining Area and Los Angeles Municipal Code Section 41.50(B)(2)(C) Smoking in Outdoor Dining Area.
48. September 10, 2020, 11:25 p.m. – Compliant Application – Violations related to: Los Angeles Administrative Code 8.77 Violation of Local

- Emergency Order; Los Angeles Municipal Code Section 41.50C.1 failure to post “No Smoking” signs in Outdoor Dining Area and Los Angeles Municipal Code Section 41.50(B)(2)(C) Smoking in Outdoor Dining Area.
49. September 18, 2020, 12:20 a.m. – Compliant Application – Violations related to: Los Angeles Administrative Code 8.77 Violation of Local Emergency Order; Los Angeles Municipal Code Section 41.50C.1 failure to post “No Smoking” signs in Outdoor Dining Area and Los Angeles Municipal Code Section 41.50(B)(2)(C) Smoking in Outdoor Dining Area.
  50. September 25, 2020, 12:00 a.m. – Compliant Application - Violations related to: Los Angeles Administrative Code 8.77 Violation of Local Emergency Order; Los Angeles Municipal Code Section 41.50C.1 failure to post “No Smoking” signs in Outdoor Dining Area and Los Angeles Municipal Code Section 41.50(B)(2)(C) Smoking in Outdoor Dining Area.
  51. April 20, 2021, 5:00 p.m. – Officer Declaration – Officer Garcia conducted four site investigations at the subject property on: August 27, 2020, September 3, 2020, September 10, 2020, and September 18, 2020 and found violations related to the Mayor’s Stay at Home COVID-19 Order, servicing alcohol without an ABC license, tables blocking sidewalk and parking spaces, not enforcing social distancing, security guard not wearing masks, amplified music, and serving food and hookah (LAMC 41.50(B)(2)(c) violation).

The University of California at Los Angeles Police Department submitted 6 incident/investigation reports for the subject property (923 Broxton Avenue) between June 5, 2018 and April 26, 2021.

1. June 5, 2018, 12:14 p.m. – Incident/Investigation Report – Battery – The victim was sitting in front of the subject business. Suspect punched the victim several times and wrapped his arm around the victim.
2. June 23, 2019, 1:58 a.m. – Incident/Investigation Report – Criminal Threat – Suspect threatened business owner with a gun and told him he was going to kill him. The suspect was charged with two counts of criminal threats.
3. February 2, 2020, 3:07 a.m. – Incident/Investigation Report – Assault with Deadly Weapon – Gunshots were fired outside of the subject business.
4. August 10, 2020, 1:00 p.m. – Incident/Investigation Report – Obstruction of Peace – A traffic accident occurred after shots were fired.
5. September 12, 2020, 12:24 a.m. – Incident/Investigation Report – Driving Under the Influence – Suspect was arrested on driving under the influence.
6. April 26, 2021, 7:49 a.m. – Incident/Investigation Report – Driving Under the Influence – Suspect had a drink with dinner at the subject business.

There were 8 event reports submitted by the University of California Los Angeles Police Department for the subject property (923 Broxton Avenue) between January 26, 2018 and September 17, 2020 related to disturbing the peace, assault with deadly weapon, possession of firearm, fight, suspicious circumstances.

Comments from the Public

On May 12, 2021, a representative from the Westwood Neighborhood Council submitted a motion that was unanimously passed requesting to terminate and revoke the subject use in Westwood Village. The issues discussed were: safety, security, hours of operation, music, entertainment, chairs and tables occupying the sidewalk, and gas heaters in the alley.

On May 12, 2021, a letter was submitted from the Westwood Village identified the following issues related to the subject business: graffiti, paint damage, windows, vehicle parking, mobile strip club, litter, public drinking, smoking, urine, tables and chairs beyond the premises, and verbal and physical altercations.

Comments from the Operator's Manager and Operator's Representative

On May 11, 2021, the Habibi Café submitted a letter with pictures responding to the Los Angeles Police Department Calls for Service and police reports (Arrests/Investigative Reports) and offered measures to address the violations, security, and tobacco food laws.

On May 12, 2021, the Habibi Café Representative requested to keep the record open for at least 30 days.

**PUBLIC HEARING**

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

A public hearing was held by a Zoning Administrator on May 19, 2021 at 10:00 a.m. remotely in conformity with the Governor's Executive Order N-29-20 (March 17, 2020). In attendance and testifying were members of the Los Angeles Police Department, a Planning Deputy for Councilmember Paul Koretz, 5th District, representative of the business owner, business manager, and members of the community.

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

Prior to opening the hearing to public testimony, the Department of City Planning staff investigator presented a summary of background information and the staff investigation

regarding the subject site. The presentation was a summary of the staff report, which is included in the case file.

The following is a summary of the remaining testimony provided at the public hearing:

Martin Wolf – Operator’s Representative

- The LAPD Police Report October 20, 2020, summary shows one call per month generated, small number of violations based on their opening and put it into context. The Zoning Administrator responded that he acknowledges that some of the crime data in the report does not have relevance. For example, a Driving Under the Influence charge should not be related since the subject business does not serve alcohol.
- I made two requests to continue the hearing based on availability and conduct additional investigation and was denied. I’m requesting at least an additional 30 days to submit . The Zoning Administrator granted 60 days after the hearing.
- Based on summary of the calls are unrelated to the business.
- You will have similar crime at other similar business
- Things take place and can be political involvement with for example of Floyd shooting.
- Habibi Café is one of few businesses that have survived during the pandemic.
- The violations are small.
- There have been changes regarding law enforcement where LAPD budgets have been diminished.
- There should be reasonable time for compliance as the operator wants to comply fully.
- Habibi Café serves the UCLA and UCLA Medical Center community.
- There is a homeless problem in Westwood. The operator called LAPD to work with the law enforcement to create a partnership and ensure public safety in Westwood.
- There should be a security zone, paid by UCLA in Westwood similar to the area around University of Southern California consisting of security guards patrolling the area.
- This business is being singled out because of the national origin or the type of customers.
- The night before, at Sushi Fumi, 359 North La Cienega Boulevard, there were politically motivated individuals and a fight ensued.
- The Zoning Administrator explained that he wants to hear from the representative or operator about the mode and character because based on the pictures with hookah smoking, entertainment it is creating a club-like atmosphere. Please provide comments regarding the security, live entertainment, smoking feature, hours of operation improvements to address the nuisances.
- Mr. Wolf explained that while the atmosphere may create a club-like atmosphere, hookah smoking, belly dancers is part of a Middle Eastern Culture.
- Sahi Fathi: in business for over 20 years and attracts professional athletes, musicians, and political leaders from around the world. The other businesses in Westwood benefit because Habibi Café customers patronize the adjacent businesses. I will bring the business into compliance



- A lot of the LAPD police reports are related to the homeless issue. I've tried to be proactive about reporting the crime.
- I feel that my business is a target of concern. Overall, crime has increased.
- I have the proper permits to serve hookah on the premises. There is no strip-club or belly dancing at my business.
- I have tried hard to build my business and there are over 70 percent of the stores are vacant in Westwood.
- I own three other businesses on the same block. I've allowed other people to bring their food.
- Business operation hours on Friday and Saturday are from 10:00 a.m. to 4:00 a.m. and Sunday through Thursday 10:00 a.m. to 3:00 a.m.
- Two security guards are on-site during the weekday, from 9:00 p.m. to 3:00 a.m. and four security guards are on-site during the weekend, from 9:00 p.m. to 4:00 a.m.
- The Zoning Administrator clarified to Mr. Fathi that the City of Los Angeles is not singling out the subject business, but wants to verify that hookah smoking is allowed. Therefore, Mr. Fathi will submit a copy of the hookah smoking permit to the Project Planner. It should be noted that Mr. Fathi did not submit a hookah smoking permit to Planning Staff.

#### Los Angeles Police Department Vice – Hugo Velazco

- An officer for nine years and assigned to the Los Angeles Police Department West Los Angeles Vice Unit.
- My duties include criminal investigations, Los Angeles Municipal Code violations, ABC investigations, tobacco enforcement, and other quality of life issues.
- I've received formal training related to alcohol related issues such as over-serving of alcohol and liquor violations.
- The West Los Angeles Vice Unit initiated a formal investigation of the Habibi Café based on the following incidents:
  - On August 22, 2020, 0330 hours, two males were in a verbal dispute in the subject premises and returned with a handgun, firing multiple rounds, striking the victim in the abdomen. After the incident, officers met with the manager to discuss the security plan and customer safety. Officers conducted undercover operations related to underage drinking, tobacco sales to minor, and tobacco permit inspections. Officers wanted to also ascertain if the subject operations was a gang hangout.
  - On August 27, 2020, 2200 hours, an undercover operations was conducted and observed 150 patrons waiting outside the business and observed three security guards, which they did not ask the patrons to socially distance. Also, the patrons were seated with tables blocking the sidewalk and the security guards directed people to walk on the street. Loud music was playing from the subject operations and can be heard in excess of 300 feet away. The patrons were being served food and hookah. LAPD Officers confirmed with Los Angeles Department of Transportation that the subject business did not have a valid AI Fresco dining permit. LAPD issued a citation for the following violations: Mayor's Executive Order, smoking in

- outdoor area, no smoking signs in outdoor area, property owner obstructing sidewalk, obstructing of sidewalk without three feet clearance, and loud music.
- On August 30, 2020, 1930 hours, Los Angeles Police Department conducted an investigation of the operations to determine if they had a valid Al Fresco Permit. The business owner, Mr. Fathi failed to produce an Al Fresco Permit and also stated that he owns another café across the street, 940 Broxton Avenue.
  - On September 3, 2020, 2345 hours, Los Angeles Police Department conducted an undercover investigation and the officers were served food and hookah outside. The officers did not see posted “No Smoking” signs in the dining area. LAPD issued a compliant for smoking in the outdoor area and no smoking posted signs in the outdoor dining area.
  - On September 10, 2020, 2320 hours, Los Angeles Police Department conducted an undercover investigation and saw that the security guards were not wearing their masks. The officers as well as other patrons were served simultaneously food and hookah. LAPD issued a compliant for smoking in the outdoor area, no smoking posted signs in the outdoor dining area, and violation of Mayor’s Executive Order.
  - On September 18, 2020, 0020 hours, Los Angeles Police Department conducted an undercover investigation and observed 30 patrons sitting outside with eight patrons (unmasked) waiting for a table. Officers and other patrons were served food and hookah simultaneously. Officers observed that patrons were served alcohol (two bottles of vodka). A compliant was generated for smoking in the outdoor dining area, no smoking posted signs, and violation of Mayor’s Executive Order.
  - On September 24, 2020, 2330 hours, Los Angeles Police Department conducted an undercover investigation and observed an intoxicated female with a clear plastic cup which appeared to be alcohol. Officers and customers were served with food and hookah simultaneously. A complaint was generated for smoking in the outdoor dining area, no smoking posted signs, and violation of Mayor’s Executive Order.
  - On October 9, 2020, 2200 hours, Los Angeles Police Department conducted an undercover investigation and served simultaneously food and hookah. Building and Safety issued an Order to Comply for various building compliance issues and the security guard did not have a security guard card.
  - During our investigations, officers observed patrons bringing in alcohol beverages into the subject business. Officers also observed intoxicated individuals drinking in the adjacent parking lot and entering into Habibi Café.
  - Although the operator stated that he does not have belly dancing at his business, the officer showed pictures of belly dancers from the Habibi Café social media account.

Los Angeles Police Department Vice Detective Dana Harris

- Assigned to the Gang and Narcotics Citywide Nuisance Abatement Unit. He oversees narcotics and nuisance investigations citywide and ensures that there is

a partnership between officers and the business as well as the community.

- Habibi Café according to citizens, has been a problematic location for years resulting in complaints to the West Los Angeles Police Division.
- On August 22, 2020, 0340 hours, two males were in a verbal dispute that spilled into the street and the suspect fired a gun, striking the victim twice in the torso and listed in critical condition. This incident as well as other complaints led to the attention of West Los Angeles Police Command Staff, City Planning, Building and Safety and Alcohol Beverage Control.
- As part of the investigation is to review the calls for service and Habibi management contacted the Los Angeles Police Department regarding crime. However, there is a high number of calls for service associated with Habibi Café, since this is considered a restaurant.
- West Los Angeles Police Command Staff, Vice Unit, and Senior Lead Officers have met and spoke with Habibi Café management and identified deficiencies in their operation and remain uncompliant.
- In reviewing the 47 Calls for Service, in 2001, from 10:00 p.m. to 6:00 a.m., there were 20 Calls for Service that include: robbery, battery, criminal threats, assault with a deadly weapon, murder, and grand theft.
- This location is in desperate need to attention.
- The hours of operation as stated is open until 4:00 a.m. and Denny's is the only restaurant that is open that late. Recommend that they open Sunday through Thursday, from 11:00 a.m. to 10:00 p.m. and Friday and Saturday, from 11:00 a.m. to 12:00 a.m. (midnight), with no after hours use other than routine cleanup. No alcohol should be allowed or maintained on the premises and adjacent parking lot. If they bring alcohol on the premises, management should curtail this activity and advise them they are no longer welcome. Any private events should be subject to the same hours of operation. No employee while working at this establishment shall accept compensation for the purpose of spending time with patrons. No booth or group seating shall be installed that hinders observation of the occupants. Age verification devices for the sale of tobacco shall be installed. All security shall be state licensed and registered with the Los Angeles Police Commission as well as maintain an active red cross first-aid card. Security personnel should be in uniform and readily identifiable to patrons and law enforcement. The applicant shall prepare a security plan for review by the Los Angeles Police Department. All security personnel shall maintain order and prevent activity that would interfere with the enjoyment of the property. Security personnel shall have patron exit of the eastbound door only and monitor the crowd forming at the venue. Security shall prevent loitering and provide staff assistance escorts when business is closed. There shall be no tobacco sales on the sidewalk. The alleyway is prohibited from entry to the venue and the front door should be used. I've observed patrons using the side door that spilled out to the alleyway creating a nuisance for the community. Trash on the premises shall be removed immediately. The business should adhere to the Westwood Specific Plan. For live entertainment or special event, a request shall be made through the Los Angeles Police Department Commission Investigation as well as other appropriate permits. There shall be no amplified music from this business and noise shall comply with the Los Angeles Municipal Code.

- We are here because of public safety issues attributed by the subject business.

Los Angeles Police Department Senior Lead Officer – Pete Ojeda

- Been in the West Los Angeles Division for 17 years and one year in the Westwood area.
- In reaching out to the community, was unable to get an impact statement because they feared retaliation.

Los Angeles Police Department Sergeant – Scott Alpert

- In charge of the West Los Angeles Police Department Community Relations Office.
- The Habibi Café has been an on-going problem for the community as we have received e-mails and phone calls from citizens. Previously we focused on radio (phone) calls, but we have received the same number of e-mails. There is a fear of retaliation among citizens contacting the police about the subject business.

Los Angeles Police Department Captain – Jonathan Tom

- Captain for 5 years and 25 years with Los Angeles Police Department.
- We received conversations, texts, e-mails, phone calls from the community regarding this location.
- As mentioned earlier by other Los Angeles Police Department speakers, there is a variety of calls from this location that results in police officers not responding to another location (increase in response time).
- From what I've heard, the clientele can be dangerous, community is scared, businesses in the area have closed because of the issues that were raised.
- Not looking to shut this business down. We're looking for reasonable imposed conditions on the business to help operate in a safe manner, reduce police responses associated with the operation, and keep the community safe.

University of California Police Department Sergeant - Andrew Ikeda

- Assigned to the Detective unit the last four years and have been at UC Police Department for 25 years
- In reviewing UC Police Department Calls for Service over three years, we responded to 12 calls for service that ranged from assault with a deadly weapon, criminal threats, peace disturbance, driving under the influence, and shots fired. Just as Detective Harris stated earlier, there are a number of reports of peace disturbances and physical conflicts as late as 3 or 4 a.m.
- In regards to shots fired in the area, on February 2, 2020, 3:06 a.m. a UCLA PD officer was on Gayley and Le Conte and heard six shots. He immediately went to Habibi Café since that is the only business open that late. Witnesses were pointing across the street at the parking lot and smelled the discharge of a firearm. He encountered two suspects that were pepper sprayed and pointed towards Haibibi Café. Six females were also pepper sprayed by male individuals. Officers located 9 millimeter casings and stolen handgun. The next day, we responded to someone from the Bank of America, located at 924 Westwood Boulevard as they found a bullet hole on the fifth floor.
- Another shots fired incident was on August 10, 2020 that occurred on Gayley and

Young Drive South near the UCLA Medical Center as officers heard a traffic collision. The suspects attempted to evade the officers and threw the gun in the bush. The suspects claim they were coming from the Habibi Café.

- In regards to the driving under the influence, the driver reported that he came from the Habibi Café.

City Attorney Office Tobacco Enforcement Supervisor – Celina Porras

- There is no hookah permit, but the city has a tobacco retailers permit that allows for the sale of tobacco that includes hookah. It does not allow for consumption in unlawful areas such as a restaurant. If you are a cigar or smokers lounge, smoking would be permissible as you are not violating state law. However, a restaurant that serves food (food facility) cannot be a smokers lounge under State law. Additionally, outdoor smoking is regulated by the Los Angeles Municipal Code that prohibits smoking at outdoor dining areas.
- In this case, this restaurant is selling hookah and purports to be a smoking lounge. Therefore, it is illegal under state law.
- The Zoning Administrator explained that there are smoking lounges throughout the City. There are hookah lounges that do not have a permit or used as a private members club and several hookah lounges are illegal.
- Any hookah lounge that does not serve food or alcohol is permissible.
- The Zoning Administrator stated that we could not find any smoking permits at this location and the hookah smoking is therefore illegal.

Westwood Neighborhood Council Vice-President – Sandy Brown

- A motion was made by the Westwood Neighborhood Council voted to terminate and revoke the use.

Holmby Westwood Neighborhood Properties Association President – Sandy Brown

- Requests to discontinue the Habibi Café as a retail/restaurant establishment.
- Observed gas heaters on the sidewalk and blocking of side alley.
- We are shocked at all the arrests and calls for service.
- The restaurant has been given multiple warnings and have not responded to them.

Block by Block Program Manager - Michael Gonzalez

- Block by Block is contracted by the Westwood Village Business Improvement District.
- Submitted a letter to City Planning summarizing his observations: high frequency of graffiti, paint used by Habibi, windows of adjacent businesses are broken often, a lot of broken alcohol bottles are nearby, double parking, vehicles driving recklessly, bad behavior such as drinking in public and smoking, verbal and physical fights, and a mobile strip club parked in front.

Westwood Homeowners Association President and Westwood Neighborhood Council – Stephen Resnick

- Habibi Café issues have been known for years.
- There were 190 Calls for Service; 49 arrests/investigative reports.

- There is a history of non-compliance and possible resolution is revoke any permits they have.

Westwood Community Council President – Steve Sands

- Lived in Westwood most of his teenage and adult life.
- Businesses on this block are afraid of the operator for fear of retaliation.
- Within the first couple of months of Habibi Café opening, the adjacent owner of the beauty salon complained of noise.
- There are issues of violence associated with Habibi Cafe.
- In 2001, this business took over the sidewalk and alley with tables and chairs which violated the Westwood Village Specific Plan. I've also seen tables and chairs in the gutter and street.
- Observed belly dancers and live music as well as patrons dancing at Habibi Café.
- Opposed to businesses that do not have the proper permits.
- In 2005 and 2020, there was a shooting at Habibi Café.
- In regards to their hours of operation, they've operated almost 24 hours a day.

The Beta Institute of Los Angeles Facility Specialist – Zach White

- Based on my observations, within the last 3-5 months, there is a lot more trash (broken bottles) and abuts the subject property.
- There should be more security in the Westwood Village area.

Operator Rebuttal – Sharia Shaw

- Worked for 9 years.
- Business has been here for over 20 years and over time made improvements.
- Wants to work with individuals to fix the operations.
- The police reports are not directly related to the subject café. A large part of the crime associated with the business is the transient issue homeless issue and general activity when you have a fun restaurant.
- In regards to City Attorney and City Planning, if it's a matter of a smokers lounge, we are willing to bring everything up to code.
- All of the service calls do not indicate any violent crimes associated with the property.

Operator Rebuttal – Saad Fathi

- Tried to correct the issues over the years and bringing in business outside from clients that live outside of the Westwood area.
- Will comply with what the City wants him to do.

Representative Rebuttal – Martin Wolf

- Operator has a desire to continue to continue to operate and form a partnership.

At the end of the hearing, the Zoning Administrator will take the case under advisement for 60 days. The mode and character of the subject business is club-like atmosphere and is in violation of the use. There is an abuse of the outdoor dining space and go beyond the building alcove. There are online pictures of a live DJ.

## **SUBMISSIONS RECEIVED AFTER THE PUBLIC HEARING**

### **Comments from the Operator's Representative**

On July 9, 2021, Martin Wolf, the operator's representative requested an additional 30 days for reasons that he is a sole practitioner and time spent in trial with an existing court case. The operator also wanted to submit additional information. The request was denied and on July 15, 2021 the operator's representative submitted a response explaining that the reports provide little detail and do not connect it with the subject operation. The operator proposed a plan that includes and accepts many of the measures and continue to make changes as needed.

On August 10, 2021 (after the administrative record ended), the operator's manager sent an e-mail explaining that a trash enclosure is infeasible due to the narrow access point and that if an enclosure was constructed, it would hinder the gas meter. She further stated that not every dumpster in Westwood is contained in a trash enclosure.

On March 29, 2022, the operator was granted a continuance of the appeal hearing because of the Ramadan holiday and the medical condition of their client.

From April 3, 2022 to September 6, 2022, the operator submitted letters of support, a position by another attorney, articles related to crime, people/businesses in Westwood, Instagram posts, responses to imposed conditions, and hearing brief by the Habibi Cafe.

### **Comments from the Los Angeles Police Department**

On August 11, 2021, Los Angeles Police Department sent a letter dated October 20, 2020 recommending to impose 46 operating Conditions.

On August 3, 2022, the Los Angeles Police Department submitted the following reports:

Calls for Service: There 16 calls for service submitted for the property located at 923 Broxton Avenue, between February 6, 2022 and July 31, 2022.

No	Date	Time	Description
1	02/06/22	2:26 AM	OTHER
2	02/07/22	3:44 PM	ASSAULT WITH DEADLY WEAPON
3	02/10/22	12:27 AM	OFFICER REPORTING
4	02/11/22	11:20 PM	OFFICER REPORTING
5	02/15/22	1:37 AM	OFFICER REPORTING
6	02/18/22	10:47 PM	OFFICER REPORTING
7	03/12/22	3:05 AM	OFFICER REPORTING
8	03/16/22	8:35 PM	OFFICER REPORTING
9	03/30/22	5:46 AM	THEFT
10	04/21/22	8:47 PM	OFFICER REPORTING
11	04/22/22	2:48 AM	OFFICER REPORTING

12	04/25/22	2:29 AM	OFFICER REPORTING
13	04/30/22	5:07 AM	GRAND THEFT AUTO
14	04/30/22	6:12 AM	OTHER
15	05/19/22	8:51 PM	OFFICER REPORTING
16	07/31/22	3:17 AM	ROBBERY

Investigative Reports: There were 6 investigative reports submitted for the subject property (923 Broxton Avenue) between July 8, 2021 and August 20, 2022.

1. July 8, 2021, 1:00 a.m. – Investigative Report – Battery – At the subject business, the suspect grabbed the victim by the throat and hit her jaw. The suspect left in a white car.
2. July 17, 2022, 4:00 a.m. – Investigative Report – Robbery – The victim left the subject restaurant and went to the gas station, a suspect approached victim and brandished a gun and said “give me all your stuff or I’m going to shoot the shit out of you”. The victim gave him his jewelry and the suspect fled in a black vehicle.
3. August 20, 2022, 4:30 a.m. – Investigative Report – Robbery – As the victims were leaving the subject restaurant and they got inside the vehicle, two suspects approached them with guns. The victims gave them their phone, watch, backpack, and purse and the suspects fled in a black vehicle.
4. July 8, 2021, 1:00 a.m. – Investigative Report – Battery – At the subject business, the suspect grabbed the victim by the throat and hit her jaw. The suspect left in a white car.
5. July 17, 2022, 4:00 a.m. – Investigative Report – Robbery – The victim left the subject restaurant and went to the gas station, a suspect approached victim and brandished a gun and said “give me all your stuff or I’m going to shoot the shit out of you”. The victim gave him his jewelry and the suspect fled in a black vehicle.
6. August 20, 2022, 4:30 a.m. – Investigative Report – Robbery – As the victims were leaving the subject restaurant and they got inside the vehicle, two suspects approached them with guns. The victims gave them their phone, watch, backpack, and purse and the suspects fled in a black vehicle.

University of California at Los Angeles Police Department submitted the following reports:

On-Site:

Incident/Investigation Reports: There was one incident/investigation report submitted for the subject property (923 Broxton Avenue) on July 31, 2022.

1. July 31, 2022, 2:57 a.m. – Incident/Investigation Report – Robbery – As the victims were in the Le Conte parking lot, waiting for their cousin to arrive, a vehicle parked in back of them and two suspects got out and said “give me everything”. The victims gave them their jewelry and cash.

**Comments from the Los Angeles Office of the City Attorney**

On August 18, 2021 (after the administrative record ended), the Los Angeles Office of the



City Attorney submitted an e-mail forwarding the Department of Public Health Environmental Health Specialist site inspection that was conducted on August 17, 2021 and he observed food being served with hookah as well as hookah smoked in the indoor dining area. A copy of the Los Angeles County Retail Food Official Inspection Report was submitted explaining a “critical” violation occurred regarding hands clean and properly washed and gloves used properly.

**Comments from Councilmember Paul Koretz, District 5**

On May 20, 2022, the Senior Planning Deputy for Councilmember Paul Koretz submitted an e-mail stating that the subject use jeopardizes and adversely affects public health, peace, and safety of persons both onsite and within the surrounding district. He also stated, “With the evidence submitted and the severity of the instant case, the Zoning Administrator should also consider discontinuance of the use.”

Correspondence dated August 31, 2022, from Councilmember Paul Koretz was received by the City Planning Department Nuisance Abatement/Revocations unit and indicated as follows:

*The Habibi Café, as currently operated, is a public nuisance and, over the years, has adversely affected the safety of the community on a repeated basis. While the Zoning Administrator and Planning Department staff have done an excellent job in crafting corrective conditions, I am requesting a revocation of the use and discontinuance of the current operation at the site. The operator has had many chances to clean their act up and disallow illegal and dangerous activities at their establishment; however, the site has continued to be a nuisance and an issue for other lawful businesses and patrons in Westwood Village....I have received numerous correspondences from my constituents in the Westwood community reporting shootings, fights, late night hours of operation, loud music, live entertainment, and unpermitted encroachments on the public side walk....It would be possible to safely and securely operate a restaurant/retail establishment at the subject location that could serve as a vibrant hub for the local middle-eastern community. However, such an establishment would need to have an operator that cares about creating a safe environment for families with children and such an operator would need to seek the proper permits for their operation. This operator is not able to provide a safe environment for this community.*

*I recommend the Committee deny the appeal and revoke, pursuant to Los Angeles Municipal Code Section 12.27.1, the restaurant/retail use with hookah smoking for on-site consumption at the existing business known as Habibi Café located at 923-925 South Broxton Avenue, inasmuch as the operation of the business has not resulted in the elimination of the problems associated with the use, and for over 20 years the nuisances associated at the site have impacted nearby uses and affected public safety and welfare.*

## **Nuisance Investigation**

The nuisance investigation includes an assessment of Condition compliance with respect to the Modified Director of Planning Conditions of Approval approved by the West Los Angeles Area Planning Commission, Case No. DIR-2004-2253-DRB-SPP-1A. Planning staff conducted a field analysis as part of the nuisance investigation on March 19, 2021 at approximately 1:30 p.m., accompanied by two Los Angeles Police Department officers. At the time of the investigation, the restaurant/retail was open to the public. The Conditions are set forth below, followed by comments by the staff investigator as to whether compliance was achieved.

### Conditions of Approval:

1. Except as detailed in Condition Number 3 below, all existing signs, exterior lights, light fixtures and other appurtenances shall be removed. The result shall be a clean, finished exterior that does not show evidence of removed items. Removal shall take place so that no portion of the existing items remain, and so there are no exposed conduits or electrical equipment.
  - a. "Exhibit C", stamped and dated June 2, 2004, indicates existing site conditions and details the elements to be removed. Exhibit C is located in the subject case file DIR 2004-2253 DRB-SPP-A1 .
  - b. Lettering on awnings (painted signs) shall be covered with sections of new canvas, or shall be removed by exchanging swatches of canvas, to match existing awning material. Existing awning signs are primarily shown on Exhibit C, pages 1, 2, 10, 15, and 18. For the front awning, as an alternative to covering the lettering, the awning may be entirely replaced with a new awning so long as the new awning is identical in design (but containing no writing or graphics). For the rear awning, as an alternative to covering the lettering, the rear awning may be entirely removed.
  - c. Existing signs painted directly on the building's exterior walls shall be painted over in a color identical to the remainder of the painted building facade. The North-facing side alley wall shall be entirely re-painted (on the portions of the wall with existing white paint, and excluding the portion with unpainted brick). The result shall be a consistent white coat of paint, through which no previous lettering or graphics are visible. The portion of this facade with exposed, unpainted brick shall remain unpainted. The West-facing rear facade need not be entirely painted, only the portion in which there is currently the large sign reading "Habibi Cafe & Lounge" (See subsection "d" below). Existing painted wall signs are primarily shown on Exhibit C, pages 16, 17, and 19.
  - d. The rear facade of subject property shall have no signage. The large painted sign reading "Habibi Cafe & Lounge" and the awning sign reading "Habibi Cafe ... 923" shall removed.
  - e. Portable signs (e.g. Sandwich signs) shall not be placed upon the sidewalk.

Staff Investigator's Comment: Partial Compliance. During the site visit, staff observed that the operator removed the following: neon signage, the American flag, hookah signage, wires, string lights, painted signs, rear wall sign and replaced the awning. The rear sign was painted over in white color. However, the heaters,

speakers, and lantern lights remain.

2. Existing signage and other exterior items as enumerated above in Condition Number 1, shall be removed prior to clearance from the Department of City Planning. (Refer to "Exhibit C", stamped and dated June 2, 2004, located in the subject case file DIR 2004-2253 DRB-SPP-A1). Planning staff shall verify appropriate removal of said items in person, at the site location, and shall document site conditions by photographs that will become part of the subject case file.

Staff Investigator's Comment: Partial compliance. Staff reviewed Case No. DIR-2004-2253-DRB-SPP-1A and found pictures submitted by the applicant to the case file on March 31, 2005 and April 4, 2005 showing that the sign was removed. Although a majority of the exterior items were removed, the heaters, speakers, and lantern lights remain.

3. The only permitted remaining signs shall be as follows:
  - a. 923 Broxton Avenue's front elevation wall sign (facing Broxton Ave.) reading "Habibi Cafe" as shown in Exhibit A page 6 (proposed materials) and Exhibit C, page 1 may remain. The sign's neon light portion (accent with wavy line), as shown on Exhibit C, page 1, shall be removed.
  - b. 923 Broxton Avenue's side alley elevation wall sign (on building's Northern facade, sign is not painted on wall) reading "Habibi Cafe" as shown on Exhibits C, page 1 may remain. The sign's neon light portion (accent with wavy line), as shown on Exhibit C, page 1 shall be removed.
  - c. A maximum of 3 small signs (measuring not more than 1-square foot each) that indicate the subject addresses may be added to the wall, so long as details regarding such signage are included in final plans and approved by staff at time of Planning Department Clearance.
  - d. Window signage amounting to no more than 4 square feet may remain if such items are documented and approved by Staff prior to Planning Department Clearance. Window signs may include the existing American Flag, as shown on Exhibit C page 7, or "smoking/no-smoking" signs.
  - e. A store hour sign may be placed in each of the two front doors of the premise, so long as the total for both signs is no more than 64 square inches.
  - f. A "parking information" sign measuring 12-inches by 6-inches, as shown on Exhibit A, page 6 and Exhibit C, page 6 may remain.

Staff Investigator's Comment: Partial Compliance. Exhibit A page 6 identifies that the awning color is in black color. However, during the site visit it was red color. The side alley elevation wall sign remains. The sign's neon light portion was removed. Two wall signs were observed during the site visit, which is below the maximum of 3 signs. Staff did not observe posted hours of operation.

4. Prior to clearance from the Department of City Planning, Applicant shall produce plans for the screening of rooftop equipment, the design of which shall be to the satisfaction of the Westwood Community Design Review Board Architect and shall

be included in the final plans submitted to the Departments of City Planning and Building and Safety.

Staff Investigator's Comment: In compliance. Staff reviewed Case No. DIR-2004-2253-DRB-SPP-1A and the applicant submitted pictures during the sign off of the roof top equipment.

5. The Applicant shall screen the rear dumpster / trash receptacle associated with the subject tenant space, or use other commercially reasonable efforts to minimize the visual impact of the trash area. Applicant shall make a good faith effort in this endeavor, to coordinate with the adjacent business owners responsible for the other two dumpsters at the rear of the site. Applicant shall maintain rear trash area in a tidy and sanitary manner, the condition of which shall be ensured by a Covenant and Agreement (Condition of Approval No. 13).

Staff Investigator's Comment: Partial compliance. During the staff visit, staff observed that the trash receptacles were not screened and it seems the operator has not attempted to minimize the visual impact of the trash area. However, the trash area was in general clean with no adjacent empty boxes.

6. Subject approval is for change of use to restaurant only. Alcoholic beverages may not be served nor shall dancing or live entertainment (e.g. nightclub use) take place at this location (923 and/or 925 Broxton Avenue), unless or until a Conditional Use Permit is approved by the Department of City Planning, as per Sections 5.8.2 and 5.B.16 of the Westwood Village Specific Plan.

Staff Investigator's Comment: In compliance. During the staff visit, staff did not observe any dancing or live entertainment.

7. A change of use at the subject property shall be permitted so long as the tenant space at 923 Broxton Ave. and the tenant space at 925 Broxton Ave. remain under single ownership as "Habibi Cafe." Additional tenant improvements other than those detailed in "Exhibit A (located in the subject case file DIR 2004-2253 DRB-SPP) shall not be permitted without review by the Department of City Planning for compliance with the Westwood Village Specific Plan.

Staff Investigator's Comment: Undetermined. Staff could not find a final Certificate of Occupancy after the issuance of Case No. DIR-2004-2253-DRB-SPP-1A. However, on May 6, 2005, Building and Safety issued Permit No. 04016-20000-04637 for the change of use from a retail to a restaurant with an outdoor eating area at 921 Broxton Avenue. On November 25, 1998, Building and Safety issued Certificate of Occupancy Permit No. 94VN46837 to convert a portion of the building to a restaurant/retail at 923 Broxton Avenue.

8. The Applicant shall provide a minimum of two security personnel on the premise on Friday and Saturday nights from 7pm to closing, to assist in crowd and noise

control. The presence of security shall be ensured by a Covenant and Agreement (Condition of Approval No. 13).

Staff Investigator's Comment: Undetermined. Staff did not observe security at the subject business as the site visit was conducted earlier in the day, not during the time security personnel is required to be on the premises.

9. The proposed remodel at 925 Broxton Ave., as shown on Exhibit A, pages 8 through 11, and Exhibit B (located in the subject case file DIR 2004-2253 DRB-SPP), shall result in a glass storefront wall to be recessed a distance 9 feet from the front facade, to accommodate an outside dining patio and which includes a proposed guardrail.

Staff Investigator's Comment: In compliance. During the site visit, staff observed that a glass storefront wall recessed approximately 9 feet from the front façade, with a guardrail.

10. Dining tables and chairs may be placed on the sidewalk (in compliance with the requirements of the Department of Public Works) provided that a minimum of 10 feet of sidewalk width remain for pedestrian circulation along Broxton Ave. At the time of final approval by Department of City Planning, Applicant shall submit an outdoor dining layout plan showing the placement of tables and chairs in compliance with this requirement. The number and location of tables and chairs which the tenant may place upon the sidewalk shall be limited to that depicted on the outdoor area dining layout plan and shall be ensured by a Covenant and Agreement (Condition of Approval No. 13).

Staff Investigator's Comment: Not in compliance. Although the Bureau of Engineering issued revocable permits (Permit Nos. R-0585-0029 and R-03850028) for a total of 10 tables and 24 chairs, on November 9, 2020, the Department of Building and Safety issued Order to Comply A-5400820 stating the operator violated the minimum setback of 10 feet from the dining tables and chairs to the sidewalk width for pedestrian circulation along Broxton Avenue.

11. Rear windows as shown on Exhibit C, page 19, may be replaced per the specifications of Exhibit A, page 12 (both Exhibits are located in the subject case file DIR 2004-2253-DRB-SPP-A1).

Staff Investigator's Comment: In compliance. During the site visit, staff observed that the rear door was replaced with a solid door.

12. Parking requirements associated with the expansion of the restaurant use shall be determined by the Department of Building and Safety prior to the issuance of Building Permits. At the time of approval of final approval by Department of City Planning, Applicant shall provide information on parking associated with the use.

Staff Investigator's Comment: In compliance. Staff reviewed Case No. DIR-2004-2253-DRB-SPP-1A and the applicant submitted an executed parking use contract dated January 20, 2004 for 16 parking spaces at 960 Gayley Avenue, Los Angeles, CA 90024. The operator submitted a Covenant and Agreement for Maintenance of Off-Site Parking Space (Instrument No. 20100098266) that was recorded with the Los Angeles County Recorder's Office on January 22, 2010 for 10 off-site parking spaces at 1300 Westwood Boulevard.

13. The Applicant shall sign and record a Covenant and Agreement, prior to issuance of any building permit, which addresses the following:
  - a. Condition of Dumpster/Trash receptical. This document shall include language stating that the Applicant/tenant shall maintain the rear trash area, in compliance with Condition of Approval No. 5.
  - b. Restaurant Use. This document shall include language stating that a change of use shall be in compliance with Condition of Approval No. 7. 923 and 925 Broxton may not operate as separate restaurants unless and until such time that a Project Permit Compliance is approved by the Department of City Planning.
  - c. Security Personnel. This document shall include language stating that the Applicant/tenant is responsible for providing security personnel,, in compliance with Condition of Approval No. 8.
  - d. Outdoor Dining Area. This document shall include language stating that the Applicant/tenant is responsible for maintaining the outdoor dining area in compliance with Condition of Approval No. 10. A copy of the outdoor dining area layout plan (as required per Condition of Approval No. 10), shall be included with the Covenant and Agreement.
  - e. The Agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns, until such time when a new or subsequent Project Permit Compliance is issued, granting a change in use for the site.
  - f. This document shall be recorded in the Los Angeles County Recorder's Office. The Master Covenant and Agreement form shall be used (General Form CP-6770), available at the Department of City Planning Public Counter (or online at <http://cityplanning.lacity.org/Forms~Procedures/6770.pdf>). The agreement must first be submitted to the Department of City Planning for approval before being recorded. After recordation, the original copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.

Staff Investigator's Comment: In compliance. Staff reviewed Case No. DIR-2004-2253-DRB-SPP-1A and Covenant and Agreement (Instrument No. 05 0710024) was recorded on March 28, 2005.

14. Exhibits relevant to this matter are as follows: "Exhibit A," pages 1 through 13, showing proposed project submitted by applicant, stamped and dated June 2, 2003; "Exhibit B" (photo of the proposed guardrail at 925 Broxton Ave) stamped

and dated June 2, 2003; and "Exhibit C", pages 1 through 21, indicating existing site conditions and the elements to be removed, stamped and dated June 2, 2004. All referenced Exhibits are located in the subject case file DIR 2004-2253 DRB-SPP-A1 (and are attached to this appeal staff report). Any proposed changes in project design from aforementioned Exhibits, or as modified by this action via Conditions of Approval, must be approved by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code, the project conditions, or the project permit authorization.

Staff Investigator's Comment: In compliance. Staff found in the case file Exhibit A consisting of 13 pages, dated June 2, 2004; Exhibit B consisting of the proposed guardrail, dated June 2, 2004; and Exhibit C consisting of 21 pages, dated June 2, 2004. A full-size set of plans was received by the City Planning Department, date stamped on April 4, 2005.

15. Prior to final approval of plans by the Department of Building and Safety, the applicant shall submit a minimum of three (3) sets of working drawings/building plans, to be approved by Department of City Planning staff for compliance with this Director's Determination letter. (One set of plans shall be provided to Department of City Planning and attached to subject file).

Staff Investigator's Comment: In compliance. Staff found in the case file a full-size set of plans that was received by the City Planning Department, date stamped on April 4, 2005.

16. The following statement shall be imprinted on the cover sheet of plans submitted to the Departments of City Planning and Building and Safety.

NOTE TO APPLICANT, PLAN CHECK ENGINEER(S) AND BUILDING INSPECTOR(S) - These plans, including conditions of approval, shall be complied with and the height, size, shape, location, texture, color, or material shall not differ from what the Director of Planning has approved under DIR 2004-2253 DRB-SPP-1A. Any subsequent change to the project shall require review by the Director of Planning and referral by the Design Review Board. To propose any change to the terms or conditions of the Director's Determination, the applicant shall submit an application for modification to the Department of City Planning and include a specific notation of the modification(s) requested. Should any change be required by a public agency then such requirement shall be documented in writing.

Staff Investigator's Comment: In compliance. The cover sheet of the full-size plans were received by City Planning Staff on April 4, 2005 and have the following:

NOTE TO APPLICANT, PLAN CHECK ENGINEER(S) AND BUILDING INSPECTOR(S) - These plans, including conditions of approval, shall be complied with and the height, size, shape, location, texture, color, or material shall not differ from what the Director of Planning has approved

under DIR 2004-2253 DRB-SPP-1A. Any subsequent change to the project shall require review by the Director of Planning and referral by the Design Review Board. To propose any change to the terms or conditions of the Director's Determination, the applicant shall submit an application for modification to the Department of City Planning and include a specific notation of the modification(s) requested. Should any change be required by a public agency then such requirement shall be documented in writing.

17. Furthermore, this entire determination letter, including all the conditions of approval, shall be printed on the building plans submitted to the Departments of City Planning and Building and Safety.

Staff Investigator's Comment: In compliance. The full-size plans have the West Los Angeles Area Planning Commission determination, mailing dated January 25, 2005 that includes the action to deny the appeal, approve the Director's Determination for Design Review and Project Permit Compliance, and modified Conditions of Approval and Findings.

18. Department of Building and Safety. The granting of this determination by the Director of Planning does not in any way indicate compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.

Staff Investigator's Comment: Undetermined. No communication was found in the case file explaining that there were corrections and/or modifications to the proposed plans.

19. Expiration. As specified in Los Angeles Municipal Code Section 16.50 E4, the term of this Determination is valid for a period of two (2) years, so long as all necessary building permits are obtained within that two years. In the event a building permit is obtained in a timely manner but subsequently expires, the Director's decision (or Area Planning Commission's decision on appeal) shall expire with the building permit.

Staff Investigator's Comment: In compliance. Per the action of the West Los Angeles Area Planning Commission, the operator had until January 25, 2007 to complete all of the proposed improvements. In 2007, the operator received the following permits: (Permit No. 02016-20000-06753) to add an awning that is 6 feet wide and 35 feet long over the outdoor dining area and (Permit No. 06041-20000-31057) to replace a 200 AMP service and subpanel. In the Case No. DIR-2004-2253-DRB-SPP-1A file, the proposed expansion plans identified a new bar area



on the ground level, proposed office and proposed dining at the mezzanine floor. However, during the site visit, staff did not see a bar area on the ground level or an office and dining room on the mezzanine floor.

20. Approval, Verification and Submittals. Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to approval, for placement in the subject file.

Staff Investigator's Comment: Undetermined. Staff did not observe any changes to the full-size set of plans date stamped April 4, 2005.

21. Code Compliance. Project must comply with all area, height, and use regulations of the zone code classification for the subject property.

Staff Investigator's Comment: In compliance. The subject property has not increased in size and the restaurant/retail use is allowed in the C4-2D-O Zone and Westwood Village Specific Plan.

22. Definition. Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees, or amendment to any legislation.

Staff Investigator's Comment: Undetermined. This is a standard condition explaining the agencies, public officials or legislation.

23. Enforcement. Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendment thereto.

Staff Investigator's Comment: Partial compliance. Based on a review of the conditions, it seems that the applicant is not complying with the following: Condition No. 10 and partially complies with Condition Nos. 1, 2, 3, and 5.

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

The Zoning Administrator, on behalf of the Director of Planning, has the authority to investigate and initiate corrective actions against any use which constitutes a public nuisance, adversely affects the safety of persons residing or working in the surrounding area, and does so on a repeated basis, pursuant to the provisions of Section 12.27.1 of the Los Angeles Municipal Code, established under Ordinance No. 171,740 on October 27, 1997. This Ordinance amended earlier nuisance abatement authority established May 25, 1989 under Ordinance No. 164,749.

Los Angeles Municipal Code Section 12.27.1 continued the established procedures for the modification, discontinuance or removal of a use, building or structure that constitutes

public nuisance or endangers the public health or safety or violates any provision of City, State or Federal statutes or ordinance.

## **FINDINGS**

As presented in the information documented herein through correspondence and public testimony by affected parties, it is hereby determined that the operation of the restaurant/retail use known as the Habibi Café has created public nuisance impacts at the site. The Zoning Administrator, on behalf of the Director, finds that the business as operated:

The Director may require the discontinuance or revocation of any use or discretionary zoning approval if it is found that the use or discretionary 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.**

The Los Angeles Police Department and Los Angeles City Attorney's Office Citywide Nuisance Abatement Program submitted a referral to the City Planning Department. Correspondence dated October 20, 2020 from Los Angeles Police Department Detective Support and Vice Division, was received by the City Planning Department Nuisance Abatement/Revocations Unit and indicated as follows:

*Habibi Café is registered as a market and lounge which does not have the provision of selling alcohol on the premises. The lounge is designated as a restaurant and lounge for food service, coupled with the retail sale and smoking of tobacco products (hookah) on premises.*

*Nuisance activity at this particular location consists of persons being reported as "inebriated" on or near the premises. There is also an issue with parking in the alley way which limits the ingress/egress access of response vehicles through the alley.*

*Community complaints for this location have been addressed to both LAPD, the Los Angeles City Attorney's Office and Los Angeles City Council District 11 (signed Declarations pending).*

*Not only are the nuisance related crimes associated with this establishment problematic, but more importantly, there is an element of violence that has now emanated from the nuisance crimes and create a public safety concern for the community.*

*The following crime stats for the location covers a two year period for 923 S. Broxton Ave*

- *ADW Shots Fired*

- 415 Man
- Ambulance ADW
- Battery Suspects
- Robbery Suspects There Now
- Domestic Violence

*Most troubling is the incident from August of 2020, in which patrons from Habibi Lounge became embroiled in a dispute that spilled outside of the restaurant. One male pointed a 9mm pistol at the other, fired the weapon and struck the victim twice in the upper torso.*

*Investigative efforts at this location have revealed that there are sensitive sites near the intersection of Broxton Avenue and Weyburn. These locations are:*

- *University of California at Los Angeles (UCLA)*
- *Veterans Memorial and Hospital*
- *UCLA Medical Center*

*Investigations:*

- *On August 22, 2020, at approximately 0330 hours, two patrons from Habibi's Café engaged in verbal dispute. As the argument became heated, the argument spilled directly outside the restaurant. One of the combatants was obviously intoxicated. The suspect in this incident produced a 09mm semi-automatic pistol and fired twice at the victim (confidential), striking him twice in the upper torso. Victim transported to UCLA Medical Center.*

*Management on premises was explained and provided detail instruction by Sergeant Anthony Choi, Serial No. 35676, regarding violations and the need to rectify situation.*

- *On August 27, 2020, West LA Vice conducted field operation at Habibi's Café. Officers observed numerous Covid-19 violations, including not enforcing social distancing, operating outdoor dining without temporary permit and blocking sidewalk without three feet of clearance. Compliant Application completed.*
- *On September 3, 2020, West LA investigators and Operations-South Bureau Human Trafficking units completed investigation at Habibi's Café. Officers ordered food and hookah while sitting in an outdoor area in violation of 41.50.*
- *On September 17, 2020, West LA investigators completed investigation at Habibi's Café. Officers ordered food and hookah while sitting in outdoor area in violation of 41.50 (b) LAMC. An unknown patron was observed drinking alcohol from a plastic cup while sitting in the restaurant lounge area. NO detention due to undercover operation.*
- *On October 10, 2020, officers conducted investigation and ordered food and hookah while seated in the confines of the restaurant in*

*violation of 41.50 (b) LAMC. The Department of Building and Safety present and conducted inspection as well, authoring Order to Comply for unpermitted construction at establishment.*

*In an over two-year period of time, there have been over 23 Calls for Service and incidents which have required police response to this particular location. West LA supervision and Command Staff, the Los Angeles City Attorney's Office as well as Gang and Narcotics Division personnel have attempted to educate Business Ownership regarding best practices for public safety and concerns that have risen.*

Correspondence dated October 30, 2020 from the Los Angeles City Attorney's Office Citywide Nuisance Abatement Program, was received by the City Planning Department Nuisance Abatement/Revocations Unit and indicated as follows:

*The West Los Angeles Division of LAPD, has identified the property located at 923 Broxton Ave., Los Angeles, CA 90024 (the Property), dba Habibi Café, as a nuisance location with associated public safety issues. Habibi Café is a restaurant that serves alcohol and a hookah lounge that is open 24 hours a day. LAPD has requested assistance in addressing the criminal and nuisance activity occurring at and emanating from the Property. LAPD reports that, from at least April of 2001 to the present, there have been an abounding number of incidents at and connected to the Property, particularly during late night and early morning hours, including but not limited to, an attempt murder, shootings, a stabbing, numerous batteries and assault with deadly weapon, criminal threats, robberies and thefts, vandalism, violations of the Los Angeles Municipal Code, and violations of the Mayor's emergency order.*

*I am requesting that you review this Property for nuisance revocation proceedings.*

The subject case was opened by the Office of Zoning Administration and a public hearing was held on May 19, 2021, virtually via Zoom. In attendance at the hearing and testifying were Los Angeles Police Department, City Attorney Office Tobacco Enforcement, a Planning Deputy for Councilmember Koretz, Fifth District, representatives of the business owner, Habibi Café owner and business manager, and members of the community. A summary of the testimony offered at the public hearing is contained in the Letter of Determination, dated October 6, 2021. Los Angeles Police Department provided testimony of the crime, repeated violations, and lawlessness associated with the subject business. The Los Angeles City Attorney Office Tobacco Enforcement testified that the subject business is a restaurant and does not have a hookah/smoking permit. However, it has engaged in hookah smoking service which is not permitted by the State Code 6404.5 which prohibits the smoking of tobacco or any non-tobacco substance, including from electronic smoking devices or hookah pipes, within any enclosed place of employment and Los Angeles Municipal Code Section 41.50 B 2 C prohibiting

smoking tobacco or any non-tobacco substance including from electronic smoking devices in or within 10-feet of the outdoor areas of a restaurant establishment. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages. Tobacco is not allowed for consumption in unlawful areas such as a restaurant. A cigar or smoker's lounge, smoking would be permissible as long as the business does not violate state law. However, a restaurant that serves food cannot be a smoker's lounge under state law.

The Los Angeles Police Department crime reports and documentation in the case file as well as testimony indicate that activities at the subject location have resulted in impacts to the community at large. These impacts have been associated with the operation of the premises as a retail/restaurant and a lack of sufficient oversight of those at the premises, as evidenced by arrest reports regarding have generated attempted murder, shootings, homicide, fights, disturbances, stabbing, batteries, assault with deadly weapon, grand theft, trespassing, business disputes, criminal threats, robberies, thefts, and vandalism and violations of Case No. DIR-2004-2253-DRB-SPP-1A, Condition No. 10. The activities taking place at the site deprive residents and other community members of their rightful ability to enjoy their neighborhood.

The Zoning Administrator recommends to the Planning and Land Use Management Committee (PLUM) and the City Council revocation of the use and discontinuance of the operation known as the Habibi Café. The Habibi Café, as currently operated, is a public nuisance for many years that has adversely affected the safety of the Westwood community on a repeated basis.

2. **Constitutes a public nuisance and has resulted in repeated nuisance activities including but not limited to criminal activities, including attempted murder, shootings, homicide, fights, disturbances, stabbing, batteries, assault with deadly weapon, grand theft, trespassing, business disputes, criminal threats, robberies, thefts, vandalism, and excessive loud noises (especially in the late night or early morning hours).**

In the months since the Zoning Administrator's Letter of Determination, dated October 6, 2021, applying numerous Corrective Conditions on the site's operation, the operator has not taken any efforts to eliminate the problems associated with the use and has failed to demonstrate a willingness or ability to eliminate the problems associated with the use. Additionally, the Council Office has received numerous correspondences from constituents in the Westwood community reporting shootings, fights, late night hours of operation, loud music, live entertainment, and unpermitted encroachments on the public side walk.

There is enough evidence to revoke their operation because of the amount of crime and the nature of crime such as attempted murder, shootings, homicide, fights, disturbances, stabbing, batteries, assault with deadly weapon, grand theft,

trespassing, business disputes, criminal threats, robberies, thefts, vandalism, and excessive loud noises (especially in the late night or early morning hours):

The Los Angeles Police Department submitted additional crime reports regarding calls for service, investigative reports, and a University of California at Los Angeles Police Department incident/investigation report. The following reflects all crime data for the property located at 923 Broxton Avenue:

Calls for Service: There were 206 calls for service submitted for the property located at 923 Broxton Avenue, between February 22, 2003 and July 31, 2022.

No.	Date	Time	DESCRIPTION
1	02/22/03	11:33 PM	DISTURBANCE
2	12/30/03	11:36 PM	DISTURBANCE
3	12/31/04	9:11 PM	DISTURBANCE
4	07/29/05	11:57 PM	BATTERY
5	12/22/10	2:48 AM	THEFT
6	01/01/11	9:40 AM	DEATH AMBULANCE ER INVESTIGATE
7	01/04/11	10:34 PM	OFFICER REPORTING
8	01/14/11	12:15 PM	BURGLAR ALARM
9	02/24/11	1:01 PM	MENTAL ILLNESS DISTURBANCE
10	03/23/11	4:39 AM	ASSAULT WITH DEADLY WEAPON
11	05/10/11	7:35 AM	THEFT
12	05/11/11	11:03 AM	OTHERS
13	07/24/11	3:46 AM	ASSAULT WITH DEADLY WEAPON
14	08/04/11	11:51 PM	DISTURBANCE
15	09/18/11	4:17 AM	BATTERY
16	10/09/11	10:15 PM	OTHERS
17	10/09/11	10:15 PM	DISPUTE BUSINESS
18	10/10/11	12:23 AM	PROWLER TRESPASSING
19	10/27/11	9:49 PM	VANDALISM
20	10/30/11	4:34 AM	DISPUTE BUSINESS
21	12/05/11	11:32 PM	BATTERY
22	03/25/12	4:12 AM	DISTURBANCE / FIGHT
23	06/11/12	11:58 PM	DISTURBANCE
24	06/12/12	3:21 AM	DISPUTE BUSINESS
25	06/13/12	2:14 AM	DISTURBANCE
26	06/14/12	2:22 AM	DISTURBANCE
27	07/12/12	10:20 PM	BURGLAR ALARM
28	08/16/12	3:45 AM	OTHERS
29	09/09/12	9:04 PM	NARCOTICS
30	09/29/12	4:19 AM	DISTURBANCE GROUP
31	10/03/12	7:00 PM	ASSAULT WITH DEADLY WEAPON
32	11/10/12	11:18 PM	OFFICER REPORTING
33	12/09/12	3:43 AM	ASSAULT WITH DEADLY WEAPON
34	12/09/12	3:45 AM	DISTURBANCE GROUP / FIGHT
35	12/13/12	11:08 PM	OFFICER REPORTING

36	02/18/13	2:09 AM	THEFT
37	03/03/13	4:07 AM	PROWLER
38	05/26/13	3:34 AM	THEFT
39	06/22/13	1:06 AM	DISTURBANCE
40	07/02/13	11:00 PM	DISTURBANCE
41	07/07/13	4:38 AM	VANDALISM
42	07/21/13	12:51 AM	CHILD ALONE
43	08/25/13	2:32 AM	THEFT
44	08/27/13	7:20 PM	DISTURBANCE
45	09/06/13	11:08 PM	DISTURBANCE
46	09/08/13	3:44 AM	THEFT
47	09/11/13	9:57 PM	DISTURBANCE
48	10/29/13	9:36 PM	DISTURBANCE
49	11/09/13	2:41 AM	DISPUTE BUSINESS
50	11/09/13	2:26 AM	DISPUTE BUSINESS
51	11/23/13	2:49 AM	DISPUTE BUSINESS
52	12/14/13	1:18 AM	ASSAULT WITH DEADLY WEAPON
53	02/10/14	9:00 PM	DISTURBANCE
54	03/29/14	4:23 AM	DISPUTE BUSINESS
55	06/04/14	8:21 AM	BURGLAR ALARM
56	06/13/14	10:43 PM	INTOXICATION IN VEHICLE
57	06/20/14	1:23 AM	VANDALISM
58	07/13/14	2:20 AM	DISTURBANCE
59	08/29/14	1:09 PM	BURGLAR ALARM
60	10/11/14	12:07 AM	OFFICER REPORTING
61	04/03/15	2:19 AM	DISPUTE BUSINESS
62	04/22/15	12:36 AM	ASSAULT WITH DEADLY WEAPON
63	06/05/15	1:21 AM	DISPUTE BUSINESS
64	07/31/15	5:18 AM	DISTURBANCE
65	08/12/15	8:45 PM	BATTERY
66	08/16/15	4:19 AM	DISTURBANCE GROUP FIGHT
67	08/19/15	2:10 AM	BATTERY
68	10/03/15	2:41 AM	ASSAULT WITH DEADLY WEAPON
69	12/20/15	2:30 AM	THEFT
70	01/13/16	3:14 AM	DISTURBANCE / FIGHT
71	01/19/16	1:12 AM	DISTURBANCE
72	02/19/16	1:08 PM	BURGLAR ALARM
73	03/13/16	10:19 AM	DISTURBANCE
74	03/18/16	1:06 AM	BATTERY
75	03/20/16	4:48 AM	ASSAULT WITH DEADLY WEAPON
76	03/20/16	5:58 AM	ASSAULT WITH DEADLY WEAPON
77	03/28/16	6:20 PM	DISPUTE BUSINESS
78	04/03/16	5:02 AM	DISTURBANCE / FIGHT
79	04/16/16	4:42 AM	ASSAULT WITH DEADLY WEAPON
80	07/09/16	1:23 AM	THEFT
81	07/16/16	4:21 AM	BATTERY
82	07/19/16	12:01 PM	DISTURBANCE

83	07/19/16	5:00 PM	VANDALISM
84	08/01/16	2:50 AM	DISTURBANCE
85	09/25/16	7:37 AM	DISTURBANCE
86	12/29/16	12:49 AM	DISTURBANCE
87	12/30/16	1:38 AM	VANDALISM
88	01/07/17	3:15 AM	DISTURBANCE
89	01/14/17	12:22 AM	DISTURBANCE
90	03/09/17	6:51 PM	DISTURBANCE
91	04/15/17	3:19 AM	ASSAULT WITH DEADLY WEAPON
92	04/19/17	2:38 AM	DISPUTE
93	06/11/17	2:57 AM	DISTURBANCE / GROUP / FIGHT
94	06/11/17	7:17 PM	DISTURBANCE
95	06/11/17	7:14 PM	DISTURBANCE
96	08/20/17	3:08 AM	THEFT
97	09/10/17	8:13 PM	BURGLAR ALARM
98	10/23/17	4:17 AM	BATTERY
99	11/19/17	3:14 AM	BURGLAR ALARM
100	12/03/17	4:45 AM	THEFT
101	02/22/18	11:47 PM	ASSAULT WITH DEADLY WEAPON
102	03/05/18	3:39 AM	THEFT
103	03/09/18	3:14 AM	DISTURBANCE
104	03/16/18	3:48 AM	DISTURBANCE
105	03/28/18	10:53 PM	DISTURBANCE
106	05/03/18	2:26 AM	DISTURBANCE
107	06/11/18	11:15 PM	THEFT
108	06/14/18	3:17 AM	DISTURBANCE GROUP
109	07/04/18	12:48 AM	INJURY AMBULANCE E/R
110	07/04/18	11:39 PM	DISTURBANCE
111	07/18/18	8:55 PM	DISTURBANCE
112	07/20/18	10:32 PM	BATTERY
113	07/21/18	5:28 AM	NARCOTICS
114	07/26/18	3:43 PM	DISTURBANCE
115	07/26/18	11:03 PM	PROWLER TRESPASSING
116	07/26/18	11:06 PM	PROWLER TRESPASSING
117	08/28/18	6:15 AM	BATTERY
118	09/15/18	3:35 AM	BOMB THREAT
119	09/15/18	4:24 AM	DISPUTE BUSINESS
120	09/27/18	12:13 PM	BURGLAR ALARM
121	09/28/18	1:02 AM	ASSAULT WITH DEADLY WEAPON
122	09/28/18	1:02 AM	DISTURBANCE GROUP
123	09/29/18	4:11 PM	BURGLAR ALARM
124	11/02/18	6:07 PM	DISPUTE BUSINESS
125	11/02/18	6:42 PM	DISPUTE BUSINESS
126	12/13/18	3:31 AM	MEET FIRE DEPT
127	12/18/18	1:58 AM	DISTURBANCE
128	12/20/18	12:46 AM	PROWLER TRESPASSING
129	01/19/19	4:40 AM	BATTERY



130	02/06/19	11:21 PM	DISTURBANCE
131	03/02/19	7:58 AM	BURGLAR ALARM
132	03/05/19	11:48 PM	ASSAULT WITH DEADLY WEAPON
133	03/29/19	5:56 AM	INTOXICATION IN VEHICLE
134	03/29/19	10:21 AM	VANDALISM
135	04/21/19	4:30 AM	OFFICER REPORTING
136	04/23/19	2:56 PM	BURGLAR ALARM
137	05/15/19	5:54 PM	DISTURBANCE
138	06/06/19	3:01 PM	BURGLAR ALARM
139	06/23/19	1:57 AM	ASSAULT WITH DEADLY WEAPON
140	07/27/19	3:57 AM	BATTERY
141	07/28/19	4:29 AM	DISTURBANCE / GROUP
142	09/29/19	5:52 PM	BATTERY
143	10/20/19	3:05 AM	DISTURBANCE GROUP FIGHT
144	11/10/19	3:36 PM	DISTURBANCE
145	11/11/19	11:23 PM	ASSAULT WITH DEADLY WEAPON
146	11/12/19	6:28 PM	DISTURBANCE
147	11/17/19	10:56 PM	BATTERY
148	11/21/19	1:28 AM	BURGLAR ALARM
149	01/17/20	6:56 PM	BATTERY
150	01/18/20	1:54 AM	BATTERY
151	01/25/20	8:13 PM	DISTURBANCE
152	01/31/20	12:29 AM	DISTURBANCE
153	02/02/20	3:21 AM	ASSAULT WITH DEADLY WEAPON
154	02/03/20	10:56 PM	OFFICER REPORTING
155	02/09/20	1:04 AM	IMPERSONATING OFFICER
156	02/10/20	9:04 PM	DISTURBANCE
157	02/15/20	3:38 AM	ASSAULT WITH DEADLY WEAPON
158	02/23/20	7:18 AM	DISTURBANCE
159	02/23/20	8:56 AM	DISTURBANCE
160	05/05/20	10:37 AM	DISTURBANCE
161	05/19/20	6:23 AM	ASSAULT WITH DEADLY WEAPON
162	05/20/20	11:58 AM	BATTERY
163	05/21/20	8:38 AM	BATTERY
164	05/29/20	5:52 PM	PROWLER TRESPASSING
165	06/17/20	1:29 AM	OFFICER REPORTING
166	06/20/20	2:12 AM	DISPUTE BUSINESS
167	06/27/20	2:53 AM	DISTURBANCE GROUP
168	06/27/20	4:50 AM	ROBBERY
169	07/01/20	3:54 AM	ASSAULT WITH DEADLY WEAPON
170	08/10/20	2:51 AM	ASSAULT WITH DEADLY WEAPON
171	08/12/20	7:44 PM	OFFICER REPORTING
172	08/22/20	3:39 AM	ASSAULT WITH DEADLY WEAPON
173	08/22/20	3:42 AM	ASSAULT WITH DEADLY WEAPON
174	08/22/20	7:57 PM	OFFICER REPORTING
175	08/22/20	3:40 AM	SHOTS FIRED HEARD ONLY
176	08/22/20	3:43 AM	ASSAULT WITH DEADLY WEAPON

177	08/27/20	10:38 PM	OFFICER REPORTING
178	08/28/20	5:22 AM	OFFICER REPORTING
179	08/28/20	7:44 PM	OFFICER REPORTING
180	09/02/20	12:41 AM	OFFICER REPORTING
181	09/07/20	3:47 AM	OFFICER REPORTING
182	09/08/20	8:15 PM	OFFICER REPORTING
183	09/13/20	11:49 PM	OFFICER REPORTING
184	09/14/20	8:50 PM	OFFICER REPORTING
185	09/14/20	11:36 PM	OFFICER REPORTING
186	09/15/20	3:10 AM	OFFICER REPORTING
187	09/17/20	1:57 PM	BATTERY
188	09/17/20	11:33 PM	OFFICER REPORTING
189	09/17/20	11:33 PM	OFFICER REPORTING
190	10/10/20	1:04 AM	OFFICER REPORTING
191	02/06/22	2:26 AM	OTHER
192	02/07/22	3:44 PM	ASSAULT WITH DEADLY WEAPON
193	02/10/22	12:27 AM	OFFICER REPORTING
194	02/11/22	11:20 PM	OFFICER REPORTING
195	02/15/22	1:37 AM	OFFICER REPORTING
196	02/18/22	10:47 PM	OFFICER REPORTING
197	03/12/22	3:05 AM	OFFICER REPORTING
198	03/16/22	8:35 PM	OFFICER REPORTING
199	03/30/22	5:46 AM	THEFT
200	04/21/22	8:47 PM	OFFICER REPORTING
201	04/22/22	2:48 AM	OFFICER REPORTING
202	04/25/22	2:29 AM	OFFICER REPORTING
203	04/30/22	5:07 AM	GRAND THEFT AUTO
204	04/30/22	6:12 AM	OTHER
205	05/19/22	8:51 PM	OFFICER REPORTING
206	07/31/22	3:17 AM	ROBBERY

The Los Angeles Police Department submitted arrest reports, investigative reports, property reports, and notice to appear for 54 incidents at the subject property (923-925 Broxton Avenue) between April 1, 2001 and August 20, 2022.

1. April 1, 2001, 4:00 a.m. – Investigative and Arrest Reports – Robbery – Suspect removed victim’s purse by force and fled on foot to vehicle.
2. September 18, 2001, 9:45 p.m. – Investigative Report – Battery – Suspect struck victim (supervisor of Habibi Café) on face and fled in an unknown direction.
3. March 22, 2002, 2:00 a.m. – Investigative Report – Robbery – Suspect stole victim’s phone and demanded victim’s money; suspect was armed.
4. April 4, 2002, 1:00 p.m. – Investigative Report – Criminal Threats – Suspect (transient) made verbal criminal threats to victim.
5. April 20, 2002, 10:50 p.m. – Investigative Report – Battery – Dispute between suspect and victim; suspect pushed victim.

6. April 29, 2002, 3:00 a.m. – Investigative Report – Assault with Deadly Weapon - Verbal dispute; suspect struck and kicked victim.
7. October 27, 2002, 2:30 a.m. – Investigative Report – Criminal Threat - Suspect(s) threatened victim with bodily harm.
8. November 30, 2002, 3:45 a.m. – Investigative Report – Battery - Suspect (security guard at Habibi Café) grabbed and pulled victim.
9. July 14, 2003, 1:00 p.m.- Investigative Report – Battery - Verbal dispute; suspect struck victim's (identified himself as owner of business) arm and fled south bound on Broxton Avenue.
10. July 19, 2003, 4:00 a.m. – Investigative Report – Assault with Deadly Weapon – Verbal dispute; suspect hit victim on head; suspect(s) hit victim with tables and chairs.
11. September 15, 2003, 11:20 p.m. – Investigative Report – Assault with Deadly Weapon - Suspect (transient) placed hands around victim's neck, strangled victim and made verbal threats.
12. December 25, 2005, 1:40 a.m. – Homicide - Decedent shot one time in head with .45 cal bullet (GSW to the head); expired January 27, 2007.
13. December 27, 2005 – Follow-up Investigation - Follow-up report to original December 25, 2005 report.
14. January 10, 2006 - Follow-up Investigation - Follow-up report to original December 25, 2005 report.
15. February 16, 2006 – Follow-up Investigation - Follow-up report to original December 25, 2005 report.
16. August 5, 2007, 3:00 a.m. – Investigative Report – Battery - Suspect punched victim in face.
17. January 23, 2010, 2:00 a.m. – Investigative Report – Assault with Deadly Weapon – Suspect(s) stabbed victim with sharp objects and fled in an unknown direction.
18. September 2, 2010, 3:10 a.m. – Investigative Report – Battery - Suspect punched victim in face.
19. October 11, 2010, 8:50 p.m. - Arrest Report – Criminal Threats – Suspect threatened to kill victims, burn business, and shoot everyone at subject location.
20. March 17, 2011, 5:00 a.m. – Investigative Report – Battery - Verbal dispute; suspect strangled victim around her neck.
21. September 18, 2011, 4:00 a.m. – Investigative Report – Battery - Suspect punched victim and fled (café not equipped w/ video cameras when crime occurred).
22. August 16, 2012, 12:35 a.m. – Investigative Report – Battery - Disputes between victim and suspect(s) (Habibi Café manager and employee) regarding unpaid bill; victim stated suspect(s) chased him down, poked him with stick, and punched him in face.
23. September 22, 2012, 1:10 a.m. - Property Report - Café allowed smoking inside restaurant and sold single packs of cigarette (counterfeit product); VIP room had DJ; patrons dancing; business served food and allowed patrons to smoke cigarettes inside location.

24. November 11, 2012, 1:30 a.m. - Property Report - Alcohol (vodka contained in clear sample bottle) recovered at location.
25. July 7, 2013, 4:15 a.m. – Investigative Report – Felony Vandalism - Suspect(s) damaged victims' vehicles with sharp object and fled.
26. October 21, 2013 – Follow-up Investigation - (follow up report to original July 7, 2013 report regarding vandalism).
27. July 31, 2015, 10:30 p.m. – Complaint Application - Simultaneous inspections for tobacco compliance check: Gypsy Café (940 Broxton) & Habibi Café (923 Broxton). Violations at Habibi Café: illegal indoor smoking in work place, illegal smoking by patron in outdoor dining area, customers consuming food while smoking hookah.
28. March 18, 2016, 1:00 a.m. – Investigative Report – Battery - Suspect (transient) walked up to victim (waiter for Habibi Café) and slapped victim on face.
29. April 19, 2017, 2:30 a.m. Investigative Report – Grand Theft - Suspect stole victim's cell phone and cash.
30. December 3, 2017, 4:40 a.m. – Investigative Report – Defrauding an Innkeeper - Suspects fled without paying bill (food and hookah purchases).
31. May 1, 2018, 12:01 a.m. – Investigative Report – Lost Property - Victim lost pocket knife.
32. November 2, 2018, 8:00 p.m. Arrest Report – Violation of Protective Order – Suspect violated restraining order by arriving at victim's work.
33. November 17, 2018, 4:30 a.m. Investigative Report – Battery - Suspect headbutted the victim.
34. February 23, 2019, 3:30 a.m. – Investigative Report – Battery – Suspects approached victim from behind and began to assault him. The suspects fled in an unknown direction.
35. February 24, 2019, 3:30 a.m. – Investigative Report – Battery - Suspect(s) assaulted victim and fled.
36. March 29, 2019, 10:30 a.m. – Investigative Report – Vandalism – Suspect attempted to punch a customer and yelled at the suspect. Suspect became enraged and smashed the glass table with an ash tray.
37. June 9, 2019, 2:00 a.m. – Investigative Report – Battery – Suspect and victim were in a verbal argument. The suspect punched the victim in the face and fled south bound on Broxton in a vehicle.
38. July 27, 2019, 3:35 a.m. – Investigative Report – Battery – Verbal dispute; suspect slapped victim and fled.
39. July 28, 2019, 4:40 a.m. – Investigative Report – Battery - Verbal dispute; suspect punched victim in mouth.
40. January 20, 2020, 1:45 a.m. – Investigative Report – Battery - Suspect punched victim in face.
41. February 2, 2020, 3:00 a.m. – Investigative Report – Robbery – Victim and her friend met the suspects at Habibi Café and two unknown females wanted to fight them. The females walked across the street to the parking lot and a fight broke out. A suspect fired shots and the victim attempted to

- flee in a car with an unknown individual. The victim escaped but a suspect grabbed the victim and the other suspect used force to take her keys.
42. February 4, 2020 – Follow-up Investigation and Property Report – Robbery – Follow up report to original February 2, 2020 report.
  43. July 20, 2020 – Follow-up Investigation – Robbery – Follow up report to original February 2, 2020 report.
  44. August 11, 2020, 12:40 a.m. – Investigative Report – Vandalism - Suspect fired two rounds at victim's vehicle causing damage.
  45. August 22, 2020, 3:39 a.m. – Investigate Report – Assault with Deadly Weapon – Suspects and victim had a verbal altercation. Suspects shot the victim causing the suspects to flee to an unknown location.
  46. August 28, 2020, 7:30 p.m. – Compliant Application/Notice to Appear – Violations related to: Los Angeles Administrative Code 8.77 Violation of Local Emergency Order; Los Angeles Municipal Code Section 41.50 (B)(2)(C) Smoking in outdoor dining area; Los Angeles Municipal Code Section 41.50C.1 failure to post “No Smoking” signs in outdoor dining area; Los Angeles Municipal Code 56.08 property owner obstructing sidewalk; Los Angeles Municipal Code 41.18(a) obstructing sidewalk with less than 3 feet of clearance; and Los Angeles Municipal Code 116.01 loud, unnecessary and unusual noise anytime.
  47. September 4, 2020, 12:55 a.m. – Compliant Application – Violations related to: Los Angeles Municipal Code Section 41.50C.1 failure to post “No Smoking” signs in Outdoor Dining Area and Los Angeles Municipal Code Section 41.50(B)(2)(C) Smoking in Outdoor Dining Area.
  48. September 10, 2020, 11:25 p.m. – Compliant Application – Violations related to: Los Angeles Administrative Code 8.77 Violation of Local Emergency Order; Los Angeles Municipal Code Section 41.50C.1 failure to post “No Smoking” signs in Outdoor Dining Area and Los Angeles Municipal Code Section 41.50(B)(2)(C) Smoking in Outdoor Dining Area.
  49. September 18, 2020, 12:20 a.m. – Compliant Application – Violations related to: Los Angeles Administrative Code 8.77 Violation of Local Emergency Order; Los Angeles Municipal Code Section 41.50C.1 failure to post “No Smoking” signs in Outdoor Dining Area and Los Angeles Municipal Code Section 41.50(B)(2)(C) Smoking in Outdoor Dining Area.
  50. September 25, 2020, 12:00 a.m. – Compliant Application - Violations related to: Los Angeles Administrative Code 8.77 Violation of Local Emergency Order; Los Angeles Municipal Code Section 41.50C.1 failure to post “No Smoking” signs in Outdoor Dining Area and Los Angeles Municipal Code Section 41.50(B)(2)(C) Smoking in Outdoor Dining Area.
  51. April 20, 2021, 5:00 p.m. – Officer Declaration – Officer Garcia conducted four site investigations at the subject property on: August 27, 2020, September 3, 2020, September 10, 2020, and September 18, 2020 and found violations related to the Mayor’s Stay at Home COVID-19 Order, servicing alcohol without an ABC license, tables blocking sidewalk and parking spaces, not enforcing social distancing, security guard not wearing masks, amplified music, and serving food and hookah (LAMC 41.50(B)(2)(c) violation).

52. July 8, 2021, 1:00 a.m. – Investigative Report – Battery – At the subject business, the suspect grabbed the victim by the throat and hit her jaw. The suspect left in a white car.
53. July 17, 2022, 4:00 a.m. – Investigative Report – Robbery – The victim left the subject restaurant and went to the gas station, a suspect approached victim and brandished a gun and said “give me all your stuff or I’m going to shoot the shit out of you”. The victim gave him his jewelry and the suspect fled in a black vehicle.
54. August 20, 2022, 4:30 a.m. – Investigative Report – Robbery – As the victims were leaving the subject restaurant and they got inside the vehicle, two suspects approached them with guns. The victims gave them their phone, watch, backpack, and purse and the suspects fled in a black vehicle.

The University of California at Los Angeles Police Department submitted 7 incident/investigation reports for the subject property (923 Broxton Avenue) between June 5, 2018 and July 31, 2022.

1. June 5, 2018, 12:14 p.m. – Incident/Investigation Report – Battery – The victim was sitting in front of the subject business. Suspect punched the victim several times and wrapped his arm around the victim.
2. June 23, 2019, 1:58 a.m. – Incident/Investigation Report – Criminal Threat – Suspect threatened business owner with a gun and told him he was going to kill him. The suspect was charged with two counts of criminal threats.
3. February 2, 2020, 3:07 a.m. – Incident/Investigation Report – Assault with Deadly Weapon – Gunshots were fired outside of the subject business.
4. August 10, 2020, 1:00 p.m. – Incident/Investigation Report – Obstruction of Peace – A traffic accident occurred after shots were fired.
5. September 12, 2020, 12:24 a.m. – Incident/Investigation Report – Driving Under the Influence – Suspect was arrested on driving under the influence.
6. April 26, 2021, 7:49 a.m. – Incident/Investigation Report – Driving Under the Influence – Suspect had a drink with dinner at the subject business.
7. July 31, 2022, 2:57 a.m. – Incident/Investigation Report – Robbery – As the victims were in the Le Conte parking lot, waiting for their cousin to arrive, a vehicle parked in back of them and two suspects got out and said “give me everything”. The victims gave them their jewelry and cash.

There were 8 event reports submitted by the University of California Los Angeles Police Department for the subject property (923 Broxton Avenue) between January 26, 2018 and September 17, 2020 related to disturbing the peace, assault with deadly weapon, possession of firearm, fight, suspicious circumstances.

Among the serious incidents is a homicide that occurred on December 25, 2005, and two additional gun-related incidents on August 11, 2020 and August 22, 2020. Most recently, on August 20, 2022, a violent robbery involving two guns took place outside the establishment as the victims were leaving the business at 4:30 a.m. Additional incidents were reported by University of California at Los Angeles Police

Department include 41 incidents (80 percent) arrests/investigative reports occurred during the evening/early morning hours from 7:30 p.m. to 5:00 a.m.

In regards to the mode and character, the subject business fosters a party-like atmosphere with amplified music, belly dancing, mobile strippers, hookah smoking, live disc-jockey, and queuing of line.

As evidenced by the correspondences from the Westwood community, submitted reports from the Los Angeles Police Department and University of California at Los Angeles Police Department, the subject location has lingering and continuous nuisance activities for over twenty years. The operator has had many chances to clean their act up and disallow illegal and dangerous activities at their establishment; however, the site has continued to be a nuisance and an issue for other lawful businesses and patrons in Westwood Village.

**3. Adversely impacts nearby uses.**

The Council Office has received numerous correspondences from constituents in the Westwood community reporting shootings, fights, late night hours of operation, loud music, live entertainment, and unpermitted encroachments on the public sidewalk.

There is enough evidence to revoke their operation because of the amount of crime and the nature of crime such as attempted murder, shootings, homicide, fights, disturbances, stabbing, batteries, assault with deadly weapon, grand theft, trespassing, business disputes, criminal threats, robberies, thefts, vandalism, and excessive loud noises (especially in the late night or early morning hours): 206 Calls for Service, 100 criminal incidents (more than half related to disturbances/group disturbances, including fights), assault with a deadly weapon, and battery. There were 54 investigative reports, notices to appear, or arrest reports submitted for the subject property between April 1, 2001 and August 20, 2022. Among the serious incidents is a homicide that occurred on December 25, 2005, and two additional gun-related incidents on August 11, 2020 and August 22, 2020. Most recently, on August 20, 2022, a violent robbery involving two guns took place outside the establishment as the victims were leaving the business at 4:30 a.m. Additional incidents were reported by University of California at Los Angeles Police Department include 41 incidents (80 percent) arrests/investigative reports occurred during the evening/early morning hours from 7:30 p.m. to 5:00 a.m.

At the public hearing on May 19, 2021, the Los Angeles Police Department Sergeant and Captain testified that long-term nuisance activities generating from the site have created issues for the adjacent commercial uses and nearby business owners and citizens are fearful of retaliation by the Habibi Café operator. The Block-by-Block Program Manager, which is contracted by the Westwood Village Business Improvement District testified that adjacent business windows are broken, vehicles are double parked (creating a traffic issue), and mobile strip clubs contracted by Habibi Café have affected the nearby businesses.

As evidenced by the correspondences from the Westwood community, submitted reports from the Los Angeles Police Department and University of California Police Department, the subject location has lingering and continuous nuisance activities for over twenty years.

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

There is an extensive list of violations in the arrest reports, investigative reports, calls for service, and other crime reports in Case No. DIR-2021-1463-RV. Also, included in the case file is violation of Case No. DIR-2004-2253-DRB-SPP-1A Director's Determination for Design Review and Project Permit Compliance that had been approved by the West Los Angeles Planning Commission for the installation of an awning and signage at 923 and 925 Broxton Avenue, the remodel of front façade at 925 Broxton Avenue to include an outside patio area and a change of use for the subject retail/restaurant, which the operator was not compliant and/or partially compliant as noted in the Staff Investigator Report dated May 14, 2021, which is based on a field analysis.

In regard to State and City regulations, on May 19, 2021, the Los Angeles City Attorney Office Tobacco Enforcement testified that the subject business is a restaurant and does not have a hookah/smoking permit. However, it has engaged in hookah smoking service which is not permitted by the State Code 6404.5 which prohibits the smoking of tobacco or any non-tobacco substance, including from electronic smoking devices or hookah pipes, within any enclosed place of employment and Los Angeles Municipal Code Section 41.50 B 2 C prohibiting smoking tobacco or any non-tobacco substance including from electronic smoking devices in or within 10-feet of the outdoor areas of a restaurant establishment. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages. Tobacco is not allowed for consumption in unlawful areas such as a restaurant. A cigar or smoker's lounge, smoking would be permissible as long as the business does not violate state law. However, a restaurant that serves food cannot be a smoker's lounge under state law.

The Los Angeles Police Department documented in various investigative reports that alcoholic beverage bottles have been seen or recovered at Habibi Café where the restaurant does not have an authorization to sell alcohol from the City of Los Angeles and the California State Department of Alcoholic Beverage Control. Any discovered and documented on-site sales and consumption of alcoholic beverages is illegal under both the city and state law.

The Westwood Neighborhood Council also supports the revocation and has attested that this business often operates until 4:00 a.m. as an illegal nightclub with entertainment for over 20 years.



Therefore, the operator and Habibi Café has violated both city and state regulations on tobacco/smoking and alcoholic beverage sales and consumption, as well as violating Case No. DIR-2004-2253-DRB-SPP-1A Director's Determination for Design Review and Project Permit Compliance for its operation and operating as an illegal nightclub with entertainment.

5. **Violates any condition imposed by a prior discretionary land use approval granted pursuant to Section 11.5.7.**

As documented in Case No. DIR-2021-1463-RV, City Planning staff conducted a field analysis on March 19, 2021 and assessed Condition compliance with Case No. DIR-2004-2235-DRB-SPP-1A. The operator demonstrated either partial compliance or not in compliance with the following Condition Nos. 1, 2, 3, 5, 10, and 23.

Conditions of Approval:

1. Except as detailed in Condition Number 3 below, all existing signs, exterior lights, light fixtures and other appurtenances shall be removed. The result shall be a clean, finished exterior that does not show evidence of removed items. Removal shall take place so that no portion of the existing items remain, and so there are no exposed conduits or electrical equipment.
  - a. "Exhibit C", stamped and dated June 2, 2004, indicates existing site conditions and details the elements to be removed. Exhibit C is located in the subject case file DIR 2004-2253 DRB-SPP-A1 .
  - b. Lettering on awnings (painted signs) shall be covered with sections of new canvas, or shall be removed by exchanging swatches of canvas, to match existing awning material. Existing awning signs are primarily shown on Exhibit C, pages 1, 2, 10, 15, and 18. For the front awning, as an alternative to covering the lettering, the awning may be entirely replaced with a new awning so long as the new awning is identical in design (but containing no writing or graphics). For the rear awning, as an alternative to covering the lettering, the rear awning may be entirely removed.
  - c. Existing signs painted directly on the building's exterior walls shall be painted over in a color identical to the remainder of the painted building facade. The North-facing side alley wall shall be entirely re-painted (on the portions of the wall with existing white paint, and excluding the portion with unpainted brick). The result shall be a consistent white coat of paint, through which no previous lettering or graphics are visible. The portion of this facade with exposed, unpainted brick shall remain unpainted. The West-facing rear facade need not be entirely painted, only the portion in which there is currently the large sign reading "Habibi Cafe & Lounge" (See subsection "d" below). Existing painted wall signs are primarily shown on Exhibit C, pages 16, 17, and 19.
  - d. The rear facade of subject property shall have no signage. The large painted sign reading "Habibi Cafe & Lounge" and the awning sign reading "Habibi Cafe ... 923" shall removed.

- e. Portable signs (e.g. Sandwich signs) shall not be placed upon the sidewalk.

**Staff Investigator's Comment:** Partial Compliance. During the site visit, staff observed that the operator removed the following: neon signage, the American flag, hookah signage, wires, string lights, painted signs, rear wall sign and replaced the awning. The rear sign was painted over in white color. However, the heaters, speakers, and lantern lights remain.

2. Existing signage and other exterior items as enumerated above in Condition Number 1, shall be removed prior to clearance from the Department of City Planning. (Refer to "Exhibit C", stamped and dated June 2, 2004, located in the subject case file DIR 2004-2253 DRB-SPP-A1). Planning staff shall verify appropriate removal of said items in person, at the site location, and shall document site conditions by photographs that will become part of the subject case file.

**Staff Investigator's Comment:** Partial compliance. Staff reviewed Case No. DIR-2004-2253-DRB-SPP-1A and found pictures submitted by the applicant to the case file on March 31, 2005 and April 4, 2005 showing that the sign was removed. Although a majority of the exterior items were removed, the heaters, speakers, and lantern lights remain.

3. The only permitted remaining signs shall be as follows:
  - a. 923 Broxton Avenue's front elevation wall sign (facing Broxton Ave.) reading "Habibi Cafe" as shown in Exhibit A page 6 (proposed materials) and Exhibit C, page 1 may remain. The sign's neon light portion (accent with wavy line), as shown on Exhibit C, page 1, shall be removed.
  - b. 923 Broxton Avenue's side alley elevation wall sign (on building's Northern facade, sign is not painted on wall) reading "Habibi Cafe" as shown on Exhibits C, page 1 may remain. The sign's neon light portion (accent with wavy line), as shown on Exhibit C, page 1 shall be removed.
  - c. A maximum of 3 small signs (measuring not more than 1-square foot each) that indicate the subject addresses may be added to the wall, so long as details regarding such signage are included in final plans and approved by staff at time of Planning Department Clearance.
  - d. Window signage amounting to no more than 4 square feet may remain if such items are documented and approved by Staff prior to Planning Department Clearance. Window signs may include the existing American Flag, as shown on Exhibit C page 7, or "smoking/no-smoking" signs.
  - e. A store hour sign may be placed in each of the two front doors of the premise, so long as the total for both signs is no more than 64 square inches.
  - f. A "parking information" sign measuring 12-inches by 6-inches, as shown on Exhibit A, page 6 and Exhibit C, page 6 may remain.

**Staff Investigator's Comment:** Partial Compliance. Exhibit A page 6 identifies that the awning color is in black color. However, during the site visit it was red color. The side alley elevation wall sign remains. The sign's neon light portion was removed. Two wall signs were observed during the site visit, which is below the maximum of 3 signs. Staff did not observe posted hours of operation.

5. The Applicant shall screen the rear dumpster / trash receptacle associated with the subject tenant space, or use other commercially reasonable efforts to minimize the visual impact of the trash area. Applicant shall make a good faith effort in this endeavor, to coordinate with the adjacent business owners responsible for the other two dumpsters at the rear of the site. Applicant shall maintain rear trash area in a tidy and sanitary manner, the condition of which shall be ensured by a Covenant and Agreement (Condition of Approval No. 13).

**Staff Investigator's Comment:** Partial compliance. During the staff visit, staff observed that the trash receptacles were not screened and it seems the operator has not attempted to minimize the visual impact of the trash area. However, the trash area was in general clean with no adjacent empty boxes.

10. Dining tables and chairs may be placed on the sidewalk (in compliance with the requirements of the Department of Public Works) provided that a minimum of 10 feet of sidewalk width remain for pedestrian circulation along Broxton Ave. At the time of final approval by Department of City Planning, Applicant shall submit an outdoor dining layout plan showing the placement of tables and chairs in compliance with this requirement. The number and location of tables and chairs which the tenant may place upon the sidewalk shall be limited to that depicted on the outdoor area dining layout plan and shall be ensured by a Covenant and Agreement (Condition of Approval No. 13).

**Staff Investigator's Comment:** Not in compliance. Although the Bureau of Engineering issued revocable permits (Permit Nos. R-0585-0029 and R-03850028) for a total of 10 tables and 24 chairs, the Department of Building and Safety issued Order to Comply A-5400820 stating the operator violated the minimum setback of 10 feet from the dining tables and chairs to the sidewalk width for pedestrian circulation along Broxton Avenue.

23. Enforcement. Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendment thereto.

**Staff Investigator's Comment:** Partial compliance. Based on a review of the conditions, it seems that the applicant is not complying with the following: Condition No. 10 and partially complies with Condition Nos. 1, 2, 3, and 5.

6. **Prior governmental efforts to cause the owner or operator to eliminate the problems associated with the land use or discretionary zoning approval have failed (examples include formal action, such as citations, orders or hearings by the Police Department, Department of Building and Safety, the Director, a Zoning Administrator, the City Planning Commission, or any other governmental agency).**

The Habibi Café has placed a heavy demand on limited Los Angeles Police Department resources and has resulted in 206 calls for service since February 22, 2003 and 54 arrest, investigative, or notices to appear incidents since April 1, 2001. The University of California at Los Angeles Police Department reported 7 incidents/investigation reports, with violent incidents related to assault with deadly weapon and gun shots. These governmental efforts to cause the owner or operator to eliminate the nuisance problems associated with the use and achieve condition compliance have failed, as documented by the excessive and repeated number of arrests, investigations, and calls for service submitted by the Los Angeles Police Department and University of California at Los Angeles Police Department, many regarding repeated violations of the same conditions over a short time frame.

There has been no improvement of the operation subsequent to the repeated actions of the Police Department conducting investigations and making arrests at the site. On May 19, 2021, the Los Angeles Police Department testified that the West Los Angeles Police Station Command Staff, Vice, and Senior Lead Officers met and spoke with Habibi Café management and identified deficiencies in their operation. There also has been no demonstrable effort to correct or address any of the violations identified. Thus, there have been numerous opportunities given the business operator and management of the Habibi Café to demonstrate an attempt to comply with conditions and to address issues of public nuisance at the site with no positive results.

7. **The owner or operator has failed to demonstrate, to the satisfaction of the Director, the willingness or ability to eliminate the problems associated with the land use or discretionary zoning approval.**

The current operator and his legal representative attended the public hearing May 19, 2021. They denied that many of the crimes submitted by the Police Department had taken place at the location and that the crime is related to homeless individuals. Furthermore, they attempted to establish that the owner and operator were being unfairly targeted by the City of Los Angeles because the business fosters a Middle Eastern culture.

The business operator and management have continued to not take responsibility for most of the public nuisances originating from the location, specifically the repeated violations of State and City regulations related to hookah smoking and alcohol consumption. Additionally, there were the violations of Case No. DIR-2004-2253-DRB-SPP-1A Director's Determination for Design Review and Project Permit Compliance that was approved by the West Los Angeles Area Planning Commission. Lastly, no constructive measures to alleviate the public nuisances associated with the site were proposed by the property owner, operator, or employees. Therefore, there continues to be no demonstrable effort to correct or address the violations and public nuisances at the location by the property owner, operator, business manager, or employees.

The Zoning Administrator hereby finds, on behalf of the Director of Planning, that the repeated administrative attempts made to improve the operation of the restaurant/retail use known as Habibi Cafe, have not resulted in the elimination of the problems associated with the use. The use of the property as a restaurant/retail use is hereby ordered discontinued.

It is the purpose of these proceedings, under Ordinance No. 171,740, 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.

It is further determined that the instant action by the Zoning Administrator 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 part of this action conform to the Municipal Code. The property owner and the operator of the premises have been provided notice of these proceedings and have been afforded the opportunity to review the file in advance of the hearing, which was duly noticed, and to testify at the hearing and respond to the allegations concerning the impacts of the operation of the Habibi Cafe.

### **Addition of Conditions**

The following addition of conditions have been made based upon the current review of administrative records, request received from the applicant/operator, and testimony received at the public hearing:

Condition No. 1 was added as the owner/operator to reimburse the costs required to conduct and process the subject case pursuant to Section 19.01 N of the Los Angeles Municipal Code.

Condition No. 2 was added requiring that a Covenant and Agreement regarding all of the Conditions be recorded with the County Recorder by the property owner. This is a standard Condition required in order to ensure that any future owner of the property be made aware of the restrictions and requirements that have been made applicable to the premises. This Condition serves to ensure that in the event of a successor owning or operating the site, the new owner or operator is made

aware of the requirements of this Office in order to assure the compatibility of the use with the surrounding businesses and properties.

Condition No. 3 was added requiring the owner/operator to provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business.

Condition No. 4 was added requiring that the new property owner and the business owner/operator to file Plan Approval application.