



## APPLICATIONS:

# APPEAL APPLICATION

## Instructions and Checklist

**Related Code Section:** Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

**Purpose:** This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

### A. APPELLATE BODY/CASE INFORMATION

#### 1. APPELLATE BODY

- Area Planning Commission   
  City Planning Commission   
  City Council   
  Director of Planning  
 Zoning Administrator

Regarding Case Number: DIR-2021-1460-RV

Project Address: 9230 S BROADWAY BLVD

Final Date to Appeal: 09/09/2021

#### 2. APPELLANT

**Appellant Identity:**  
(check all that apply)

- Representative   
  Property Owner  
 Applicant   
  Operator of the Use/Site  
 Person, other than the Applicant, Owner or Operator claiming to be aggrieved

Person affected by the determination made by the **Department of Building and Safety**

- Representative   
  Owner   
  Aggrieved Party  
 Applicant   
  Operator

#### 3. APPELLANT INFORMATION

Appellant's Name: Lou Vayo

Company/Organization: Dicks Market

Mailing Address: 9230 S. Broadway Blvd

City: Los Angeles State: CA Zip: 90003

Telephone: (714) 349-6588 E-mail: lou.vayo@gmail.com

a. Is the appeal being filed on your behalf or on behalf of another party, organization or company?

Self     Other: \_\_\_\_\_

b. Is the appeal being filed to support the original applicant's position?     Yes     No

**4. REPRESENTATIVE/AGENT INFORMATION**Representative/Agent name (if applicable): Sheila Drew-Craig

Company: \_\_\_\_\_

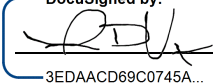
Mailing Address: 3385 E. Imperial HwyCity: Brea State: CA Zip: 92823Telephone: (714) 686-4829 E-mail: sheiladcraig@gmail.com**5. JUSTIFICATION/REASON FOR APPEAL**a. Is the entire decision, or only parts of it being appealed?  Entire  Partb. Are specific conditions of approval being appealed?  Yes  NoIf Yes, list the condition number(s) here: 12, 15, 20

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal  How you are aggrieved by the decision  
 Specifically the points at issue  Why you believe the decision-maker erred or abused their discretion

**6. APPLICANT'S AFFIDAVIT**

I certify that the statements contained in this application are complete and true:

Appellant Signature:  Date: 9/8/2021

DocuSigned by:  
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**GENERAL APPEAL FILING REQUIREMENTS****B. ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES****1. Appeal Documents**

a. **Three (3) sets** - The following documents are required for each appeal filed (1 original and 2 duplicates)  
 Each case being appealed is required to provide three (3) sets of the listed documents.

- Appeal Application (form CP-7769)  
 Justification/Reason for Appeal  
 Copies of Original Determination Letter

**b. Electronic Copy**

- Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). No file should exceed 9.8 MB in size.

**c. Appeal Fee**

- Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.  
 Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

**d. Notice Requirement**

- Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC  
 Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment.

**SPECIFIC CASE TYPES - APPEAL FILING INFORMATION****C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITES (TOC)****1. Density Bonus/TOC**

Appeal procedures for Density Bonus/TOC per LAMC Section 12.22.A 25 (g) f.

## NOTE:

- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.
- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.

- Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

**D. WAIVER OF DEDICATION AND OR IMPROVEMENT**

Appeal procedure for Waiver of Dedication or Improvement per LAMC Section 12.37 I.

## NOTE:

- Waivers for By-Right Projects, can only be appealed by the owner.
- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

**E. TENTATIVE TRACT/VESTING****1. Tentative Tract/Vesting** - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

NOTE: Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.

- Provide a copy of the written determination letter from Commission.

**F. BUILDING AND SAFETY DETERMINATION**

- 1.** Appeal of the *Department of Building and Safety* determination, per LAMC 12.26 K 1, an appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

**a. Appeal Fee**

- Original Applicant - The fee charged shall be in accordance with LAMC Section 19.01B 2, as stated in the Building and Safety determination letter, plus all surcharges. (the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code)

**b. Notice Requirement**

- Mailing Fee - The applicant must pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt as proof of payment.

- 2.** Appeal of the *Director of City Planning* determination per LAMC Section 12.26 K 6, an applicant or any other aggrieved person may file an appeal, and is appealable to the Area Planning Commission or Citywide Planning Commission as noted in the determination.

**a. Appeal Fee**

- Original Applicant - The fee charged shall be in accordance with the LAMC Section 19.01 B 1 a.

**b. Notice Requirement**

- Mailing List - The appeal notification requirements per LAMC Section 12.26 K 7 apply.
- Mailing Fees - The appeal notice mailing fee is made to City Planning's mailing contractor (BTC), a copy of receipt must be submitted as proof of payment.

**G. NUISANCE ABATEMENT**

**1. Nuisance Abatement** - Appeal procedure for Nuisance Abatement per LAMC Section 12.27.1 C 4

NOTE:

- Nuisance Abatement is only appealable to the City Council.

**a. Appeal Fee**

Aggrieved Party the fee charged shall be in accordance with the LAMC Section 19.01 B 1.

**2. Plan Approval/Compliance Review**

Appeal procedure for Nuisance Abatement Plan Approval/Compliance Review per LAMC Section 12.27.1 C 4.

**a. Appeal Fee**

Compliance Review - The fee charged shall be in accordance with the LAMC Section 19.01 B.

Modification - The fee shall be in accordance with the LAMC Section 19.01 B.

**NOTES**

*A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.*

**Please note** that the appellate body must act on your appeal within a time period specified in the Section(s) of the Los Angeles Municipal Code (LAMC) pertaining to the type of appeal being filed. The Department of City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

**JUSTIFICATION/REASON FOR APPEAL**

**CONDITION #12 - Decrease in Hours of Operation by 5 Hours Per Day**

A. Reason for Appeal

1. Decreases customer availability to obtain goods and services by 35 hours/week.
2. May create layoff(s) of current employees due to lack of available hours.
3. Owner/Operators are requesting a compromise for operating hours to be 8AM – Midnight daily.

B. Specific Points

1. The most common complaint in the past was due to loitering and the loitering issues are mostly non-existent since prior to the Public Hearing held on 4/13/21, and loitering has not been an issue since. This fact has been verified with the current LAPD-SLO. If issues such as loitering and open containers have corrected itself on its own as demonstrated in the last five months, then it would not appear necessary to adjust the hours so severely.
2. Most “like” businesses have extended weekend hours and/or holiday hours which were not addressed.
3. Reducing hours further exacerbates the lack of grocery access to the community. Some of the patrons of this store work evening and night shifts, often arriving in the late evening hours to purchase necessities like bread, milk, eggs, supplies, etc. during times that are most convenient for them. Families with babies and children have needed to come in to purchase Pedialyte and other medical-related items when their child was ill in the night. Many of the patrons who live nearby do not own a car and arrive to the store by bicycle or on-foot. Limiting the store hours will reduce access to these necessities and may harm the lowest income families in the neighborhood the most.
4. Dick’s Market has been in close contact with the city in rearranging the store layout and providing more wholesome and healthy options in the form of fresh fruits and vegetables. The owners and employees have been working tirelessly on these changes during a pandemic.
5. There have been some undocumented accusations (i.e. not checking ID, prostitution, and sex trafficking) that may have contributed to the decision to reduce operating hours so severely. Dicks Market feels these allegations are unfounded.
6. There is an ongoing lack of market availability in the area. Ralps - 2.3. miles away, Food 4 Less - 3.4 miles away, Stater Bros. 12.34 mile away.
7. Additional store hours actually increases area security currently being offered by the business.

C. How Business is Aggrieved by decision

1. Will result in reduction of employee hours and/or layoffs to employees.
2. Reduces opportunity for profitability by a total of 5 hours per day (35 Hours Week or 1,825 Hours per year).
3. A reduction in the proposed number of hours devalues the business. Other like businesses are normally open till 2AM and mandated lesser hours would make it an undesirable property and/or difficult to sell and/or transfer by lowering the potential for overall profitability.
4. Reducing the amount of time that employees and security are present increases the amount of time that the business is unattended and provides more opportunity for crime to be committed.

D. Why we believe this is in error

1. Reduction in hours of operation appears excessive in comparison to other “like” businesses. Other “like” businesses who have received conditions appear to have various hours imposed based on previous examples.
2. The correction in the loitering issue being resolved may not have been considered in this condition.

**JUSTIFICATION/REASON FOR APPEAL**

**CONDITION #15 – Removal of ATM**

A. Reason for Appeal

1. The administrative record does not support that the ATM in question is causing or has in any way exacerbated the underlying issue of loitering outside the store.

B. Specific Points

1. Access to banking services is generally worse among minorities, especially the Black/African American and Latinx minorities that live near Dick's Market. By requiring the removal of the ATM at Dick's Market, the City would be further exacerbating this issue of access, which is ultimately an equity issue.

2. Customers appreciate the fact that this ATM is under camera surveillance and provides a safe indoor environment within the store for customers. There is always the presence of either store employees, a security guard, or both. Some of these customers only obtain their cash at this store rather than travel to a further or unsafe location as many do not own vehicles or are travelling by foot or bicycle.

3. The average withdrawal (per the ATM vendor) is \$40 and these customers usually spend part of that money inside the store.

4. Presence of an ATM is a crime deterrent for Commercial Robbery by not having to keep large amounts of cash on hand.

5. Many customers who use the ATM are: EBT Recipients, EDD Recipients, California Lottery purchasers, and store customers.

6. Saves time for customers so that they can make two transactions in one place.

7. Customers have already complained about the possibility of losing this ATM location.

C. How Business is Aggrieved by decision

1. Reduces necessary and convenient service to the community.

2. Reduces profitability to business.

3. Reduces future resale and/or transfer value.

D. Why we believe this is in error

1. Presence of the ATM has never been mentioned and/or documented as a cause of any negative impact to the store or the community.

**JUSTIFICATION/REASON FOR APPEAL**

**CONDITION #20 - VIDEO RETENTION PERIOD**

A. Reason for Appeal

1. Request a reduction of a sixty-day retention requirement to a thirty-day retention period for the external cameras required to have remote access by the LAPD.
2. Increase time needed to satisfy condition #20 from (30 days from effective date) to (90 days from effective date).

B. Specific Points

1. Required retention periods do not appear to be standard within imposed conditions. Furthermore, the record does not support any justification for imposing a more stringent requirement than a thirty-day retention period.
2. Most as the 60- day retention period seems to be excessive as most businesses keep between 7 – 14 days of footage.
2. New compatible equipment would need to be purchased. Initial contact with Vendor reveals that COVID has caused a backlog with many imported products such as this. These types of products are on back-order (unknown ship date at this time). Owners will prepare for the delivery prior, but must purchase equipment compatible with existing systems

C. How Business/Owners are Aggrieved by decision

1. A new and upgraded system (Large Storage DVR, Commercial grade HD cameras, that needs to be compatible with the current live/searchable system) would need to be added. The external cameras will need to be re-wired to a new separate DVD system in order to provide the LAPD remote access on these external cameras.
2. Due to COVID related equipment product delays owner/operators cannot commit to a specific time-period to have this completed.

D. Why we believe this is in error

1. The retention period does not appear to be a standard length of time within the City with in comparison to other like businesses and varies with other like businesses that have a thirty-day retention period requirement per their conditions.

OFFICE OF ZONING ADMINISTRATION  
200 N. SPRING STREET, ROOM 763  
LOS ANGELES, CA 90012-4801  
(213) 978-1318

**ESTINEH MAILIAN**  
CHIEF ZONING ADMINISTRATOR

**ASSOCIATE ZONING ADMINISTRATORS**

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planning.lacity.org

August 25, 2021

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

VAYO Management Inc. (O)(Op)  
Lou and Sunshine Vayo  
650 N. Rose Dr. #206  
Placentia, CA 92870

John Coates (R)  
555 E. Pacific Coast Hwy #218  
Long Beach, CA 90806

Dick's Liquor  
9230 South Broadway  
Los Angeles, CA 90003

CASE NO. DIR-2021-1460-RV  
IMPOSITION OF CONDITIONS  
9230 South Broadway  
Southeast Los Angeles  
Zone: C2-1VL-CPIO  
C.D : 8 – Harris-Dawson  
D.M. : 094-5A203  
CEQA: ENV-2021-1461-CE  
Legal Description: Lot 8, Tract 4209

Pursuant to California Environmental Quality Act, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15321 (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.

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.27.1, I hereby REQUIRE:

the modification of the operation of the market, known as the Dick's Market (formerly Dick's Liquor Store) located at 9230 South Broadway, in order to mitigate adverse impacts caused by said operation and any potential impacts caused by any future operation of the Use, as follows:



Upon the following additional terms and conditions:

1. The business owner/operator and/or the property owner shall file a Plan Approval application with associated application fees set forth in Section 19.01-E of the Municipal Code and public hearing notification mailing fees, within **6 months** from the effective date of this determination to allow for a review of the effectiveness in implementing the Conditions established herein and to determine whether the public nuisance problems identified in the "Findings" section below have been reduced or eliminated. A public hearing shall be conducted. Notice of the public hearing shall be to all property owners and occupants located within 500 feet of the property. In addition, all persons who were mailed a copy of the instant determination shall be notified. Failure to file the Plan Approval application may result in revocation of the use.

The applicant shall provide documentation to substantiate ongoing compliance of the applicant with each of the conditions contained herein at the time of filing for the Plan Approval review application.

2. The use of the property shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions if such Conditions are proven necessary for the protection of the neighborhood. The Zoning Administrator may also add, modify, or delete Conditions if they are no longer necessary or have proven ineffectual.
3. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
4. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
5. All graffiti on the site shall be removed and painted over to match the color of the surface to which it is applied with anti-graffiti paint within 24 hours of its occurrence.
6. Within 30 days of the effective date of this determination, the property owner shall record a covenant acknowledging and agreeing to comply with all the terms and conditions established herein in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

7. A copy of these terms and Conditions shall be maintained on the subject premises and shall be made available to all enforcement personnel upon request.
8. These conditions of approval as well as a copy of any Business permit, insurance information, security and any emergency contact phone numbers shall be maintained in the office at all times and produced immediately upon request of the Police Department, the Zoning Administrator, the Department of Building and Safety or other enforcement agency.
9. A copy of the conditions of this letter of determination shall be retained on the premises at all times and produced upon request by the Police Department, the Department of Building and Safety, the Department of City Planning, or the State Department of Alcoholic Beverage Control (ABC).
10. The conditions of the subject grant shall be provided to employees including security personnel for their review. Employees shall be notified that the violation with the required conditions herein may result in disciplinary action to the business.
11. The business shall maintain a bona fide market/convenience store mode, character, and general merchandise items such as milk, juice, water, other non-alcoholic beverages, food, and household items available for purchase at the location. Alcoholic beverages shall not be the primary merchandise in display.
12. Hours of operation shall be limited to 8:00 a.m. through 10:00 p.m., daily. The operating hours shall be posted in a visible location near the front entrance to the store.
13. No new/additional signs may be attached to the building. Existing signs shall not be enlarged. All signs and advertisement of alcohol visible to the exterior of the establishment shall be removed including signs on the doors. Signage shall reflect the new approved change (Dick's Market).
14. All windows shall be maintained free of signs and other materials that inhibit views into the market by law enforcement agencies.
15. There shall be no public pay telephones, automated teller machines (ATM's) or vending machines on the property.
16. No open storage is permitted. All market equipment, appliances, supplies, and for sale merchandise and goods shall be stored within the building.
17. No coin-operated electronic, video, or mechanical game machines shall be maintained upon the premises at any time.
18. Only the front door(s) or entryway(s) shall be used for patron access. All other doors shall be equipped on the inside with an automatic locking devise and shall be kept closed at all times other than to permit temporary access for delivery of supplies and trash removal. These doors shall not consist solely of a screen or ventilated security door, but shall be solid.

19. The property owner shall install and maintain exterior lighting in the parking or other areas in consultation with the Los Angeles Police Department, Southeast Vice Unit, to provide sufficient illumination so as to render objects or persons on the property and adjoining sidewalk clearly visible. Improve and provide additional lighting on the south and east sides of the property which will include the parking lot area and sidewalk area along West 93rd Street. All exterior lighting shall be shielded and directed onto the site to prevent the light source from illuminating adjacent properties. Within 30 days from the effective date of this determination, evidence of compliance with this condition shall be submitted to the Zoning Administrator. A letter or an e-mail from the LAPD stating that the required exterior lighting has been installed in compliance with this condition will satisfy this condition.
20. A camera surveillance system shall be installed and maintained. Line of sight will include sidewalk areas. LAPD will have remote access to the exterior cameras. Recordings shall be maintained for 60 days and shall be made available to the Police Department or other enforcement agency upon request. An on-duty manager shall have access to the camera surveillance system and shall be made available to the Los Angeles Police Department at all times, including during hours of operation.

The surveillance monitors shall be located in an area where the monitors are regularly monitored by staff and/or security personnel. Signs indicating the use of a 24-hour video surveillance system shall be posted at the driveway entrance, parking lot area and on the exterior walls facing the adjoining streets. The signs shall state the following:

**WARNING  
THIS PREMISE IS UNDER 24-HOUR SURVEILLANCE  
BY THE MANAGEMENT AND THE LAPD.  
ALL CRIMINAL ACTIVITIES WILL BE DIRECTLY REPORTED TO THE LAPD**

The sign(s) shall be at least two square feet with 2-inch block lettering. The sign(s) shall be in English and Spanish.

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

21. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted outside of the subject facility and in the parking lot. The applicant shall be responsible for ensuring persons are dissuaded from loitering on or immediately around the subject premises.

22. The business operator shall post professionally prepared signs in English and Spanish, at visible and conspicuous locations on the property, containing the following language in lettering of at least 2 inches in height:

“NO NARCOTICS USE OR DEALERS, NO LOITERING, NO WEAPONS, NO  
TRESPASSING, NO PROSTITUTION. THIS PROPERTY IS PATROLLED  
REGULARLY AND FREQUENTLY BY THE LAPD.”

23. The property owner shall, within 10 days of the effective date of this determination, sign and deliver to the Los Angeles Police Department (“LAPD”), Southeast Vice Unit, a “Trespass Arrest Authorization” form, which authorizes the LAPD to arrest individuals unlawfully loitering on the property pursuant to LAMC Section 41.24. A copy of the executed form shall also be provided to the Zoning Administrator within the same 10 days.
24. Security Personnel - The following security measures shall be provided to mitigate loitering, and any nuisance/criminal activity on the subject premises.
- a. The business owner/operator shall retain a minimum of one California State licensed security guard from 3:00 p.m. until the business is closed for the day, on a daily basis.
- The property owner and/or the business owner/operator shall provide a copy of a valid contract for such security service to the Zoning Administrator within 30 days of the effective date of this action.
- b. The security guard shall wear a clearly identifiable uniform.
- c. The security guard shall not be the owner/operator or have any association with the operation of the establishment.
- d. The security guard shall not have a criminal background.
- e. The security guard shall not conduct any other activities while employed at the store other than those of a security guard which include checking identification and escorting undesirable patrons off the premises.
- f. The security guard shall request the assistance of the Los Angeles Police Department if, based upon their training, the situation so warrants. The security guard shall cooperate with all law enforcement personnel during any investigations or inspections on the property.
- g. The security guard shall discourage illegal and criminal activity on the subject premises and any exterior area, in effort to ensure that no activities associated with problems such as narcotics sales, use or possession, prostitution, loitering, theft, illegal parking, and vandalism.

- h. The security guard shall be fluent in English and will have clear instructions to enforce applicable conditions and uphold the law. The business operator and/or security guard shall not follow, impede, obstruct or delay any law enforcement personnel conducting inspections or official business at the location. The guard shall be responsible for securing not only the subject market establishment but also the adjacent parking lot and perimeter.
  - i. No security guard or employee shall be involved in criminal activity, or encourage, or allow patrons to remain on the premises for more than 20 minutes.
  - j. A log for security patrol and calls to the LAPD shall be maintained by the guard at the property, indicating the dates and times of security guard on duty and nature and resolution of any security incidents and calls to the LAPD, and shall be provided when requested by any law enforcement personnel.
  - k. The on-site manager shall be available to meet with the Police Department upon any inspection and be allowed access to the property when requested. Cooperate with any law enforcement agencies in their investigations related to the property and do not impede or interfere with their investigation.
  - l. Within 30 days from the effective date, signs shall be posted throughout the site, as determined by LAPD, with the language indicating that the premises is under LAPD surveillance.
25. The business owner/operator shall join and actively participate in the efforts of any local business neighborhood watch, and shall attend monthly meetings with the Southeast Senior Lead Officer as well as the monthly Neighborhood Empowerment Council meetings, residential association meetings and provide proof of such attendance to the Police Department and Zoning Administrator.
26. The applicant shall fully comply with all California State Department of ABC regulations governing the sale of alcoholic beverages for the market.
27. STAR Training. Within 60 days from the effective date of this Determination, all personnel acting in the capacity of a manager of the premise and all employees shall complete the STAR (Standardized Training for Alcohol Retailers) session sponsored by the Los Angeles Police Department. All employees shall attend follow-up STAR classes every 24 months. The STAR training shall be conducted for all new hires within two months of their employment. Upon the hiring of a new staff, verification of the employee(s) hire date and written confirmation of their STAR training and follow-up training for all employees shall be submitted to the Department of City Planning Office of Zoning Administration and shall be retained on the premise at all times and be immediately produced upon request of any Los Angeles Police officer or Department of Alcoholic Beverage Control investigator.

28. Within 30 days from the effective date of this Determination, an electronic age verification device shall be purchased and retained on the premises to determine the age of any individual attempting to purchase alcoholic beverages or tobacco products, and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
29. There shall not be any sale of single cans or bottles of beer, wine coolers, or malt liquor from pre-packaged 6- or 4- packs. The sale of individual cans or bottles of craft beer from 21+ fluid ounce containers is permissible.
30. All ice shall be sold in quantities of no less than three (3) pounds. No single cups of ice shall be sold.
31. Any cups, glasses or other receptacles commonly used for the consumption of beverages shall not be sold, furnished or given away except as packages for retail-wholesale sales; or except for those cups, glasses or receptacles commonly used to dispense soft drink, coffee or tea for immediate consumption on the premises. The store shall not sell or dispense ice for single-serving purposes. No individual cups shall be sold or distributed.
32. Signs shall be prominently posted in English and the predominant language of the facility's clientele, if different and a notice shall be placed therein stating California State Law prohibits the sale of alcoholic beverages to persons under the age of twenty-one years or to intoxicated persons and no such sales will be made.
33. No single cigarettes shall be sold.
34. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the State Department of ABC and the conditional use herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, including parking lot commonly used by patrons, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
35. The manager and all employees of the facility shall be knowledgeable of the conditions herein. Additionally, a copy shall be provided to all employees who shall sign an acknowledgment form stating that they have read and understood all the ABC conditions as well as all the conditions of this grant. Said form shall be maintained at the location by the owner and/or manager who shall present it to Police personnel, ABC investigators or any other City agency upon request.

36. The applicant, owner and on-site manager(s) shall comply with all applicable laws and conditions and shall properly manage the facility to discourage illegal and criminal activity on the subject premises and any accessory parking areas over which they exercise control.
37. Operator and its personnel shall, at all times maintain a policy of not serving obviously intoxicated patrons and taking preventative measure to help avert intoxication-related problems.
38. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
39. The business operator shall not allow access onto the property by persons known to them to be prostitutes, pimps, prostitution customers, parolees with prior narcotic or prostitution offenses, narcotics users, narcotics possessors, narcotics sellers or manufacturers of illegal controlled substances.
40. Staff and the security personnel shall monitor the immediate vicinity in order to ensure that no public consumption of alcoholic beverages occurs. Staff and the security personnel will also be responsible to constantly monitor and ensure patrons to not open sealed alcoholic beverage containers for on-site and off-site consumption beyond the entrance doors onto the sidewalk.
41. The business operator shall inform the Police Department immediately if any person on the property is engaging in narcotics activity, or if narcotics paraphernalia is observed on the property. All trespassers and loiterers on the property shall be immediately reported to the Police Department.
42. The property owner and/or the business operator shall identify a contact person and provide a 24-hour "hot-line" telephone number for any inquiries or complaints from the community regarding the subject facility. A telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The "hot-line" shall also provide for messages after hours with response within 24 hours of receipt of the message. The phone number and email address shall be posted at the entry and cashier registers, made visible to the public.
43. Complaints shall be responded to within 24-hours. The owner/operator shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved. This log shall be made available to law enforcement personnel upon request and presented as part of the application if and when a new application to continue the operation is submitted to the Department of City Planning.

44. Any sound or noise including amplified or acoustic music which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City inspector may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, the owner/operator will be notified and will be required to modify, or eliminate the source of the noise, or design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
45. The property, including the parking area and sidewalk areas adjacent to the subject premises, shall be maintained free from trash and debris. The owner/operator shall keep the premises and any area adjacent to the premises, over which they have control clear of filter, newspaper racks, benches, furniture, boxes or objects that encourage loitering. The store employees shall inspect the outside of the premises throughout the day to ensure the property is free of trash. The adjacent sidewalks, gutter and parking area shall be swept on a daily basis and litter and trash removed.
46. Any outside trash and recycling bins shall be locked. Trash deposit in dumpsters will be carried out quietly and the market staff will be respectful to neighbors.
47. At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant and/or the ABC license of the location, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator (Upon his/her initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing requiring the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19-01-I (Miscellaneous Plan Approval), the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office and the Los Angeles Police Department's corresponding division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
48. Should there be a change in the ownership and/or the operator of the business, the property owner, business owner, or 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. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the



date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30-days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.

49. The Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
50. The property owner and/or the business owner/operator shall reimburse the City of Los Angeles applicable fees and surcharges for the subject application, as set forth at Los Angeles Municipal Code Section 19.01, within 60 days of the effective date of this determination.
51. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- i. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- ii. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.

- iii. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- iv. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- v. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

**TRANSFERABILITY**

These Conditions of operation 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 owner advise 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)

**APPEAL PERIOD – EFFECTIVE DATE**

The Zoning Administrator's determination in this matter will become effective after **September 9, 2021**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at <http://cityplanning.lacity.org>. Public offices are located at:

**Downtown**  
 Figueroa Plaza  
 201 North Figueroa Street,  
 4th Floor  
 Los Angeles, CA 90012  
[\(213\) 482-7077](tel:(213)482-7077)

**San Fernando Valley**  
 Marvin Braude  
 Constituent Service Center  
 6262 Van Nuys Boulevard,  
 Rm 251  
 Van Nuys, CA 91401  
[\(818\) 374-5050](tel:(818)374-5050)

**West Los Angeles**  
 Development Services Center  
 1828 Sawtelle Boulevard,  
 2nd Floor  
 Los Angeles, CA 90025  
[\(310\) 231-2598](tel:(310)231-2598)

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

**NOTICE**

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of Condition compliance and plans or any building permit

applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

### FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the report of the Staff Investigator thereon, and the statements made at the public hearing before the Zoning Administrator on April 13, 2021, all of which are by reference made a part hereof, as well as knowledge of the property and the surrounding district, I find as follows:

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

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.

It has been the City's practice and policy to impose corrective conditions when a property is initially determined to be a nuisance location and to give any owner/operator an opportunity to correct the problems before any possible revocation.

Prior to an action by the Zoning Administrator requiring that a use be discontinued, it must be found that prior governmental efforts to eliminate the problems associated with the use have failed and the owner or lessee has failed to demonstrate to the satisfaction of the Zoning Administrator a willingness and ability to eliminate the problems associated with the use.

### **BACKGROUND**

On February 6, 2006, the owner filed a Statement of Information for the liquor store with the Secretary of State of California. The City of Los Angeles Office of Finance LATAX Report shows that Dick's Liquor Market (Account 2164881) started on February 22, 2006 at the subject property under the current ownership. On January 11, 2021, the owner filed a Statement of Information to the State of California, indicating there is no change to the business entity.

The subject liquor store maintains a current Type-21 alcoholic beverage license with the State of California. The California Department of Alcoholic Beverage Control license number 435297 expires on January 31, 2022. According to the California Department of Alcoholic Beverage Control website, license 21-256307 was originally issued on February 19, 1991. No records for licenses issued prior to 1990 for the subject property were available on the California Department of Alcoholic Beverage Control website.

According to a Certificate of Occupancy issued on May 23, 1963, the liquor store was converted from a portion of the existing commercial building (Permit # LA-34213). According to a Building Permit issued on March 5, 1979 (Permit # LA-78629), the liquor store was listed as the present use of the building. Per Ordinance 159,698 (Off-site Sale of Alcoholic Beverages) and ZA Memorandum No. 61, a Conditional Use Permit for off-site sale of alcoholic beverages should be filed for applications with the California Department of Alcoholic Beverage Control (ABC) on and after April 7, 1985. Therefore, it appears that the subject business does have deemed-to-be-approved status and does not need to file for a Conditional Use Permit for off-site sale of alcoholic beverages with the City Planning Department.

The Southeast Los Angeles Community Plan Map designates the property for Neighborhood Commercial land uses with corresponding zones of CR, C1, C1.5, C2, C4, RAS3, R3, and Height District No. 1VL. Pursuant to Ordinance No. 185,925, which became effective on December 29, 2018, the subject site was rezoned from C2-1VL to C2-1VL-CPIO. The property is also now located within the Southeast Los Angeles Community Plan Implementation Overlay District (ZI-2483). The property is within the South Los Angeles Alcohol Sales Specific Plan (ZI-1231), and the Broadway/Manchester Recovery Redevelopment Project Area (ZI-2488). Additionally, the subject site is within CPC-2004-2391-ICO, which pertains to the Southeast Los Angeles Interim Control Ordinance for automotive related uses. The site is located within the Urban Agriculture Incentive Zone and is subject to Local Emergency Temporary Regulations-Time Limits and Parking Relief (ZI-2498) and the State Enterprise Zone (ZI-2374). The subject property is within 1,000 feet of a freeway (Zoning Information File No. 2427), and is approximately 2.69 km from the Newport – Inglewood Fault Zone. The subject site is in the Los Angeles Police Department's South Bureau-Southeast Area Station and is in Crime Reporting District No. 1802.

The property is a level, corner-shaped lot, comprised of one parcel that is a rectangular-shaped record lot having a frontage of approximately 30 feet on the east side of South Broadway, with a depth of 100 feet along West 93rd Street, for a total approximately 3,023 square feet of lot area in the C2-1VL-CPIO Zone. The property is developed with a one-story, 4,950 square-foot commercial multi-tenant building. According to Certificate of Occupancy issued on May 23, 1963, the 1,375 square-foot liquor store was converted from a portion of the existing commercial building. Per google map aerial imagery, it appears that there are seven marked parking spaces located towards the rear of the commercial building with vehicular along West 93rd Street.

### **Streets**

Broadway, adjoining the subject property to the west, is designated by the Mobility Plan as a Boulevard II, with a 110-foot right-of-way width and improved with curb, gutter and sidewalk.

93rd Street, adjoining the subject property to the south, is designated by the Mobility Plan as a Local Street with a 60-foot right-of-way width and improved with curb, gutter, and sidewalk.

### **Surrounding Land Uses**

The adjoining property to the north is zoned C2-1VL-CPIO and improved with a one-story commercial building, occupied by the Greater Progressive Missionary Baptist Church. Property to the south across from West 93rd Street is zoned C2-1VL-CPIO and improved with a one-story commercial building and associated parking lot, located at 9300 South Broadway. Property to the south of the commercial building is an unlicensed cannabis dispensary (Broadway L.A. Pharmacy25Cap), located at 9304 South Broadway. Adjoining property to the east is zoned R2-1 and improved with a one-story single-family structure and detached garage. Property to the west across from South Broadway is zoned C2-1VL-CPIO and improved with a two-story commercial building. Property to the southwest corner of the subject liquor store is a grocery market with associated parking lot, located at 9305 and 9307 South Broadway.

The liquor store is located approximately 735 feet north of the Watts Learning Center Elementary School, located at 310 West 95th Street. The liquor store is located approximately 285 feet east of the single-family residential neighborhood in the R1-1 zone.

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

- ABC License # 435297 (Type 21) – issued February 15, 2006 and expires on January 31, 2022. Transferred from License # 425016 on February 15, 2006.
- ABC License # 425016 (Type 21) – issued on June 1, 2005 and expired on May 31, 2006. Transferred to License # 435297 on February 15, 2006.
- Permit # 03016-10000-21341 – issued on October 29, 2003 for replacement and relocation of existing walk-in cooler within an existing liquor store with pre-packaged goods. Permit expired on April 8, 2008.
- ABC License # 37998 (Type 21) – issued on May 12, 2003 and expired on April 30, 2006. Transferred to License # 425016 on June 1, 2005.
- ABC License # 256307 (Type 21) – issued on February 19, 1991 and expired on July 31, 2003. Transferred to License # 397998 on May 12, 2003.
- Permit # 70276 – issued on January 8, 1980 for a one-story, 90 feet by 4 feet addition to an existing 89'-4" by 51'-1" store creating a 90' by 55'-1" building with no change in parking.
- Permit # LA-78629, issued on March 5, 1979 for interior remodel of an existing liquor store.
- Permit # 34213 – issued on May 23, 1963 for a one-story, 25 feet by 55 feet liquor store with packaged foods only, converted from portion of 55 feet by 90 feet commercial building.

### **Surrounding Cases, Affidavits, Permits, and Order**

There are no other revocation actions located within 500 feet of the subject liquor store. There is one open LADBS investigation related to problems occurring at night or weekends, located at 9304 South Broadway. There is one open LADBS investigation related to unapproved occupancy or use of the parking lot as a recycling center, located at 9305 South Broadway.

- Order to Comply Order # A-5229135 – issued on January 9, 2020 pertaining to violation of Los Angeles Municipal Code for: use of land for recycling center without required Certificate of Occupancy, code violation inspection fee, for property located at 9305 South Broadway.
- Order to Comply Order # A-5044483 – issued on June 12, 2019 pertaining to violation of Los Angeles Municipal Code for: unapproved construction, electrical not complying with code, maintenance and repair of existing building, investigation fees required for work performed without required permits, for property located at 9304 South Broadway.
- Order to Comply Order # A-4827074 – issued on October 2, 2018 pertaining to violation of Los Angeles Municipal Code for: parking for the building not being maintained in conjunction with the home occupation, unapproved occupancy or use of the parking lot as a recycling center, code violation inspection fee, for property located at 9305 South Broadway.

### **NUISANCE INVESTIGATION**

Planning staff conducted a field analysis as part of the nuisance investigation on February 5, 2021 from 1:00 PM to 1:45 PM. Below is a summary of the investigation.

#### **Signage, Rules, and Regulations**

Two signs posted on the southern facing wall along West 93rd Street inform customers of the following: No loitering or open alcoholic containers. One projecting sign parallel to the southern facing wall, posted above the exterior public telephone and contains the message: Local calls 25 cents. Eight signs posted on the western facing wall adjacent to the entrance along South Broadway inform customers of the following: County of Los Angeles Public Health facility rating, No loitering of open alcoholic containers, No mask no service, No more than six customers at a time, American Disability Act assistance hot-line telephone number. Seven large alcoholic beverage advertising banners hang from the edge of the roof overhang along the store frontage on South Broadway.

During the afternoon site visit, staff observed one delivery truck which parked on South Broadway while providing delivery service to the liquor store.

#### **Liquor Store Security System**

The subject liquor store has a security video system. During the site visit, staff observed multiple cameras posted near the store entrance and along the exterior south facing wall. Numerous cameras are mounted throughout the interior of the store on the ceiling. One monitor is stationed near the store entrance and another monitor is located behind the cashier register.

#### **Liquor Store Exterior Lighting**

There is one light pole located in front of the store entrance along South Broadway, and one light pole located near the security gate towards the rear of the store along West 93rd Street. Multiple exterior security flood light fixtures are mounted on the edge of the roof along South Broadway and West 93rd Street.

### Security Personnel

During the site visit on February 5, 2021, staff did not observe uniformed security on-site.

### Trash, Debris, Graffiti, Loitering

During the site visit on February 5, 2021, staff did not observe trash or debris outside the liquor store along the sidewalks on South Broadway or West 93rd Street. The trash dumpster appears to be located inside the rolling security gate at the parking lot of the liquor store. Staff observed some debris along the curb and gutter in front of the store. The sidewalks immediately adjacent to the liquor store was generally clean. There was graffiti on the exterior windows along the store frontage on South Broadway, the south facing wall along West 93rd Street, and the utility box next to the light pole on West 93rd Street.

In regard to loitering, staff observed people loitering throughout the site. A group of people loitering to the south of the liquor store along the sidewalk on West 93rd Street for an hour. Two people loitering near the store entrance next to the public telephone. One person loitering along the south facing wall. Two people loitering near the unlicensed cannabis dispensary located at 9304 South Broadway.

### Public Telephone

Staff observed one public telephone located near the exterior of the store entrance along South Broadway.

## **WRITTEN COMMUNICATIONS RECEIVED PRIOR TO HEARING**

### Council District 8

On October 19, 2020, an email correspondence was received from Isaias Benavides, Field Deputy for Councilmember Marqueece Harris-Dawson, indicating their office had received numerous complaints from the community and LAPD which include: vandalism, loitering, burglary, theft, public intoxication, drinking in public, assault, battery and fights.

On September 8, 2020, the Planning Department was notified from Isaias Benavides of two constituents who had contacted them in regard to littering and loitering near the liquor store.

### The Los Angeles Police Department submitted the following reports:

Investigative Reports: There were 8 investigative reports submitted for the subject property (9230 South Broadway) between February 7, 2018 and March 15, 2021.

1. February 7, 2018, 1:00 a.m. Investigative Report – Simple Battery – Victim was sitting in vehicle as rear passenger. Suspect-1 approached victim and punched him in the face with a closed fist. Suspect-2 was standing outside the liquor store. Witness in driver seat drove away from the suspects. Suspect-2 followed the vehicle on foot and slashed the vehicle's front passenger tire with a knife.



2. May 24, 2018, 10:15 p.m. Investigative Report – Battery – Victim involved in an altercation with the suspect, who worked as a security guard inside the liquor store. Suspect sprayed victim in the face with pepper spray when the victim was standing on the sidewalk outside the liquor store. Suspect stated that victim was yelling and threatening physical harm towards him. Suspect stated that victim was not allowed inside the store. Victim appeared intoxicated and belligerent during investigation.
3. August 19, 2018, 3:26 p.m. Investigative Report – Robbery – Suspect approached victim inside the liquor store. Suspect confronted the victim and victim took off his sweater and handed to the suspect. Both suspect and victim exited the store. Victim walked away from the suspect while suspect entered his vehicle. Victim ran away from the suspect vehicle while suspect drove aggressively and purposely toward the victim and tried to strike the victim twice. Two suspects related to the incident were identified to be gang members.
4. March 14, 2019, 3:03 a.m. Investigative Report – Burglary – Two suspects attempted to force entry into the victim’s secure business by cutting the locks. Suspects briefly fled but returned late and used bolt cutters and gained entry. Suspects removed multiple boxes of cigarettes and a laptop located behind the counter. Glass door was shattered and locks and chain were damaged.
5. May 2, 2019, 2:00 p.m. Investigative Report – Assault with Deadly Weapon – Suspect is a security personnel at the liquor store, and advised victim not to return to the store. Victim entered store to use the ATM and suspect approached him and told him to leave. Victim ignored the suspect and continued to approach the ATM. Suspect sprayed victim on the back of his head with pepper spray. Victim began to cough and exited the store.
6. May 2, 2020, 9:50 p.m. Investigative Report – Battery – Victim went to liquor store and parked her vehicle approximately 10 feet from the entrance of the liquor store. Suspect called out to the victim and asked her to go over and talk to him. Victim tried to walk away and ignored the suspect. Suspect grabbed the victim’s arm and pushed the victim into a corner. Suspect punched victim multiple times on her face. Victim got into her vehicle and drove away.
7. May 25, 2020, 9:00 p.m. Vehicle Report – Victim walked into liquor store and left the vehicle engine running and doors unlocked. Victim returned ten minutes later and the vehicle was gone. Victim stated he did not give anyone permission to drive his vehicle.
8. May 26, 2020, 1:00 a.m. Investigative Report – Robbery – Victim rode his bicycle to liquor store and purchased several items. Suspect 1 approached the victim and kicked him off the bicycle. Suspect 2 struck victim from behind. Victim stated he attempted to fight off Suspect 1 however both suspects continued to punch and kick him. Suspects grabbed the victim’s items and currency in the victim’s pocket. Victim was transported to hospital and treated for lacerations.

According to LAPD reports, there were 15 arrest charges submitted for the property located at 9230 South Broadway between February 1, 2018 and February 28, 2021:

No.	Date	Description
1	09/04/18	POSSESSION OF OPEN CONTAINER OF ALCOHOL IN PUBLIC SPACE
2	09/04/18	POSSESSION OF OPEN CONTAINER OF ALCOHOL IN PUBLIC SPACE
3	09/05/18	POSSESSION OF OPEN CONTAINER OF ALCOHOL IN PUBLIC SPACE
4	09/11/18	THEFT
5	09/11/18	PAROLE VIOLATION
6	09/20/18	POSSESSION OF OPEN CONTAINER OF ALCOHOL IN PUBLIC SPACE
7	09/27/18	POSSESSION OF OPEN CONTAINER OF ALCOHOL IN PUBLIC SPACE
8	10/27/18	VIOLATION OF LAMC
9	10/29/18	POSSESSION OF OPEN CONTAINER OF ALCOHOL IN PUBLIC SPACE
10	11/05/18	VIOLATION OF LAMC
11	11/06/18	VIOLATION OF LAMC
12	11/07/18	VIOLATION OF LAMC
13	11/07/18	VIOLATION OF LAMC
14	11/27/18	VIOLATION OF LAMC
15	01/21/21	POSSESSION OF CONTROLLED SUBSTANCE WHILE ARMED

Crime Analysis Mapping System Crime Summary Report: There were 13 arrests for violation of the Los Angeles Municipal Code (LAMC), 19 calls for service which resulted in arrests, and 10 crimes submitted for the property located at 9230 South Broadway (Crime Reporting District No. 1802) between January 1, 2017 and December 10, 2020 that include: aggravated assaults, robbery, grand theft (persons), grand theft (automobile), theft, burglary, assault with deadly weapons, battery, disturbances, fights, and suspended license.

Crime Analysis Mapping System Crime Summary Report: There were 80 crimes, 56 arrests, and 194 calls for service submitted for Crime Reporting District No. 1802 and 1822 during the three-year period between January 1, 2017 and December 10, 2020 that include: aggravated assaults, robbery, rape, grand theft (persons), grand theft (automobile), burglary, vandalism, theft, gun possession, narcotics, assault, assault with deadly weapons, public intoxication, disturbances, fights, trespassing, disputes, and violations of LAMC.

Crime Analysis Mapping System Calls for Service Summary Report: There were 31 calls for service submitted for the subject property (9230 South Broadway) between March 1, 2018 and March 2, 2021 that include: robbery, disturbance, simple assault, fights, battery, theft, burglary, trespassing, automobile theft, and assault with deadly weapon.

On April 2, 2021, a LAPD Senior Lead Officer provided an Officer's Declaration which summarized the issues at and around Dick's Liquor Store since 2018. Per LAPD testimony, the Southeast Senior Lead Officer Office and Southeast Vice issued 30 citations and arrests for violations of LAMC and Business and Professional codes. The LAPD requests that the Zoning Administrator impose corrective conditions on Dick's Liquor in order to assist in abating the nuisance activity in front of and around the liquor store.

### General Public

On March 25, 2021, Rigoberto Martinez, business owner for establishment located at 9300 Broadway, provided photographs from his security camera footage which show a group of people loitering along West 93rd Street adjacent to his business. Mr. Martinez also provided the following comments:

- Owns a sewing business located adjacent to the cannabis dispensary
- Business has dropped as a result of operation of Dick's Liquor operations
- Liquor store open late until 2:00 a.m.
- Filed report to LAPD as the patrons of the liquor store have thrown bottles at him and block his driveway
- Patrons of the liquor store urinate on his property as women and children walk by
- Patrons of liquor store retaliated against him when he reported the nuisance
- Patrons of liquor store dumped all kinds of trash on his property

Mr. Martinez also submitted additional photographs and video evidence to the public record between March 26, 2021 to April 5, 2021. These photographs can be viewed in the case file.

On April 11, 2021, a lead community organizer for Community Coalition, submitted email correspondence and stated that the liquor store has been a nuisance for decades, and continues to exacerbate several issues, such as public drinking, public urination, defecation, trash, sex trafficking, and more. Mr. Leon also attached documents to the email which included: (1) 170 signed petitions supporting revocation of the alcohol license for Dick's Liquor, (2) digital petition report to revoke the alcohol license for Dick's Liquor, (3) 21 problem documentation forms for issues in the area, (4) written statement from resident, (5) social investigation report, and (6) letter of support for revocation from Community Coalition.

Additionally, planning staff received five (5) emails from residents in the area citing concerns related to the liquor store. One (1) email was submitted in support of the business. On April 12, 2021, Mr. Leon from Community Coalition submitted additional petitions signed by residents in support of revoking the alcohol license.

### Owner/Operator and Representatives

On April 9, 2021, the owner/operator submitted email correspondence to planning staff and attached a statement letter summarizing the history of the ownership and improvements made to the store over the years.

On April 12, 2021, the representative for the owner/operator submitted email correspondence to planning staff which included: (1) Nuisance Action Plan for Dick's Liquor, (2) Petition in Support of business with over 600 signatures, and (3) Summary of comments in response to case file materials. These attachments can be viewed in the case file.

## PUBLIC HEARING

In response to the allegations of nuisance activities and a request to review the location for possible revocation of the liquor store use by the Council District 8 Office, the Director of Planning (Office of Zoning Administration) initiated proceedings and conducted a public hearing pursuant to Municipal Code Section 12.27.1, in order to obtain testimony from the owner/operator of the store and interested or affected persons regarding the operation of Dick's Liquor Store. The hearing was noticed and mailed to the property owner and the premises and to owners and occupants of all properties within a 500-foot radius, in compliance with Municipal Code requirements.

A virtual public hearing conducted via Zoom application and telephonically was held on April 13, 2021 at 10:00 a.m. In attendance at the hearing and testifying were the property owner/operator, the store operator's representatives, a representative of the Los Angeles Police Department, representatives from Council District 8, and members of the community. The following testimony was provided at the hearing:

### Owners/Operators, Lou and Sunshine Vayo

- Wife and I owned store for 15 years
- Integral part of the community
- Provide food for those who need
- Donated to families who lost loved ones
- Provide opportunities of employment to the members of the community
- Strong patronage of people
- Collected 600 plus petitions – supporting the store
- Was IT professional for 20 years and wife was economics professor for 20 years
- Retired and heavily invested in the store
- Income depends on the store
- Made continuous improvements to the store and building over the years
- Upgraded surveillance system over the years
- High definition DVRs – both outside and inside of the store
- Updated cashier areas and strengthened the counter
- Bank grade glass around cashier area
- Bullet proofing on outside of the windows
- Upgraded windows
- Installed extra alarm sensors
- Security flood lighting around the roof
- DVR accessible to staff outside
- 54 security cameras as of today
- Cameras have proven to be deterrent to crimes
- Partnered with law enforcement to help suppress crime in the area
- Law enforcement continuously use my cameras, whenever they need access to them they have access to them, from many different divisions
- Disconnected public telephone past Saturday and put a note “do not reconnect”
- Have reached out to Mr. Martinez before regarding loitering

- Took action couple of years ago to make sure there is no loitering in front of the store
- Most people who loiter are people from the area
- Wife spoke with Mr. Martinez recently regarding loitering
- Ongoing advising patrons not to congregate near and around the store
- Can redirect lights toward 93<sup>rd</sup> Street
- Have remote access to all cameras – constantly surveillance
- Will increase armed security – currently comes Monday, Wednesday, Friday, Saturday (4 days) – interim schedule that is temporary
- Used to have night security 7 nights a week
- Current formal security guard comes 9 p.m. to 2 a.m. at the moment / 4 days a week at the moment (interim) scheduled changed recently
- Last 2 month – 4 days a week (recent change in schedule)
- Before 2 month – 7 days a week
- If necessary, can increase security guard schedule
- Will do whatever it takes to keep liquor license intact
- Will work with commercial business across the street Mr. Martinez to clean up his area
- Will Continue video surveillance in all directions
- Bi-weekly meeting or monthly meetings with Southeast division Senior Lead Officer to coordinate any additions to the plan
- Discuss with Southeast Senior Lead Officer regarding any possible LAPD substation on our property – have open unit – can make available for LAPD to use as substation
- Our customers and staff feels very safe due to cameras, lighting, and bullet proofing
- There is crime all over South LA
- We are doing our best
- We are willing to work with City and community
- If there is a problem, we want to fix it
- Is planning on installing a freezer to provide more food products and looking at expanding that part
- visited Mr. Martinez on Easter evening and told him his area is very dirty; hire somebody to clean the area; asked Mr. Martinez to drop complaints
- Have hired people to clean up the area
- Mr. Martinez said: “give me \$6000 and I will not show up to the hearing”
- Will do what we can to help solve the problems
- Current hours 7 days a week from 7 am to 2 am
- Usually minimum 2 staff on site – if include security guard then 4 staff
- Busy time 3 staff – 2 staff in the morning
- Always have supervisor on site at the store
- If supervisor is off – owner is there
- Beer banners are put up by vendors
- Health Department came over – stopped doing single cups of ice
- Used to give out free ice and small bags of ice – stopped years ago

- Willing to stop selling single cans of beer if that's a problem
- Willing to stop selling mini size liquor airplane shots
- Have machines to check for ID and counterfeit bills
- Willing to add more no loitering sign and put it in Spanish as well
- Put the signs high so people do not mess with it
- Had a "do not parking tow away zone" sign and people ripped that off
- Planned to buy freezer before COVID started and now it's not available
- Trying to buy big freezer because people are asking for it
- Sell frozen dinner and burritos, eggs
- Do have some school supplies and can expand that
- Not able to sell fresh fruit because that is a grocery item and not permitted by Health Department
- The license we have allow us to sell food that has to be packaged by the manufacturer (sealed)
- We do sell other household items and packaged goods, cleaning materials
- Good portion of the store dedicated to non-alcoholic items
- Will prepare floor plan and layout

#### Owners' Representative, John Coates

- Adjacent commercial business is a residence and Mr. Martinez is living there illegally
- Backyard of Mr. Martinez is a completely junk yard and a danger to the community
- If the business is a commercial place, they are responsible for moving people along their side of the sidewalk as well
- We are getting picked on
- We do have action plan to help mitigate loitering at the corner
- We are not going to take responsibility of all the loitering at the corner
- Had former retirement police officer come in to do assessment of property to see what we can do to improve the property and cut down on loitering
- Action plan:
  - a. First Action – remove public telephone - payphone not owned by liquor store – not sure if payphone on city property or private property – wire that goes across the lot has been disconnected - disconnected the line that goes through the private lot; will remove payphone by ourselves if need to do that
  - b. Second Action – shine lights across the street to the residents directly south of us -across 93<sup>rd</sup> Street; Redirect cameras to watch that corner as well
  - c. Can increase security guard responsibility – willing to do this – increase hours – and provide services across the street – regarding loitering
  - d. Will hire a security guard company rather than a freelance security guard person – earlier time through closing time
  - e. If need to push loiters across the street – happy to provide the service
  - f. Open to 2 security guards
- Applicant truly wants to work with City to stop nuisance and loitering
- Willing to reduce hours at night – open to close two hours early
- Open to whatever City mandates so that his clients do not lose retirement

- The business is a convenience store as well
- If liquor store closes – what becomes of this plaza?
- Servicing people that need to buy groceries – it is not solely a liquor store
- Will do anything necessary and whatever it takes to abate loitering
- We have an action plan that we are putting into place
- We have a sense of urgency and want to continue the business – it's good for the community
- We provide employment for people – we provide the convenience store
- We have identified several factors that we will take care of immediately – they are already in the process of being taken care off
- Want to talk to LAPD
- Commissioned a retired police officer to come up with an action plan
- Doing everything we can to mitigate the situation
- Want to remedy anything that we can and ask that you do not revoke the license
- At the very lease, a reduction of hours might be helpful
- Goal is to serve the community and to reduce loitering around the store and across the street
- Will remove banners advertising alcohol
- Willing to stop selling 16 oz smaller can beer – if that's a problem

#### Dick's Liquor Employee, Heather Sandoval

- Been working at Dick's Liquor Store for the past 10 years
- Store has not been profiting during the pandemic
- Store has lost business due to pandemic as people not spending as much
- People buy singles because that is all they can afford
- People come in with spare change and buy singles
- At least 4 dispensaries around liquor store
- Many cars are at the dispensaries nearby
- Cars been going to dispensary near Mr. Martinez property
- Only made single cups of ice at customer request
- Noticed more trafficking for tobacco items when dispensaries opened
- People live around the area hang out near the store from early morning until night
- Store has employees working from 7 a.m. To 1:45 a.m.
- Store employees have asked people to move and people do move
- We are trying to mitigate and trying to fix the problems
- Owners are not bad people
- We are trying to fix problems that are happening
- We do sell breakfast items and milk and cereal
- Many customers use EBT
- Store has frozen items and canned goods, and rice, beans, and chips
- Store has EBT items (Cal Fresh) – food stamps
- Store has regular daily customers
- Over 600 signatures in support of the liquor store
- Liquor is the main profit for the store

- Grocery items do not make the store profitable
- Store does have armed security
- Personally have not sold to intoxicated people
- We do ID and card customers
- We do know people in the community
- Owners try to address complaints immediately
- Owners addressed an issue related to disability access
- Only liquor store in the community that is open until 1:45 am - everything else close at 11 p.m. Or 12 a.m. in the neighborhood
- Motorcycle clubs come in after hours because we are the only liquor store that is still open

#### Dick's Liquor Employee, Joshua Castro

- Family originally from Los Angeles
- Related to the owner
- One of the lead members on staff working mostly during the day time
- Lots of problems in the area
- Worked here for over 11 years
- Police used to do a lot more patrol
- Police used to put people up against the wall
- A lot of the local people who hang out jump from one side of the street to another
- People used to set up chairs and do barbeque
- Cops used to come once every 3 months and issue citations
- Work in non-profit work with motel and homeless people
- After City cut down tree and removed shade, loiters came back to our area
- Cops came and talked to the owners and me
- Sometimes have random vendor that comes to the corner and sale merchandise
- LAPD said people had right to stand on public corner
- LAPD told me not to have people within 30 feet from the store while one officer said 100 feet
- LAPD Officers would come in a shop
- We do push people away
- Most of the people were not on our side but on the other side of the store
- Lots of people who hang out are not shopping customers of ours
- Store kicked out shoplifters and they are not allowed back in
- Increase of people hanging out south side of 93<sup>rd</sup> Street
- When dispensary opened up that brought in a lot more traffic
- Understand what the local are saying for cars blocking the street
- Problem with traffic has nothing to do with the store
- Have not seen the biker clubs recently
- More of a weekend thing when bikers come in
- Biker clubs in general were much more respectful than the average gang members
- We have gang members come in all day long



- Biker clubs actually prevented a lot of the local gang members to stay calm when they were here
- Do not disagree with a lot of the complaints
- Talked many customers out of drinking
- Not in favor of drinking
- Used to train LAPD on how to do cellphone forensics
- Worked for the owners since 2007 – 2008
- Grateful for the job
- Crimes are related to gangs and violence – not related to the liquor store
- Would like to know how much crime from the corner is actually from the liquor store
- Helped LAPD solve crimes not related to liquor store
- If Dick Liquor leaves do not think there will be much difference
- There are gangs that live nearby
- Know all the gangs as they all shop at the liquor store
- Customers have been shot at 6 a.m. In the morning before the store opens
- Have people of all ages who shop here
- Children walk to the store without parents on daily basis
- It is not the safest neighborhood and it needs help
- Wish the cops would patrol more
- We need more police
- Agree that we need to make big changes
- Locals afraid that we might be shut down
- Over 50% in store is non-alcohol related
- We have had an increase in groceries

Associate Zoning Administrator – Jack Chiang

- What are the current hours of operation of Dick's Liquor Store?
- How many staff do you have on site?
- What are the current days and hours of the formal security guard?
- How many days does the security guard work? 4 days a week?
- Do you only have 1 security guard?
- If deems necessary to provide 2 guards – open to that?
- Get that the operator is trying to enhance the business and assist the local community – but want to focus on the use and hear organized information.
- Do you always have a supervisor working at the site?
- Do you have any plans for the outside advertisement? Whether it's banners or posters that you tape to the window?
- Do you sell single cans of beer? (response: yes, smallest is 16 oz)
- Do you carry mini liquor bottles? Ones that are in mini bars? Airplane shots? (response: air plane shots - yes; willing stop that)
- Red plastic cups of ice inside cooler?
- Do you have protocols or device to check ID? If a minor come in and try to buy cigarettes and beer/liquor?
- Do you guys check ID? (response: yes; we have machine and device to check ID)

- Loitering sign and drinking sign are high – adjust the signs lower – so people are able to see – not just for the purpose to put it up (response: willing to put signs both in Spanish as well; put signs high so people don't rip them off)
- How would you improve the items that are carried in your store? So, it would not be just heavily concentrated on alcohol? (response: wanted to get freezer but not available at the moment; frozen dinners – planning to buy freezer to store more items – but not available at the moment/ planning to expand and provide more items)
- Explain more why Health Department is not allowing you to sell groceries. Do you need special license for that? Even for raw vegetables?
- You have walls of coolers and refrigerators stocked up with beverages, including center isles and shelves behind cashier register, full of wine and liquor.
- What is your ideal floor plan and also ratio of the beverages/ alcohol beverages and household items and food items? Are you able to present that in a floor plan? And show us based on the ratio? I.e., 40% beverage 60% food items or household items? (response: have a good percentage of store dedicated to non-alcoholic items; will prepare and provide floor plan layout)
- Currently – lot more attention put on display for alcohol items (food items are loosely presented)
- According to LAPD comments, the store generates more concentrated calls than any other comparable area and that is a problem
- Whether the loiters are from the dispensaries or not, the liquor store generates more calls and that is a problem
- When staff investigator visited the site, there are lot more people congregating at the intersection next to the liquor store
- Have the owners/operators called Community Coalition?
- Have the owners/operators reached out to CD-8?
- Have the owners/operators been proactive in doing community outreach?

#### LAPD Senior Lead Officer, Tyson Hamaoka

- Senior Lead Officer with Los Angeles Police Department
- Been a police officer since 2003
- Assigned to the southeast division for the past 16 years
- Served in a role as a Senior Lead Officer for the past 8 years
- Senior Lead Officers serve two main roles:
  - Monitor the crime trends in assigned area
  - Address quality of life issues in the community
- Office work with the public quite a bit
- In summer of 2018, saw a spike in number of complaints in regards to Dick's Liquor
  - What is the volume of calls coming in? How many people are calling in? Who's calling in?
  - Drinking in public
  - Defecating in public
  - urinating in public

- Aggressive and hostile behaviors of patrons
- Vehicles being double parked
- Drunk and disorderly conduct
- Aggressive behaviors to passerby which result in fighting in the street
- Fighting in street
- Crime data: 190 radio calls and 56 arrests
- Been working in southeast division for 16 years and don't know of another area that small that has that many calls for service in southeast division – that is an enormous amount of calls to have in a small area
- Personal observation – work days and nights
- Concerns of constituents and crime mapping data confirm my own personal observation
- Very common to see loiters and drinkers right in front of liquor store
- Crowds migrate depending on times of day and weather/climate
- Crowds don't just hang out in one place
- Utilize single serving liquors to consume alcohol – go back and forth to the liquor store all day
- Had a community meeting in summer of 2018 – listened to everyone's comments in the community and come up with a game plan
  - Had a project in conjunction with the City Attorney's Office
    - over 50 attendees
    - Listened to their complaints and concerns
    - People go back and forth to liquor store all day and night
    - Loiter in front of business – transition to different part of street as the day went on
    - Started installing signs on center medians to mitigate loitering
    - Worked with the City and private residents to cut back shade on certain areas so people do not hang out
    - Removed milk crates / seats / couches and chairs / on 93<sup>rd</sup> street – drinker would stay there all day
    - Furniture blocking sidewalk – LAPD removed furniture
    - Ensure lighting at night time was working
    - Issued about 30 citations – pay fine or do community service
    - Penalties that go with open containers, drinking in public, loitering on sidewalks, do not deter the problems from happening
    - Behaviors continued as the penalties were not enough
- Didn't do as much enforcement in 2020 due to COVID
- Continued to do enforcement up until couple of weeks ago
- Amazed at level of hostility that the patrons exhibit when LAPD was doing enforcement
- Officer Steve Muther is the regularly assigned Senior Lead Officer – currently on medical leave
  - Between 2018 – 2019 Officer Muther spoke with owner/manager approximately 3-4 times and discussed concerns and issues
  - LAPD recommended certain measures in place to mitigate the problems
  - Some concerns were initially addressed but were often short lived

- After 2019 and into 2020 no more formal contact between Officer Muther and the owner/operator
- Problems will persist and probably get worse
- Gravely concerned with the amount of patrol and time that patrol commits to these quality-of-life issues
- Many of the calls come in for Dick's Liquor are non-coded calls
- People affected the most live within a mile radius of the liquor store
- People are frightened and have families
- People fear for their own safety -volume of call is substantial – number of people who want to report but don't – are higher
- It's not a problem we can arrest or cite our way out of
- Penalties for the offenses do not deter the behavior
- Community needs help
- LAPD is asking for full revocation of the liquor sale license

### **Council District 8**

#### **Isaias Benavides, CD-8 Field Deputy**

- Site has been a source of frustration and fear among residents and stakeholders for a long time
- Site has required significant amount of attention and resources from LAPD
- Problems have been going on for years
- Working class community and lots of people work on front lines and can't participate in the hearing
- Use here contribute to public safety concerns
- Operators negligence towards addressing concerns facilitated these issues and made them worst
- Detrimental effects of alcohol sales when not properly managed
- We are not against responsible business ownership but that is simply not the case here
- Having a liquor license in the City of Los Angeles is a privilege and if you are not able to operate a clean business at a high standard then you don't deserve it
- The attitude that the operator and his representatives have taken towards this case is exactly the kind of response that they take into operating the business. They're not concerned with the activity happening outside of their business, nor are they willing to take responsibility for it. Rather, they are quick to defer to the surroundings.
- Operator didn't speak to the truth of the concerns raised, made no reference at all to the loitering, the public intoxication, the incidents of violence that have happened
- Where was the action plan for the last 5 or 10 years?
- It's a public health issue that threatens the safety and well-being of the neighborhood and the institutions that serve it from the schools to the faith-based organizations
- This isn't the first time that the City has reached out

- LAPD has had meetings with the operator on what steps could have been taken to no avail
- Agree with the Senior Lead Officer that unless we are completely revoking their liquor license – have no expectation that any improvements or changes made here will be long lasting
- The operator know that they have operate under a deemed to be approved status, knowing that they exist in a sensitive area, could have been mindful this entire time, but instead wait until the City to get on his back to do something about it
- Poor management
- Lack of respect and lack of commitment to the community
- In support of revoking liquor license and give this community some relief

#### Albize Del Valle, CD-8 Deputy District Director

- Resident living in the area
- Works for Council District 8
- Have prioritized the Broadway corridor over the past few years
- Worked on making streets closer for pedestrians
- Worked with city attorney office and LAPD to address nuisance business such as motels, dispensaries, and liquor stores
- Tried to make sure Broadway sees significant amount of investments to address issues
- Do annual tree lighting on Broadway
- Liquor employee confirmed that there's an inadequate dispensing of liquor
- Liquor employee confirmed that people are loitering day and night
- Liquor employee confirmed that store does sale to the bicycle club when every other store has been closed
- The bicycle club that typically gets together has been a nuisance and a public safety concern
- There have been more than 3 shootings in the last year or so on 86th Street and Broadway
- If you stay in the neighborhood long enough you will see the bicycle club drive down to the liquor store to buy liquor
- Liquor store has confirmed in some ways what the community has presented
- Agree with everything that the community has brought forth
- Store should not have a liquor license
- Liquor license has not shown a capacity to run the store responsibility
- In support of revoking the alcohol license

#### **General Public Comments**

##### Community Activist

- member of Community Coalition
- A retired Army chief officer

- In support of revoking the alcohol license
- Liquor store is problematic and detrimental to the community
- Community needs fresh produce, cleaning supplies, COVID-19 PPE and parks – not more alcohol
- Liquor store profiting from the challenges of the pandemic
- Urge to revoke alcohol license

#### Community Activist

- Member of Community Coalition
- In support of revoking the alcohol license
- Been nuisance site for years
- Establishment in violations of land use and alcohol regulations: selling to drunk people – not conducting ID checks – no minimum age signage posted - single cups of ice ready for alcohol consumption – alcohol and smoking on premises
- Gathered over 150 signatures within immediate area – all in support of revoking the license
- The business is not a deli – community want fresh produce and essential products – as it currently stands – please revoke license

#### Community Activist

- Member of Community Coalition
- A senior who lived in the community for over 60 years
- Surveyed the area and spoke with community residents
- Streets blocked with patrons from liquor store
- Double parked vehicles
- Cars are drug dealing and block the street
- Children of residents do not go out and play because it's so dangerous
- Liquor store has nothing that anybody can use for family or children
- Community has no place to get real food
- In support of revoking the alcohol license
- Liquor store license is a nuisance
- Doubt that owners care at all
- Want to see real fresh food in the community

#### Neighborhood Council Representative

- President of Southeast Neighborhood Council
- Live few blocks away from liquor store
- Doubt that owners live in the community
- Property has been a nuisance
- Liquor store contributing to substance abuse and domestic violence
- Not a healthy place to have in the community

- Community lacks food sources
- Community do not lack liquor
- In support of revoking the alcohol license
- More liquor stores like this should be revoked
- Owners should look into the model of 7-Eleven where they stopped selling alcohol and changed to more market with fresh produce and daily consumables

#### Local Business Owner

- Owner of Coalition of Mental Health Professionals located across the street from Dick's Liquor Store
- Coalition of Mental Health Professionals has been at the location for more than 15 years
- Liquor license needs to be revoked immediately
- Liquor store is detrimental to the community
- In support of revoking the alcohol license
- Area is plagued with homelessness, alcoholics, drug dealer, public urination and defecation
- Called Senior Lead Officer Muther multiple times due to drug dealing near property
- Constant problem with break ins
- 40 plus years in the community
- Business in the community for more than 20 years
- Liquor store sells airplane shots
- People sit on steps and drink cans of beer
- Mail stolen and mailbox broken into
- Building destroyed by graffiti
- Alcoholics threaten property owners nearby
- Dick's Liquor Store needs to go and move away

#### Community Member

- Does not live in the area but take kids to the area for babysitting in the area during the day
- When driving by, it's a challenge to make left turn due to all the people loitering
- Kids have witnessed people defecating and urinating and topless women
- In support of revoking the alcohol license

#### Community Activist

- Organizer at Community Coalition
- In support of revoking the alcohol license
- 200 residents signed petitions
- Ongoing issues exacerbated by poor and predatory business practices
- Operator lack taking responsibility
- Liquor store is a problematic business

- People share painful and fearful story
- Lots of under reporting due to threat due to fear and intimidation that is happening
- Community has been disrespected and neglected
- Would like to see transformation from liquor store to Dick's Market
- Would like store to provide food and fresh produce

#### Community Activist

- Resident of South Los Angeles
- Member of Community Coalition
- In support of revoking the alcohol license
- Intoxication plaques local from early a.m. to late p.m.
- Lack of fresh produce and healthier drink options
- Liquor store is not an asset to the community
- Liquor store is problematic and detrimental to the community
- Witnessed people drinking outside and harassing citizens and passerby
- Families and community deserve better
- Liquor store possesses a threat to the community
- Need healthier options and fresh food options
- Do not need alcohol and tobacco sales
- Liquor store profiting from the pandemic

#### Community Activist

- Calling on behalf of Community Coalition
- Resident of South Los Angeles
- Witness people loitering and drinking outside
- Smells urine outside
- Area is dangerous
- Did not want to park near the area
- Residents are fearful
- Residents want a change and better options like a market
- In support of revoking the alcohol license

#### Resident/Community Activist

- Member of Community Coalition
- Resident of South Los Angeles for over 15 years
- In support of revoking the alcohol license
- Visited friends who live near the liquor store for more than 3 years
- Witnessed intoxicated people in front of the liquor store
- Do not feel safe walking and parking around the area
- Witnessed drunk person being sold alcohol and the drunk person got into the vehicle after exiting the store



- Did not see security guard posted at the entrance or anywhere in the store
- Good portion of items sold are alcohol
- Store has dry goods and canned goods but no fresh produce available
- Store has milk, cream, and 2-3 types of cheese available
- Having stores like this call to one's attention to drink
- Community resort to alcohol because no other resources are available
- Community is asking to revoke the alcohol license

#### Resident

- Resident living on 93rd Street and 4 houses away from liquor store
- Always extremely hard to get home from work
- People blocking the way going into store
- People linger in the area
- Many times had to go around Main and cannot go through Broadway
- For the last 2 years – have not been able to walk daughter to school
- Smell is really bad – urine and debris being thrown on the ground
- Trash on the ground – lived in the area for more than 15 years – liquor store has affected the area – lot more people lingering and trying to spread into 93rd Street
- Appreciate if something can be done about the liquor store

#### Resident

- Resident on 93rd Street – 20 plus years in the community
- In support of revoking the alcohol license
- Feel unsafe walking to school or exercising in the neighborhood
- Over the past years – amount of grocery has exponentially decreased – grocery long gone
- Traffic horrible – liquor store impossible to go through
- Area is bad because of liquor store presence

#### Resident

- Resident of 30 years in the area
- Very difficult to walk kids to school sites – cannot drive car down the street – people parked illegally – alcohol in the street
- Do not feel safe leaving gate open – it's horrible – community live in fear inside own houses
- Kids are seeing things they should not be seeing
- Cannot drive down the street
- Owners/operators need to be responsible
- Cannot find household products in liquor store
- We do not need more liquor
- Need better business in the neighborhood
- In support of revoking the alcohol license

Resident

- Clothing designer residing adjacent to liquor store
- In support of revoking the alcohol license
- Have had numerous problems with the liquor store
- Have not worked for a year since COVID started
- Problems with patrons who purchase liquor from dick's liquor
- People stand in front of my entrance and double park
- Lost jobs due to people loitering in front of my entrance
- There has been attempted assault and made reports to LAPD
- Asked people to move away from my driveway – person got upset and threw bottle – made police report – a bottle of alcohol was thrown at me
- People urinate in public, and it smells bad
- Have submitted photographs to the case file record
- Have installed fencing but people still congregate nearby
- Have trouble sleeping because of loiters making noises
- Submitted complaints to LAPD as loiters bang against the gates
- Liquor store person spoke to me and told me they'll clean up but it's all the same
- Have reported to LAPD and asked city to come pick up the trash

Resident

- Resident for 48 years
- Liquor store supported my family over the years
- Used to sell hard boiled eggs but city made them stop
- Buy bread and milk, eggs and bacon from there
- Buy food in freezer – tv dinner – buy soda and water, juice, store has been helping me – other liquor store shut down
- Do not want store to be shut down – store should not be shut down

Resident

- Resident for 33 years
- Living along 93rd Street between main and Broadway
- Liquor store is getting worst everyday
- Lots of intoxicated people
- Deaths in both corners recently – 2 to 3 individuals
- One cannot go through as cars are parked on both sides
- It is getting worst everyday
- Sale of narcotics nearby
- People can no longer walk to schools
- Great amount of fear as you do not know who will be there
- In support of revoking the alcohol license
- Lots of elderly individuals live in the area

Community Activist

- People Coordinated Services of Southern California
- Young people go back and forth around the liquor store
- Dangers for young people as they go near the liquor store
- Young ladies walk through and witness grown men exposing themselves and relieving themselves on the street
- Lots of resources for the community are being utilized for the liquor store enforcing the problem that is going on in the liquor store
- Need to alleviate the problem that is taking a lot of the law enforcement resources
- Liquor store taking law enforcement resources
- In favor of revoking the alcohol license for the vendor

Resident

- Resident for 10 years
- When first arrived did not see problems with the liquor store
- Husband visits liquor store and never had any issues
- Things changed once marijuana dispensaries started opening up
- Problem is not the liquor and the liquor is ok
- Problems have come when the marijuana stores opened
- We have small children
- Problems in the community is the marijuana stores and not the liquor stores
- Liquor store is ok for us

Resident

- Resident for 26 years
- Live 10 houses east of the liquor store
- It is the liquor that brings all the problem
- See lots of problems in the area: speeding, trash, double parked cars, urine smell, blockage of corner, a guy pulled a gun on me
- Different gangs visit and gangs meet near the liquor because store is open late
- Different people that gather around here
- Used to have 4 marijuana dispensaries nearby – now only have 1 dispensary – next to Mr. Martinez place
- In support of revoking the alcohol license
- No longer go to liquor store because do not know who will run into
- People visit both dispensary and the liquor store
- Motorcycles visit 2 or 3 a.m. In the morning
- Take liquor store down
- Store has been a really big problem
- Many years back it was ok – gotten bad – seen gangbangers there – killings on side streets – because gangs go there to get alcohol

Resident

- Resident living nearby since 1990
- Seen the area rise and fall many times
- Liquor store has been a nuisance
- There should be no liquor sales in the area
- Owners do not live in the area and they would not have their homes surrounded by nonsense
- In support of revoking the alcohol license, liquor license should be revoked

Resident

- Resident living nearby
- Resident of South Los Angeles for 30 years
- Liquor store brings a lot of violence and attention to the area
- Has been numerous calls to LAPD
- Had a person try to break into my property
- People speeding and blocking my driveways
- All commotion and problems are because of the liquor store
- People park their cars anywhere they want
- In fear of telling people anything because you are in fear they might harm you
- Cannot walk kids on the block, Drive kids 20-30 minutes out of the area
- Do not feel safe for children to be around the area
- In support of revoking the alcohol license

Resident

- Resident living here along 93rd Street
- Do not like the liquor store because it is dangerous
- People congregate outside the liquor store
- I am concerned for my family
- Witnessed people urinate and defecate outside
- I am very angry by that because my children see all that
- Reported to LAPD but they have not done anything
- LAPD told me it is not an emergency, and they are not going to send patrol
- Ask for relocate the liquor because it is not good for my family or our future

Resident

- Live across the street from the store at the corner
- Owners are nice people
- People who loiter use the bathroom in my driveway
- If loitering is connected to the liquor we have to do something about that
- If revoking the liquor license will take care of the problem I am all for that
- My yard and driveway smells like a toilet

Resident

- Resident for 14 years
- Live across the street from liquor store
- People leaving liquor store have caused a lot of accidents
- I have children that I take to school
- People that congregate come and use restroom
- People urinate and defecate and to walk around it is very ugly
- We have called LAPD and they do not pay attention to us
- Would feel more comfortable and safer if liquor store is removed

Final Comments from Owner/Operator/RepresentativesOwners/Operators, Lou Vayo / Sunshine Vayo

- Listened to all the testimonies and issues but no one made these comments to us earlier
- I am there at least 3 days a week during the day and my wife is there at night
- I do not feel that type of threat from anyone
- If people are hanging around, they are mostly across the street
- We will do everything we can to avert loitering issue
- Do not see issue with people being threatened
- There are incidents that do occur, but this is South LA
- We do not live in the area, but we do spend a lot of time in the area
- Feel that my staff and customers are safe due to the steps we took to enhance the security
- We will make corrections to avert the loitering
- A lot more traffic after cannabis opened up
- Know of 2 unlicensed cannabis dispensaries
- If we cannot sale liquor – we cannot support ourselves
- We will probably have to downsize or relocate
- We are willing to work with the City and community leaders
- Financial hardship to us if liquor license revoked
- We will do our best
- I walk my dog up and down the street and I do not feel threatened at all
- Problems mentioned is everywhere
- Called Council Office once and left a message since could not get through

Owners' Representative, John Coates

- Sheila Craig is the architect of the action plan
- Obtained retired police officer to prepare the action plan
- Cannabis dispensaries started in 2018
- In Downtown LA – people urinate and defecate everywhere, and illegal urination and defecation in public are no longer a top policing priority

- Policing is not what is used to be
- It is not just this corner
- People are not going to stop
- Cannabis stores are all around this corner
- It is not an easy solution
- This business wants to provide more food choices, fresh vegetables and green vegetables
- The story can help the community to get more fresh produce
- Store is interested to carry more food products
- Interested in making a more grocery store than liquor store
- Help us get the license to sell fresh vegetables

Consultant, Retired Police Officer, Sheila Craig

- A former LAPD officer and a retired police officer from the City of Fullerton
- Reviewed all documents and listened to all testimonies
- Hear a lot of the same complaints
- Nobody is arguing that there is a loitering problem
- Known the owners/operators for over 15 years
- Did not feel unsafe when visited the liquor store on several occasions
- Owners have informed me constantly on improvements they have made to the property and problems that arisen and how they dealt with it
- Most part owners/operators have had cooperation from many customers
- Owners are very caring and giving people
- There will always be a group of non-compliant people no matter where you are. Increased police presence alone will deter that
- Enforcement was discontinued some time ago
- Sounds like LAPD stopped enforcement
- If police are never around then people will not leave
- Is it possible that the dispensaries added to the loitering?
- Why isn't illegal dispensary closed down?
- Owner/operator do care about the community and want to make changes
- Need more community policing from LAPD
- Encourage community to become business owner themselves and help the community
- Statistics were low for the liquor store when compared to the data provided for the area
- Hope that the police department will approach this as more of a community policing item and work together
- Were the owners invited to the community meeting a while back? Were the owners advised after the meeting of what came after the meeting?
- Have been in contact with previous ABC liaison
- Will request impact inspection and do some LEAD training and make sure all employees are trained and updated on ABC laws

**Final Closing Statement from LAPD Officer, Tyson Hamaoka**

- Do not hear any ownership or responsibility for having to do with taking ownership of the problems, the operator is pointing fingers at the police
- Have never heard of police not issuing tickets until 30-day is over
- Patrol officers have different functions than Senior Lead Officer and they are quite backed up in the Southeast division
- Senior Lead Officer hear comments from the people on an everyday basis
- Done over 20 citations myself
- Enforcement did not stop. It was proven that the strategies put in place was not getting the ideal results. Instead of continuing something that we knew was not working, we ceased it at that point
- Used to have 4 dispensaries but currently only has 2 dispensaries
- Lost track of number of warrants that LAPD have served at these dispensaries
- People who frequent marijuana shop typically don't hang out in the area after they purchase their product – they come to the store – they take product, and they leave – I do not see them lighting up at the corner right after they purchase
- Patrons at the dispensaries are not combative with passerby
- Belligerent behaviors are associated with alcohol use and not marijuana use
- Ran crime statistics for 93<sup>rd</sup> and Broadway which only encompasses the liquor store, the area 20 feet north of the store, the median, and south sidewalk of 93<sup>rd</sup> Street, excluding any dispensary. Information that was contained was consistent with people most often loitering at and around the store
- For Calls for Service over a 3-year period, a total of 98 calls (24 for intoxicated groups, 24 for disorderly group, 5 calls for disturbances, 2 calls for fights, 10 calls for disputes and 33 arrests)
- If you look at the intersection, just that small perimeter, those numbers are well far and beyond anything that I have seen working in my area working on the west side between Vermont and Main, and taking to account when I have worked in the east side division or anywhere in the Southeast for that matter

**Closing Comments from Associate Zoning Administrator – Jack Chiang**

- Will take case under advisement at this point to figure out what is the best decision
- Take project under advisement for 4 weeks to further examine the evidence
- Staff will go on site and revisit the area  
Encourage Owner/Operator reach out to CD-8 and Community Coalition and develop a more effective plan to transform the business into something that the neighborhood and community can benefit from
- Do community outreach and come up with a plan
- Record is open for 4 weeks. Interested parties are welcome to submit comments

At the conclusion of public testimony, the Zoning Administrator announced that the advisement period will be open for four weeks, until May 11, 2021, which would allow for additional public comments to be provided.

**WRITTEN COMMUNICATIONS SUBSEQUENT TO PUBLIC HEARING****Owner/Operator and Representatives**

Subsequent to the public hearing, the owner/operator and their representatives submitted multiple email correspondence and weekly reports documenting ongoing progress of the action plan. The following is a summary of some of the items presented:

- Requested for store name change from Dick's Liquor to Dick's Market
- Removal of exterior banners promoting alcohol beverages
- Additional "No Loitering" signs posted on site
- Security guard began two shifts for 7 days a week per the following:
  - Shift 1: 3 PM – 9 PM
  - Shift 2: 9 PM - Close
- Discontinued sale of single-serve cans of alcoholic beverages
- Discontinued sale of airplane shots
- Public telephone booth removed
- Directed three security lights to the south of the building
- Addition of fresh produce to store grocery inventory to include items such as onions, avocados, potatoes, lettuce, spinach, oranges, tomatoes, cabbage, carrots, bell peppers, squash, and others
- Addition of a new two-door frozen food freezer
- Addition of fresh and refrigerated fruit and produce in cooler
- Owner/operator and store manager completed LAPD STAR training session

**Council District 8**

On July 14, 2021, Council District 8 provided a letter with list of 13 recommended conditions pertaining to the following:

1. Hours of operation
2. Lighting
3. Surveillance cameras
4. Complaint monitoring
5. Signs advertising alcohol sales
6. Individual cups and individual servings of ice
7. Alcohol Consumption on site
8. Maintenance
9. Graffiti
10. Security
11. General merchandise
12. Age verification device
13. On-duty manager

The Zoning Administrator has incorporated the Eighth Council District recommended conditions into the determination.



Los Angeles Police Department

On July 15, 2021, the LAPD provided a list of 11 suggestive conditions as follows:

1. On site manager
2. No sale to intoxicated individuals
3. Monthly meeting with SLO and Empowerment Council meetings
4. Eliminate single serving beers and spirits
5. Security guard
6. Contract for security guard
7. Cooperation with LAPD
8. Surveillance cameras
9. Monitors for surveillance cameras
10. Signage for surveillance systems
11. Hot-line telephone number

The Zoning Administrator has incorporated the LAPD recommended conditions into the determination.

General Public

On April 23, 2021, a resident submitted an email correspondence citing concerns with the operation of the liquor store.

On May 6, 2021, a resident submitted an email correspondence citing concerns with the operation of the liquor store.

On May 10, 2021, the Community Coalition submitted a letter and requested the revocation of the alcohol license.

On May 12, 2021, a resident submitted an email correspondence and requested for revocation of the alcohol license.

On May 13, 2021, a resident submitted an email correspondence and requested for revocation of the alcohol license.

A summary of the concerns cited by the abovementioned correspondence are as follows:

- homeless alcoholics intoxicated and loitering near the liquor store
- residents in the area have their properties vandalized
- unsavory and extremely dangerous clientele of the liquor store
- liquor store post continued threat to the community
- increased presence of glass liquor and alcohol bottles in the area
- liquor store contributes to violent crimes
- community eager to have a market where health food is available

## FINDINGS AND DISCUSSION

The mini-market store operations, in conjunction with the sale of full line of alcoholic beverages, have generated consistent demand for police enforcement, as evidenced by Los Angeles Police Department documentation including arrest reports, investigative reports, and crime analysis documentation relating to battery, disturbances, assault with deadly weapon, auto theft, burglary, trespassing, possession of open container of alcohol in public space, simple assault, theft, theft, and loitering.

The Los Angeles Police Department submitted documents showing 13 arrests for violation of the Los Angeles Municipal Code (LAMC), 19 calls for service which resulted in arrests, and 10 crimes submitted for the property located at 9230 South Broadway, between January 1, 2017, and December 10, 2020. Additionally, there were 31 calls for service submitted for the subject property between March 1, 2018 and March 2, 2021 that include: robbery, disturbance, simple assault, fights, battery, theft, burglary, trespassing, automobile theft, and assault with deadly weapon. Officer Tyson Hamaoka, a LAPD Senior Lead Officer, also submitted an Officer's Declaration which summarized the issues at and around Dick's Liquor Store since 2018. Per LAPD testimony, the Southeast Senior Lead Officer Office and Southeast Vice issued 30 citations and arrests for violations of LAMC and Business and Professional codes. The LAPD requests that the Zoning Administrator impose corrective conditions on Dick's Liquor in order to assist in abating the nuisance activity in front of and around the liquor store.

Isaias Benavides, representing Council District 8, testified that they received complaints about the subject property site regarding loitering, vandalism, burglary, theft, public intoxication, drinking in public, assault, battery, and fights.

A representative from the Southeast Neighborhood Council testified that the liquor store has been a nuisance and supports the revocation of the alcohol license.

As presented in the information documented herein through correspondence and public testimony by affected parties, it is determined that the operation of the business known as Dick's Liquor Store has created nuisance impacts at the site. The Zoning Administrator, on behalf of the Director, finds that the business has operated in the following manner:

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 Dick's Liquor Store is located at 9230 South Broadway in the Southeast Los Angeles Community area. City records indicate that a liquor store use has been in operation at the location since 1963. The current property owner has been associated with the use and the site since 2006 and the current operator has been at the location for the past fifteen years.

Correspondence dated October 19, 2020 from Councilman Marqueece Harris-Dawson, Eighth Council District, was received by the City Planning Department Nuisance Abatement/Revocations Unit and indicated as follows:

*Our office has received numerous complaints from the community and LAPD Southeast Division on nuisance activity attributed to Dick's Liquor at 9230 South Broadway. Those complaints include: vandalism, loitering, burglary, theft, public intoxication, drinking in public, assault, battery, fights, and more. The operation of this site and activity stemming from it amount to a threat to the health and safety of this community. Therefore, we would like the planning department to initiate a revocation hearing for this location.*

Correspondence submitted on April 2, 2021, from the Los Angeles Police Department Southeast Area, was received by the City Planning Department Nuisance Abatement/Revocations Unit and indicated as follows:

*... the Southeast Senior Lead Office received numerous citizen complaints regarding Dick's Liquor Store ... These Complaints involved disorderly males and females drinking in front of and adjacent to the liquor store. They reported these intoxicated pedestrians block sidewalks and become verbally abusive with passerby. With an elementary school approximately 2 blocks to the south, many families expressed fear in walking their children to and from school.*

Subsequently, the subject case was opened by the Office of Zoning Administration and a virtually public hearing was conducted via Zoom application and telephonically on April 13, 2021. In attendance at the hearing and testifying were the liquor store owners and operators, their representatives, two employees from the liquor store, two representatives for the Eighth Council District, representative of the Los Angeles Police Department, and members of the community. A summary of the testimony offered at the public hearing is contained in this Determination.

There are LAPD crime reports in the file as well as testimony which 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 liquor store and a lack of sufficient oversight of those at the premises, as evidenced by police reports regarding robbery, disturbances, assaults, fights, battery, theft, burglary, trespassing, automobile theft, assault with deadly weapon, possession of open alcoholic containers, as well as other violations to LAMC. The activities taking place at the site deprive residents and other community members of their rightful ability to enjoy their neighborhood.

2. **Constitutes a public nuisance and has resulted in repeated nuisance activities including but not limited to criminal activities, including theft, robbery, battery, burglary, disturbances, lewd conduct, and felonies.**

According to testimony provided by LAPD, there were 98 Calls for Service over the past 3-year period associated with the site (24 for intoxicated groups, 24 for disorderly group, 5 calls for disturbances, 2 calls for fights, 10 calls for disputes and 33 arrests). LAPD reports and crime data also identify a pattern of theft, robbery, public intoxication, and assaults shown to be associated with the subject liquor store which directly affected adjacent commercial and residential uses, the

safety of the customers and employees at the liquor store, and law enforcement resources.

### Arrest and Investigative Reports

The LAPD submitted 8 investigative reports for the subject property (9230 South Broadway) between February 7, 2018, and March 15, 2021.

February 7, 2018, 1:00 a.m. Investigative Report – Simple Battery – Victim was sitting in vehicle as rear passenger. Suspect-1 approached victim and punched him in the face with a closed fist. Suspect-2 was standing outside the liquor store. Witness in driver seat drove away from the suspects. Suspect-2 followed the vehicle on foot and slashed the vehicle's front passenger tire with a knife.

May 24, 2018, 10:15 p.m. Investigative Report – Battery – Victim involved in an altercation with the suspect, who worked as a security guard inside the liquor store. Suspect sprayed victim in the face with pepper spray when the victim was standing on the sidewalk outside the liquor store. Suspect stated that victim was yelling and threatening physical harm towards him. Suspect stated that victim was not allowed inside the store. Victim appeared intoxicated and belligerent during investigation.

August 19, 2018, 3:26 p.m. Investigative Report – Robbery – Suspect approached victim inside the liquor store. Suspect confronted the victim and victim took off his sweater and handed to the suspect. Both suspect and victim exited the store. Victim walked away from the suspect while suspect entered his vehicle. Victim ran away from the suspect vehicle while suspect drove aggressively and purposely toward the victim and tried to strike the victim twice. Two suspects related to the incident were identified to be gang members.

March 14, 2019, 3:03 a.m. Investigative Report – Burglary – Two suspects attempted to force entry into the victim's secure business by cutting the locks. Suspects briefly fled but returned late and used bolt cutters and gained entry. Suspects removed multiple boxes of cigarettes and a laptop located behind the counter. Glass door was shattered and locks and chain were damaged.

May 2, 2019, 2:00 p.m. Investigative Report – Assault with Deadly Weapon – Suspect is a security personnel at the liquor store, and advised victim not to return to the store. Victim entered store to use the ATM and suspect approached him and told him to leave. Victim ignored the suspect and continued to approach the ATM. Suspect sprayed victim on the back of his head with pepper spray. Victim began to cough and exited the store.

May 2, 2020, 9:50 p.m. Investigative Report – Battery – Victim went to liquor store and parked her vehicle approximately 10 feet from the entrance of the liquor store. Suspect called out to the victim and asked her to go over and talk to him. Victim tried to walk away and ignored the suspect. Suspect grabbed the victim's arm and pushed the victim into a corner. Suspect punched victim multiple times on her face. Victim got into her vehicle and drove away.

May 25, 2020, 9:00 p.m. Vehicle Report – Victim walked into liquor store and left the vehicle engine running and doors unlocked. Victim returned ten minutes later and the vehicle was gone. Victim stated he did not give anyone permission to drive his vehicle.

May 26, 2020, 1:00 a.m. Investigative Report – Robbery – Victim rode his bicycle to liquor store and purchased several items. Suspect 1 approached the victim and kicked him off the bicycle. Suspect 2 struck victim from behind. Victim stated he attempted to fight off Suspect 1 however both suspects continued to punch and kick him. Suspects grabbed the victim's items and currency in the victim's pocket. Victim was transported to hospital and treated for lacerations.

According to LAPD reports, there were 15 arrest charges submitted for the property located at 9230 South Broadway between February 1, 2018 and February 28, 2021:

September 4, 2018 – Arrest Report – Possession of open container of alcohol in public place  
 September 4, 2018 – Arrest Report – Possession of open container of alcohol in public place  
 September 5, 2018 – Arrest Report – Possession of open container of alcohol in public place  
 September 11, 2018 – Arrest Report – Theft  
 September 11, 2018 – Arrest Report – Parole Violation  
 September 20, 2018 – Arrest Report – Possession of open container of alcohol in public place  
 September 27, 2018 – Arrest Report – Possession of open container of alcohol in public place  
 October 27, 2018 – Arrest Report – Violation of Los Angeles Municipal Code  
 October 29, 2018 – Arrest Report – Possession of open container of alcohol in public place  
 November 5, 2018 – Arrest Report – Violation of Los Angeles Municipal Code  
 November 6, 2018 – Arrest Report – Violation of Los Angeles Municipal Code  
 November 7, 2018 – Arrest Report – Violation of Los Angeles Municipal Code  
 November 7, 2018 – Arrest Report – Violation of Los Angeles Municipal Code  
 November 27, 2018 – Arrest Report – Violation of Los Angeles Municipal Code  
 January 21, 2021 – Arrest Report – Possession of controlled substance while armed

The following is a summary of testimony provided by the Los Angeles Police Department at the April 13, 2021, public hearing:

Officer Tyson Hamaoka – Los Angeles Police Department

- Senior Lead Officer with Los Angeles Police Department
- Been a police officer since 2003
- Assigned to the southeast division for the past 16 years

- Served in a role as a Senior Lead Officer for the past 8 years
- Senior Lead Officers serve two main roles:
  - Monitor the crime trends in assigned area
  - Address quality of life issues in the community
- Office work with the public quite a bit
- In summer of 2018, saw a spike in number of complaints in regards to Dick's Liquor
  - What is the volume of calls coming in? How many people are calling in? Who's calling in?
  - Drinking in public
  - Defecating in public
  - urinating in public
  - Aggressive and hostile behaviors of patrons
  - Vehicles being double parked
  - Drunk and disorderly conduct
  - Aggressive behaviors to passerby which result in fighting in the street
  - Fighting in street
  - Crime data: 190 radio calls and 56 arrests
  - Been working in southeast division for 16 years and don't know of another area that small that has that many calls for service in southeast division – that is an enormous amount of calls to have in a small area
  - Personal observation – work days and nights
- Concerns of constituents and crime mapping data confirm my own personal observation
- Very common to see loiters and drinkers right in front of liquor store
- Crowds migrate depending on times of day and weather/climate
- Crowds don't just hang out in one place
- Utilize single serving liquors to consume alcohol – go back and forth to the liquor store all day
- Had a community meeting in summer of 2018 – listened to everyone's comments in the community and come up with a game plan
- Had a project in conjunction with the City Attorney's Office
  - over 50 attendees, listened to their complaints and concerns
  - People go back and forth to liquor store all day and night
  - Loiter in front of business – transition to different part of street as the day went on
  - Started installing signs on center medians to mitigate loitering
  - Worked with the City and private residents to cut back shade on certain areas so people do not hang out
  - Removed milk crates / seats / couches and chairs / on 93rd street – drinker would stay there all day
  - Furniture blocking sidewalk – LAPD removed furniture
  - Ensure lighting at nighttime was working
  - Issued about 30 citations – pay fine or do community service
  - Penalties that go with open containers, drinking in public, loitering on sidewalks, do not deter the problems from happening
  - Behaviors continued as the penalties were not enough

- Didn't do as much enforcement in 2020 due to COVID
- Continued to do enforcement up until couple of weeks ago
- Amazed at level of hostility that the patrons exhibit when LAPD was doing enforcement
- Officer Steve Muther is the regularly assigned Senior Lead Officer – currently on medical leave
  - Between 2018 – 2019 Officer Muther spoke with owner/manager approximately 3-4 times and discussed concerns and issues
  - LAPD recommended certain measures in place to mitigate the problems
  - Some concerns were initially addressed but were often short lived
  - After 2019 and into 2020 no more formal contact between Officer Muther and the owner/operator
- Problems will persist and probably get worst
- Gravely concerned with the amount of patrol and time that patrol commits to these quality-of-life issues
- Many of the calls come in for Dick's Liquor are non-coded calls
- People affected the most live within a mile radius of the liquor store
- People are frightened and have families
- People fear for their own safety -volume of call is substantial – number of people who want to report but don't – are higher
- It's not a problem we can arrest or cite our way out of
- Penalties for the offenses do not deter the behavior
- Community needs help
- LAPD is asking for full revocation of the liquor sale license

#### Final Closing Statement from LAPD Officer, Tyson Hamaoka

- Do not hear any ownership or responsibility for having to do with taking ownership of the problems
- Pointing fingers at the police
- Have never heard of police not issuing tickets until 30-day is over
- Patrol officers have different functions than Senior Lead Officer and they are quite backed up in the Southeast division
- Senior Lead Officer hear comments from the people on an everyday basis
- Done over 20 citations myself
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- Belligerent behaviors are associated with alcohol use and not marijuana use
- Ran crime statistics for 93rd and Broadway which only encompasses the liquor store, the area 20 feet north of the store, the median, and south sidewalk of 93rd Street, excluding any dispensary. Information that was contained was consistent with people most often loitering at and around the store
- For Calls for Service over a 3-year period, a total of 98 calls (24 for intoxicated groups, 24 for disorderly group, 5 calls for disturbances, 2 calls for fights, 10 calls for disputes and 33 arrests)
- If you look at the intersection, just that small perimeter, those numbers are well far and beyond anything that I have seen working in my area working on the west side between Vermont and Main, and taking to account when I have worked in the east side division or anywhere in the Southeast for that matter

As evidenced by the testimony at the hearing and submitted reports from the Los Angeles Police Department, the subject location has been under review for on-going nuisance activities related to loitering, battery, disturbances, assault with deadly weapon, theft, burglary, fights, and public intoxication for over three years. Of particular note have been accounts from members of the community who have attested to such impacts. This situation has resulted in the utilization of limited City resources to attempt to mitigate the nuisance activities.

**3. Adversely impacts nearby uses.**

The subject site is located along Broadway and abuts to residential uses zoned R2-1 along the eastern property line. It has been documented by the LAPD and community complaints and testimony that the long-term nuisance activities generating from the site have created issues for both residents and business owners in the local community nearby. There were twenty-four calls for service due to intoxicated groups and numerous complaints were raised related to public intoxication, public urination, and public defecation adjacent to the liquor store. Additionally, residents along 93rd Street have cited concerns for safety along the path of travel at the intersection of Broadway and 93rd Street, in fear of harassments from loiters and individuals drinking in public or selling and using narcotics adjacent to the liquor store.

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

Identification of such violations is set forth in the multiple arrest and crime reports referenced herein by the Los Angeles Police Department. These include violations of regulations related to public intoxication, possession of open alcoholic containers in public space, loitering, robbery, theft, burglary, battery, parole violations, assault, fights, and disturbances. Testimonies from the Eight Council District, community stakeholders, and local residents all supports the LAPD's findings that the business has contributed to the continued nuisance activities for the past few years. Corrective action is necessary.



**RELATIONSHIP OF CONDITIONS TO FINDINGS**

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

Condition Nos. 2, 3, and 4 – These Conditions are designed to ensure that any use of the land or business operation is conducted in a manner which respects the character of the surrounding community, including to ensure that all other regulations of the Municipal Code shall be observed.

Condition No. 5 – Graffiti clean-up is required within 24 hours of occurrence to lessen public nuisance impacts caused by any such graffiti. A minor amount of graffiti was observed at the site location during the staff investigation.

Condition No. 6 – This Condition requires 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 Nos. 7, 8, and 9 – These Conditions ensure full disclosure of the limitations (Conditions) placed on the property (Use) by the City, and that the operator shall maintain all legal business documents, permits, and licenses on-site for inspections from Government officials and agents.

Condition No. 10 – This Condition is requiring the operator to provide each business staff and on-site contractors a copy of this determination and fully read and understand the Imposed conditions with knowledge that a violation of the conditions will result in disciplinary actions.

Condition No. 11 - This Condition is intended to restrict the mode and character of the business and requiring the business to become a market to carry non-alcoholic merchandise to benefit the community.

Condition No. 12 – This Condition is to restrict the business hours from 8:00 a.m. to 10 p.m., daily, and not operate into late nights causing nuisance activities without severely limiting the market operations.

Condition Nos. 13 and 14 – This Condition seeks to ensure that the store and premises maintain approved and appropriate signage reflecting the use and the business hours, not blocking views from outside to inside for security surveillances.

Condition Nos. 15, 16, and 17 – These two conditions are intended to maintain the interior and the exterior of the site in a clean and well-kept manner as well as eliminating any machines encouraging illegal and loitering activities.

Condition No. 18 – This condition is intended to allow only one ingress and egress for patrons into the market for security purposes and to deter any crimes requiring quick exits.

Condition Nos. 19, 20, 21, and 22 – These Conditions are intended to discourage criminal activities and prohibit loitering at and around the location by installing adequate lights, surveillance cameras, and signs.

Condition No. 23 – This Condition is intended to discourage nuisance activity or loitering in and around the premises and also to improve the safety of anyone on the premises.

Condition No. 24 – This Condition is recommended by the Council Office and the LAPD, requiring the operator to maintain a State Licensed security personnel on site to deter any criminal, loitering, and nuisance activities at and around the location.

Condition No. 25 – This Condition encourages the business owner and operator to integrate into the community and informed of criminal and nuisance activities in the area and to receive appropriate training opportunity.

Condition No. 26 – This Condition requires the operator to comply all State ABC regulations without any ignorance.

Condition No. 27 – This Condition ensures that the liquor store conducts alcohol sales according to standardized best practices, and that the liquor store staff and management has received training that is supported by the Los Angeles Police Department. The STAR classes are a requirement for all new establishments that serve and/or sell alcoholic beverages within the City.

Condition No. 28 – The requirement of an electronic age verification device ensures consistency in the method of assessing the age of patrons and is a standard requirement for all alcoholic beverage sellers under the City's Conditional Use process.

Condition Nos. 29, 30, and 31 – These Conditions prohibits small, single, and ready-consume sales of alcoholic beverages that lead to alcohol consumption on public sidewalk and premises not permitted.

Condition No. 33 – This Condition is prohibits sales of single cigarettes to eliminate adverse health effect of unknow brand cigarettes sold, loiters for single cigarette access, and cigarette tax evasion.

Condition No. 34, 35, 36, 37, 38, 39, 40, and 41 – These Conditions establish good and responsible business practices which requiring the business maintain a manager/supervisor on-site at all time, requiring the staff to fully understand and apply the conditions, responsibly selling alcoholic beverages, monitor the premises and curtail nuisance activities, and inform LAPD for any criminal activities.

Condition No. 42 and 43 – This Condition requires the liquor store owner and operator to be responsive in a timely manner to concerns from the community and to provide a record of response to inquiries through the provision of a 24-hour, dedicated hot-line number. The Condition also seeks to ensure that the operator responds to complaints in a timely manner and maintain a record of complaints. The log of calls and emails is required to be submitted when the operator files for a Plan Approval application with the City.

Condition No. 44 – This Condition is to deter any noise impact generated by the business.

Condition Nos. 45 and 46 – These Conditions are to requiring the operator to keep the site and premises free of trash and litter.

Condition No. 47 – This Condition allows the City to reserve the right to conduct a Plan Approval hearing on the business prior to the expiration of the 6-month filing period when the business continues to create nuisance activities.

Condition Nos. 48 and 49 – These Conditions apply when the business is sold to a new owner, or the business intends to change the use, mode and character.

Condition No. 50 – This Condition gives notice to the owner and operator of the requirement to reimburse the City to cover the costs associated with the Nuisance Abatement proceedings as required by Section 12.27.1.C.2 of the Los Angeles Municipal Code.

Condition No. 51 – Indemnification and reimbursement of litigation costs.

Inquiries regarding this matter shall be directed to Iris Wan, Planning Staff for the Office of Zoning Administration at (213) 978-1397.

VINCENT P. BERTONI, AICP  
Director of Planning



JACK CHIANG  
Associate Zoning Administrator

JC:VS:IW:MR

cc: Councilmember Marqueece Harris-Dawson  
Eighth Council District  
Adjoining Property Owners

**Applicant Copy**  
 Office: Downtown  
 Application Invoice No: 74993

City of Los Angeles  
 Department of City Planning



Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.



\*6800174993\*



### City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

If you have questions about this invoice, please contact the planner assigned to this case. To identify the assigned planner, please visit <https://planning.lacity.org/pdiscaseinfo/> and enter the Case Number.

**Receipt Number:090921E3D-47DA2888-1C95-4A93-B049-DECF27706F3D, Amount:\$109.47, Paid Date:09/09/2021**

Applicant: DREW-CRAIG, SHEILA ( 714-6864829 )
Representative:
Project Address: 9222 S BROADWAY, 90003

**NOTES:**

DIR-2021-1460-RV-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
<b>Case Total</b>			<b>\$89.00</b>

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
<b>Plan &amp; Land Use Fees Total</b>	<b>\$89.00</b>
<b>Expediting Fee</b>	<b>\$0.00</b>
<b>Development Services Center Surcharge (3%)</b>	<b>\$2.67</b>
<b>City Planning Systems Development Surcharge (6%)</b>	<b>\$5.34</b>
<b>Operating Surcharge (7%)</b>	<b>\$6.23</b>
<b>General Plan Maintenance Surcharge (7%)</b>	<b>\$6.23</b>
<b>Grand Total</b>	<b>\$109.47</b>
<b>Total Invoice</b>	<b>\$109.47</b>
<b>Total Overpayment Amount</b>	<b>\$0.00</b>
<b>Total Paid</b> (this amount must equal the sum of all checks)	<b>\$109.47</b>

Council District: 8  
 Plan Area: Southeast Los Angeles  
 Processed by CHAN, JASON on 09/08/2021

Signature: \_\_\_\_\_

**Building & Safety Copy**  
 Office: Downtown  
 Application Invoice No: 74993

City of Los Angeles  
 Department of City Planning



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