

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

STAFF INVESTIGATOR REPORT

April 8, 2021

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

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

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
D. M. : 094-5A203
C. D. : 8 – Harris-Dawson
CEQA: ENV-2021-1461-CE
Legal Description: Lot 8, Tract 4209

Request

The purpose of the hearing is to obtain testimony of the property owner and/or business operator, plus affected and/or interested persons regarding the operation of Dick's Liquor, location address 9230 South Broadway. Following the hearing, the Zoning Administrator may require the discontinuance of the use; or modify, delete, or impose additional conditions regarding its use as a convenience store in order to mitigate any land use impacts caused by the use. The public is also invited to submit written comments prior to the hearing.

The Zoning Administrator will consider:

1. An Exemption from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15321 (Enforcement Actions by Regulatory Agencies), and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.
2. Los Angeles Police Department calls for service, arrest reports, and crime analysis documentation of: battery, disturbance, assault with deadly weapon, auto theft, burglary, trespassing, possession of open container of alcoholic in public space, simple assault, theft, fight.

Authority

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

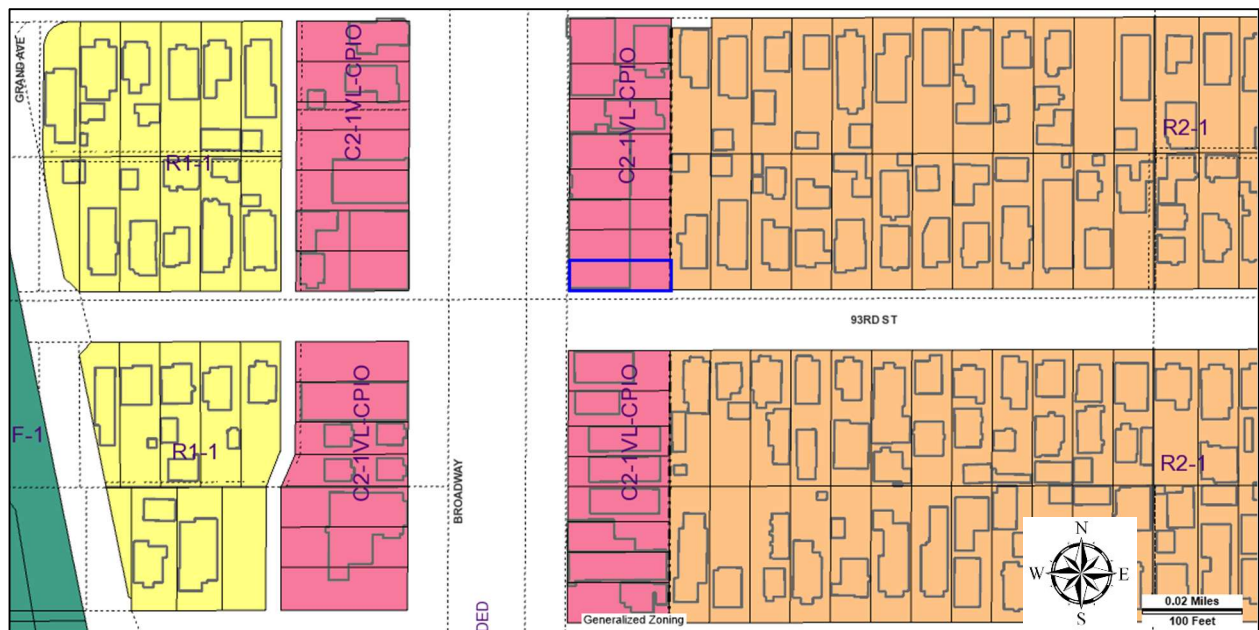
Property Description

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 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.

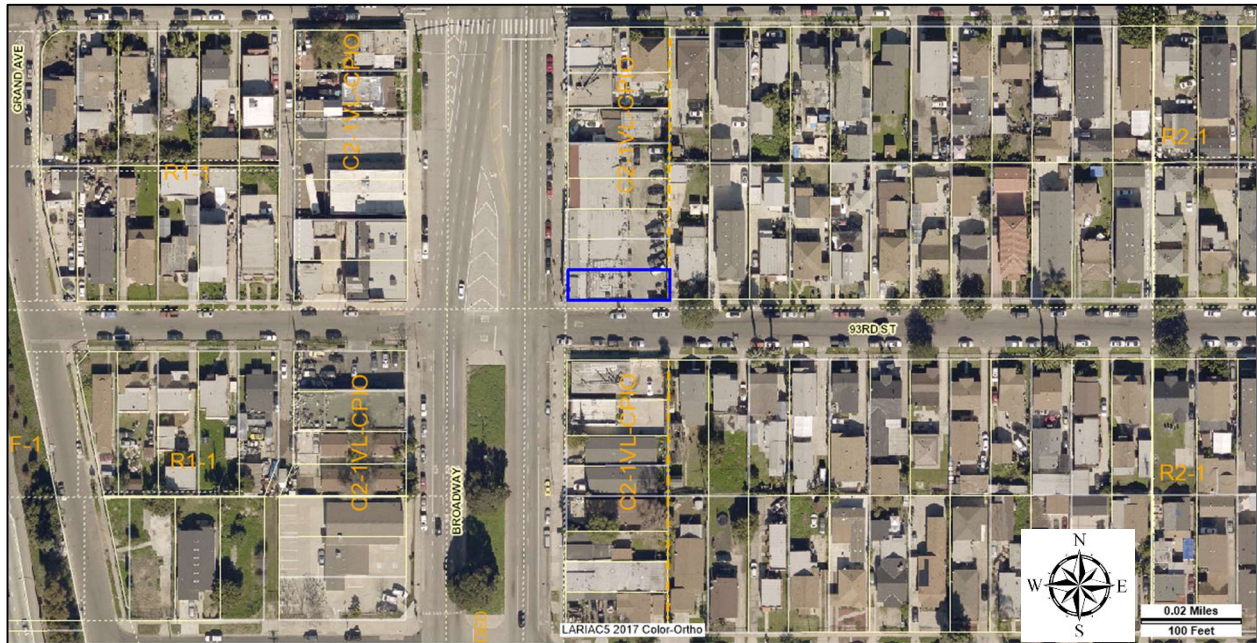
The property is a level, corner-shaped lot, comprised of one parcel that is a rectangular-shaped record lot having a frontage of approximately 30 feet on the east side of South Broadway, with a depth of 100 feet along West 93rd Street, for a total approximately 3,023 square feet of lot area in the C2-1VL-CPIO 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 as shown on Exhibit A, it appears that there are seven marked parking spaces located towards the rear of the commercial building with vehicular along West 93rd Street.

The liquor store is open from 7:00 AM to 1:45 AM daily.



ZIMAS Generalized Zoning Map, 2017



ZIMAS Aerial Map, 2017

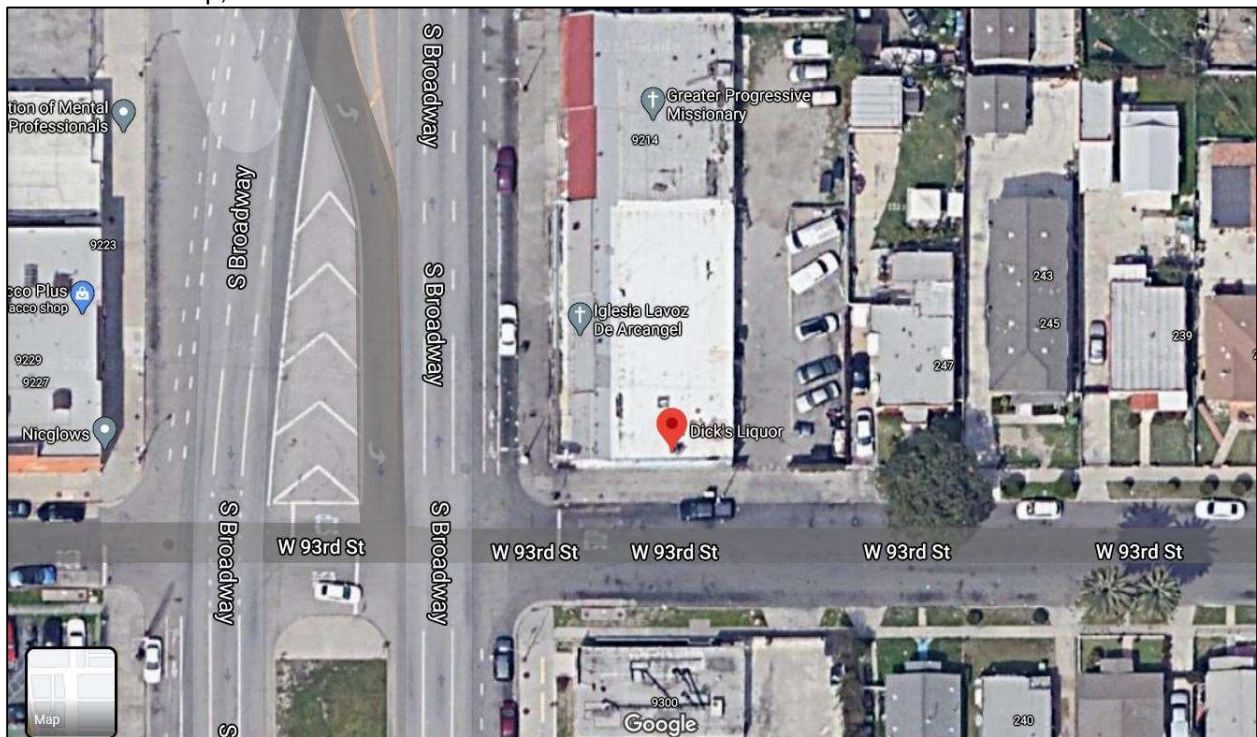


Exhibit A: Google Map Aerial, 2021

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.

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 LATA 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.

Nuisance Investigation

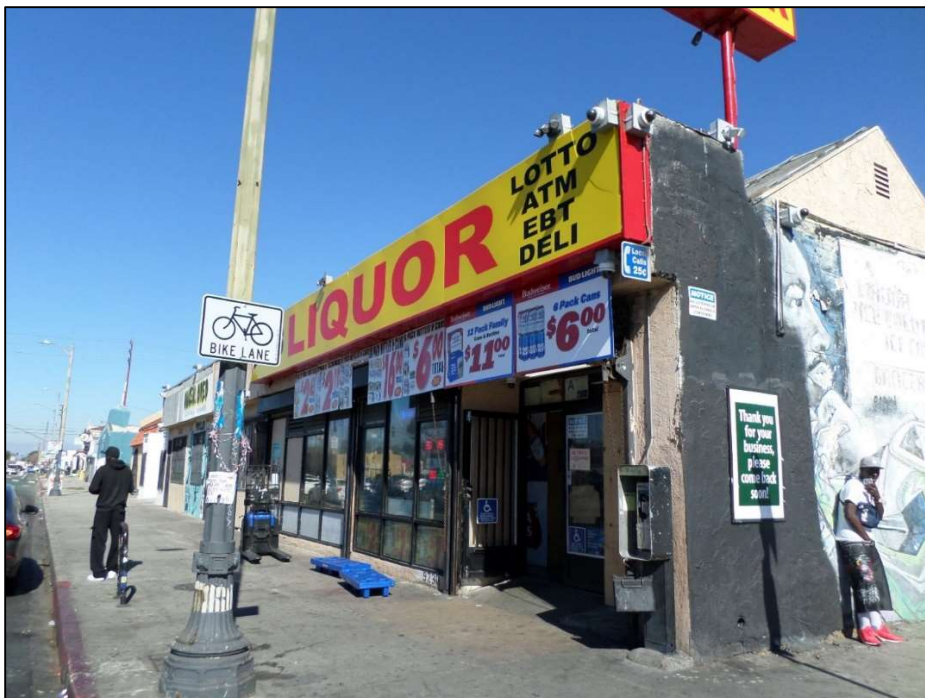
The liquor store operations, in conjunction with the sale of beer and wine beverages, have generated consistent police enforcement, as evidenced by documentation submitted by the Los Angeles Police Department (LAPD). As documented, the operation may currently jeopardize and adversely affect the public health, peace, and safety of persons residing or working on the premises and in the surrounding area. As a result, the City has responded with a public hearing for possible imposition of Conditions to abate nuisance or to revoke said use.

Planning staff conducted a field analysis as part of the nuisance investigation on February 5, 2021 from 1:00 PM to 1:45 PM. All photographs in the staff report were taken on said date and time unless otherwise noted.

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 hotline 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.



(February, 2021)



(February, 2021)



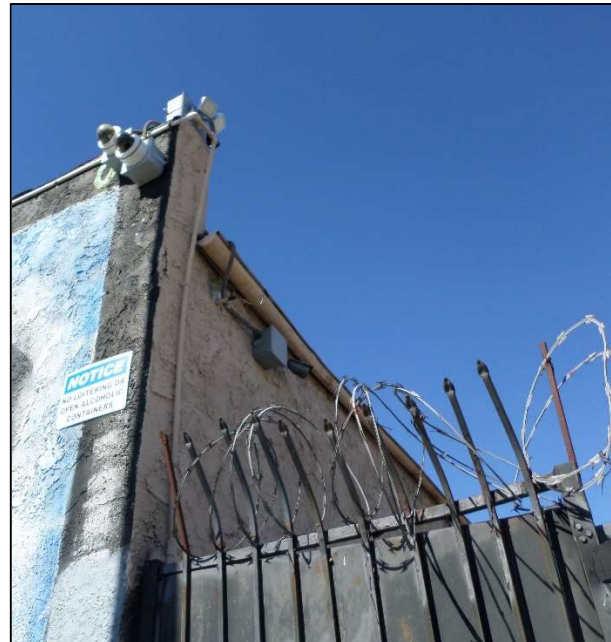
(February, 2021)

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.



(February, 2021)



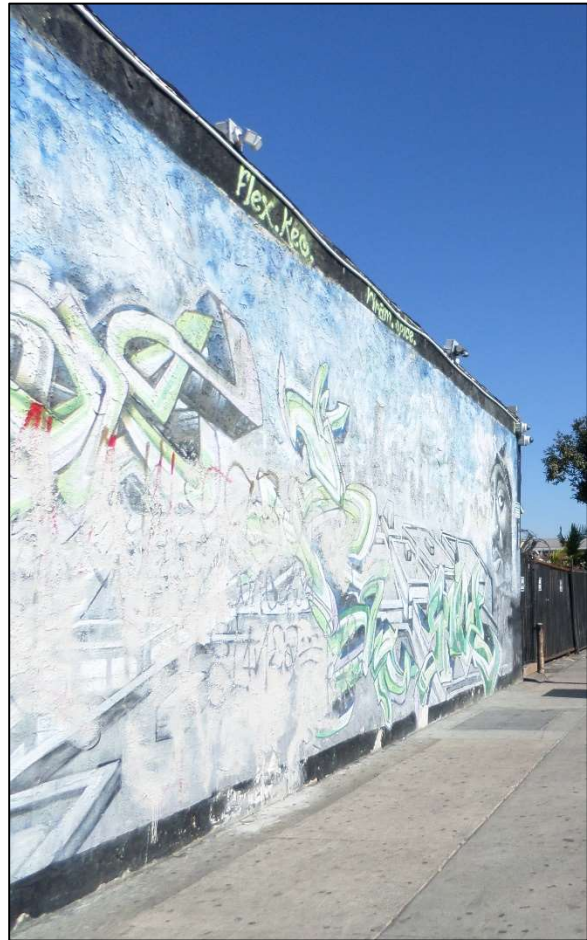
(February, 2021)

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.



(February, 2021)



(February, 2021)

Security Personnel

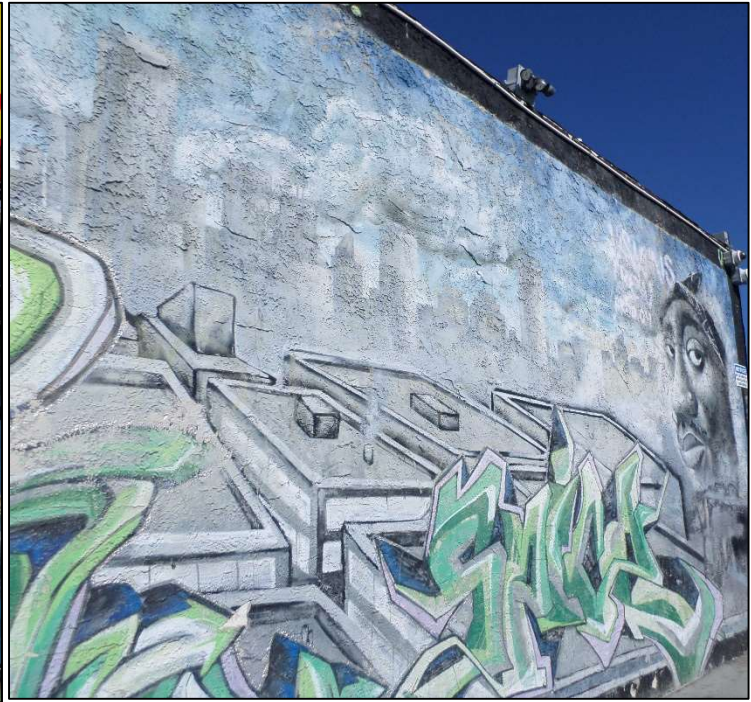
During the site visit on February 5, 2021, staff did not observe uniformed security on-site.

Trash, Debris, Graffiti, Loitering

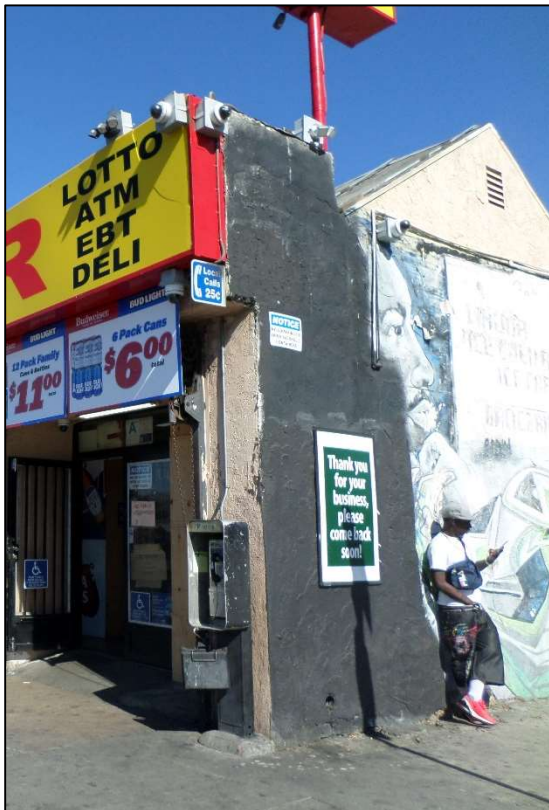
During the site visit on February 5, 2021, staff did not observe trash or debris outside the liquor store along the sidewalks on South Broadway or West 93rd Street. The trash dumpster appears to be located inside the rolling security gate at the parking lot of the liquor store. Staff observed some debris 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.



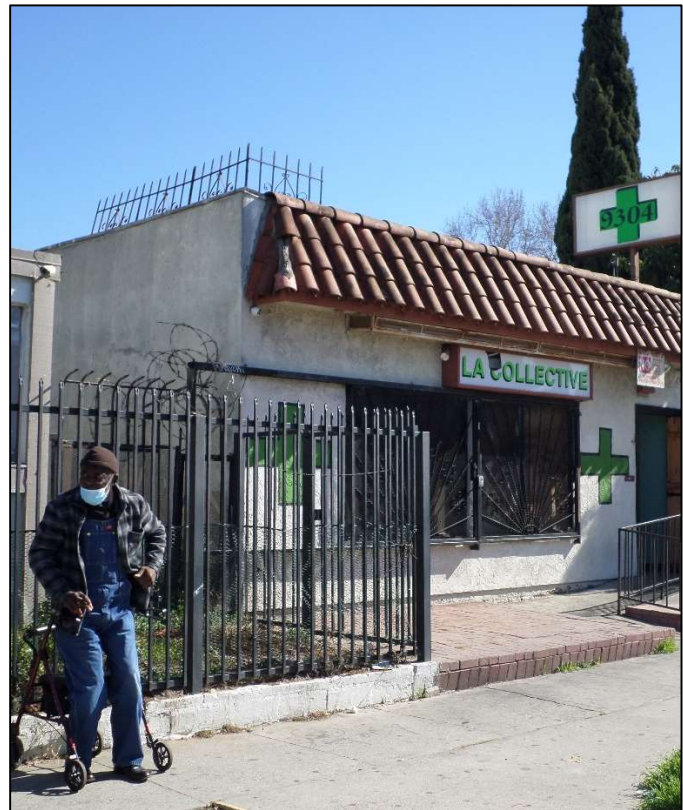
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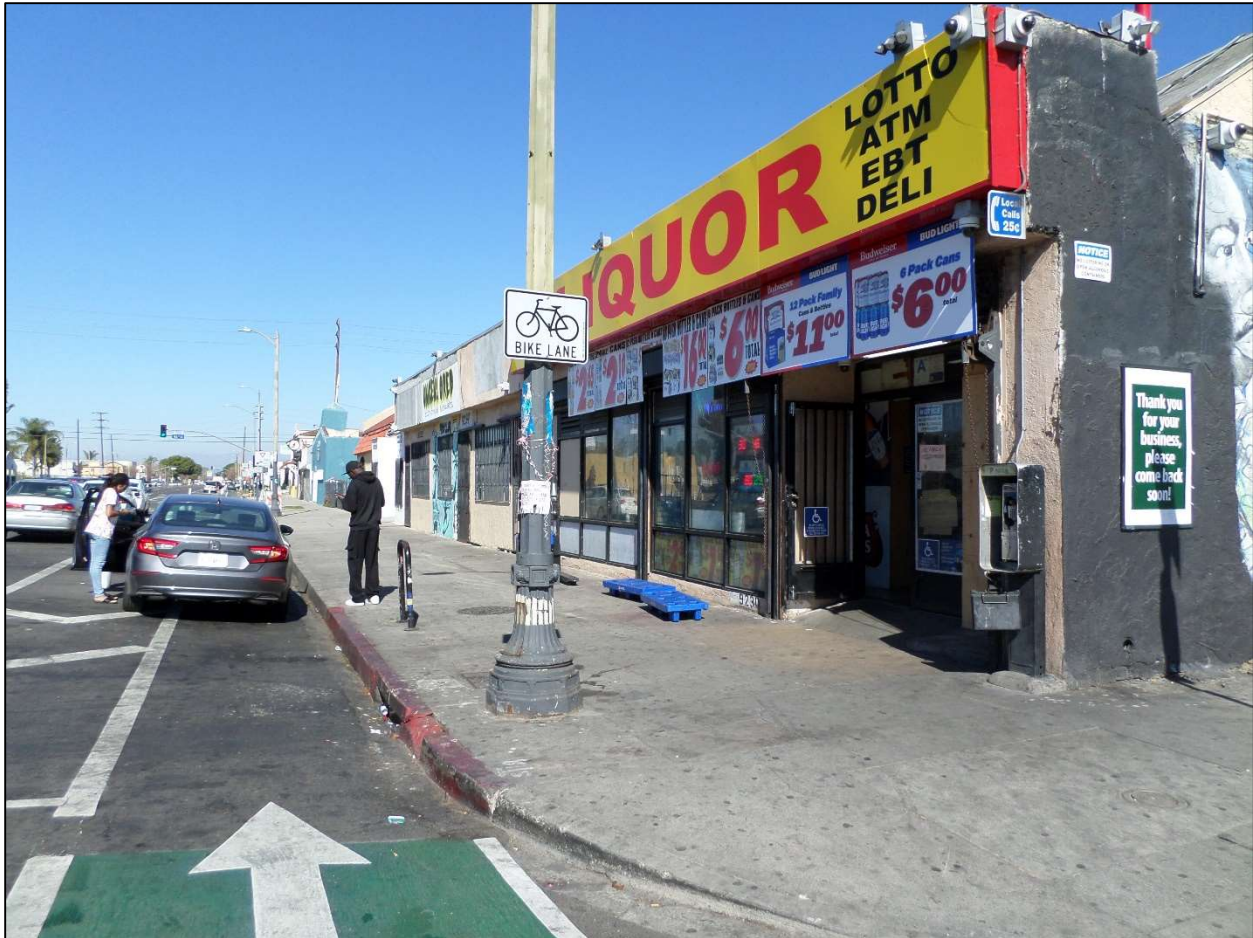
(February, 2021)

In regards 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.



(February, 2021)

Comments from Other Departments and/or the General Public

Council District 8

1. 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.
2. 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:On-Site:

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
- Filed report to LAPD as the patrons of the liquor store have thrown bottles at him and block his driveway
- Liquor store open late until 2:00 a.m.
- 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. These photographs can be viewed in the case file.

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.

Iris Wan

IRIS WAN
Staff Investigator