



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-2021-1780-RV

Project Address: 4058 CRENSHAW BLVD

Final Date to Appeal: 12/21/2020

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: AMJAD IBRAHIM

Company/Organization: RASTA SMOKE SHOP AND MINI MART

Mailing Address: 129 S MANHATTAN PL, APT 2

City: LOS ANGELES State: CA Zip: 90004

Telephone: 213-616-8745 E-mail: amgad05@hotmail.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): N/A

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

5. JUSTIFICATION/REASON FOR APPEAL

a. Is the entire decision, or only parts of it being appealed? Entire Part

b. Are specific conditions of approval being appealed? Yes No

If Yes, list the condition number(s) here: ALL

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: *[Signature]*

Date: 12/20/2021

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)

REASON FOR THE APPEAL

We, the Operators of the Rasta Smoke Shop & Mini Mart, write in timely fashion to appeal the decision of the Los Angeles Planning Department to place restrictions that run with the land on the uses of this place we occupy. And what are we to make of the fact that we recently received "A Notice of Exemption"? Does that mean this decision does not apply to us? For how long are we exempted?

These developments notwithstanding, we feel compelled to appeal this decision. There may be good reason to restrict the use of the land to exclude a business such as ours but this report cannot be the basis for such a decision. It is fatally flawed as it is based on an unreliable retelling of history, unsupported by the facts, and unleavened by the truth. Further we feel that our reputation and our integrity as members of the business community has been greatly maligned to the point of slanderous and libelous accusations that dare not go unchallenged. We appeal the findings of the Los Angeles Planning Department if for no other reason than to set the record straight.

Eight years ago we were young entrepreneurs and this was our first foray into the world of business. We have made mistakes, and learned a lot. We have corrected our errors as quickly and expeditiously as we could given the constraints of our financial resources. We have made permanent improvements of a significant and fundamental nature that are every bit in keeping with our desire to run a business that we can be proud of. From our point of view, despite problems, our business has been something of a success in that it has kept food on the table for our families, employed 5 people full time, allowed us to extend opportunities to our children that we never had, and generally speaking, allowed us to participate in the American dream. It should not go unmentioned that, as immigrants to this country, we have enjoyed some modicum of success in the very competitive world of retail business. We took an unattractive and odd-shaped sliver of land and made it work both to the benefit of the community as a convenience service and to the benefit of our families. Of this, we are not ashamed. Nor as entrepreneurs are we wedded as you may think to the idea of permanently running a smoke shop. We have bigger dreams.

Remarkably, in all of our interactions with city officials and the larger community, no one has asked us of our future plans for this space. In fact, it has been our every intention to open a retail business here at this place that is so far removed from a "smoke shop" that any attempt at comparison would be a fool's errand. We will return to this point later. For now we are forced to appeal the decision of the Los Angeles Planning Department; it is a drag on our resources and it delays our future plans. We feel that not to appeal would make us vulnerable to future negative actions by the city and its administrators.

Seemingly, we have been the object of a chorus of complaints that almost appear a conspiratorial litany of same words to describe same events. The problem is that among the "facts" there are many other things that are patently false, misguided and misdirected, stale (as in no longer extant), and not relevant (as in already corrected). The complaining chorus seems hellbent on closing the "smoke shop" no matter what efforts we make to improve. Some people just don't like "smoke shops" and these people might be surprised to learn that our future does not lie in operating a "smoke shop."

Going forward, it should be noted that we have already made numerous, extensive, and permanent changes to the store, only partially in response to the complaints that have recently been identified in the report of the Los Angeles Planning Department. We have done these things at great expense to our operation and budget because we wish to repair and improve our standing in the community.

During August and September of this year, we have made changes that include new signs to inform of the parking and loitering prohibitions; we have improve the exterior appearance by fresh paint and other cosmetic adjustments; we have purchased and installed new industrial trash containers; we have posted signs encouraging proper trash disposal; we have removed or painted over all graffiti; we have installed additional outside security lighting that brightens the alley on the north side of the building; we have installed new hardwood-like flooring inside the store; we have renovated the shelving; we have prominently displayed our business license and tobacco sales permit; and we have installed signs that announce the enforcement of required safety measures including wearing masks and keeping proper distance to reduce or prevent the spread of Covid 19; and we have greatly reduced the number of customers who can be in the store at one time. We also greatly changed the appearance of the entry to the store by installing a new glass door and new glass window to make the place appear more up-scale and inviting. Finally, we have installed a new security system at considerable expense that covers the outside of the building—we have already provided the police with copies of the videotapes to help them solve a fatal accident that occurred on Crenshaw and Martin Luther King Blvd.

All of these new renovations are permanent, not temporary. All of these things actions suggest louder than any words that we are willingly responsive to some valid criticisms that have been made and, more importantly, ones that are under our control. We have implemented, to the best of our ability, what we were able to take from the report.

Rather than attempt to respond point by point to every statement in the report of the planning department, we would like to point out a few glaring errors with the statements being made against us.

1. The proper name of the business is the Rasta Smoke Shop & Mini Mart. Our seller's permit (103211117-10000, issued February 16, 2018) allows us to re-

sale items, including pre-package food, all drinks (except alcohol); our permit from United States Department of Agriculture (USDA FNS Number: 0703955) allows us to accept and redeem supplemental nutrition assistance SNAP benefits. Our state tobacco license (091393429) and our city tobacco retailer permit (No.: 0003031481-0001-5) permits us to sell tobacco in the form of cigarettes, cigars, and chewing tobacco. We did not know that the USDA permit for sale of 40 items on its list did not include the permit from the Health Department necessary for the sale of milk and eggs and meat and certain other food items, including frozen vegetables, etc. We have applied for a permit from the Health Department. Our other licenses and permits go back to 2013 when we first opened.

2. We have been at this location since 2013 not February 6, 2018 as the report states on page 18. In 2018, the sole proprietorship was changed to an LLC with the same principals.
3. The report says that "inebriated" persons [are] loitering in and around the store." If this is true, they became "drunk" somewhere else. We do not now nor have we ever sold alcohol or beer or any other intoxicating substance.
4. The report states that "there is an ever-present nuisance at the location as it has become a 'Rollin 40s' criminal street gang stronghold." This is news to us since we have no connections whatsoever with this gang or any other gang, including the 'Rollin 30s' and the Black Peastones (mentioned on page 28).
5. As far as "these gang members who cavort in the surrounding parking lot and alley, terrorize customers of both the smoke shop and the Hair and Wig store, that is located east of the smoke shop on MLK Boulevard," we have nothing to do with them and we have no way to prevent them from engaging in gang activities in the area.
6. The report says that the owner of the store has been arrested more than once. This is simply not true. The owner was arrested once in a dispute that involved a customer who refused to show her identification in order to purchase tobacco. The report says that she entered the store and this dispute took place inside the store. This is also not true. She never entered the store. The disagreement took place at a window that allowed us to service people after 11 o'clock in the evening without their having to enter the store. That window is no longer in use because the store hours have changed. The report says that the owner, while brandishing a gun, chased the woman down the alley. That was not true. The owner never left the store. The owner has a license to carry an exposed firearm, there was no brandishing of a weapon, the weapon was clearly visible. The report says that owner was arrested for Assault with a Deadly Weapon. This is not true. The owner was charged with making a criminal threat (Penal Code 422(a)) and that charge the District Attorney refused to prosecute in part

because there was compelling video-tape evidence that showed what actually happened. No brandishing of a weapon, and no leaving the store to chase the woman down the alley. The videotape also shows the woman trying to break the front window by throwing an object at the window. Let's remember that the original cause of the disagreement was the woman's refusal to show identification. It was always store policy to ask for identification. We fired the employees who violated this policy.

7. There are 14 instances in the report that refer to "brandishing a weapon or firearm," "arrest for assault with a deadly weapon," and "chasing a woman down the alley." This is why we previously said the report was an unreliable retelling of history, unsupported by the facts, and unheavened by the truth. It remains a mystery as to how the Director of Planning and the Associate Zoning Administrator can issue a report whose findings are based on such erroneous, although repetitive, statements. Repeating these erroneous statements certainly does not bring them any closer to being the truth. Why are they repeated as if they were the truth? Why does the report make findings based on these "truths"?
8. Everyone knows that in the Los Angeles car culture, there are individuals who will park illegally in an open spot in order to make some errand they are engaged in more convenient. A certain number of individuals will park illegally no matter how clear the signs or prominent the admonitions not to do so. Our business does not encourage these people in any way whatsoever. In fact, the business relies more on foot traffic than anything else. Customers who illegally park in the alley and elsewhere are not the life-blood of the business. How is the business to know whether a customer who walks in has come from an illegally parked car? How can they better be prevented from doing so? Perhaps, more vigorous enforcement of the parking regulations would help in this regard. We would certainly support that.
9. The report says that I, Amgad Ibrahim, was involving in selling a tobacco product to a minor. This is not true. The two employees who were cited for selling tobacco products to a minor in a "police sting operation" were both fired. Since those two occasions, in several subsequent "sting operation" we were informed that we had properly refused to sell the minors involved tobacco products. The report does not mention the action we took in response to these violations nor does the report mention that we have successfully passed further such attempts. Such good deeds go unmentioned. We also no longer sell so-called "loose cigarettes" and we have not done so in a very long time. Again, such good deeds go unmentioned.
10. Finally, we appeal the findings of this report concerning the instances of illegal parking, loud noises and loitering when there are at least 2 other businesses in the immediate area, including a barbershop and a restaurant. It is a source of

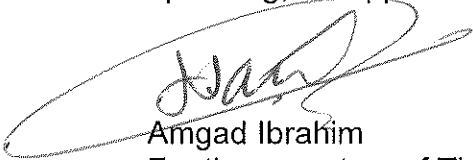
amazement to us that the report never seems to consider whether the customers of these other businesses also engage in such behaviors.

In conclusion, none of our neighbors and especially the people of the Empowerment Congress West Area Neighborhood Council (ECWA) nor Council Member Mark Ridley Thomas nor any of his staff have reached out to sit down and talk with us or include us in their deliberations.

We find ourselves being forced to appeal the decision of the Los Angeles Planning Department and we say once again that there may be good reason not to allow a smoke shop in our location but that decision should not be based on such an unreliable retelling of history, unsupported by the facts, and unleavened by the truth.

We appeal.

On behalf of the over 500 people who signed a petition to allow our shop to continue operating, we appeal!

A handwritten signature in black ink, appearing to read 'Amgad Ibrahim', is written over a large, light-colored oval scribble.

Amgad Ibrahim

For the operators of The Rasta Smoke Shop and Mini Mart.

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

ESTINEH MAILIAN
CHIEF ZONING ADMINISTRATOR

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JACK CHIANG
HENRY CHU
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planning.lacity.org

December 6, 2021

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

Rosalie Odell (O)
4330 Jasmine Avenue
Culver City, CA 90232

Amgad Ibrahim (Op)
Rasta Smoke Shop
4058 South Crenshaw Boulevard
Los Angeles, CA 90008

Rasta Smoke Shop
4058 South Crenshaw Boulevard
Los Angeles, CA 90008

CASE NO. DIR-2021-1780-RV
REVOCATION,
DISCONTINUANCE OF USE
4058 South Crenshaw Boulevard
West Adams – Baldwin Hills –
Leimert Planning Area
Zone : C1.5-1-SP
D. M. : 114B185
C. D. : 10 – Ridley Thomas
CEQA: ENV-2021-1781-CE
Legal Description: Lot No. 230,
Tract 1002

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061, I hereby DETERMINE:

Based on the whole of the administrative record as supported by the justification prepared and found in the environmental case file, the project is exempt from the CEQA pursuant to CEQA Guidelines, Section 15321, of the State's CEQA Guidelines for enforcement actions by regulatory agencies and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways or hazardous waste sites, or historical resources applies; and,

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

the discontinuance of the magazine/tobacco shop with tobacco sales, known as the Rasta Smoke Shop and any similar land uses at the property, located at 4058 South Crenshaw Boulevard. However, the following four (4) conditions shall become effective for the subject property:

- (1) Within 30 days of the effective date of this determination, pursuant to the LAMC Section 19.01 N, the property owner and/or the business owner/operator shall reimburse the City of Los Angeles applicable fees and surcharges for processing the subject application for DIR-2021-1780-RV, with confirmation of payment forwarded to the Department of City Planning, Nuisance Abatement and Revocations Section within this same time period.
- (2) Within 30 days of the effective date of this determination, the property owner shall record a covenant acknowledging and agreeing to comply with Condition Nos. (1) through (4) established herein at the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning, Nuisance Abatement and Revocations Section for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Department of City Planning, Nuisance Abatement and Revocations Section for attachment to the subject case file. If the property owner fails to comply with this condition, the City will record the covenant.
- (3) Should there be a change in the ownership of the property, the magazine/smoke shop, and/or the business operator, the property owner and the business owner/operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Prior to the closing of escrow for a potential change in the ownership of the property/business owner or operator, evidence showing that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Zoning Administrator for inclusion in the case file.
- (4) Should there be a change in the ownership of the property, the magazine/smoke shop, and/or the business operator, the new property owner and the business owner/operator shall file an application with the Department of City Planning, accompanied by the applicable fees, for any and all proposed uses on the subject property, if such a use requires a discretionary action and review by the City. Prior to filing of the application, the property owner and the business owner/operator shall contact the Department of City Planning, the Nuisance Abatement and Revocations Section, for a review of

the proposed application. A signed referral form from Department of City Planning, Nuisance Abatement and Revocations Section, is required prior to the filing of an application.

TRANSFERABILITY

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

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

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

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

APPEAL PERIOD – EFFECTIVE DATE

The Zoning Administrator's determination in this matter will become effective after **December 21, 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,
Room 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 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, letters and correspondence contained in the file, the report of the Staff Investigator thereon, and the statements made at the public hearing on July 27, 2021, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find as follows:

BACKGROUND

The business conducted at the site has generated numerous community complaints and has required consistent police enforcement, as evidenced by submissions from the Los Angeles Police Department (LAPD), including arrest reports, investigative reports, calls for service, and citizen declarations pertaining to loitering, assault with deadly weapon, theft, robbery, estes robbery, sale of tobacco to a minor, criminal threats, no valid tobacco permit, single sales of a cigarette, and brandishing weapon. These activities may be endangering the public health and safety of persons who reside and work on the premises and in the surrounding community, thus constituting a public nuisance.

Property Description

The West Adams – Baldwin Hills – Leimert Community Plan Map designates the property for Neighborhood Commercial (C1.5) land uses with Height District No. 1. The property is within the Crenshaw Corridor Specific Plan (Subarea D), South Los Angeles Alcohol Sales Specific Plan (ZI-1231), and State Enterprise Zone (ZI-2374). The subject property is also within the MTA Right of Way (ROW) Project Area (ZI-1117), South Los Angeles Transit Empowerment Zone, Transit Priority Area (ZI-2452), and Crenshaw Redevelopment Project Area (ZI-2488). The site is within a Urban Agriculture Incentive Zone, Liquefaction Area and approximately 2.12 Kilometers (km) from the Newport – Inglewood Fault Zone. The subject site is Outside the Flood Zone and in the Greater Leimert Park Village/Crenshaw Corridor Business Improvement District.

The property is located in the Los Angeles Police Department South Bureau of the Southwest Los Angeles Division in Reporting District 393.

The subject property, consisting of a relatively flat, irregular-shaped, corner, approximately 4,225 square-foot parcel of land with a 45-foot frontage on the east side of Crenshaw Boulevard and varying depths from 85 to 95 feet. There is a 20-foot wide alley on the north side and the rear of the property.

Adjacent property to the north, across the alley are zoned C2-2D-SP and developed with a Cajun seafood restaurant.

Properties to the south, abutting the subject property are zoned C1.5-1-SP and developed with one and two-story building that consists of commercial uses.

Properties to the east, across the alley are zoned R1-1 and developed with one and two-story single-family residences.

Properties to the west, across Crenshaw Boulevard are zoned [T][Q]C2-2D and is developed with the Baldwin Hills Crenshaw Shopping Mall.

The property is developed with a one-story, 2,551 square-foot multi-tenant commercial building containing the subject magazine/tobacco shop (Rasta Smoke Shop), tax service, and cellular phone. The subject site has legal non-conforming rights as to alcohol sales, hours of operation with no on-site parking.

According to the operator, currently, the subject business operates from 7:00 a.m. to 11:00 p.m, daily. However, before the Governor's Executive Order N-29-20, March 17, 2020, (COVID-19) the business was open daily, operating 24 hours a day.

Streets

Crenshaw Boulevard, adjoining the subject property to the west, is designated by the Mobility Plan as a Modified Boulevard II, with a 117-foot right-of-way and improved with curb, gutter and sidewalk.

Alley, adjoining the subject property to the north and east, is a 20-foot alley that is improved with asphalt.

On-Site Cases, Affidavits, Permits, and Orders

Certificate of Occupancy No. 20139 – On August 22, 1947, the Building and Safety Department issued a certificate of occupancy for a one-story, type V, magazine stand, approximately 12 feet wide and 50 feet long.

Order to Comply No. A-5466795 – Effective March 15, 2021, the Building and Safety Department issued an order to comply for an unapproved tenant improvement and was closed on September 20, 2021.

On October 5, 2021, a complaint was received by Department of Building and Safety for an investigation regarding outdoor advertisement.

CORRESPONDENCE AND REPORTS RECEIVED PRIOR TO THE PUBLIC HEARING

The Los Angeles Police department submitted the following reports:

On-Site:

Arrest and Investigative Reports: There were 19 investigative reports, complaint application, parking violation, notices to appear, citizen declaration, or arrest reports submitted for the subject property located at 4058 South Crenshaw Boulevard between October 3, 2017, and July 14, 2021.

1. October 3, 2017, 6:05 p.m. – Arrest Report – Robbery – Suspect stole chips, sodas, and cigarettes from the store.
2. May 1, 2018, 2:20 p.m. – Investigative Report – Theft – Suspect had a verbal argument with a witness and stole items from the store.
3. January 6, 2019, 8:00 p.m. – Investigative Report – Robbery – Suspect stole merchandise, verbally threatened to kill the witness with a gun and fled to an unknown location.
4. March 31, 2019, 12:30 p.m. – Complaint Application - Violation of Penal Code 308(a)(1) sale of tobacco to a minor and violation of Los Angeles Municipal Code 46.91(a) valid tobacco retailer's permit.
5. March 31, 2019, 12:45 p.m. – Notice to Appear – Violation of Penal Code 308(a)(1) sale of tobacco to a minor.
6. May 13, 2019, 1:10 a.m. – Investigative Report – Theft – Suspect stole victim's cell phone and fled in an unknown direction.
7. May 19, 2019, 1:05 p.m. – Complaint Application – Violation related to: California Penal Code 308(a)(1) sales of tobacco to a minor; Los Angeles Municipal Code 46.91(a) valid tobacco retailer's permit.
8. April 20, 2020, 5:00 p.m. – Notice to Appear – Violation of Los Angeles Administrative Code 8.77(b) City of Los Angeles Emergency Order for being open.
9. May 16, 2020, 1:25 a.m. – Arrest Report – Criminal Threats – Suspect argued with victim and suspect threatened to kill the victim, brandishing a gun.
10. July 9, 2021, 3:29 p.m. – Parking Violation – A parking violation was issued for a vehicle parked in the alley.
11. July 10, 2021, 5:01 p.m. – Parking Violation – A parking violation was issued for a vehicle parked in the alley.
12. July 10, 2021, 5:17 p.m. – Parking Violation – A parking violation was issued for a vehicle parked in the alley.
13. July 11, 2021 – Citizen Declaration – A citizen declaration was submitted that the subject property has the following nuisance activities: code/permit violations, narcotic activity, traffic violations, loitering, and graffiti.
14. July 12, 2021 – Citizen Declaration – A citizen declaration was submitted that the subject property has the following nuisance activities: community complaints, gang violence, traffic violations, trash, and graffiti.

15. July 12, 2021 – Citizen Declaration – A citizen declaration was submitted that the subject property has the following nuisance activities: excessive noise, traffic violations, trash, loitering, and graffiti.
16. July 14, 2021 – Citizen Declaration – A citizen declaration was submitted that the subject property has the following nuisance activities: community complaints, code/permit violations, illegal parking, trash, and loitering.
17. July 25, 2021 – Citizen Declaration – A citizen declaration was submitted that the subject property has the following nuisance activities: high risk calls, weapons involved, community complaints, parking violations,
18. July 25, 2021 – Citizen Declaration – A citizen declaration was submitted that the subject property has the following nuisance activities: high risk calls, gang violence, traffic and parking violations, loitering, drinking in public, and graffiti.
19. July 27, 2021 – Citizen Declaration – A citizen declaration was submitted that the subject property has the following nuisance activities: loitering and their patrons parking illegally on the side and rear alleys resulting in adjacent residents unable to access their garages.

Crime Analysis Mapping System Crime Summary Report: There were 8 charges submitted for the property location 4058 South Crenshaw Boulevard between May 1, 2018 and June 10, 2019. The crime charges consisted of but not limited to: verbal threats, theft, and misdemeanor charges.

Calls for Service: There were 25 calls for service submitted for the property location 4058 South Crenshaw Boulevard between August 31, 2017 and May 16, 2020:

No.	Date	Time	Description
1	8/31/2017	2310	Group Disturbance
2	10/3/2017	1756	Robbery
3	11/30/2017	1215	Disturbance Man
4	12/9/2017	0137	Burglar Alarm - Other Alarm
5	2/25/2018	0737	Abuse/Molestation
6	4/21/2018	1325	Juvenile Group Disturbance
7	4/24/2018	0458	Burglar Alarm - Other Alarm
8	5/1/2018	1427	Robbery
9	5/1/2018	1419	Theft - Suspect Now
10	7/20/2018	1812	Theft - Suspect Now
11	8/11/2018	1928	Alarm – Robbery
12	9/7/2018	1502	Theft - Suspect Now
13	1/6/2019	2001	Robbery - Just Occurred
14	4/30/2019	1342	Group Disturbance
15	5/10/2019	1423	Disturbance Man
16	5/13/2019	0119	Theft – Suspect
17	6/9/2019	1108	Theft - Suspect Now
18	6/20/2019	1637	Officer Reporting
19	6/20/2019	1240	Group Disturbance

20	6/23/2019	1135	Unknown Trouble
21	7/16/2019	2022	Theft - Possible Suspect
22	8/31/2019	1922	Group Disturbance
23	11/6/2019	0934	Assault with Deadly Weapon
24	4/19/2020	0004	Assault with Deadly Weapon
25	5/16/2020	0036	Alarm – Robbery

An e-mail dated January 19, 2021, from LAPD Senior Lead Officer explaining that he received multiple complaints from the community regarding the subject property. The Senior Lead Officer also explained that there was recent gang activity, traffic issues related to people parking in the alley on the side and rear, graffiti, and loitering.

On July 26, 2021, Los Angeles Police Department Senior Lead Officer submitted thirty pictures that were taken on July 24, 2021, as part of their investigation of the subject property.

Other Departments:

On January 4, 2021, an e-mail was sent from Council District 10 requesting the City Planning Department to proceed with initiating a nuisance abatement/revocation proceeding on the subject property.

Comments from the Public

A letter dated July 12, 2021, was submitted by the Empowerment Congress West Area Neighborhood Development Council explaining that Rasta Smoke Shop patrons double park in the alley, resulting in neighbors unable to access their garages which share the same alley. Other issues that were raised: loitering and the appearance inside and outside of the business. The neighborhood council requests “No Parking” signs posted at the north and rear sides of the building.

Comments from the Operator and Owner Representatives

On July 26, 2021, the operator’s representative submitted a picture of the business hours.

In preparation for the hearing, the operator’s representative submitted the following exhibits: California Cigarette and Tobacco Products Retailer’s License No. 091393429 valid from April 19, 2018 to April 17, 2019; California Cigarette and Tobacco Products Retailer’s License No. 091393429 valid from April 19, 2019 to April 17, 2020; California Cigarette and Tobacco Products Retailer’s License No. 091393429 valid from April 18, 2020 to April 17, 2021; California Cigarette and Tobacco Products Retailer’s License No. 091393429 valid from April 18, 2021 to April 17, 2022; spreadsheet with issues and comment; Los Angeles Police Department Community Notice regarding parked vehicles; picture with no parking signs posted on the building; Los Angeles County Criminal Case Summary showing that a charge of violating Los Angeles Municipal Code 8.77(B) was either dismissed or not prosecuted on December 22, 2020; and a letter from the California

Department of Public Health dated July 7, 2020, explaining that the subject business successfully did not sell tobacco product to a underage decoy.

The owner's representative submitted the same exhibits, but added the following exhibits: spreadsheet with incidents and notes/resolution and California Seller's Permit Account No. 103211117-10000, dated February 6, 2018;

PUBLIC HEARING

In response to the allegations of nuisance activities and a request to review the location for possible revocation of the magazine/smoke shop use by the Los Angeles Police Department, 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 magazine/smoke shop and interested or affected persons regarding the operation of Rasta Smoke Shop. 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 July 27, 2021, at 10:00 a.m. In attendance and testifying were the property owner/operator, representatives of the Los Angeles Police Department, residents and stakeholders, and a representative of the Office of the Ninth Council District.

Prior to opening the hearing to public testimony, the Department of City Planning's staff investigator presented a summary of background information and other pertinent information regarding the location. The presentation was a summary of the Staff Investigator Report, which is attached to the case file.

The following is a summary of the points made in public hearing testimony:

Robert Hankoff - Operator's Representative

- Operator has owned the business since 2014 and provides a service to the neighborhood.
- Has been a high crime area before the operator.
- Alley is not under the control of the subject business.
- In 2019, regarding the sale of tobacco to the minor, the employee was terminated. Recently, the Department of Health of Los Angeles conducted a decoy operation for the sale of tobacco to minors and awarded Rasta Smoke Shop with a commendation.
- Many of the incidents are parking violations and signs are posted "no parking".
- Illegal parking has been an issue in the area.
- LAPD Report about estes robbery and other robberies do not have any connection with the operation. The operator was the victim.
- Hours of operation are now posted.
- Trash service is shared.
- Security system is a valuable to LAPD.
- The area is well lit, and the store is clean.

Steven Niebow – Property Owner's Representative

- Clarified that the alley is a public alley.
- Tenant is from an underserved community and should be encouraged to operate.
- Staff presentation stated that there was an invalid tobacco permit. Submitted documents show there has been valid permits throughout the years. The citation for selling to minors was remediated and recently received an commendation.
- In regard to loitering, this occurred on public property.
- The store is not considered a nuisance and does not sell alcohol, marijuana, or any activities that would be prohibited under the allowed zoning.
- The operators are security professionals.
- The LAPD reports show that the operator was the victim of crime, and the crime cannot be attributed to him.
- In regard to public comments, they were subjective and did not identify violations or nuisances committed by the operator.
- Under the Los Angeles Municipal Code, no violations have been committed by the operator or property owner.
- Requests to leave the record open after the hearing and that there be no fee.

Los Angeles Police Department Detective Dana Harris

- Been an officer for 33 years and currently assigned to the Gang and Narcotics Division.
- Responsibility is to mitigate situations related to tobacco sales and address nuisance abatement activities throughout Los Angeles.
- In 2019, I was brought in by LAPD Southwest Division to review the subject business. Some nuisance activities include inebriated persons loitering in and around the store. There have been 13 community complaints submitted to LAPD, Council Office, and City Planning.
- Other nuisance activities include assault with deadly weapon, smoking marijuana, calls for service, and most troubling, the business operator brandishing with a firearm chased one of the customers through the alley.
- A minor decoy was able to purchase one swisher sweet tobacco product obtained Mr. Abbshr, and the investigators discovered that there was no "Stop Tobacco Access to Kids Enforcement (STAKE) Act" sticker, which is a violation of Business and Professional Code 22950 and no permit for selling tobacco was available.
- On June 10, 2019, LAPD conducted an undercover operation using a minor decoy and he purchased a swisher sweet tobacco product without showing identification and Mr. Kamal was detained for sales of tobacco to a minor. LAPD Southwest investigators observed 28 packs of unstamped cigarettes, a tobacco violation.
- In the Fall 2019, a minor decoy before entering the store, three males ran towards the minor and started a major disturbance.
- On October 13, 2019, LAPD conducted an undercover operation and able to purchase one Newport cigarette for \$1.50, and during that investigation, the officer found 200 "loose" cigarettes which is a violation of California Penal Code 308.2.(a).
- In reviewing the Calls for Service and observations, it was found non-support dogs inside the business, single sales of cigarettes, disarray of the store, persons inside the location, and criminal investigations.

- In each violation, LAPD discusses with Mr. Ibrahim (the operator) identifying issues of compliance and the need to improve operations. Although Mr. Ibrahim stated that he would improve the operations, subsequent undercover operations, within a few weeks, another violation would occur.
- On February 11, 2020, LAPD conducted an undercover operation and was able to purchase two single cigarettes for \$.50 each, which is a violation of California Penal Code 308.2.
- On March 15, 2020, Mr. Ibrahim was taken into custody for assault with a deadly weapon and brandishing a firearm. Most troubling was that during an argument with a customer inside, he had a firearm and exited the store chasing a woman with a firearm.
- On August 10, 2020, approximately 4:30 p.m., LAPD Southwest Vice received complaints from the community that the subject business was open during COVID-19 that prohibited non-essential businesses. LAPD advised the operators to close as the business was non-essential.
- On April 14, 2020, LAPD Southwest Vice observed that the subject business was open during COVID (violation of LAMC 8.77) and approximately 10 patrons were in the subject business with no one socially distanced or wearing masks.
- On April 17, 2020, LAPD Southwest Vice received complaints from the City Attorney's Office that the subject business was open (violation of LAMC 8.77). LAPD confirmed that the business was open and advised the operator that this was in violation of the LAMC as Rasta Smoke Shop was deemed a non-essential business.
- On April 19, 2020, LAPD Southwest Vice observed that the subject business was open with customers inside and advised Mr. Ibrahim that Rasta Smoke Shop is a non-essential business. Mr. Ibrahim claimed that he was an essential business because he was a grocer, carrying food related items and LAPD observed one carton of eggs and several cartons of expired milk. Mr. Ibrahim was cited for violation of LAMC 8.77. LAPD contacted Los Angeles County Public Health and they advised to Mr. Ibrahim that he was not considered a grocer and therefore is not an essential business.
- On March 15, 2021, Building and Safety conducted a site visit and an issued a Notice to Comply to demolish partitions.
- Recommends a revocation of use.

Los Angeles Police Department Officer Francisco Trujillo

- Worked for LAPD for 12 years and in the Vice unit for 4 years.
- Formally/informally trained in tobacco enforcement.
- In Southwest area, there are over 100 tobacco retailers. In cases that are identified with deficiencies I've provided training.
- In regard to the Rasta Smoke Shop, I've witnessed numerous violations and deficiencies. Therefore, I recommend that the Rasta Smoke Shop should not operate as a tobacco retailer.

Los Angeles Police Department Officer Paul Evleth

- Senior Lead Officer for the Leimert Park community and been an officer for 15 years.
- Community supports Black owned businesses.
- Over the years, I've received numerous complaints about this business.
- In regard to the exterior of the subject business, there are at least 5 violations of the Los Angeles Municipal Codes: debris on sidewalk (LAMC 41.46), obstruction of sidewalk and street (LAMC 56.08(a)), basic maintenance and/or repair of structures (LAMC 91.8104),

graffiti (LAMC 91.8104), temporary signage (LAMC 14.4.16), and vehicles blocking the alleyway. Also observed loitering on-site. In passing by the subject property on a daily basis, observes on average 30 violations per day.

-On July 12, cited 10 vehicles and were all Rasta Smoke Shop customers. Attempted to raise issues such as traffic violations and graffiti to the property owner and she was dismissive and did not want to cooperate or relay the information to the operator.

-Offered barricades to the operator and they were not maintained.

-There are 13 citizen declarations regarding: litter, gang violence, narcotics, traffic issues, traffic violations, loitering, fighting, graffiti, trash and debris, drinking in public, excessive noise, and guns/weapons.

-The subject business is not a market or a service to the community.

Minor Decoy Samuel Ortega

-Been to the store multiple times and was illegally sold tobacco.

-On March 31, 2019, he went into Rasta Smoke Shop and purchased grape swishers. The clerk did not ask for identification. The minor decoy was escorted back with an LAPD Officer and identified the clerk.

-On May 19, 2019, he went into Rasta Smoke Shop and purchased a pair of grape swishers. The clerk did not ask for identification.

-During one of the operations, he observed three individuals go into the store and started jumping on the counter and banging the windows demanding cigarettes. He felt scared and the undercover officer escorted him out of the store.

Los Angeles Police Department Officer Paul Strauss

-Work in patrol and vice. Also works as an anesthesiologist.

-In regard to tobacco related issues, underage smoking is being targeted by the Centers for Disease Control and Prevention (CDC). The longer you smoke, the more health problems you have.

-Observed on multiple occasions selling single cigarettes.

-Selling to minors violates all kinds of municipal codes.

Los Angeles Police Department Sergeant Chris Ercolano

-Worked for LAPD for 16 years.

-Read a letter from LAPD Commanding Officer Paul Espinosa, Southwest Area Vice explaining that the Rasta Smoke Shop has been an ongoing problem as the operator has been unwilling to cooperate regarding the sale of tobacco. Multiple undercover investigations shows that the operator has violated multiple City of LA Municipal Codes and California Penal Codes which resulted in citations/arrests. The violations include: selling tobacco to a minor, sales of single cigarettes, possession of 20 packs of untaxed cigarettes, selling tobacco without a City of LA permit. In accordance with the Mayor's Safer at Home Emergency Order and advisement of the City Attorney, the operator, Mr. Ibrahim was warned multiple times to close as the subject business is non-essential. He continued to operate without any social distancing or mask protocols and was one of few businesses that were open in the Southwest area. One month after the citation, he chased a woman from the business with a gun threatening to kill her. The business has become a gang loitering spot. There were 20 calls for service over a two-year period with issues.

related to robbery and violent armed suspect. It is recommended to revoke the sales of tobacco at the subject location.

-The operator's representative stated that they received a commendation for an undercover decoy. However, that is not the case, as the State of California is required to conduct undercover operations and categorized as either pass or fail.

-The operator's representative stated that the operators were model citizens. I don't think they are since they've been cited multiple times and arrested for a felony.

-In regard to the tobacco related offenses, single cigarettes attract transients and gangs. A smoke shop nearby was selling single cigarettes and there was a recent homicide at that location. Because single cigarettes don't come in a package it is unknown as to the contents and they're not taxed. Found over 20 packs of untaxed cigarettes.

-In regard to the Mayor's Safer at Home Emergency Order, a majority of the businesses understood and complied. However, even though spoke to and met with them on multiple occasions, the operators continued to be open selling cigarettes.

-It is recommended to not allow sales of tobacco at the subject business.

The Zoning Administrator requested from the Los Angeles Police Department to narrate and show pictures of the exterior from approximately 10 days before the hearing. Officer Evleth narrated pictures that were submitted to the case file showing: graffiti on the banner, signs imposed on the alley, vomit, disrepair of the building, recent signage, graffiti on exterior (wall, metal poles, advertisements), window transparency, litter, liquor bottle, cardboard coming from the backyard, and excessive vegetation. Officer Evleth explained that there are six violations under Los Angeles Municipal Code 91.8104.

Los Angeles Police Department Officer Tyler Hayden

-Assigned to the Southwest Gang Unit and worked in Southwest for four years, specializing as a Black Peastone expert for two years.

-There are gangs include the Black Peastones (blood gang), Rolling 30's (crip gang), and Rolling 40's (crip gang) that loiter at the subject property.

-Our unit has arrested gang members at this location for possession of a firearm or violation of parole.

-Regarding the location of the subject property, the blood gang and crip gangs are fighting for territory.

Gina Fields – Resident and a member of the Empowerment Congress West Neighborhood Development Council

-Grew up and owns a home in the area.

-President of the block club as well as Chair of the Empowerment Congress West Neighborhood Development Council. There are eight block clubs within the neighborhood council.

-The subject property is located on a historic corner.

-Support businesses, but they must be good neighbors and clean up the interior as well as the exterior. Rasta Smoke Shop is considered a nuisance.

-Request to install large no loitering signs or hire a security guard.

-Request to install no parking signs.

-Not a gang ridden area. Selling single cigarettes encourage gang loitering.

-Request to stop selling cigarettes.

Frank – Resident

-Lives on McClung Drive.

-As a resident, picks up trash such as swisher wrappers and broken bottles on his street.

-When walking around the neighborhood, stopped walking on Crenshaw because of the subject business because people are loitering at the property smoking marijuana.

-The neighborhood is not underserved as there is a grocery store a block away, shopping center, and movie theater. Fortunately, there are not many smoke shops.

Hakeem Park-Davis – Council District 10 Field Deputy

-Disturbing that the business is not being a good neighbor.

-Council Office does not support the continuance of the use, Rasta Smoke Shop.

-There is abundance of violations that was submitted.

RebuttalOwner Representative Steven Niebow

-Cumulative effort for repeatedly violating of tobacco. It is not something indicative that the use be revoked.

-Selling to minors occurred twice in 2019. The issue was remediated.

-In 2020, the Department of Public Health conducted an undercover operation showed that the operator successfully complied in asking for identification from the minor decoy. There have been no incidents in 2020 and 2021.

-Selling tobacco is a legitimate business.

-In regard to selling tobacco without a permit, submitted for the past five years of tobacco selling permits.

-In regard to signage and vegetation violations, no citations for such were issued.

-In regard to sidewalk obstruction, not an operator issue.

-In regard to graffiti and building appearance, not a basis for revocation.

-There are no alcohol or marijuana sales.

Operator Representative Robert Hankoff

-In regard to the undercover operations, the California Department of Public Health conducted an undercover operation in 2020 and read aloud the letter that was issued.

-In regard to the vegetation, a couple of inches coming out of the sidewalk and is not overgrown.

-In regard to Mr. Ibrahim being arrested, it was rejected by the District's Attorney Office and Mr. Ibrahim was targeted by the gangs.

-In 2019 after the sting operation, the employee was fired. Since then, there has been no sales to minors or sales of single cigarettes.

-Mr. Ibrahim is open to making corrective actions.

-This action should be terminated.

The Zoning Administrator took the case under advisement for two months for the operator to submit any evidence or comments why the business should not be revoked. The Zoning Administrator stated that based on the testimony submitted evidence the condition of exterior with graffiti, trash and disrepair have been ongoing issues which the operator can make improvement instead of blaming other. The evidence regarding to the tobacco sale to minors is also clear. The City will determine if the business should be required to place under compliance check or be revoked.

SUBMISSIONS RECEIVED ON THE DAY OF PUBLIC HEARING

Four Citizen Declarations were submitted:

1. July 11, 2021 – Citizen Declaration – A citizen declaration was submitted that the subject property has the following: excessive noise, gang activity, trash/debris, and loitering. The citizen observed vehicles parked in the alleyway near the business playing music loudly.
2. July 13, 2021 – Citizen Declaration – A citizen declaration was submitted that the subject property has the following: excessive traffic; vehicles parked in the red zone and blocking alley gates; playing loud music; loitering; and smoking marijuana.
3. July 13, 2021 – Citizen Declaration – A citizen declaration was submitted that the subject property has the following: excessive noise; constant traffic; playing loud music; speeding through the alley; and loitering.
4. July 15, 2021 – Citizen Declaration – A citizen declaration was submitted that the subject property has the following: excessive noise; gang activity; trash/debris; loitering; vehicles double parked; and playing loud music.

Los Angeles Police Department submitted an Employee's Report

On July 23, 2021, an employee report was submitted to Los Angeles Police Department Southwest Area Captain explaining that he received multiple complaints regarding the subject business:

1. Illegal parking in the north alley, causing traffic along Crenshaw Blvd to back up because vehicles are forced to enter/exit the alley facing opposing traffic.
2. Illegal parking in CBC Seafood/Kabachi (formerly Louisiana Chicken) disabled parking spot with no disabled placards. Note: There is only one disabled parking space so this is especially concerning.
3. Minors entering the Smoke Shop to purchase items, especially during the school year at Audubon Middle School dismissal.
4. Excessive litter alongside wall, including liquor bottles, no attempt by Rasta Smoke Shop to maintain(.
5. Extensive graffiti on building and has continuously been in overall disrepair including need of painting(.
6. Business attracts loitering of customers and non-customers(.
7. Business owner at CBC Seafood Restaurant/Kabachi invested and beautified his building at 4050 Crenshaw, but have not seen any improvement at Rasta Smoke Shop, 4058 Crenshaw, immediately next door. Both the former business, Louisiana Chicken and CBC owners have expressed their concerns of Rasta Smoke Shop having a negative impact on their businesses.
8. In four years, I have never seen employees inspect or clean the exterior of the business, other than the one time that I asked them to observe the barricades I placed in the alley to prevent vehicles from parking alongside their building.

9. Landlord of 4058 Crenshaw is absentee and dismissive regarding above stated concerns. I have asked her to encourage Rasta Smoke Shop to make improvements, but she refused.
10. On 7/23/21, I was informed by a community member that a former employee of Rasta Smoke Shop has been loitering in the area negatively affecting their quality of life. The community member also stated that the former employee is loitering in the rear alley of the smoke shop and causing disturbance to adjacent businesses.

Los Angeles Police Department submitted four pictures of the exterior of the subject business.

SUBMISSIONS RECEIVED AFTER THE PUBLIC HEARING

A member of the public submitted a letter dated August 5, 2021, explaining that she can no longer walk to the adjacent businesses for fear of being approached by unsavory characters on the street. Her daughter does not feel safe taking the bus as people are loitering on the corner and in the alley on the side and rear of the business.

On September 23, 2021, the operator's representative submitted a letter with exhibits: a letter dated July 27, 2021, that the Los Angeles County District Attorney's Office is declining to prosecute the operator on the charge of Penal Code 422(A); pictures showing improvements to the Rasta Smoke Shop such as posting "no parking" signs, posting "no loitering" signs, exterior and interior repainting, new trash containers, posted hours of operation, trash disposal sign, new interior flooring, graffiti removal, removal of trash in the rear, COVID-19 compliance sign, additional security lighting, removal of advertisements, posting of business license and tobacco sales permit, maintaining security camera system, Los Angeles Building and Safety Order to Comply compliance dated September 20, 2021, receipts for a new glass door and window, and 512 signatures of support.

Nuisance Investigation

Planning staff conducted field analyses as part of the nuisance investigation on July 7, 2021, from 10:00 a.m. to 10:30 a.m., accompanied by two LAPD officers. The operator was present during the first site visit. All photographs in the staff report were taken on said dates and times unless otherwise noted.

Signage, Rules, and Regulations

Numerous signs were present on the exterior of the property. A majority of the signage consisted of advertisement for soft drinks and other tobacco related products that the subject business sells. The Staff Investigator did not observe any posted hours of operation. In the interior of the subject business, there is an ATM, four coolers with soft drinks, and various snacks on the shelf. There is a bullet-proof glass that separates the operator from the customers.

At the payment window, there is signage that states how the operator checks for identification related to the sale of tobacco related products. There is a "No Refunds or Exchanges" sign and also a COVID-19 related sign. Staff observed several different brands of cigars and cigarettes. The operator stated that he does not sell individual cigarettes. There were glass bongos and hookahs for sale.

Security Personnel and System

During the site visit, staff did not observe any on-site security personnel. However, the operator had a German Shepard dog for added security. Staff observed a security camera surveillance system consisting of interior cameras, an exterior camera, and three monitors. One monitor was on top of the cooler visible to customers and the other two monitors were behind the plexiglass so that the operator can view the monitors. Although there are security cameras throughout the interior of the subject business and an exterior camera above the rear entrance, all monitors show one camera angle of the customer area

Lighting

In regard to lighting, there is a streetlight located in front of the subject business. There are three flood lights on the north side of the exterior building facing the alley. There are two adjacent streetlights in the rear alley.

Trash, Debris, and Graffiti

In the rear of the building, staff did not observe a trash dumpster. Various debris such as empty boxes, newspaper, empty cans, and plates were scattered throughout the alley and rear of the building. There were advertisements for cigars and cigarettes and the awning cover and some of the vehicular poles were covered in graffiti.

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

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

Los Angeles Municipal Code Section 12.27.1 continued the established procedures for the modification, discontinuance or removal of a use, building or structure that constitutes public nuisance or endangers the public health or safety or violates any provision of City, State or Federal statutes or ordinance.

FINDINGS

The Director may require the discontinuance or revocation of any use or discretionary zoning approval if it is found that the use or discretionary approval as operated or maintained. As presented in the information documented herein through correspondence and public testimony by affected parties, The Zoning Administrator, on behalf of the Director, hereby finds and determines that the magazine stand/smoke shop business operated known as the Rasta Smoke Shop has created public nuisance impacts at the site and order the discontinuance of the use:

1. **Jeopardizes or adversely affects the health, peace or safety of persons working or residing in the surrounding area.**

The Rasta Smoke Shop is located in a 2,551 square-foot, one-story commercial magazine/smoke shop, at 4058 South Crenshaw Boulevard and within the West Adams – Baldwin Hills – Leimert Community Plan Map. The subject business has been associated with the use and the site since February 6, 2018.

The record, including arrests/investigative reports, citizen declarations, complaint application, parking violation, notices to appear, correspondence and testimony at the public hearing, indicates that there have been continuous documented, repeated violations of Los Angeles Municipal Code violations. Correspondence dated September 20, 2020, from the Los Angeles Police Department Support and Vice Division, was received by the City Planning Department Nuisance Abatement/Revocations Unit and indicated as follows:

Nuisance activity at the locations consists of inebriated persons loitering in and around the store. There is an ever-present nuisance at the location as it has become a "Rollin 40s" criminal street gang stronghold.

These gang members, who cavort in the surrounding parking lot and alley, terrorize customers of both the smoke shop and the Hair and Wig store, that is located east of the smoke shop on MLK Boulevard.

Community complaints have been addressed to both Los Angeles City Attorney's Office, and Los Angeles City Council District 10 (Ridley-Thomas) and Neighborhood Council for the area (signed Declarations pending).

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

The following crime stats for the location cover(s) a two-year period for 4058 South Crenshaw Boulevard:

- 415 Group
- 415 Juvenile Group

- 415 Man
- Assault with a Deadly Weapon (firearm)
- 415 Group smoking marijuana adjacent to the location (in alley)
- Robbery of a Business
- Sales of Tobacco to a Minor
- A total of 20 Calls for Service over a one-year period.

Most troubling of these incidents is an incident that occurred on the premises involving the Business Owner of the establishment which involved (him) as a suspect pointing a loaded firearm at a customer. The Business Owner was taken into custody for Assault with a Deadly Weapon involving a firearm (Investigation Confidential)

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

- Crenshaw Shopping Plaza
- Public Bus Bench directly outside of the market
- Crenshaw Movie Theaters
- Audubon Middle School

Investigations:

- *On March 31, 2019, Los Angeles Police Officers entered the location with a Minor Decoy person, posing as a customer. The Minor is verified under the age of 21 years of age. The Minor entered Rasta Smoke Shop. The Minor purchased one Swisher Sweets tobacco product, in violation of 308 PC, RFC #H04211. The violation was obtained from Ibrahim.*

Once inside the store, Investigators established that the establishment was not in possession of a STAKE Act sticker at the point of sale, which is in violation of 22950 B&P. Investigators also noted that there was no permit to sell tobacco at the establishment at all.

- *On April 20, Investigators reviewed the administrative query for Calls for Service generated for the southwest corner of Crenshaw Boulevard and Martin Luther King Boulevard. This market as well as the bus bench directly outside, which functions as a seating area for customers is a problem for patrons requesting public transportation.*

Management allows dogs inside the establishment, single sales cigarettes, complete disarray of the store and a host of less than savory characters inside. During UC operation, the operation was halted due to problems surrounding the store both inside and outside by criminal activity, posing great danger to the Minor Decoy.

- *On February 24, 2020, an undercover tobacco inspection, Southwest Area Investigators entered the store posing as a customer. The officer was able to purchase a single sale of cigarette, in violation of 308.2 B&P. The arrest for the sale was store owner, Hamad Ibrahim.*
- *On May 15, 2020, Detective Harris was notified by Southwest Area investigators that Rasta Smoke Shop Business Owner, Ibrahim was taken into custody for Assault with a Deadly Weapon with a firearm.*

Apparently, a female customer (confidential), entered the store. She and Ibrahim became engaged in a dispute. The dispute became heated. Ibrahim removed a pistol from his waistband and pointed it at the female customer. The female victim fled scene and notified police who took Ibrahim into custody without incident.

- *On April 20, 2020, Southwest Area Vice Unit received information from citizens that the Rasta Smoke Shop was operating after being warned of being "not" an Essential Business during Covid crisis.*

Ibrahim attempted to convince officers that he was an essential business because he was a grocer (which he had not been previous). Ibrahim had exactly one carton eggs and several expired cartons of milk in the store. Ibrahim cited 8.77 under Mayoral Directive. For verification, Southwest Area investigators verified with County Health Department that Rasta Smoke Shop not deemed a "market/grocer."

To date, the number of Calls for Service have totaled 20, with a number of arrests of the Business Owner for this location. Southwest Area Vice supervision, the Los Angeles City Attorney's Office as well as Detective Support and Vice Division supervisors have attempted to educate Mr. Ibrahim regarding his store best practices.

At each citation, Ibrahim has been educated regarding the Sales of Tobacco to Minor and the seriousness of the offense. Mr. Ibrahim has also been educated regarding the alley to the rear of his store and the need for security to patrol the alleyway directly behind his store and the sidewalk in front of his store.

Mr. Ibrahim has been told about the public safety issue that is his business for the community. Mr. Ibrahim has been either unwilling or unable to correct deficiencies at this smoke shop and change the dynamics of the business and property.

It is the position of the Los Angeles Police Department to see Revocation of Use imposed at this location to remedy the nuisance activity. Very little has been implemented.

A virtual public hearing conducted via Zoom application and telephonically was held on July 27, 2021, at 10:00 a.m. In attendance and testifying were the property owner/operator, representatives of the Los Angeles Police Department, residents and stakeholders, and a representative of the Office of the Tenth Council District. 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 magazine/smoke shop and a lack of sufficient oversight of those at the premises, as evidenced by arrest reports regarding loitering, assault with deadly weapon, theft, robbery, estes robbery, sale of tobacco to a minor, criminal threats, no valid tobacco permit, single sales of a cigarette, and brandishing weapon. The activities taking place at the site deprive residents and other community members of their rightful ability to enjoy their neighborhood.

At the July 27, 2021, public hearing, it was attended by a overwhelm number of LAPD officers. The officers have provided the testimonies that the business operator has continuously violated both the State and City regulation on the tobacco sales such as sales to minors and sales of single cigarettes. The operator's business which is not an essential business also violated Mayor Garcetti's Emergency COVID order that only essential business may remain open during the peak COVID contagious period. Sales of tobacco to minors are harmful to the health of adolescents. Sales of single cigarettes is also harmful the health of individuals as there is no trace of such cigarettes' origin and ingredients regulated by the State and Federal regulations. Such single cigarettes sales also omit to pay required cigarette sales to the government, and worst, single cigarettes sales attract transients and gang members, resulting a fearful environment that the local residents unwilling to even pass by. One incident cited by LAPD is also troubling, which the operator carried a firearm while chasing a customer or a possible theft outside of the store onto the public property, this lack of judgement and behavior is a public safety threat and would jeopardize the peace, health and the safety of the surrounding neighborhood. LAPD officers indicated that the officers have consulted and admonished the business operator on each Code violation, the business operator would agree to improve, but the same violation would occur again. Many chances were awarded to the operator to conduct a proper business operation, however, the operator continued to demonstrate an insouciant attitude in abiding the law and further provided no evidence to improve the business operation or maintain store's physical appearance through the two-year period. The use has continued to impact the surrounding area and has resulted in the continuation of nuisance activities that affect residents and that have placed a heavy demand on limited Los Angeles Police Department resources. There is no sense to place the business on a probation and require subsequent Plan Approvals to determine if the operation would improve.

Lastly, there has been an absence of diligent and a blatant disregard regarding the amount of graffiti, trash and debris on the subject property. During the site visit, City Planning Staff observed graffiti on the awning cover, advertisements for cigars and cigarettes, and vehicular poles. Also, empty boxes, newspaper, empty cans, and plates were scattered throughout the alley and rear of the building. The graffiti, trash and debris contribute to blight characterization of the neighborhood and based on photographic evidence, citizen declarations, and testimony this has been ongoing for long period of time. Although the operator's representative submitted photographic evidence showing recent improvements to the exterior and interior of the building, the operator and owner had ample time and opportunities to make these improvements, and it should not have gotten to this point of initiating a case and conducting a hearing to compel the operator and owner to act on maintaining the building in a manner that is desirable to the community.

2. **Constitutes a public nuisance and has resulted in repeated nuisance activities including but not limited to criminal activities, including loitering, assault with deadly weapon, theft, robbery, sale of tobacco to a minor, no valid tobacco permit, single sales of a cigarette, and brandishing weapon.**

Los Angeles Police Department Calls for Service reports indicate that 25 Calls for Service were associated with the site between August 31, 2017, and May 16, 2020. These reports identify a pattern of theft, robbery, disturbances, and assaults shown to be associated with the subject magazine/smoke shop which directly affected adjacent commercial uses, the safety of customers and employees at the magazine/smoke shop, and law enforcement resources. There were 6 calls for service related to theft, 5 incidents related to robbery, 6 incidents related to disturbances, and 2 incidents related to assault.

Arrest and Investigative Reports: There were 19 investigative reports, complaint application, parking violation, notices to appear, citizen declaration, or arrest reports submitted for the subject property (4058 South Crenshaw Boulevard) between October 3, 2017, and July 14, 2021.

1. October 3, 2017, 6:05 p.m. – Arrest Report – Robbery – Suspect stole chips, sodas, and cigarettes from the store.
2. May 1, 2018, 2:20 p.m. – Investigative Report – Theft – Suspect had a verbal argument with a witness and stole items from the store.
3. January 6, 2019, 8:00 p.m. – Investigative Report – Este Robbery – Suspect stole merchandise, verbally threatened to kill the witness with a gun and fled to an unknown location.
4. March 31, 2019, 12:30 p.m. – Complaint Application - Violation of Penal Code 308(a)(1) sale of tobacco to a minor and violation of Los Angeles Municipal Code 46.91(a) valid tobacco retailer's permit.
5. March 31, 2019, 12:45 p.m. – Notice to Appear – Violation of Penal Code 308(a)(1) sale of tobacco to a minor.

6. May 13, 2019, 1:10 a.m. – Investigative Report – Theft – Suspect stole victim’s cell phone and fled in an unknown direction.
7. May 19, 2019, 1:05 p.m. – Compliant Application – Violation related to: California Penal Code 308(a)(1) sales of tobacco to a minor; Los Angeles Municipal Code 46.91(a) valid tobacco retailer’s permit.
8. April 20, 2020, 5:00 p.m. – Notice to Appear – Violation of Los Angeles Administrative Code 8.77(b) City of Los Angeles Emergency Order for being open.
9. May 16, 2020, 1:25 a.m. – Arrest Report – Criminal Threats – Suspect argued with victim and suspect threatened to kill the victim, brandishing a gun.
10. July 9, 2021, 3:29 p.m. – Parking Violation – A parking violation was issued for a vehicle parked in the alley.
11. July 10, 2021, 5:01 p.m. – Parking Violation – A parking violation was issued for a vehicle parked in the alley.
12. July 10, 2021, 5:17 p.m. – Parking Violation – A parking violation was issued for a vehicle parked in the alley.
13. July 11, 2021 – Citizen Declaration – A citizen declaration was submitted that the subject property has the following nuisance activities: code/permit violations, narcotic activity, traffic violations, loitering, and graffiti.
14. July 12, 2021 – Citizen Declaration – A citizen declaration was submitted that the subject property has the following nuisance activities: community complaints, gang violence, traffic violations, trash, and graffiti.
15. July 12, 2021 – Citizen Declaration – A citizen declaration was submitted that the subject property has the following nuisance activities: excessive noise, traffic violations, trash, loitering, and graffiti.
16. July 14, 2021 – Citizen Declaration – A citizen declaration was submitted that the subject property has the following nuisance activities: community complaints, code/permit violations, illegal parking, trash, and loitering.
17. July 25, 2021 – Citizen Declaration – A citizen declaration was submitted that the subject property has the following nuisance activities: high risk calls, weapons involved, community complaints, parking violations,
18. July 25, 2021 – Citizen Declaration – A citizen declaration was submitted that the subject property has the following nuisance activities: high risk calls, gang violence, traffic and parking violations, loitering, drinking in public, and graffiti.
19. July 27, 2021 – Citizen Declaration – A citizen declaration was submitted that the subject property has the following nuisance activities: loitering and their patrons parking illegally on the side and rear alleys resulting in adjacent residents unable to access their garages.

Crime Analysis Mapping System Crime Summary Report: There were 8 charges submitted for the property location 4058 South Crenshaw Boulevard between May

1, 2018, and June 10, 2019. The crime charges consisted of but not limited to: verbal threats, theft, and misdemeanor charges.

Calls for Service: There were 25 calls for service submitted for the property location 4058 South Crenshaw Boulevard between August 31, 2017 and May 16, 2020:

No.	Date	Time	Description
1	8/31/2017	2310	Group Disturbance
2	10/3/2017	1756	Robbery
3	11/30/2017	1215	Disturbance Man
4	12/9/2017	0137	Burglar Alarm - Other Alarm
5	2/25/2018	0737	Abuse/Molestation
6	4/21/2018	1325	Juvenile Group Disturbance
7	4/24/2018	0458	Burglar Alarm - Other Alarm
8	5/1/2018	1427	Robbery
9	5/1/2018	1419	Theft - Suspect Now
10	7/20/2018	1812	Theft - Suspect Now
11	8/11/2018	1928	Alarm – Robbery
12	9/7/2018	1502	Theft - Suspect Now
13	1/6/2019	2001	Robbery - Just Occurred
14	4/30/2019	1342	Group Disturbance
15	5/10/2019	1423	Disturbance Man
16	5/13/2019	0119	Theft – Suspect
17	6/9/2019	1108	Theft - Suspect Now
18	6/20/2019	1637	Officer Reporting
19	6/20/2019	1240	Group Disturbance
20	6/23/2019	1135	Unknown Trouble
21	7/16/2019	2022	Theft - Possible Suspect
22	8/31/2019	1922	Group Disturbance
23	11/6/2019	0934	Assault with Deadly Weapon
24	4/19/2020	0004	Assault with Deadly Weapon
25	5/16/2020	0036	Alarm – Robbery

An e-mail dated January 19, 2021, from Los Angeles Police Department Senior Lead Officer explaining that he received multiple complaints from the community regarding the subject property. The Senior Lead Officer also explained that there was recent gang activity, traffic issues related to people parking in the alley on the side and rear, graffiti, and loitering.

On July 26, 2021, Los Angeles Police Department Senior Lead Officer submitted thirty pictures that were taken on July 24, 2021.

The following is a summary of testimony provided by the Los Angeles Police Department at the July 27, 2021, public hearing:

Los Angeles Police Department Detective Dana Harris

-Been an officer for 33 years and currently assigned to the Gang and Narcotics Division.

-Responsibility is to mitigate situations related to tobacco sales and address nuisance abatement activities throughout Los Angeles.

-In 2019, I was brought in by LAPD Southwest Division to review the subject business. Some nuisance activities include inebriated persons loitering in and around the store. There have been 13 community complaints submitted to LAPD, Council Office, and City Planning.

-Other nuisance activities include assault with deadly weapon, smoking marijuana, calls for service, and most troubling, the business operator brandishing with a firearm chased one of the customers through the alley.

-A minor decoy was able to purchase one swisher sweet tobacco product obtained Mr. Abbshr, and the investigators discovered that there was no "Stop Tobacco Access to Kids Enforcement (STAKE) Act" sticker, which is a violation of Business and Professional Code 22950 and no permit for selling tobacco was available.

-On June 10, 2019, LAPD conducted an undercover operation using a minor decoy and he purchased a swisher sweet tobacco product without showing identification and Mr. Kamal was detained for sales of tobacco to a minor. LAPD Southwest investigators observed 28 packs of unstamped cigarettes, a tobacco violation.

-In the Fall 2019, a minor decoy before entering the store, three males ran towards the minor and started a major disturbance.

-On October 13, 2019, LAPD conducted an undercover operation and able to purchase one Newport cigarette for \$1.50, and during that investigation, the officer found 200 "loose" cigarettes which is a violation of California Penal Code 308.2.(a).

-In reviewing the Calls for Service and observations, it was found non-support dogs inside the business, single sales of cigarettes, disarray of the store, persons inside the location, and criminal investigations.

-In each violation, LAPD discusses with Mr. Ibrahim (the operator) identifying issues of compliance and the need to improve operations. Although Mr. Ibrahim stated that he would improve the operations, subsequent undercover operations, within a few weeks, another violation would occur.

-On February 11, 2020, LAPD conducted an undercover operation and was able to purchase two single cigarettes for \$.50 each, which is a violation of California Penal Code 308.2.

-On March 15, 2020, Mr. Ibrahim was taken into custody for assault with a deadly weapon and brandishing a firearm. Most troubling was that during an argument with a customer inside, he had a firearm and exited the store chasing a woman with a firearm.

-On August 10, 2020, approximately 4:30 p.m., LAPD Southwest Vice received complaints from the community that the subject business was open during COVID-19 that prohibited non-essential businesses. LAPD advised the operators to close as the business was non-essential.

-On April 14, 2020, LAPD Southwest Vice observed that the subject business was open during COVID (violation of LAMC 8.77) and approximately 10 patrons were in the subject business with no one socially distanced or wearing masks.

-On April 17, 2020, LAPD Southwest Vice received complaints from the City Attorney's Office that the subject business was open (violation of LAMC 8.77). LAPD confirmed that the business was open and advised the operator that this was in violation of the LAMC as Rasta Smoke Shop was deemed a non-essential business.

-On April 19, 2020, LAPD Southwest Vice observed that the subject business was open with customers inside and advised Mr. Ibrahim that Rasta Smoke Shop is a non-essential business. Mr. Ibrahim claimed that he was an essential business because he was a grocer, carrying food related items and LAPD observed one carton of eggs and several cartons of expired milk. Mr. Ibrahim was cited for violation of LAMC 8.77. LAPD contacted Los Angeles County Public Health and they advised to Mr. Ibrahim that he was not considered a grocer and therefore is not an essential business.

-On March 15, 2021, Building and Safety conducted a site visit and issued a Notice to Comply to demolish partitions.

-Recommends a revocation of use.

Los Angeles Police Department Officer Francisco Trujillo

-Worked for LAPD for 12 years and in the Vice unit for 4 years.

-Formally/informally trained in tobacco enforcement.

-In Southwest area, there are over 100 tobacco retailers. In cases that are identified with deficiencies I've provided training.

-In regard to the Rasta Smoke Shop, I've witnessed numerous violations and deficiencies. Therefore, I recommend that the Rasta Smoke Shop should not operate as a tobacco retailer.

Los Angeles Police Department Officer Paul Evleth

-Senior Lead Officer for the Leimert Park community and been an officer for 15 years.

-Community supports Black owned businesses.

-Over the years, I've received numerous complaints about this business.

-In regard to the exterior of the subject business, there are at least 5 violations of the Los Angeles Municipal Codes: debris on sidewalk (LAMC 41.46), obstruction of sidewalk and street (LAMC 56.08(a)), basic maintenance and/or repair of structures (LAMC 91.8104), graffiti (LAMC 91.8104), temporary signage (LAMC 14.4.16), and vehicles blocking the alleyway. Also observed loitering on-site. In passing by the subject property on a daily basis, observes on average 30 violations per day.

-On July 12, cited 10 vehicles and were all Rasta Smoke Shop customers. Attempted to raise issues such as traffic violations and graffiti to the property owner and she was dismissive and did not want to cooperate or relay the information to the operator.

-Offered barricades to the operator and they were not maintained.

-There are 13 citizen declarations regarding: litter, gang violence, narcotics, traffic issues, traffic violations, loitering, fighting, graffiti, trash and debris, drinking in public, excessive noise, and guns/weapons.

-The subject business is not a market or a service to the community.

Minor Decoy Samuel Ortega

- Been to the store multiple times and was illegally sold tobacco.
- On March 31, 2019, he went into Rasta Smoke Shop and purchased grape swishers. The clerk did not ask for identification. The minor decoy was escorted back with an LAPD Officer and identified the clerk.
- On May 19, 2019, he went into Rasta Smoke Shop and purchased a pair of grape swishers. The clerk did not ask for identification.
- During one of the operations, he observed three individuals go into the store and started jumping on the counter and banging the windows demanding cigarettes. He felt scared and the undercover officer escorted him out of the store.

Los Angeles Police Department Officer Paul Strauss

- Work in patrol and vice. Also works as an anesthesiologist.
- In regard to tobacco related issues, underage smoking is being targeted by the Centers for Disease Control and Prevention (CDC). The longer you smoke, the more health problems you have.
- Observed on multiple occasions selling single cigarettes.
- Selling to minors violates all kinds of municipal codes.

Los Angeles Police Department Sergeant Chris Ercolano

- Worked for LAPD for 16 years.
- Read a letter from LAPD Commanding Officer Paul Espinosa, Southwest Area Vice explaining that the Rasta Smoke Shop has been an ongoing problem as the operator has been unwilling to cooperate regarding the sale of tobacco. Multiple undercover investigations shows that the operator has violated multiple City of LA Municipal Codes and California Penal Codes which resulted in citations/arrests. The violations include: selling tobacco to a minor, sales of single cigarettes, possession of 20 packs of untaxed cigarettes, selling tobacco without a City of LA permit. In accordance with the Mayor's Safer at Home Emergency Order and advisement of the City Attorney, the operator, Mr. Ibrahim was warned multiple times to close as the subject business is non-essential. He continued to operate without any social distancing or mask protocols and was one of few businesses that were open in the Southwest area. One month after the citation, he chased a woman from the business with a gun threatening to kill her. The business has become a gang loitering spot. There were 20 calls for service over a two-year period with issues related to robbery and violent armed suspect. It is recommended to revoke the sales of tobacco at the subject location.
- The operator's representative stated that they received a commendation for an undercover decoy. However, that is not the case, as the State of California is required to conduct undercover operations and categorized as either pass or fail.
- The operator's representative stated that the operators were model citizens. I don't think they are since they've been cited multiple times and arrested for a felony.
- In regard to the tobacco related offenses, single cigarettes attract transients and gangs. A smoke shop nearby was selling single cigarettes and there was a recent homicide at that location. Because single cigarettes don't come in a package it is

unknown as to the contents and they're not taxed. Found over 20 packs of untaxed cigarettes.

-In regard to the Mayor's Safer at Home Emergency Order, a majority of the businesses understood and complied. However, even though spoke to and met with them on multiple occasions, the operators continued to be open selling cigarettes.

-It is recommended to not allow sales of tobacco at the subject business.

The Zoning Administrator requested from the Los Angeles Police Department to narrate and show pictures of the exterior from approximately 10 days before the hearing. Officer Evleth narrated pictures that were submitted to the case file showing: graffiti on the banner, signs imposed on the alley, vomit, disrepair of the building, recent signage, graffiti on exterior (wall, metal poles, advertisements), window transparency, litter, liquor bottle, cardboard coming from the backyard, and excessive vegetation. Officer Evleth explained that there are six violations under Los Angeles Municipal Code 91.8104.

Los Angeles Police Department Officer Tyler Hayden

-Assigned to the Southwest Gang Unit and worked in Southwest for four years, specializing as a Black Peastone expert for two years.

-There are gangs include the Black Peastones (blood gang), Rolling 30's (crip gang), and Rolling 40's (crip gang) that loiter at the subject property.

-Our unit has arrested gang members at this location for possession of a firearm or violation of parole.

-Regarding the location of the subject property, the blood gang and crip gangs are fighting for territory.

As evidenced by the testimony at the July 27, 2021, hearing and submitted reports from the Los Angeles Police Department, the subject location has been under review for on-going nuisance activities related loitering, assault with deadly weapon, theft, robbery, sale of tobacco to a minor, criminal threats, no valid tobacco permit, single sales of a cigarette, and brandishing weapon for almost two years. Of particular note have been accounts from members of the community who have attested to such impacts. Some of these repeated citations have taken place on a weekly or daily basis, with minimal responsive action from the operator or employees. All demonstrate the blatant disregard of the owner, operator, and staff to conduct the business in a manner that seeks to preserve the public safety and to work in collaboration with the Los Angeles Police Department towards such ends. Although the operator recently attempted to improve the building such as repainting, installing new flooring, removing graffiti and trash/debris, the improvements only resulted when the operator and the property owner both realize the City is seriously moving forward with the revocation action. The nuisance and impacts created to the neighborhood has resulted in the excessive utilization of limited City law and enforcement resources to attempt to mitigate the origin nuisance activities. Numerous opportunities were granted to the operator to improve the operation and engaging in corrective actions which has proven to be fruitless. It is necessary for the City to immediately revoke the use.

3. **Adversely impacts nearby uses.**

The subject business is located on Crenshaw Boulevard. It has been documented by the LAPD, community complaints, and testimony that the long-term nuisance activities generating from the site have created issues for not only those adjacent commercial uses, but also for the safety of employees and patrons of the magazine/smoke shop. Testimony from the community member indicated that trash from the subject business can be found to adjacent and nearby streets. Los Angeles Police Department testimony confirmed the trash but also the large amount of graffiti and unmaintained exterior and interior of the building. City Planning staff also observed the trash and debris as well as the graffiti at the subject property. Furthermore, as LAPD documented evidence, public testimony, and citizen declarations shows that patrons of the Rasta Smoke Shop illegally parked along the alleys that hindered vehicular accessibility in and around the property. Most importantly, the illegal sales of single cigarettes attract transients and gang member to frequent and loitering the premises which create an environment that local residents fear to pass by or walk near to the store area. It is clear that the operation of the business creates nuisance adversely impacts the nearby neighborhoods and the residential use.

4. **Violates any provision of this chapter, or any other city, state or federal regulations, ordinance or statute.**

The list of such violations is set forth in the arrest and crime reports, complaints, notice to appear referenced in this action, which are described in greater specificity in the case file. Los Angeles Police Department and Los Angeles Building and Safety Department investigators have discovered ongoing and repeated violations of State tobacco Laws as well as Building and Zoning Code violations. Law enforcement submittals include consistent robbery, assault with a deadly weapon, and theft incidents. Most blatant violation was the sale of tobacco to minor that occurred repeatedly on March 31, 2019, and May 19, 2019, and sales of single cigarettes on various dates. The following is a list of State and City Code violations submitted by LAPD with certain violations occurring repeatedly:

- Violation of Business and Professional Code 22950 for no "Stop Tobacco Access to Kids Enforcement (STAKE) Act" sticker.
- Violation of California Penal Code 308(a)(1) for sales of tobacco to a minor.
- Violation of California Penal Code 308.2.(a) for "loose" cigarettes sales.
- Violation of LAMC 8.77 for conducting non-essential business during COVID peak period.
- Violation of LAMC 41.46 for debris on sidewalk.
- Violation of LAMC 56.08(a) for obstruction of sidewalk and street.
- Violation of LAMC 91.8104 for lack of basic maintenance and/or repair of structures.
- Violation of LAMC 91.8104 for non-removal of graffiti.
- Violation of LAMC 14.4.16 for temporary signage.

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

The Rasta Smoke Shop has continuously placed a heavy demand on limited Los Angeles Police Department resources. These governmental efforts to cause the owner/operator to eliminate the nuisance problems associated with the use and achieve condition compliance have failed. LAPD has submitted reports and hearing testimonies of nuisance incidents and Code violations documented by the excessive and repeated number of arrests, investigations, and calls for service. Many nuisance incidents and Code violation, especially the tobacco sales to minors and single sales of tobacco products are repeated violations, which were clearly cited and notified the business operator to correct.

The Los Angeles Police Department have discussed with the operator and property owner within the last two-year period in the effort to eliminate public nuisances and to bring the establishment into compliance with conditions and reduce the State tobacco violations. The business owner/operator consistently said he would comply but as the record indicates the problems continued. Therefore, the Zoning Administrator concurs with LAPD, Tenth Council District, and the members of public and concludes that the business owner has failed to comply with most basic conditions. There have been opportunities given the property owner/operator to show that an attempt to comply with conditions with bare minimum results. There is no evidence indicating any substantial improvement in the operation of the magazine/smoke shop. There is also no reduction of LAPD resources in responding to the complaints caused by the operation. The City has exhausted its administrative and policing effort to bring the operator into compliance and rid of nuisance leaving the only and just City action as to revoke the use.

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

The legal representatives of the business owner and the property owner attended the public hearing of July 27, 2021. They denied that many of the crimes submitted by Los Angeles Police Department had no connections to the subject business. The parties also attempted to establish that the operator was the victim of the circumstance due to the general increase in crime, as well as a victim framed by a cumulative effort of LAPD in order to shut the business down. Then, when there was acknowledgement of the connection of the Rasta Smoke Shop to nuisance activity originating from this site, the seriousness of such activity was dismissed or downplayed, or the operator will improve.

Ultimately, the business operator and Rasta Smoke Shop staff have continued to ignore taking responsibility for public nuisances originating from the location, including maintaining the interior and exterior of the building, as well as threats to public safety being generated at this site. No constructive measures to alleviate the public nuisances associated with the site were proposed by the property owner, operator, or employees. The only improvement such as graffiti removal, site cleaning, and building maintenance occurs after the July 27, 2021, public hearing after the business operator and the property owner realize the City is serious about eliminating the nuisance caused by Rasta Smoke Shop and moving forward with the revocation proceeding. Therefore, there continues to be no demonstrable effort to correct or address the violations and public nuisances at the location by the property owner, business owner, or employees.

The Zoning Administrator hereby finds, on behalf of the Director of Planning, that the repeated City administrative attempts made to improve the operation of the magazine/smoke shop known as Rasta Smoke Shop, with its associated tobacco sales, have not resulted in the elimination of the problems associated with the use. The use of the property as a magazine/smoke shop with the sale of tobacco products is hereby ordered discontinued.

It is the purpose of these proceedings, under Ordinance No. 171,740, to provide a just and equitable method to be cumulative with and in addition to any other remedy available for the abatement of public nuisance activities.

It is further determined that the instant action by the Zoning Administrator is in compliance with Section 12.27.1 of the Municipal Code and has been conducted so as not to impair the constitutional right of any person. All of the procedures followed as part of this action conform to the Municipal Code. The property owner and the operator of the premises have been provided notice of these proceedings and have been afforded the opportunity to review the file in advance of the hearing, which was duly noticed, and to testify at the hearing and respond to the allegations concerning the impacts of the operation of the Rasta Smoke Shop.

Addition of Conditions

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

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

Condition No. 2 was added requiring that a Covenant and Agreement regarding all of the Conditions be recorded with the County Recorder by the property owner. This is a standard Condition required in order to ensure that any future owner of the property be made aware of the restrictions and requirements that have been

made applicable to the premises. This Condition serves to ensure that in the event of a successor owning or operating the site, the new owner or operator is made aware of the requirements of this Office in order to assure the compatibility of the use with the surrounding businesses and properties.

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

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

Inquiries regarding this matter shall be directed to Matthew Lum, Planning staff for the Office of Zoning Administration at (213) 978-1912.

VINCENT P. BERTONI, AICP
Director of Planning

A handwritten signature in black ink, appearing to read "Jack Chiang", with a long horizontal flourish extending to the right.

JACK CHIANG
Associate Zoning Administrator

JC:VS:ML

cc: Councilmember Mark Ridley-Thomas
Tenth Council District
Adjoining Property Owners
Public Hearing Sign-in / Notification Sheet: July 27, 2021

COVID-19 UPDATE

Interim Appeal Filing Procedures

Fall 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

OPTION 1: Online Appeal Portal

(planning.lacity.org/development-services/appeal-application-online)

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check. Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment. On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

OPTION 2: Drop off at DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop.

Metro DSC
(213) 482-7077
201 N. Figueroa Street
Los Angeles, CA 90012

Van Nuys DSC
(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401

West Los Angeles DSC
(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025

City Planning staff will follow up with the Appellant via email and/or phone to:

- Confirm that the appeal package is complete and meets the applicable LAMC provisions
- Provide a receipt for payment

Applicant Copy
 Office: Downtown
 Application Invoice No: 77164

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.



6800177164



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:201221A43-04DCBFAA-59F8-4C52-9496-34FE8A14EC6D, Amount:\$109.47, Paid Date:12/20/2021

Applicant: IBRAHIM, AMJAD (213-6168745)
Representative:
Project Address: 4060 S CRENSHAW BLVD, 90008

NOTES:

DIR-2021-1780-RV-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
Case Total			\$89.00

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

Council District: 8
 Plan Area: West Adams - Baldwin Hills - Leimert
 Processed by CHAN, JASON on 12/20/2021

Signature: _____

Building & Safety Copy
 Office: Downtown
 Application Invoice No: 77164

City of Los Angeles
 Department of City Planning



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