



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 BL., LOS ANGELES, CA 90008

Final Date to Appeal: DECEMBER 21, 2021

2. APPELLANT

Appellant Identity:
(check all that apply)

- Representative Property Owner
- Applicant Operator of the Use/Site

Person, other than the Applicant, Owner or Operator claiming to be aggrieved

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

- Representative Owner Aggrieved Party
- Applicant Operator

3. APPELLANT INFORMATION

Appellant's Name: ROSALIE ODELL

Company/Organization: _____

Mailing Address: 4330 JASMINE AVENUE

City: CULVER CITY State: CA Zip: 90232

Telephone: 310-621-5923 E-mail: rosalie.odell@roadrunner.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): _____

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: (1), (2), (3), (4)

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: Rosalie Odell Date: 12-20-21

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) |

I. Property Owner's Grounds for Appeal

- i) A landlord should not be punished or held accountable for the unlawful actions of a tenant if the landlord did not have notice of such actions. The record does not support that the landlord had notice – because she did not.
- ii) The landlord was not given notice in the application of a possible covenant that might be recorded against her property
- iii) The landlord listened to the complaints at the hearing and reasonably and promptly did her part to abate the concerns expressed by the police and the community
- iv) Recording a restrictive covenant against the owner is a type of taking of the property without just compensation to the owner.

II. Relief Sought by Landlord

- i) That the City or Planning Board not be permitted to record a restrictive covenant against the property
- ii) That with respect to the Landlord the sanction for the filing fee of the application and the associated costs be waived.

III. Discussion

A. Any Wrongful Actions of the Tenant Should not be Attributable to Ms. Odell

Ms. Odell, a woman in her 70's, has owned the subject property since the 1970s. The property has 3 businesses located in it, a cell phone repair shop, a tax preparation service, and the Rasta Smoke Shop, which sells tobacco products, among other things. In all the time that Ms. Odell has owned the property, neither she nor prior tenants to her recollection and belief have been involved with any nuisance abatement proceedings or have received any complaints about nuisance conditions.

Ms. Odell leaves the running of the business to each of the business owners. She has not received complaints about the Rasta Smoke Shop business from the other two tenants.

Ms. Odell is not an owner of the Rasta Smoke Shop.

Ms. Odell did not know of any problems or regulations being violated with respect to the sale of tobacco products in the Rasta Smoke Shop until she was served with the Nuisance Abatement Application initiated by the Planning Commission. Ms. Odell did not know about any robberies, assaults, or any criminal activity in or

around Rasta Smoke Shop until she was served with the Nuisance Abatement Application. Ms. Odell did not know of any citizen complaints against the Rasta Smoke Shop until she was served with the Nuisance Abatement Application. The record does not show that Ms. Odell knew of any of these issues prior to being served with the until she was served with the Nuisance Abatement Application.

Whenever there was graffiti painted or sprayed onto the building, Ms. Odell would have it removed / painted over. At various times she reached out to the City of Los Angeles, Office of Community Beautification, for the painting over of the graffiti. She also installed tall iron security fencing around the entire back area of her property. This security fencing keeps people away from the back of the building.

Over the years Ms. Odell has visited the property approximately once per month, sometimes during the day and often at night. She used to observe people hanging around the bus stop when the bus stop was located in front of Rasta Smoke Shop. Since the bus stop was moved at least two (2) years ago across the street, North of Martin Luther King Blvd. by Kristy Crème Donuts, she has not personally observed people hanging out by the Rasta Smoke Shop. There are no benches or chairs on or near Ms. Odell's property for people to hang out.

In the hearing one Officer said he complained to Ms. Odell about the parking problem in the alley, and suggested some sort of barricade, but he claims Ms. Odell was dismissive. Ms. Odell has no memory of that conversation or that officer. It is important to point out that the entire alley is owned by the City of Los Angeles and is a public street. It is not owned by Ms. Odell. To her knowledge Ms. Odell would have no right or authority to install any barricade on the property of the alley. Ms. Odell's property line only extends to north wall of her building and the line of the back security fencing. The record does not claim that Ms. Odell owns the alley street – because she does not.

Ms. Odell has repeatedly been encouraged by members of the Los Angeles Police Department to never interfere with any people in the public areas around the building. In fact, she was repeatedly advised by the police to always call the police. She instructed her tenants to do the same as she was instructed by the Los Angeles Police Department.

The police never complained to Ms. Odell about tobacco violations in Rasta Smoke Shop or any criminal activity caused or encouraged by Rasta Smoke Shop, except in the application for nuisance abatement and in the hearing. The record support this.

In short, the record does not support that Ms. Odell has done anything wrong. She has not. Ms. Odell had no advanced knowledge of a “public nuisance” on her property or inordinate use of police time until she was served with the papers in this action.

- B. The landlord was not given notice in the application of a possible covenant that might be recorded against her property

Had Ms. Odell been given notice in the application that a possible covenant that might be recorded against her property, or that she had done anything wrong, she would have taken a more assertive stance pointing out she was not the cause of any nuisance activity.

The application cited incidents at the Rasta Smoke Shop stretching back almost 5 years, to 2017. Learning of the incidents of the sale of single cigarettes to minors is disturbing and such actions are unacceptable. The tenants assured Ms. Odell this stopped a couple years ago. There was a more recent incident that the Rasta Smoke Shop did not close during the pandemic. Ms. Odell does not have an opinion as to whether or not Rasta Smoke Shop needed to close, but this is not something that Ms. Odell caused or supported. In fact, she was not aware of this until the application was sent to her.

It seems unjust for the City to take such severe action against the landlord when they do not warn the landlord of such penalty.

- C. The Landlord Took the Comments by the Police and Community to Heart and Promptly Acted on Them to Abate Any Bad Conditions

Ms. Odell was appalled at the run down appearance of the building and many of the comments made the police and the citizens representative. Ms. Odell organized a complete makeover of the property. The outside was freshly painted. Additional lighting was added for safety at night. Unnecessary signage was removed. The parking barriers were freshly painted yellow. Large “no parking” and “no loitering” signs were displayed on the outside. A new dumpster was added to the back of the property and a garbage can was placed near the side of the building. The building was transformed from a worn-down look to an

appealing freshened-up building. All of this was reflected in numerous color photographs submitted to the Planning Commission subsequent to the hearing within the time period given by the Planning Commission to add further documents to the record.

The tenants also freshened-up the interior of their store by painted the interior, installing new flooring, repairing a window, adding new contemporary glass doors, and removed unsightly posters.

Ms. Odell was not aware of any new or recent violations of The Rasta Smoke Shop, and the record does not suggest there are any.

- D. Recording a restrictive covenant against the owner is a type of taking of the property without just compensation to the owner.

It is unfair that the owner should have a restrictive covenant placed on their property without just compensation. Ms. Odell did not cause the problem.

There are other business located in the Crenshaw District area that are allowed to sell tobacco and tobacco products. It is discriminatory against Ms. Odell to permanently punish her by forcing her to record restrictive covenants against her property when she did not cause any of the problems.

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

ESTINEH MAILIAN
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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
Figuroa Plaza
201 North Figuroa 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 – 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 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.

Rebuttal

Owner 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 bong 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 story 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 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.

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

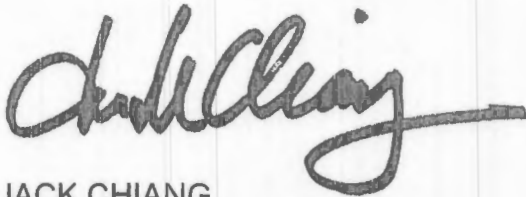
made applicable to the premises. This Condition serves to ensure that in the event of a successor owning or operating the site, the new owner or operator is made aware of the requirements of this Office in order to assure the compatibility of the use with the surrounding businesses and properties.

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: 77191

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.



6800177191



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: 201221A44-3C9A009E-4FED-49BA-9F77-4E68484DE667, Amount: \$109.47, Paid Date: 12/20/2021

| |
|--|
| Applicant: OWNER OF PROPERTY (4058-60-62 CRENSHAW BL., LOS AN - ODELL, ROSALIE (310-6215923) |
| 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 VIDAL, ANNA on 12/20/2021

Signature: _____

Building & Safety Copy
 Office: Downtown
 Application Invoice No: 77191

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.



6800177191



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.

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