



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: ZA-1997-994-RV-PA4 (Revocation/Discontinuance of Use)

Project Address: 6816, 6822, 6824, 6826 South Western Avenue, Los Angeles, CA 90047

Final Date to Appeal: 02/16/2022

2. APPELLANT

- Appellant Identity: Representative, Applicant, Property Owner, 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, Applicant, Owner, Operator, Aggrieved Party

3. APPELLANT INFORMATION

Appellant's Name: Jennifer Mai, Kevin Mai & Kha Thi Nguyen

Company/Organization: Chuong Xuan Mai Family Trust dba: Mr. Spirit Liquor

Mailing Address: 6818 South Western Avenue

City: Los Angeles State: CA Zip: 90047

Telephone: (310) 347-9072 E-mail: jennifermaidds@gmail.com

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

- Self, Other:

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

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)

Appeal Attachment

RE: Case No.: ZA 1997-994-RV-PA4
Review of Conditions
Mr. Spirit Liquor; 6818 S. Western Avenue, Los Angeles, CA 90047

This appeal is submitted on behalf of the Mai family, the owners and operators of Mr. Spirit Liquor. The Mai's are an aggrieved party. In sum the Mai's appeal the determination in its entirety to discontinue the continued use as a liquor store. This is effectively a decision to revoke Mr. Spirit's ability to sell alcoholic beverage and unduly harsh. Our family demonstrated hardships and that nuisance activity was largely out of its control. Our family demonstrated a commitment and willingness to comply with the conditions of approval but that was unfairly ignored in this case.

As set forth in the Notice of Fee and as stated by the Assistant Zoning Administrator ("ZA"), the City of Los Angeles brought this action under Los Angeles Municipal Code ("LAMC") Section 12.27.1 and 19.01-E, for review of compliance with operating conditions. According to ZA Rausch, "the action...is to make sure that previously approved conditions have been followed for the purpose of reviewing compliance with conditions and effectiveness of the conditions in eliminating the public nuisance problems related to the site." This case is was not an action for revocation or discontinuance of use pursuant to nuisance abatement proceedings under 19.01-N (Plan Approval for Revocation Case). The decision to discontinue the use is not permitted under the code and contrary to the notice.

Our family made its best efforts to mitigate nuisance activity stemming from the surrounding area and made various property improvements and undertaken daily additional steps to control nuisance activity, as well as clean trash and debris in the public area adjacent to and beyond their property beyond what they are legally required to do.

We investigated the alley located behind Mr. Spirit in between 68th and 69th Streets. Earlier this year the Bureau of Street Services removed a damaged gate from the 69th Street end of the alley. As shown at the hearing, we do not have the authority to control problem activity in the alley but tried to work with the city to obtain an alley closure which had expired.

We have implemented a daily "Exterior Store Check and Nuisance Prevention Log." (See Exhibit E). This log requires an exterior perimeter check by Mr. Spirit every 90 minutes and requires "The store's exterior and parking lot must be checked and monitored by store personnel

regularly according to this schedule, to address any loitering, illegal or objectionable activity, graffiti, trash/debris, or any other nuisance behavior.” This log further incorporates a checklist for Condition No. 6 (required security from 2:00 p.m. to 8:30 p.m.) and Condition No. 14 (sweep adjacent property). We also removed the small “airplane” size liquor bottles from store shelves and discontinued sales of these products recognizing their nexus to nuisance behavior (See Exhibit O).

Additional mitigations measures include the following (Exhibits are referenced from the hearing):

- Ceased selling single quantities of beer or malt liquor beverages in volumes less than sixteen ounces (See Exhibit N);
- Ceased selling singles of “airport-size” bottles of liquor/spirits (See Exhibit O);
- Power washed the parking lot to improve its appearance (See Exhibit C);
- Installed additional exterior security cameras (See Exhibit P);
- Added additional exterior signage on the building and in the rear alley, outlining prohibited conduct and presence of surveillance cameras (See Exhibit F);
- Hired a new property manager company who will also be assisting in dealing with complaints, ensuring compliance for the property; and
- Obtained new restaurant tenant vacant unit on the premises (a female-Black-owned Cajun restaurant). The Mai family is also in negotiations to secure a nonprofit Recovery and Reentry Services organization as a second tenant to provide services to adults struggling with addiction and/or mental health.

Our family has provided documentation of compliance with all Conditions of Approval. The existing Conditions of approval are agreeable.

We respectfully appeal and request the decision be modified to permit the continued sale of alcoholic beverages.

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

ESTINEH MAILIAN
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
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February 1, 2022

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

Chuong Xuan Mai Family Trust (O)(Op)
Chuong Xuan Mai & Kha Thi Nguyen
18803 Roselle Avenue
Torrance, CA 90504

Mr. Spirit Liquor
6818 South Western Avenue
Los Angeles, CA 90047

CASE NO. ZA-1997-994-RV-PA4
REVOCATION / DISCONTINUANCE OF USE
6816 and 6818 South Western Avenue
6820, 6822, 6824, 6826 South Western
Avenue

South Los Angeles
Zone : C2-1VL-CPIO
C.D : 8 – Harris-Dawson
D.M. : 102B193
CEQA : ENV-2021-552-CE
Legal Description: Fr. Lots 182 – 184,
Tract 5219

Pursuant to the California Environmental Quality Act Guidelines Section 15061, I hereby DETERMINE:

based on the whole of the administrative record as supported by the justification prepared and found in the environmental case file, the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15321 (Enforcement Actions by Regulatory Agencies), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

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

the DISCONTINUANCE of the operation of the liquor store, known as Mr. Spirit Liquor, located in one building at 6816 and 6818 South Western Avenue, and 6820, 6822, 6824, 6826 South Western Avenue.

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

that Condition Nos. 1 through 31, imposed under Case Number ZA-1997-994-RV-PA3, issued on July 21, 2011 and effective on August 5, 2011, regarding the

operation of Mr. Spirit Liquor, located in one building at 6816 and 6818 South Western Avenue, and 6820, 6822, 6824, 6826 South Western Avenue, are hereby eliminated inasmuch as the Conditions are no longer warranted since the subject business is hereby required to be DISCONTINUED. However, the following four (4) conditions shall become effective for the subject property:

- (1) Within 30 days of the effective date of this determination, pursuant to the Los Angeles Municipal Code Section 19.01 N, the property owner and/or the business owner/operator shall reimburse the City of Los Angeles applicable fees and surcharges for processing the subject application for ZA-1997-994-RV-PA4, 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 main 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 store, 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 Department of City Planning, Nuisance Abatement and Revocations Section for inclusion in the case file.
- (4) Should there be a change in the ownership of the property, the store, and/or the business operator, the new property owner and the business owner/operator shall file an application with the Department of City Planning, accompanied by the applicable fees, for any and all proposed uses on the subject property, if such a use requires a discretionary action and review by the City. Prior to filing of the application, the property owner and the business owner/operator shall contact Department of City Planning, Nuisance Abatement and Revocations Section, for a review of the proposed application. A signed referral form from Department of City Planning,

Nuisance Abatement and Revocations Section, is required prior to the filing of an application.

TRANSFERABILITY

In the event of a sale or transfer of the subject property, located at 6816 and 6818 South Western Avenue, and 6820, 6822, 6824, 6826 South Western Avenue, 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 action.

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 **February 16, 2022**, unless an appeal therefrom is filed with the Department of City Planning. It is strongly advised that appeals filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at <http://cityplanning.lacity.org>. Public offices are located at:

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

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

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 Department of City Planning, Nuisance Abatement and Revocations Section . 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 Planning staff thereon, and the statements made at the public hearing on August 11, 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 effectiveness of compliance with conditions has been previously reviewed five times. The subject application under Case No. ZA-1997-994-RV-PA4 is the sixth review. The last 2011 Plan Approval (Case No. ZA-1997-994-RV-PA3) became effective on July 21, 2011. This most recent Plan Approval did not impose a condition which required a regularly scheduled Plan Approval to be filed. However, Condition No. 27 for ZA-1997-994-RV-PA3 states that "should documented evidence be submitted showing that the operation of the subject store and/or a violation of any condition(s) of the determination has resulted in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator reserves the right to require the applicant to file for a Plan Approval with the Office of Zoning Administration".

On October 19, 2020, the Planning Department received an email correspondence from Isaias Benavides, Field Deputy for Councilmember Marqueece Harris-Dawson, requesting that the Planning Department review compliance with conditions imposed under previous revocation actions. On January 19, 2021, the Director of Planning initiated Case No. ZA-1997-994-RV-PA4 to review compliance with conditions.

The City of Los Angeles Office of Finance LATAX Report shows that Mr. Spirit Liquor (Account #0000808114) started on July 1, 2000 at the subject property under the current ownership. The subject liquor store maintains a current Type-21 alcoholic beverage license with the State of California. The California Department of Alcoholic Beverage Control license number 448531 expires on April 30, 2022. According to the California Department of Alcoholic Beverage Control website, license number 200053

was originally issued on July 6, 1987. No records for licenses issued prior to 1987 for the subject property were available on the California Department of Alcoholic Beverage Control website.

A Certificate of Occupancy was issued on January 27, 1966 (Permit # LA-96019/65) for a one-story irregular-shaped retail store building which include a liquor store, laundromat, and food to go. Per Ordinance 159,698 (Off-site Sale of Alcoholic Beverages) and ZA Memorandum No. 61, a Conditional Use Permit for off-site sale of alcoholic beverages should be filed for applications with the California Department of Alcoholic Beverage Control (ABC) on and after April 7, 1985. Therefore, it appears that the subject business does have deemed-to-be-approved status and does not need to file for a Conditional Use Permit for off-site sale of alcoholic beverages with the Department of City Planning.

Property Description

The South Los Angeles Community Plan Map designates the property for Neighborhood Commercial land uses with corresponding zones of CR, C1, C1.5, C2, C4, RAS3, R3, and Height District No. 1VL. Pursuant to Ordinance No. 185,926, which became effective on December 29, 2018, the subject site (Subarea 4881) was rezoned from C2-1VL to C2-1VL-CPIO. The property is also now located within the South Los Angeles Community Plan Implementation Overlay District, pursuant to Ordinance No. 185,927. The property is within the South Los Angeles Alcohol Sales Specific Plan (ZI-1231). Additionally, the subject site is within CPC-2007-3827-ICO, which pertains to the South Los Angeles Fast Food Interim Control Ordinance, and the Western/Slauson Redevelopment Project Area (ZI-2488). The property is approximately 2.45 km from the Newport – Inglewood Fault Zone. The subject site is in the Los Angeles Police Department's South Bureau-77th Street Area Station and is in Crime Reporting District No. 1243.

The property is a level, corner-shaped lot, comprised of three parcels that are rectangular-shaped record lots having a frontage of approximately 110 feet on the north side of 69th Street with a depth of 80 feet, for a total of approximately 8,696 square feet of lot area in the C2-1VL-CPIO Zone.

The subject property is a mini-shopping center developed with a one-story 4,598 square-foot commercial building built in 1965, and associated surface parking lot. Mr. Spirit Liquor is currently the only operating business in the building, located at 6816, 6818, 6820, 6822, 6824, and 6826 South Western Avenue. The tenant space located at 6826 South Western Avenue was previously occupied by a nail salon (Top Nails). Tenant space located at 6828 South Western Avenue was previously occupied by a restaurant (Jan's Soul Food and Sandwiches). The surface parking lot is currently improved with 10 parking spaces. A 16-foot alley separates the subject site and the adjacent residential homes to the east. There is a wrought iron gate and wire mesh screen on the gate at the entrance of the alley. There are three points of ingress/egress: two along the 69th Street frontage and another along the Western Avenue frontage. Per Google aerial imagery and photographs provided by the operator, two commercial trash

bin containers are located at the northwest portion of the property and can be accessed via the alley.

Streets

Western Avenue, adjoining the property to the west, is designated by the Mobility Plan as an Avenue II, dedicated to a variable width of 80 to 90 feet and improved with curb, gutter and sidewalk.

69th Street, adjoining the property to the south, is designated by the Mobility Plan as a Local Street, dedicated to a width of 60 feet and improved with curb, gutter and sidewalk.

Alley, adjoining the property to the east, is approximately 16 feet wide.

Surrounding Land Uses

The adjacent property to the north, along Western Avenue is zoned C2-1VL-CPIO and developed with a one-story commercial building that was occupied by a fish and chicken restaurant. Properties to the south across from West 69th Street are zoned C2-1VL-CPIO and developed with one and two-story commercial buildings and an associated parking lot. The adjoining property to the east across the alley is zoned R1-1 and developed with a two-story multi-family residential structure. Properties to the west across from South Western Avenue are zoned C2-1VL-CPIO and developed with two-story residential structures.

The subject liquor store is located approximately 700 feet east of Mann UCLA Community School, located at 7001 South Saint Andrews Place.

On-Site Cases, Affidavits, Permits, and Orders

- On August 20, 2020, LADBS received a request to investigate hazardous conditions, located at 6822 South Western Avenue. The investigation was referred for citations and inspection did not find any violations.
- On July 22, 2020, LADBS received a request to investigate problems that occur from 5:00 p.m. to 7:00 a.m. or on weekends, located at 6820 South Western Avenue. The investigation closed and no violation was found at the time of inspection which occurred on April 23, 2021.
- **ZA-1997-994-RV-PA3** – On July 21, 2011, the Zoning Administrator conducted a review of the effectiveness of the conditions of the determination dated April 16, 2009. The Zoning Administrator determined that the operation of Mr. Spirit Liquor located at 6818 South Western Avenue, has operated in partial but not full compliance with the terms and conditions set forth in the last determination.
- **DIR-1997-994-RV-PA2** – On April 16, 2009, the Zoning Administrator issued a determination requiring the modification of the operation of a liquor store known as Mr. Spirit Liquor, located at 6818 South Western Avenue. It was further determined

that the operation has operated in partial but not full compliance with the terms and conditions set forth in the last determination therefore the Zoning Administrator retained, added and modified the existing conditions.

- **ABC License # 448531 (Type 21)** – Issued on December 12, 2006 and expires on April 30, 2022. Transferred from License # 396349 on December 12, 2006.
- **ABC License # 396349 (Type 21)** – Issued on May 5, 2003 and expired on April 30, 2007. Transferred from License # 372140 on May 5, 2003.
- **ZA-1997-994-RV-PA** – On October 3, 2001, the Zoning Administrator conducted a review of the effectiveness of the conditions of the determination dated April 30, 2000. The Zoning Administrator found that no additional review was necessary and modified the conditions of operation.
- **ABC License # 372140 (Type 21)** – Issued on December 26, 2000 and expired on November 30, 2003. Transferred from License # 346775 on December 26, 2000.
- **ABC License # 370085 (Type 21) – License withdrawn. Transferred from License # 346775.**
- **ZA-1997-994-RV-PAD** – On May 26, 2000, the Zoning Administrator issued a Letter of Correction for determination dated April 13, 2000, amending Condition No. 5 for the hours of operation to be between 8 a.m. and 11 p.m., seven days a week. All other conditions shall remain as originally written.
- **ZA-1997-994-RV-PAD** – On April 13, 2000, the Zoning Administrator retained, added, and/or amended the conditions of operation applicable to Mr. Spirit Liquor. Conditions of operation remained in effect.
- **ZA-1997-994-RV-PAD** – On June 23, 1999, the Zoning Administrator retained, added, and/or amended the conditions of operation applicable to Mr. Spirit Liquor. Conditions of operation remained in effect.
- **ZA-1997-994-RV** – On November 12, 1998, the Zoning Administrator required the modification of the operation of Mr. Spirit Liquor, located at 6818 South Western Avenue, in order to mitigate adverse impacts caused by the operation on adjacent and nearby residential and commercial uses.
- **ABC License # 346775 (Type 21)** – Issued on November 2, 1998 and expired on October 31, 2001. Transferred from License # 200053 on November 2, 1998.
- **ABC License # 200053 (Type 21)** – Issued on July 6, 1987 and expired on March 31, 1999.
- **Permit No. LA96019/65** – On January 27, 1966, a Certificate of Occupancy issued for a one-story, 80- by 120-foot irregular-shaped retail store building for liquor store, laundromat and food to go, located at 6816 South Western Avenue.

CORRESPONDENCE AND REPORTS RECEIVED PRIOR TO THE PUBLIC HEARING

Council District 8

1. On September 8, 2020, the Planning Department was notified from Isaias Benavides of three constituents who contacted the Council Office in regards to loitering, drinking in public, narcotics activities, prostitution, dumping, and assault with deadly weapon.
2. On October 19, 2020, an email correspondence was received from Isaias Benavides, Field Deputy for Councilmember Marqueece Harris-Dawson, indicating their office had received numerous complaints from the community and LAPD 77th Division which included: vandalism, loitering, public intoxication, drinking in public, burglary, and assault.

Los Angeles Police Department submitted the following reports:

Investigative Reports: There were 19 investigative reports submitted for the subject property between May 26, 2018, and July 19, 2021. In addition to these 20 reports, there were 8 investigative reports submitted for incidents which occurred within 250 feet of the liquor store.

1. May 26, 2018, 7:10 p.m. – Assault with Deadly Weapon - Suspect and victim involved in dispute. Suspect used object to stab victim in the under-chin area.
2. August 14, 2018, 10:30 p.m. – Attempted Robbery - Suspect chased victim and attempted to take her phone.
3. August 26, 2018, 7:10 a.m. – Battery - Suspect walked up to victim and asked for money. Victim did not have money and suspect got enraged and started hitting victim multiple times.
4. February 24, 2019, 8:10 p.m. – Robbery - Suspect 1 punched victim on face causing victim to fall. Suspect 2 grabbed victim and stood victim to his feet as suspect 1 reached into victim's pant pockets and retrieved victim's property.
5. April 6, 2019, 11:00 a.m. – Assault with Deadly Weapon - Suspect and victim involved in verbal altercation and escalated into physical fight. Suspect produced a gun and shot victim in leg.
6. June 6, 2019, 11:00 a.m. – Assault with Deadly Weapon - Suspect and victim engaged in physical fight. Suspect struck victim with fists multiple times. Suspect stomped on victim's head against sidewalk multiple times.
7. June 7, 2019, 10:15 a.m. – Carjacking with Firearm - Suspect approached victim and brandished handgun. Victim fled vehicle in fear. Suspect drove off victim's vehicle.

8. August 24, 2019, 5:50 p.m. – Robbery - Suspect approached victim and pointed firearm at him and demanded property. Victim stated he did not have any money and suspect took chain necklace and car keys from victim.
9. September 11, 2019, 12:30 p.m. – Theft - Suspect took victim's backpack while victim laid on the ground.
10. November 1, 2019, 5:30 a.m. - Robbery - Suspects approached victim outside of liquor store and took victim's money. When victim entered his vehicle suspect 1 stabbed victim on his neck.
11. November 10, 2019, 1:45 a.m. - Robbery - Suspect punched victim with closed fist reached into victim's pocket and stole victim's property.
12. February 21, 2020, 5:30 p.m. – Burglary from Motor Vehicle - Suspects entered victim's locked vehicle and removed victim's property.
13. March 1, 2020, 1:30 p.m. – Robbery - Suspects approached victim and struck victim multiple times. Suspects took victim's property from his person.
14. April 6, 2020, 1:50 p.m. – Assault with Deadly Weapon - Suspect entered liquor store, demanded money and threatened to vandalize store. Suspect threw large objects at victim.
15. April 2, 2021, 9:00 p.m. – Robbery - Suspect struck victim with closed fists to head area and took victim's property.
16. April 17, 2021, 8:40 p.m. – Assault with Deadly Weapon - Suspect approached victim with firearm, pointed firearm at victim and verbally threatened victim. Victim was in fear and believed suspect will carry out the threat.
17. April 19, 2021, 4:30 a.m. – Carjacking - Suspects held victim at knife point, victim in fear stepped away as suspects drove away in his vehicle. Vehicle and cellphone stolen.
18. June 9, 2021, 10:45 p.m. – Attempted Murder – Suspect exited vehicle and shot five gunshots. Victim was struck once.
19. June 24, 2021, 3:00 p.m. – Carjacking – Suspect approached victim who was in vehicle. Suspect opened door and punched victim, pulled victim from vehicle. Suspect fled in victim's vehicle.

The following is a summary of eight (8) investigative reports for incidents which occurred within 250 feet of the liquor store.

1. March 8, 2018, 6:10 p.m. – Burglary from Motor Vehicle - Suspect smashed victim's vehicle window and took victim's property. Incident occurred at 6801 South Western Avenue, approximately 100 feet from Mr. Spirit Liquor store.

2. May 25, 2018, 12:20 p.m. - Burglary from Motor Vehicle - Suspects broke windows to vehicle and removed items from vehicle. Incident occurred at 6801 South Western Avenue, approximately 100 feet from Mr. Spirit Liquor store.
3. January 25, 2019, 10:30 p.m. - Robbery - Victim standing outside and was confronted by suspects. Suspects assault victim and took his property. Incident occurred at 6800 South Western Avenue, approximately 150 feet from Mr. Spirit Liquor store.
4. March 14, 2019, 11:30 p.m. Sexual Battery - Victim while at bar, suspect walked over and groped his crotch without consent. Incident occurred at 6800 South Western Avenue, approximately 150 feet away from Mr. Spirit Liquor store.
5. October 15, 2019, 9:30 p.m. - Assault with Deadly Weapon - Suspects fired gunshots at victim, striking victim on face and calf area. Incident occurred at 6800 South Western Avenue, approximately 150 feet from Mr. Spirit Liquor store.
6. October 20, 2019, 8:25 p.m. - Grand Theft Auto - Victim left car keys in ignition and the vehicle running. Victim entered a liquor store and returned approximately five minutes later and discovered vehicle missing. No one had permission to take the vehicle. Incident occurred at 6900 South Western Avenue, approximately 100 feet from Mr. Spirit Liquor store.
7. March 10, 2021, 8:20 p.m. - Robbery - Suspects approached victim and took victim's dog by force. Suspect brandished a knife. Incident occurred at 6916 South Western Avenue, approximately 250 feet from Mr. Spirit Liquor store.
8. March 17, 2021, 2:30 p.m. - Robbery - Suspect punched and kicked victim and took victim's property. Incident occurred at 6903 South Western Avenue, approximately 100 feet from Mr. Spirit Liquor store.

According to records provided by LAPD, there were 17 arrest reports submitted for Mr. Spirit Liquor and adjoining intersection located at Western Avenue and 69th Street.

1	01/04/2018	6:30 PM	SALES OF CONTROLLED SUBSTANCE
2	01/18/2018	9:00 PM	ATTEMPTED MURDER AND PAROLE VIOLATION
3	04/11/2018	6:30 PM	POSSESSION OF COCAINE FOR SALES
4	01/31/2019	2:00 AM	ASSAULT WITH DEADLY WEAPON
5	05/26/2019	10:00 AM	ROBBERY
6	06/05/2019	8:00 PM	CONCEALED WEAPON
7	01/03/2020	8:20 PM	EX-CON WITH FIREARM
8	02/10/2020	10:05 PM	ASSAULT WITH DEADLY WEAPON
9	06/11/2020	3:00 AM	POSSESSION OF CONTROLLED SUBSTANCE
10	06/11/2020	3:00 AM	POSSESSION OF FIREARM BY FELON
11	06/21/2020	1:00 PM	OBSTRUCTING PUBLIC OFFICER
12	07/07/2020	6:45 AM	POSSESSION OF CONCEALED FIREARM
13	10/15/2020	2:05 PM	POSSESSION OF COCAINE BASE FOR SALES
14	03/11/2021	9:30 PM	CARRYING CONCEALED WEAPON ON PERSON
15	03/19/2021	3:00 PM	NARCOTICS SALES; SALES OF COCAINE BASE

16	04/07/2021	9:10 PM	FELONY WARRANT
17	07/11/2021	4:20 PM	CARRYING CONCEALED WEAPON IN VEHICLE

In addition to the aforementioned arrest reports, eight (8) arrest reports were submitted for incidents which occurred at 6900 South Western Avenue, located approximately 100 feet from Mr. Spirit Liquor. Two (2) arrest reports were submitted for incidents which occurred at 6918 South Western Avenue, located approximately 250 feet from Mr. Spirit Liquor.

1	04/11/2018	6:30 PM	SALES OF CONTROLLED SUBSTANCE
2	04/11/2018	6:30 PM	POSSESSION OF COCAINE FOR SALES
3	04/11/2018	6:30 PM	MAINTAINING LOCATION FOR NARCOTIC SALES
4	08/29/2018	5:10 PM	SALES OF COCAINE BASE
5	08/29/2018	5:10 PM	SALES OF COCAINE BASE
6	07/11/2019	4:40 PM	MAINTAINING LOCATION FOR NARCOTIC SALES
7	07/11/2019	4:40 PM	SALES OF CANNABIS
8	01/07/2020	1:20 PM	MAINTAINING LOCATION FOR NARCOTIC SALES
9	01/13/2020	1:20 PM	MAINTAINING LOCATION FOR NARCOTIC SALES
10	01/13/2020	1:30 PM	MAINTAINING LOCATION FOR NARCOTIC SALES

Furthermore, four (4) arrest reports were submitted for events which occurred at the intersection of Western Avenue and 68th Street, as well as Western Avenue and 70th Street. Both intersections are located within 320 feet from Mr. Spirit Liquor.

1	03/27/2019	8:20 AM	ASSAULT WITH DEADLY WEAPON
2	07/03/2019	11:00 AM	KIDNAPPING FOR RAPE
3	09/10/2020	8:45 PM	DRIVING WITHOUT OWNER CONSENT
4	04/03/2021	9:45 AM	CRIMINAL THREATS

Crime Analysis Mapping System Crime Summary Report: There were 2 arrests, 4 incidents, and 14 calls for service, for the property located at 6818 South Western Avenue between January 1, 2018 and February 24, 2021 that include: homicide, assault, battery, robbery, burglary from motor vehicle, aggravated assault, assault with deadly weapon, burglary, and prowler trespassing.

Crime Analysis Mapping System Crime Summary Report: There were 17 arrests, 11 incidents, and 207 calls for service, for the adjoining intersection located at 69th Street and Western Avenue between January 1, 2018 and February 24, 2021 that include: assault with deadly weapon, aggravated assault, animal injured, assault, domestic violence, attempted robbery, battery, burglary, dispute, disturbance, fights, driving under influence, indecent exposure, grand theft auto, intoxicated group, intoxicated man in vehicle, kidnapping, mental illness, moving traffic violation, narcotic activities, prostitution, prowler trespassing, robbery, runaway juvenile, screaming woman, theft, traffic hazardous conditions, vandalism, vicious animal, carrying and possession of weapons.

On February 12, 2020, Planning staff was notified of a correspondence from LAPD in regards to nuisance activities occurring at Mr. Spirit Liquor. LAPD received numerous

complaints from community members which include loitering, drinking in public, prostitution, transients sleeping in vehicles in the parking lot, and narcotic activities.

On July 29, 2020, Planning staff was notified of a correspondence from LAPD with the following statements from the Senior Lead Officer:

I am out there on regular basis, picking up trash, having the pan handlers disperse, drinking alcohol on the premises, and the street girls who hang out waiting for johns to pick them up ... I spoke to the owner and suggested ideas to make this a safer and secured location. I have not seen anything done, and at this point I am almost like his security/janitor ... I received 6 emails yesterday about people fighting, and where at one point shooting was mentioned. I had to create a radio call from home for these community members who were afraid.

On October 29, 2020, Planning staff was notified of a correspondence from LAPD with the following statements from the Senior Lead Officer:

I was at the liquor store at 69th Street and Western Avenue ... I continuously work on keeping this location clean, and I get no help from the owner. It seems they pretty much depend on me being their clean up and security personnel. This is ongoing and has become quite the nuisance for the neighborhood of 69th Street.

On December 15, 2020, Planning staff was notified of a correspondence from LAPD which stated that the store owner has done nothing to control the problem at the liquor store parking lot. LAPD had to pick up all the trash after the loiters leave.

On February 19, 2021, LAPD Senior Lead Officer provided additional photographs which showed abandoned furniture, trash, debris, and loitering, adjacent to the liquor store and public sidewalk.

On March 16, 2021, LAPD Senior Lead Officer provided email correspondence to Planning staff and stated the following:

I have observed single red plastic cups that were being sold from the location... The lighting on the property including the parking lot is not well lit at all. The operator of the property has not reached out to the vice or narcotics team ... I also clean the trash on the property on regular basis.

On April 15, 2021, a LAPD Senior Lead Officer provided an Officer's Declaration which stated that LAPD received numerous calls, emails, and letters from members who reside in the area near the liquor store. Many of the complaints related to individuals smoking narcotics, selling narcotics, consuming alcohol, fights, shootings, and prostitution. The crimes are being conducted in the parking lot of Mr. Spirit Liquor. LAPD was also advised of transients sleeping in the parking lot and leaving trash all around the lot. Community members have advised that there is nothing being done by the business owner to resolve these issues. Per LAPD testimony, the Senior Lead Officer has conducted daily checks on the liquor store, issued citations to individuals who

consume alcohol in the parking lot, and clean up daily all the trash that goes unattended. The Senior Lead Officer also advised the owner of the property on several occasions that a security guard shall be on premises from 2:00 p.m. until closing time of the business. LAPD did not observe any security guard up until approximately two months ago. However, the Senior Lead Officer still observes local transients hanging out in the parking lot, drinking alcohol, and local gang members selling narcotics. LAPD also notified the property owner to repair the alley gate which the store uses to access the trash bins. The gate has not been repaired and there are transients accessing the alley to use narcotics, urinate, and conduct prostitution activity. The property owner has been notified several times that it is his responsibility to maintain the alley. The LAPD has not seen any attempt from the owner to improve the condition on site.

On April 24, 2021, LAPD Senior Lead Officer provided photographs of graffiti, trash, debris, and the broken gate at the adjoining alley.

Department of Public Works

On June 7, 2021, Planning staff was notified by Bureau of Street Services, Department of Publics Works, of the removal of the alley gate which occurred on May 20, 2021.

General Public

On February 6, 2020, a community member who resides in the neighborhood emailed LAPD and requested for more patrol in the area. The neighborhood had two shootings in the past seven months and both incidents occurred in the afternoon. The resident stated that there were lots of activities occurring at the intersection of 69th Street and Western Avenue.

On February 28, 2020, a community member who resides in the neighborhood emailed LAPD and requested for more patrol in the area as there were lots of activities at the intersection of 69th Street and Western Avenue.

On March 2, 2020, a community member who resides in the neighborhood emailed LAPD in regard to disturbances which included: narcotics activities, loitering, prostitution, littering, fights, an unusual heavy flow of vehicle and foot traffic and public urination.

On May 3, 2020, a community member who resides in the neighborhood emailed LAPD and stated that there are issues occurring at 3:30 p.m. on a Sunday afternoon, with a van parked in the Mr. Spirit Liquor store parking lot. There was a couch, chair, and motor home. Gambling and drinking in public was taking place and one cannot drive through to Western Avenue due to the activities. There were women changing clothes in the street.

On May 18, 2020, a community member who resides in the neighborhood emailed LAPD and stated that there was lot of commotion occurring at the Mr. Spirit Liquor store parking lot.

On June 1, 2020, a community member who resides in the neighborhood emailed LAPD and stated that the intersection at 69th Street and Western Avenue was pretty active and wished for the people to leave before curfew.

On June 18, 2020, a community member who resides in the neighborhood emailed LAPD and stated there was a group carrying on in the Mr. Spirit Liquor store parking lot.

On July 7, 2020, a community member who resides in the neighborhood emailed LAPD and stated that a patrol car went by not too long ago but there was lots of commotion near 69th Street and Western, and requested for another patrol car to come by,

On July 9, 2020, a community member who resides in the neighborhood emailed LAPD and stated that there was a situation between a prostitute and pimp blocking the street.

On July 18, 2020, a community member who resides in the neighborhood emailed LAPD and stated that there always seem to be a gathering early in the morning with people yelling and hollering between 6:00 a.m. to 9:00 a.m.

On July 21, 2020, a community member who resides in the neighborhood emailed LAPD and stated there were lots of commotion at the intersection of 69th Street and Western Avenue and people were blocking the street and carrying on.

On July 28, 2020, a community member who resides in the neighborhood emailed LAPD and stated that she visited Mr. Spirit Liquor store and there were about 3 to 4 females who she believed were prostitutes. There were also men loitering around the liquor store.

On July 28, 2020, a community member who resides in the neighborhood emailed LAPD and requested for patrol as there were people fighting nearby and she was afraid of another shooting.

On August 4, 2020, a community member who resides in the neighborhood emailed LAPD and stated that there was a lot of activity on the corner of 69th Street and Western Avenue, and there was a lady with see through gown washing herself in public.

On August 17, 2020, a community member who resides in the neighborhood emailed LAPD and stated that there were all kinds of activity going on such as drug use, drug sales, prostitution, exposing body parts, and blocking of public street.

On August 27, 2020, a community member who resides in the neighborhood emailed LAPD in regard to activities occurring surrounding a man who was laid out in the Mr. Spirit Liquor store parking lot.

On October 13, 2020, a community member emailed LAPD and stated that the gate for the alleyway next to Mr. Spirit Liquor store is broken. There were transients and drug addicts that walk from 68th Street to the alley and crawl out of the alley gate to 69th Street.

On October 24, 2020, a community member who resides in the neighborhood emailed LAPD and stated there was a lot of hollering and carrying on near the intersection of 69th Street and Western Avenue. Ladies were seen washing themselves and exposing body parts.

On December 15, 2020, a member of the community who resides in the neighborhood emailed LAPD in regard to issues related to narcotics activities, prostitution, speeding, and loitering.

On April 20, 2021, the property owner of the triplex building adjacent to the alley, located at 1743 West 69th Street, provided the following comments:

- No security guard is present
- Continuous loitering from business patrons on the street in front of my triplex
- Continuous littering of beer cans and trash
- Constant urination and defecation in the street and alley; indecent exposure
- Constant noise from car radios
- Trespassing on my property
- Constant sale and usage of drugs
- The alley gate is falling apart. Individuals enter and exit freely. The vegetation is extremely overgrown. The alley needs to be repaved.

The property owner for the triplex building also submitted additional email correspondence and photographs showing the trash and debris along the alley and gate. These photographs can be viewed in the case file.

On June 3, 2021, a community member who resides in the neighborhood emailed LAPD and stated that there is a lot of activity at the intersection of 69th Street and Western Avenue, and people were blocking the street conducting their business.

On July 7, 2021, a community member who resides in the neighborhood emailed LAPD and stated the residents were not able to travel down the 69th Street as it was blocked off by individuals selling narcotics and prostitution. Photographs were provided showing vehicles blocking the driveway to Mr. Spirit Liquor store parking lot and 69th Street.

PUBLIC HEARING

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

A virtual public hearing conducted via Zoom application and telephonically was held on August 11, 2021, at approximately 10:00 a.m. In attendance at the hearing and

testifying were the property owner/operator, a representative from the Los Angeles Police Department, a representative from Council District 8, and members of the community.

The following testimony was provided at the hearing:

Owner/Operator's representative, Jennifer Mai

- Parents are owners of liquor store for almost 20 years;
- Owners love people in the community and see them as family over the last 20 years;
- There has been loitering and nuisance activities around the property;
- Owners have done the best we can to minimize the nuisance, prostitution, and loitering;
- Prior to COVID-19 pandemic, store did have security guard from 2:00 PM to past closing time;
- Since COVID-19 pandemic started, security guard quit his post; security guard would come back but quit again due to being scared of COVID-19;
- Two tenant spaces (nail salon and restaurant) have closed due to the pandemic which attributed to amount of the loitering that has gone on during the pandemic;
- With the pandemic, nearby church has given out a lot of food to the community which contributed to the amount of trash on the property; people would come around the corner and loiter in the area;
- Store does not sell single red cups; cups are sold in quantities of 12 to 15 in a bag;
- Owners have done best to put up signs;
- Current hours of operation are from 8:00 AM to 8:00 PM;
- Owners changed operation hours to minimize amount of people standing outside;
- Store currently has armed security guard from 2:00 PM to 9:30 PM everyday;
- Security guard do their best to clean trash but cannot clean whenever people dispose of trash;
- Security does walk and patrol premises every few hours;
- In the morning people do tend to stand around the property a lot;
- Only one (1) employee working in the store in the morning;
- Owners do ask people to move, and people would move temporarily for an hour or two and then come back and stand around, which is difficult for the business;
- Owners do want to start hiring security guard from 8:00 AM to 9:30 PM everyday – to help minimize loitering and nuisance;
- Nearby businesses have gates around the property – owners have considered putting up gate around the property so the gate can be closed when the business is closed, in order to minimize loitering around the area;
- Owners have emailed LAPD for STAR training but have not received replies yet; owners are currently working with LAPD on obtaining STAR training;
- English is not the first language for store owners/operator – sometimes it is hard for parents to understand what is happening around the community;
- I am working with my parents to go over the conditions that they need to adhere by;

- The liquor store is my parents' livelihood and they have tried their best to build a relationship with the community;
- Most people who stand in front of business do listen most of the time, but they come back and stand around even after we asked them to leave;
- LAPD does come by and people would leave when LAPD comes by for few hours, and then come back after LAPD leaves;
- LAPD Officer McPheeters does come by pre-COVID and comes less now during COVID pandemic; he does help the store and help clean the area;
- Loiters leave when LAPD come but people come back after police leave;
- Security guard tells people to leave;
- It is hard to tell people to leave and there is not much you can do;
- It is hard for the operator to minimize loitering around here;
- Owners' hands are tied and we cannot do anything;
- Cannot arrest people for standing around;
- It is hard for my parents to try to solve the situation that arise around the property;
- Owners are willing and open to any advice and conditions to help us with the community and get the noise complaints and other issues minimized;
- Owners love the community and people that come to the liquor store;
- Owners still want to do business but at the same time lessen the noise and nuisances around the property;
- If tenants come back hopefully it will help with loitering around the area; and
- Loiters are attracted to the area due to vacancies.

Los Angeles Police Department Senior Lead Officer, Christopher McPheeters

- Senior Lead Officer that services Mr. Spirit Liquor store;
- Senior Lead Officer for the subject location for two years;
- Worked on this location and have been helping to clean it up;
- Biggest complaints come from the community members that live on 69th Street are attributed to the liquor store;
- LAPD started a project a year and half ago to address issues:
 - Issues were out of control during the beginning
 - Issues relate to loitering, public drinking, and prostitution
 - Vehicle stay on premise and living on premise;
- LAPD Narcotics team did several sweeps of the site;
- Problems continue to come back:
 - A month ago, there was a shooting where two victims were shot at the location
 - Local gang in the area has transients who hang out in the area and does narcotic sales
 - LAPD has recommended for fencing around the location
 - Business has no control of the premises after they close the doors
 - Local community members would call and email LAPD late at night
 - Loud music, Barbeque, Party
 - Activities in the alley
 - Gate at the alley completely torn up and furniture are being dumped in the alley

- Fencing and more lighting would help
- Getting alley gate repaired would help
- Security guard that the owner hired quit previously during middle of his shift because he was intimidated by crowds that are there
- LAPD have not noticed security guard during the first year to year and a half when took over the area
- New security guard started after Planning staff conducted site visit
- Loiters around the property
- Cleaning has gotten a little better.

Council District Eight Field Deputy, Isaias Benavides

- Subject site has been a source of frustration and fear for residents for a long time;
- Site requires significant amount of attention and resources from LAPD;
- Issues have been going on for years and not just during COVID pandemic;
- Please weigh input from signatures and petitions;
- People who live around the business can tell you what they live by;
- Detrimental effects of alcohol sales in community when not managed;
- Council Office not against responsible business ownership;
- Having the alcohol license is a massive responsibility;
- Operation is done without regard to surrounding community;
- Subject Use here contributes to public safety concern;
- Negligence on the part of the owner and operator;
- LAPD has had previous meetings with operators to no avail;
- Business operates under deemed approved status;
- Poor management of the property;
- Lack of respect to the community;
- Cannot continue to allow it to happen;
- This location has had the time to get it right over a long period of time;
- Need to side with community for the sake of their safety;
- It is time to give this community a relief; and
- Council Office requesting for revocation of the alcohol license.

General Public

Resident

- Resident living on 70th Street and moved to 70th Street more than a year ago;
- Support revocation of the alcohol license;
- Dangerous area with lots of threats;
- Agree with LAPD statements and the site has not gotten better in terms of clean up;
- Liquor store is overwhelmed, and LAPD is overwhelmed;
- Have called 911 many times;
- People have been shot and LAPD Officer also have been shot;
- People have been shot and killed and the situation is out of control;

- It is hard to engage with the community when you do not live in the community;
- It is a difficult situation;
- There are two other liquor stores within two blocks;
- Liquor store closing early because it is dangerous – not due to COVID pandemic;
- Security guard is intimidated;
- Gate would not help, unless it is removed or if the operator changes the way they do business;
- Business failed because of loiters and not due to COVID pandemic;
- Loiters are not homeless and people do live in the neighborhood;
- Very concerned and neighbors are concerned;
- Community lives in fear;
- Situation is ridiculous and spilling over from block to block;
- People driving by can get blocked in and one cannot cross street with vehicle;
- Loiters are in control of the area;
- Liquor store mostly sells liquor;
- Liquor store is not a regular store and people do not feel safe going in to make purchase;
- Green Liquor and Cameo Liquor store are two blocks away;
- Liquor store is not safe for security or police or regular people;
- Liquor store located one block away from a public school; and
- Cars have been broken into.

Resident / Community Activist

- Local resident who previously lived in Compton;
- Member of Community Coalition;
- Work in South-Central Los Angeles;
- Liquor store only seeks to extract profit and business should be held accountable;
- Have spent hours talking to neighbors and collecting signatures;
- Condition on Western Avenue and 69th Street is intolerable;
- There are rats and rodents, and cars are being broken into;
- Issues with loiters;
- Dust and expired products on the shelf in liquor store;
- People do not walk or drive near the corner;
- Sex trafficking and drug deals and lewd conducts;
- Community deserves better;
- Tract record unfit to sell alcohol; and
- Support revocation of alcohol license.

Community Activist

- Member of Community Coalition;
- Western Avenue and 69th Street is a hot bed for the criminal community;
- Collected signatures for petitions;
- Shootings and deaths in the area;
- Liquor store is contributing to crime rates;

- Liquor store is exacerbating issues; and
- Support revocation of alcohol license.

Community Activist

- Local resident in South-Central Los Angeles;
- Member of Community Coalition;
- Collected 180 plus signatures and petitions to revoke alcohol license;
- Liquor store have destroyed families;
- Liquor store has been a nuisance;
- Owners gave multiple excuses without being held accountable;
- Operators demonstrated that they are irresponsible;
- There is constant sex trafficking;
- Trash and feces on public sidewalk and walls;
- Shootings in the area;
- People lay out and pass out at the corner;
- Children will be passing by that intersection and children will be put at risk; and Support revocation of alcohol license.

Resident

- Resident who lived on 69th Street;
- Children went to school across the street from liquor store;
- Safety concerns due to homeless people;
- Liquor store should not be near schools;
- Liquor store should not be near residential homes;
- Why do we need four liquor stores around the area?;
- Why do we need so many liquor stores and so close by one another?;
- Liquor store needs to be stationed further distance away;
- Car was stolen;
- See condoms outside when going outside to the street;
- Have witness prostitution;
- Children scared to be walking by the liquor store;
- Please remove the liquor store; and
- Need to do census before approving new liquor store in the neighborhood and confirm that there are no residence or schools nearby.

Community Activist

- Local resident born and raised in South-Central Los Angeles;
- Member of Community Coalition;
- College student;
- Liquor store never has milk, eggs, or bread available;
- Sex trafficking; and
- Support revocation of alcohol license.

Resident

- Member of Baptist church;
- Support revocation of alcohol license;
- Sex trafficking, drug trade, and violence;
- Issues did not just start during COVID and have been going on for a very long time;
- There are 4 or 5 churches within immediate surrounding areas that serve seniors who attend church in the area;
- Members are afraid to go near street corner;
- Liquor stores do not work with community members and stakeholders;
- There are schools nearby and it is unfair to children what they are exposed to;
- Community is underserved and there are at least four liquor stores in the immediate area;
- Liquor store is not serving the neighborhood;
- Street corner is off the chain;
- Liquor store is not a positive establishment to have in the community;
- People going to worship are afraid to walk pass the corner;
- Agree to have alcohol license revoked at the corner;
- Need grocery store and mental health services; and
- Church provides outreach in the community for people experiencing homelessness and is very active in the community.

Community Activist

- Support revocation of alcohol license;
- Member of Community Coalition;
- Students were being sold liquor when they were walking home;
- Loiters are issues;
- Lewd conduct, prostitution, drug sales;
- People need to take longer route to reach destination;
- Affects to children; and
- School nearby that is less than five minutes away from liquor store.

Community Activist

- Support revocation of alcohol license;
- Member of Community Coalition;
- Agree with residents who live nearby;
- Excess of liquor stores in South Los Angeles;
- Area is hot spot for drinking and prostitution;
- Liquor store should become a market; and
- Liquor store foster crimes and violence.

Resident / Community Activist

- Local resident in the neighborhood for over 30 years;

- Support revocation of alcohol license;
- Member of Community Coalition;
- Grew up going to school nearby;
- Witness crimes in liquor store and parking lot;
- Crimes spilling over ; and
- See human feces and used condoms while walking around school.

Community Activist

- Support revocation of alcohol license;
- Member of Community Coalition; and
- Agree with statements made by community residents.

Community Activist

- Support revocation of alcohol license;
- Member of Community Coalition;
- Work in South Los Angeles area;
- Agree with statements made by community residents;
- Increased excess to liquor store leads to increased crimes;
- Shootings in liquor store parking lot;
- Violence is a problem in the area;
- Do not feel safe walking to the street; and
- Harassed by drug dealer and sex worker.

Community Activist

- Support revocation of alcohol license;
- Member of Community Coalition;
- South-Central Los Angeles LA resident;
- Liquor store is the issue;
- Issues related to sex worker, prostitution, homelessness; and
- Need to transform liquor store into a space that serves the community.

Resident

- Liquor store is not taking non-compliance issues seriously;
- Ongoing issues persisted overtime;
- No concrete plan to resolve the issues;
- Do not see a future for the liquor store in its current condition; and
- Do not think liquor store should go forward.

Resident

- Owner of triplex next to alley along 69th Street;
- Local resident who lives in the community;
- Issues happening nearby and on property;

- Tried to tidy up the space;
- People relieving themselves and throwing trash;
- Used lighters and pipes;
- Safety concern about the intersection at Western Avenue and 69th Street;
- Do not think revoking alcohol license is the only answer;
- Need more patrolling from LAPD;
- Corner cemented as the spot;
- Even without liquor store problems will continue;
- Tenants suggested to cut down trees which give shade and people love being under the trees;
- People who hang out at the corner do not live on 69th street;
- People come and bring chair and park in front of my property and hang out;
- Police need to drive by at least every 2 – 3 hours;
- Loiters leave and come back;
- Have put up cameras but have not helped;
- Taking the alcohol license is not the answer; it is a start, but we need more police presence;
- Gate next to alley was broken and damaged, and now gate is gone;
- Removal of gate caused more loitering and activities in the alley;
- Want tenants to feel safe;
- People dumping trash and bulky items in the alley;
- Witnessed prostitution in front of my property; and
- Issues going on for more than 20 years.

Resident

- Local resident living in the neighborhood for 59 years;
- Revocation of alcohol license will cause things to change;
- People will eventually dissipate after liquor store closes down;
- Liquor store attracts issues;;
- Liquor store owner should be held accountable
- Liquor store needs to take ownership of what is going on;
- Liquor store allows public intoxication;
- People purchase alcohol and give alcohol to loiters outside the liquor store;
- Drunk patrons hang out in the area;
- Liquor store is overselling alcohol and allowing illegal activities occurring on site;
- Prostitution;
- No stop sign on 70th Street or 71st Street for children to cross over;
- Children need to be able to cross the street;
- Stop sign in front of liquor store at the intersection of 69th Street and Western Avenue;
- Safety concerns when crossing street;
- Cars blocking people in front of liquor store;
- One is not able to cross the street but need to go around;
- Talked to employees in liquor store and was told nothing can be done;

- Security guard is not there all the time;
- Do not see security guard patrolling the area;
- Do not see patrols around the area;
- Police come around maybe once a month or so;
- Requested for LAPD to request for loiters to leave;
- Gambling happening on site;
- Liquor store welcomes the loiters;
- Things got worst since new owners came on board to the liquor store;
- Liquor store is doing nothing but damage to the neighborhood;
- Nothing positive from the liquor store;
- Alcohol license needs to be revoked;
- Liquor store is public nuisance; and
- Support revocation of alcohol license.

Resident

- Local resident;
- Owner of triplex building adjacent to liquor store and alley;
- Liquor store has failed to do what they need to do;

- Once alcohol license is revoked the transients will disperse;
- Loiters own the street and community members cannot go to liquor store;
- Have witnessed transients urinating in the alley;
- Need to have stronger police presence at the corner;
- Nothing I can do about the alley;
- Have requested for decoy police vehicle to be parked in front of property;
- Have installed security camera; and
- Provided security camera access to LAPD.

Community Activist

- Member of Community Coalition;
- Born and raised in South Los Angeles;
- Neighborhood overly populated with liquor stores;
- Residents do not feel safe walking in the area;
- Liquor store is located one block away from school;
- Children are witnessing illicit activities; and
- Support revocation of alcohol license.

Resident

- Local resident;
- Purchased property on 69th Street in 2015;
- Activities on 69th Street and Western Avenue is horrible during the day and night;
- Had to move kids from school so they do not have to walk by that intersection;

- Children have witnessed crimes;
- Street is blocked off;
- Have had to take alternative street to avoid the intersection;
- Donation centers do not leave trash and do not leave boxes;
- Liquor store only has one security guard;
- Spoke with security guard and was told liquor store needs more than one security guard;
- Store operator does not do anything;
- No fruits or vegetables in liquor store;
- Too many liquor stores in the area;
- Lots of activities at night;
- Alcohol license needs to be revoked;
- Support revocation of alcohol license;
- Liquor store is a public nuisance;
- Have been harassed when asked loiters to leave; and
Liquor store needs to go.

Resident

- Local resident of 20 years;
- Live close to the corner of 69th Street and Western Avenue;
- Agree with everything that has been said;
- Liquor store sells individual cups and single cigarettes;
- Spoke with people who got cups from liquor store and was told that liquor store sells single cups all the time;
- Have notified LAPD multiple times regarding narcotic activities;
- Every morning between 1 to 2 am there is thumping music that shakes my home;
- Have submitted many correspondences to LAPD regarding issues;
- Street corner is awful;
- Received death threats and have been threatened many times; and
- Liquor store needs to go.

Community Activist

- Member of Community Coalition;
- Want to ensure Loyola Marymount University study and report is included in the project case file;
- Trifecta effect of liquor stores, cannabis dispensaries, and smoke shops;
- Several hot spots in Central Los Angeles; and
- Liquor store is main culprit of cases.

Final Comments from Owner/Operator

Owner/Operator's representative, Jennifer Mai

- Liquor store has been in the community for a long time;
- Liquor store not only sell alcohol;
- People come and buy milk or cereal or snacks;
- Store provides a service to the community;
- Owners have done our best to minimize loitering;
- Owners open to suggestions;
- Store does have cameras on the outside which points to parking lot;
- Store does not have security camera in alley;
- Store does have cameras that point to street corner; and
- Exterior cameras are on the roof

Closing Comments from Associate Zoning Administrator – Charles Rausch

- Are there cameras on both the inside and outside?
- Case will be taken under advisement for 30 days.

CORRESPONDENCE RECEIVED AFTER AUGUST 11, 2021 PUBLIC HEARING

Owner/Operator and Representatives

On August 13, 2021, the property owner emailed Planning staff and requested department contact information concerning installation of a gate around the liquor store.

On August 20, 2021, the attorney for the property owner emailed Planning staff and requested for an inspection of the planning case file. A separate email was sent on the same day by the attorney and the operator requested for an extension of an additional 60 days for the advisement period.

On August 23, 2021, the attorney for the property owner emailed Planning staff and requested for an appointment to review the planning case file.

On October 5, 2021, the attorney for the property owner emailed Planning staff and requested for an extension of an additional 45 days for the advisement period.

On November 19, 2021, the attorney for the property owner and operator provided a letter addressing condition compliance review for Mr. Spirit Liquor store. In addition to a written justification and responses prepared in addressing condition compliance, the letter included seventeen exhibits of photographs, correspondence, and five letters from the public in support of the liquor store, as well as three signed petitions in support of closing the adjacent alley.

In the letter, the attorney stated that according to Associate Zoning Administrator Charles Rausch, the action is to make sure that previously approved conditions have

been followed for the purpose of reviewing compliance with conditions and the effectiveness of the conditions in eliminating the public nuisance problems related to the site. The attorney further stated that this case is not an action for revocation or discontinuance of use pursuant to nuisance abatement proceedings under LAMC 19.01-N.

STAFF COMMENT: The attorney erroneously cited LAMC Section 19.01-N as the nuisance abatement proceedings are recorded in LAMC Section 12.27.1. In reviewing the audio recording of the virtual public hearing which occurred on August 11, 2021, the Associate Zoning Administrator Charles Rausch made the following statement at the beginning of the hearing: "... This is the sixth Plan Approval on this revocation which was originally heard in 1997. At the end of the hearing, I can recommend a new Plan Approval with additional or remove conditions, from revocation No. ZA-1997-994 or I can determine that the conditional use should be revoked and the business shut down. I can also hold the case under advisement while more information on the business operation can be sent to the file ..." Pursuant to LAMC 12.27.1-B, the Associate Zoning Administrator, as a designee of the Director of Planning, has the authority to require the modification, discontinuance or revocation of any land use or discretionary zoning approval if the required findings are made.

In regard to the gate which was located at the entrance to the alley along 69th Street, the attorney stated that the gate was removed by the Bureau of Street Services, and that the operator and representative have contacted the Bureau of Engineering, who confirmed that to move forward with a new R-permit, the support of the City Council is needed. The attorney stated that they have been in contact with Council District Eight and have circulated petitions to nearby property owners to garner support. The attorney stated that his office has left telephone messages with the LAPD and Senior Lead Office McPheeters to set up a meeting but have not received responses to date.

In the letter, the attorney stated that the owner/operator is making their efforts to mitigate nuisance activity and have made various property improvements to control nuisance activity. The letter also stated that the owner has recently implemented interim and additional measures: implementation of a daily "Exterior Store Check and Nuisance Prevention Log", installed additional lighting, security cameras, and exterior signs in the alley outlining prohibited conduct. The Exterior Store Check and Nuisance Prevention Log incorporated a checklist for Condition Nos. 6 and 14, which pertains to a security guard and sweeping of adjacent sidewalks.

STAFF COMMENT: In reviewing the security service contract attached as Exhibit D in the letter, the contract did not include a commencement date in which the service will start, nor did it include a signature from the representative of Assertive Security Services Incorporated. The contract document, dated September 24, 2021, did not include detailed description of the responsibilities and tasks to be performed by the unarmed security officer.

In the letter, the attorney stated that the operator has incorporated additional mitigation measures to include the following: ceased selling single quantities of beer or malt liquor beverages in volumes less than sixteen ounces; ceased selling singles of "airport-size" bottles of liquor/spirits; power washed the parking lot to improve its appearance; installed additional exterior security cameras; added additional exterior signage on the building and in the rear alley, outlining prohibited conduct and presence of surveillance cameras; hired a new property management company who will also be assisting in dealing with complaints, ensuring compliance for the property; and obtained a new restaurant tenant in one of the vacant units on the premises.

STAFF COMMENT: In response to the additional mitigation measures provided by the attorney, it should be noted that the sale of alcoholic beverages is subject to regulations by the California Department of Alcoholic Beverage Control. The operator did not provide a contract which documented the lease of adjacent tenant spaces, nor did the operator provide a contract showing the hiring of a new property manager with terms and conditions of the agreement. On December 2, 2021, a staff investigator conducted a visual inspection around the exterior of the liquor store, and observed trash and debris along the adjoining alley, as well as the liquor store parking lot.

The letter provided analysis and found that no further action is needed for Condition Nos. 1, 4, 7, 15, 16, 17, 20, 26, and 31, in which staff investigator has found Mr. Spirit Liquor to be in compliance with the aforementioned conditions. The letter further stated that Mr. Spirit is now in full compliance with conditions that the staff investigator had previously found the liquor store to be in partial compliance with: Condition No. 5 (Posted Hours of Operation), Condition No. 11 (Exterior Lighting), Condition No. 18 (Prohibits Sale of Single Cups), Condition No. 19 (Ice Sold in Quantities Less than 3 Pounds), Condition No. 22 (Site Plan), Condition No. 27 (Proof of Compliance).

According to documentation in the case file and staff observation during field investigations, Mr. Spirit Liquor was found to be in violation of Condition Nos. 3 (Loitering and Criminal Activities), 6 (Security Guard), 8 (Loitering), 9 (Signage), 10 (Complaints), 12 (Graffiti), 13 (Trash and Debris), 14 (Maintenance), 21 (Crime Prevention), 23 (Compliance with Conditions), 28 (Video Surveillance Signage), 29 (STAR Training), and 30 (Signed Statements). In the letter dated November 19, 2021, it was stated that Mr. Spirit Liquor is now in full compliance with the conditions in which the staff investigator found the liquor store to be out of compliance. The letter further stated that a review of the police investigation reports shows consistent lack of any nexus between criminal activity and the operation of Mr. Spirit Liquor or alcohol sales.

The letter concluded that Mr. Spirit Liquor understands its obligation imposed by the previous conditions, has brought itself into compliance with all conditions, implemented a daily log to ensure continued compliance with conditions, and made substantial property improvements. The attorney for the property owner stated that the owner asks that the Zoning Administrator decide that Mr. Spirit Liquor is now in full compliance with the conditions.

Council District 8

On October 8, 2021, a letter dated October 1, 2021 was received from Council District Eight with the following statements:

- Our office would like to reiterate our support for the revocation of the deemed-to-be approved status of Mr. Spirit Liquor for the sale of a full line of beer, wine, and distilled spirits for off-site consumption, in response to their failure to comply with corrective conditions and address a pattern of nuisance activity;
- Nuisance liquor stores are often magnets for violent crime, gang activity, drug use and other illicit activity. The data and accounts by the Los Angeles Police Department reflect this fact for Mr. Spirit Liquor which, despite the significant time and resources committed by law enforcement, has not improved;
- Reports of public intoxication, fights, assault, shootings, human trafficking and more corroborate the overwhelming sentiment we hear from community members that the property is central to the ongoing criminal activity that threatens the wellbeing of the neighborhood. While the situation has rapidly deteriorated these problems have festered for years, and it is the operator's negligence, including the failure to meet required conditions, facilitating these issues and at times making them worse;
- Public testimony highlighted the longevity of the issue and how these challenges have persisted despite previous plan approval hearings and efforts by law enforcement;
- The operator's negligence towards these issues creates unsafe conditions for patrons and the surrounding community, undermining the City's efforts to promote the welfare of some of its most vulnerable residents;
- We cannot continue to allow the operator's failures to jeopardize the safety and wellbeing of the surrounding community. The operator has neglected their duty to operate this business responsibly at the expense of neighbors and the community at large, but we should not neglect ours; and
- Therefore, I ask that you permanently revoke the conditional use permit for the sale of a full line of beer, wine, and alcohol, and put an end to the detrimental impacts caused by its ongoing operation.

General Public

On August 12, 2021, an email correspondence was received from the property owner adjacent to the liquor store and stated that the alcohol license for Mr. Spirit Liquor should be revoked.

On October 8, 2021, a letter was received from the Community Coalition with the following statements:

- In support of the revocation of the license for alcohol sales of Mr. Spirit Liquor store;
- South Los Angeles community is plagued with overconcentration of liquor stores, smoke shops, and unlicensed marijuana dispensaries. These businesses often

- co-locate next to each other resulting in public nuisances, increased violence, crime and addiction;
- Comprehensive environmental scan in the perimeter of Mr. Spirit Liquor was conducted between November 30 through December 6 of 2020 to document nuisance activity, followed by more social investigations as the public hearing approached. Both scans show overwhelming amount of evidence of alcohol and tobacco use (discarded cans/bottles, cigarette butts, lighters, etc.) and other various forms of litter around the store within a 200 feet radius of the liquor store;
 - Mr. Spirit Liquor has become a de facto community gathering space where unhoused residents socialize and sleep without masks or social distancing recommendations;
 - Operator sells alcohol to intoxicated individuals;
 - Alcohol consumption on the premises is permitted;
 - Hours of Operation is not posted;
 - Outdoor trash and recycling bins are unlocked;
 - Signage of minimum age for tobacco or alcohol sales are not posted;
 - Mr. Spirit Liquor is located within 1,000 feet of 7 churches, 3 schools, and 2 non-profit organizations;
 - The irresponsible business practices of Mr. Spirit Liquor pose a safety and public health threat to underage residents as they walk along Western Avenue to access school and youth activity spaces;
 - Mr. Spirit Liquor features 17 brightly colored alcohol advertisements which are appealing to children and some located directly in front of an ice cream chest and at child's eye level;
 - From late July 2021 to August 2021, community residents gathered 180 signatures from residents who reside within 500 feet from Mr. Spirit Liquor, all of which are in support of revoking the alcohol license due to safety risks and nuisance activity; and
 - Overconcentration of alcohol outlets facilitate severe health disparities for Black and Brown South Los Angeles residents who are now facing a disproportionate impact of COVID-19.

On October 12, 2021, an email was received from a local resident which stated that nuisances occur daily on 69th Street and in front of Mr. Spirit Liquor store. There was a shooting last week and another shooting outside of the liquor store the week before last. The two shootings in less than two weeks are unacceptable.

REVIEW OF COMPLIANCE WITH CONDITIONS OF CASE NO. ZA-1997-994-RV-PA3, AS RELATED TO A NUISANCE ABATEMENT POSSIBLE REVOCATION ACTION PER LOS ANGELES MUNICIPAL CODE SECTION 12.27.1

The nuisance investigation includes an assessment of Condition compliance with respect to the terms and conditions of the Zoning Administrator's determination, Case No. ZA-1997-994-RV-PA3 along with information provided by the Los Angeles Police Department.

Planning staff conducted a field analysis as part of the nuisance investigation on February 17, 2021, between approximately 11:00 a.m. and 12:00 p.m. accompanied by

the Los Angeles Police Department Senior Lead Officer. At the time of the investigation, the liquor store was open to the public.

Operational Conditions:

1. Code compliance. Area, height, and use regulations of the zone classification of the subject property shall be complied with, except as such regulations are herein specifically varied or required.

Investigator Status: No outstanding zoning violations were noted in the site visit.

2. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective conditions, if in the Administrator's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent properties.

Investigator Status: This review provides a means to modify conditions or revoke the operation, as warranted in response to submitted documentation and testimony.

3. The owner of the property as well as the business owner and manager shall comply with all applicable laws and conditions and shall properly manage the use and discourage loitering and illegal and criminal activity on and adjacent to the premises.

Investigator Status: Not in Compliance. During the site visit on February 17, 2021, staff observed loitering and graffiti on site and adjacent premises. The operator did not present a current security guard contract and stated that the security personnel is not presently on site daily. Per testimony provided by LAPD, there has been no consistent security guard presence at the liquor store over the past few years. The wrought iron gate at the entrance of the adjoining alley was damaged and there was trash, debris, and graffiti near the gate. The damaged gate was still in place during the site visit but was removed on May 20, 2021. There was also one homeless individual sleeping on abandoned furniture next to the sidewalk near the gate.

4. A copy of this action and all conditions shall be retained on the premises along with other permits and shall be made available to all enforcement personnel upon demand.

Investigator Status: In Compliance. On February 17, 2021, during the site visit, the operator provided a copy of the current conditions of approval maintained in an envelope and made them available to City staff.

5. The hours of operation of the store shall be between 8 a.m. and 10 p.m. seven days a week. The hours shall be posted.

Investigator Status: In Partial Compliance. During the site visit on February 17, 2021, staff observed two signs posted at the front entrance. The first sign illustrated in Figure 4 is posted behind security grills with hours of operation from 8:00 a.m. to 10:00 p.m. seven days a week. The second sign illustrated in Figure 5 is posted in front of the security grills and did not list the hours in which the business is open. The second sign did list 10:00 p.m. as the closing time. The store phone number was not listed on either of the posted signs. Staff inquired about the hours of operation and the operator informed staff that the store does not open at 8:00 a.m. daily and closes before 10:00 p.m. occasionally. In an e-mail correspondence from the operator dated March 10, 2021, the liquor store currently closes at 8:00 p.m.

6. Within 30 days of the effective date of this action, the operator/owner shall hire, a State licensed uniformed security guard who shall be stationed at the exterior of the premises from 2:00 p.m. until one-half hour past closing on any given day to patrol the exterior of the entire ownership. If the owner so desires, an additional security guard may also be provided to patrol the interior of the premises. At no time after 2:00 p.m. shall the exterior of the premises be left unguarded in order to guard the interior. Security guards on the premises shall not permit, and shall actively discourage, public drinking, littering, trespassing, transactions involving controlled substances, other illegal and public nuisance activities, loitering of any kind on the premises. When the security guard is not on station by reason of a break period or meal period, the owner or manager shall substitute for the security guard or shall provide a relief security guard. The guard shall not conduct any other activities while employed at the premises other than those of a security guard.

Within 30 days from the effective date of this determination, evidence of compliance with this condition such as a copy of a State guard license, a contract with the security company showing hours of security service and photographs showing a uniformed security guard on the outside the premises etc., shall be submitted to the file.

Investigator Status: Not in Compliance. The Letter of Determination for the previous Plan Approval (ZA-1997-994-RV-PA3) was issued on July 21, 2011. On August 22, 2011, the operator submitted a security guard contract from a California State licensed company. The documents included a service agreement and noted the schedule of services for the security guard from 2:00 p.m. to 10:30 p.m. seven days a week. It was stated on the service agreement that the contracted security guard will actively discourage loitering of any kind on the premises. A photograph of a uniformed security guard standing in the parking lot was provided by the operator on July 15, 2011.

During the site visit on February 17, 2021, staff did not observe the presence of a security personnel. The operator also stated that the security guard is not on site daily. Per testimony provided by LAPD, there has been no consistent security guard presence at the liquor store over the last few years. Subsequent to the site investigation, the operator provided a new security guard contract to staff on March

9, 2021. The security service agreement indicates that unarmed security officer(s) will be on site from 2:00 p.m. to 8:00 p.m. The operator informed staff that the current hours of operation is from 8:00 a.m. to 8:00 p.m. At the preparation of this report, staff has not received a security guard contract which satisfies the requirements for this condition.

7. The consumption of alcoholic beverages on the property is prohibited. Signage to this effect shall be prominently posted on the property in English and the predominant language of the clientele of the facility.

Investigator Status: In Compliance. Signage prohibiting the consumption of alcohol is posted on the properties exterior wall facing the parking lot along West 69th Street, as well as along the building façade along South Western Avenue.

8. Loitering on the property is not permitted. One of the duties of the security guard as noted above shall be to actively participate to discourage any loitering on the store premises, the parking lot and along the sidewalk abutting the subject premises.

Investigator Status: Not in Compliance. During the site visit on February 17, 2021, staff observed loitering in the parking lot and along the sidewalk abutting the subject premises along 69th Street. No security guard was present during the site visit, and the operator stated that the contracted security guard is presently not on site daily. Per testimony provided by LAPD, there has been no consistent presence of uniformed security personnel at the liquor store.

9. The business owner shall be responsible for prominently posting and maintaining signs prohibiting loitering or public drinking at the entrance of the facility and one or more signs shall be prominently placed in the parking area in plain view of customers advising No Trespassing, No Prostitution, No drugs or drug dealing, No Loitering, No weapons and this property is patrolled by the police and private security. All signs shall be in both English and Spanish.

Investigator Status: Not in Compliance. During the site visit on February 17, 2021, staff observed signs which stated No Loitering, No littering, No drinking of Alcoholic Beverage on Store Property, No Overnight Parking, No Drugs permitted on Store Property. There was no signage which states No Trespassing, No Prostitution, No drug Dealing, No Weapons, or This Property is Patrolled by the Police and Private Security. Majority of the signage posted on site were in English and only one sign was in Spanish.

10. The operator shall provide a phone number and name of the owner, or lessee to contact for community complaints upon request of neighbors or concerned citizens to report disturbances and efforts to correct problems before reporting to the Department of Building and Safety or the Los Angeles Police Department and this Office for enforcement.

Investigator Status: Not in Compliance. During the site visit on February 17, 2021, staff did not observe posted phone number and name of the owner, or

lessee to contact for community complaints. Previous documents submitted on August 22, 2011 included a photograph of the posted business hours which included a phone number. Both signs currently posted in front of the store listing hours of operation do not include a contact phone number.

11. Lighting shall be sufficient to make persons who use the parking area or front of the premises easily discernible to law enforcement personnel.

Investigator Status: In Partial Compliance. During the site visit on February 17, 2021, staff observed two lights posted on top of the roof of the commercial building and angled toward the parking lot. There were no additional lights on the side of building which fronts 69th Street, nor were there lights at the entrance to the alley where the wrought iron fence was located. Per testimony provided by LAPD, the lighting on the property including the parking lot area is not well lit.

12. All graffiti on the site shall be removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence.

Investigator Status: Not in Compliance. During the site visit on February 17, 2021, staff observed graffiti on the sidewalks, southern wall and wrought iron fence along West 69th Street. Subsequent to the site visit, LAPD provided photographs and correspondence showing graffiti on the walls along the alley and sidewalks.

13. The property, including any adjacent street, sidewalks, gutter, and parking areas shall be maintained in a neat and attractive condition at all times and shall be kept free of trash debris and weeds.

Investigator Status: Not in Compliance. The subject property, adjacent street, sidewalks, gutter, and parking areas were not kept in neat and attractive condition. During the site visit on February 17, 2021, staff observed trash, debris, broken glass, empty alcoholic beverage bottles and cans, abandoned furniture and a bicycle, in the parking lot and along the sidewalks. Per testimony provided by LAPD, the Senior Lead Officer has been cleaning the trash on the property on a regular basis.

14. The adjacent sidewalks, along the frontage onto Western Avenue and 69th Street, the gutter, and parking area shall be swept daily, or more frequently as needed.

Investigator Status: Not in Compliance. During the site visit on February 17, 2021, staff observed trash, debris, broken glass, and empty bottles and cans in the parking area, and adjacent sidewalk along 69th Street. Per testimony provided by LAPD, the Senior Lead Officer has been cleaning the trash on the property on a regular basis.

15. Open areas devoted to trash storage or other storage shall not be located adjacent to a residential use or shall be so buffered as to not result in noise, odor or debris impacts on any adjacent residential use.

Investigator Status: In Compliance. Per Google aerial imagery and photographs

provided by the operator, two commercial trash bin containers are located at the northwest portion of the property and can be accessed via the alley.

16. Public telephones shall not be permitted on the property.

Investigator Status: In Compliance. No public telephone was observed on the subject property.

17. No corkscrews or can openers of any kind or type shall be sold furnished or given away.

Investigator Status: In Compliance. Staff did not observe corkscrews or can openers being sold in the liquor store.

18. Any cups, glasses or other receptacles commonly used for the consumption of alcoholic beverages shall not be sold, furnished or given away except as packages for retail-wholesale sales; or except for those cups, glasses or receptacles commonly used to dispense soft drinks, coffee or tea for immediate consumption.

Investigator Status: In Partial Compliance. During the site visit on February 17, 2021, staff did not observe single cups or receptacles being sold. However, per testimony provided by LAPD, the Senior Lead Officer has observed single red plastic cups being sold from the liquor store.

19. All ice shall be sold in quantities of no less than three (3) pounds.

Investigator Status: In Partial Compliance. During the site visit on February 17, 2021, staff observed that ice in large quantities no less than three (3) pounds was observed in the freezer. According to testimony provided by LAPD, the Senior Lead Officer has observed single red plastic cups being sold from the liquor store containing ice and beverages.

20. As long as the stores' off-site license is in effect, no coin or slug operated or electrically, electronically, video or mechanically controlled game machines shall be permitted in the market. Official California lottery games and/or machines are exempt from this prohibition.

Investigator Status: In Compliance. None of the above was observed.

21. The business owner shall contact the 77th Division Vice Unit of the LAPD whenever any public nuisance or policing problems should occur and shall follow all reasonable recommendations so advised by the Police relative to crime prevention.

Investigator Status: Not in Compliance. Per correspondence provided by LAPD dated March 16, 2021, the operator has not reached out to the LAPD Vice or Narcotics team.

22. So long as the store continues to sell alcoholic beverages, the use and

development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the subject application and marked Exhibit "A". any changes shall be reflected in a new plot plan and floor plan and a copy shall be provided to the Zoning Administrator and to a representative of the 77th Division Vice Unit of the LAPD.

Investigator Status: In Partial Compliance. A stamped Exhibit "A" dated February 9, 2011 was submitted for Case No. ZA-1997-994-RV-PA3. The Exhibit "A" included one page of Site Plan and one page of interior Floor Plan. On the Site Plan, a total of eleven (11) vehicular parking spaces are shown in the surface parking lot for the liquor store, including one ADA parking space. During the site visit on February 17, 2021, staff observed ten (10) clearly marked parking spaces. One vehicle was parked in a space which was marked with "No Parking". Said space with the marking was noted as the 11th parking space on the stamped Exhibit "A". During the site visit, staff observed layout and configuration of the interior of the store, similar to what was depicted on the stamped Exhibit "A". There are no recent building permits issued with attached plans to illustrate current site layout and parking lot configuration. At the preparation of this staff report, the operator has not submitted an updated Exhibit "A" for the case file.

23. Compliance with the subject conditions is the responsibility of the property owner. The conditions shall run with the land.

Investigator Status: Not in Compliance. The last recorded covenant was of the July 21, 2011 determination for Case No. ZA-1997-994-RV-PA3, with the County Recorder's Office on August 18, 2011. The operator provided the recorded Covenant and Agreement to the Zoning Administrator on August 22, 2011. Since the recordation of said covenant, evidence has been submitted to Planning staff showing that continuous compliance has not been attained. The property owner and operator has violated numerous conditions in the recorded covenant dated August 18, 2011.

24. DELETED 9/13/2001

25. DELETED Previously

26. Within 30 days of the effective date of this action, the property owner and/or the owner/operator of the liquor store shall maintain an acknowledgment and agreement to comply with all the terms and conditions established herein which shall be recorded in the County Recorder's Office. The agreement (standard main covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file. If the property owner fails to comply with this condition, the City will record the covenant.

Investigator Status: In Compliance. The conditions of the July 21, 2011 Plan

Approval determination was recorded with the County Recorder's Office on August 18, 2011. The recorded covenant was provided to the Zoning Administrator on August 22, 2011.

27. Within 30 days from the effective date of this determination, evidence of compliance with Condition Nos. 5, 6, 26 and 30 shall be submitted to the file. If no evidence of compliance with said conditions is submitted within a specified time or if the evidence submitted to the file shows that the compliance has not been attained, within six months from the effective date of this action, the owner/operator of the subject premises and/or the property owner of the land shall file a Plan Approval with the Office of Zoning Administration together with a filing fee and a mailing list of owners and occupants within 500 feet of the premises to determine the effectiveness of compliance with the conditions herein, and to determine whether additional and more restrictive conditions or, fewer conditions need to be considered for the operation of the facility or whether revocation is appropriate. The matter shall be set for a public hearing. The operator shall submit with the application documentation including photographs of how compliance with each condition has been attained.

Further, at any time during the period of validity of this determination, should documented evidence be submitted showing that the operation of the subject store and/or a violation of any condition(s) of this determination has resulted in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator reserves the right to require the applicant to file for a plan approval application with the Office of Zoning Administration together with a filing fee and a mailing list of owners and occupants within 500 feet of the premises to determine the effectiveness of compliance with the conditions herein, and to determine whether additional and more restrictive conditions, or fewer conditions need to be considered for the operation of the premise or whether revocation is appropriate. The matter shall be set for a public hearing. The operator shall submit with the applicable support documentation including photographs of how compliance with each condition has been attained.

Investigator Status: In Partial Compliance. On August 22, 2011, the operator submitted documents to the Zoning Administrator for Condition Nos. 5, 6, 26, and 30 for Case No. ZA-1997-994-RV-PA3. A summary of the imposed conditions are as follow:

- Condition No. 5 - Posted hours of operation from 8 a.m. to 10 p.m. at the front entry of the premise
- Condition No. 6 - New licensed security guard contract from State licensed company
- Condition No. 26 - Recorded covenant and agreement
- Condition No. 30 - Letter acknowledging compliance and agreeing to conditions

While the operator submitted evidence of compliance in 2011, continuous compliance to recorded conditions has not been maintained. Planning staff received public comments and LAPD testimony indicating that the owner and operator has violated multiple conditions imposed under the most recent Plan Approval. Refer to investigator comments for Condition Nos. 5, 6, 26, and 30 of this report.

28. A video surveillance system shall be maintained on the interior and exterior of the store. The surveillance monitors shall be located in an area where the monitors are regularly monitored by the store employees and/or security personnel. The LAPD shall be immediately notified when criminal activity is observed. The video tapes/DVD shall be kept for at least 15 days and shall be made available to the LAPD upon request.

Signs indicating the use of a 24-hour video surveillance system shall be posted at the store entrance, in the parking lot and on the outside of the wall facing the adjoining streets. The signs shall state the following:

WARNING
THIS STORE IS UNDER 24-HOUR
SURVEILLANCE WITH A VIDEO MONITORING SYSTEM

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

Within 30 days from the effective date of this determination, the business owner/operator or property owner shall submit evidence that shows compliance with this condition including but not be limited to photographs of such a posting.

Investigator Status: Not in Compliance. There is no evidence in the case file for Case No. ZA-1997-994-RV-PA3 that the operator submitted documents showing compliance with Condition No. 28. During the site visit on February 17, 2021, staff observed one sign in English which states that the store is under 24-hour surveillance with video monitoring system. One sign in Spanish is posted and states that the store is under video surveillance but does not state that the store is under 24-hour surveillance.

29. Within 120 days from the effective date of this action, all part time and full-time employees of the store shall complete the STAR (Standardize Training for Alcohol Retailers) session sponsored by the Los Angeles Police Department. All employees shall attend follow-up STAR classes every 24 months. The STAR training shall be conducted for all new hires within two months of their employment.

Within four months from the effective date of this grant, the list of employees who serve alcoholic beverages, their hire date and written confirmation of their STAR training shall be submitted to the Zoning Administrator and shall be retained on the premises at all times and be immediately made available upon request of any Los Angeles Police officer or Department of Alcoholic Beverage Control investigator. All employees shall be knowledgeable of these Conditions.

Investigator Status: Not in Compliance. The Letter of Determination for the previous Plan Approval (ZA-1997-994-RV-PA3) was issued on July 21, 2011. The operator was required to provide written confirmation of STAR training for employees who serve alcoholic beverages to the Zoning Administrator by November 21, 2011. There is no record in the case file of such documentation being provided by the operator. At the preparation of this staff report, it is unclear as to who the current store staff are and whether these staff have completed STAR training.

30. The conditions of the subject action shall be provided to employees, and security personnel for their review.

Within 30 days from the effective date of this grant, a statement signed by the employees and security personnel stating that they reviewed and agree to comply with the conditions shall be submitted to the Zoning Administrator **for inclusion in the file.**

Investigator Status: Not in Compliance. On August 22, 2011, the operator submitted signed statements from the owners, operator, and security personnel, which stated that the parties will abide by all conditions of Case No. ZA-1997-994-RV-PA3. As evidenced by public comments received and testimony from LAPD, continued compliance for recorded conditions has not been maintained since 2011. The owner and operator has violated multiple conditions imposed under the previous Plan Approval action.

31. Should there be a change in the ownership of the property/the store 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.

Investigator Status: In Compliance. A change in ownership occurred in 2015 when the owner transferred title property into a trust. On August 8, 2015, the subject property was sold from Chuong Mai and Kha T. Nguyen to Chuong Xuan Mai Trust. On March 3, 2021, the operator submitted a grant deed recorded on August 20, 2015, which showed the transfer of title from individuals to a family trust. The property owner and business operator remain as the same individuals when the previous Plan Approval application was processed in 2011.

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 171,740 on October 27, 1997. This Ordinance amended earlier nuisance abatement authority established May 25, 1989 under Ordinance No. 164,749.

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

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

The Zoning Administrator, in the instant matter, may modify the conditions to make them more restrictive so as to protect the neighborhood, modify the conditions to make them less restrictive if deemed no longer necessary to mitigate the impacts of the use, or may revoke the authority allowing the use.

Section 12.27.1 of the Los Angeles Municipal Code authorizes the Director of Planning to eliminate conditions imposed by a previous administrator nuisance abatement decision if there have been substantial changes in the nature and operation of the land use, or if there has been a change in circumstances such that the continued enforcement of the previously imposed conditions is no longer reasonable or necessary.

FINDINGS

As presented in the information documented herein through correspondence and public testimony by affected parties, it is hereby determined that the operation of the liquor store known as Mr. Spirit Liquor has created public nuisance impacts at the site. 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 has been operated or maintained in a manner that creates a public nuisance:

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

The surrounding area is comprised predominantly of residential, institutional, and religious uses. Residential properties zoned R1-1 adjoin the 16-foot private alley which separates the liquor store from the residential homes. Houses on both sides of 69th Street are comprised of predominantly one-story single-family dwellings, between Western Avenue and Harvard Boulevard, located within a 500-foot radius of the subject liquor store. Properties directly north of the liquor store along Western Avenue are zoned C2-1VL-CPIO and developed with one-story commercial uses. Properties to the west across from Western Avenue are zoned C2-1VL-CPIO and developed with a row of five two-story residential structures which occupy over half of the parcels with frontages toward Western

Avenue. Properties on the west side of Western to the south across 69th Street are zoned C2-1VL-CPIO and are developed with a one and two-story commercial building and its associated parking lot.

The subject liquor store is located approximately 700 feet east of Mann UCLA Community School, located at 7001 South Saint Andrews Place. The Invictus Leader Academy, located at 6715 South Western Avenue, is approximately 300 feet north of the liquor store. The Buckner Educational Christian Academy, located at 7422 South Western Avenue, is approximately 0.3 mile south of the liquor store. The Cleophas Oliver Learning Academy, located at 1902 West Florence Avenue, is approximately 0.3 mile to the southwest corner of the liquor store. The 74th Street Elementary School, located at 2112 West 74th Street, is approximately 0.7 mile from the liquor store. The Learning by Design Charter School, located at 7019 South Van Ness Avenue, is approximately 0.8 mile from the liquor store. The Raymond Avenue Elementary School, located at 7511 Raymond Avenue, is approximately 0.8 mile from the liquor store.

The Los Angeles Ephesus Seventh-day Adventist Church and the Emanuel Ethiopian Church are located approximately 380 feet south of the liquor store. The Iglesia Pentecostes Roca Viva is located approximately 76 feet north of the liquor store. The Greater Faith Ministries and School is located approximately 250 north of the liquor store.

A majority of the properties located within a 500-foot radius of the subject liquor store are zoned R1-1 and developed with single-family residences, with the exception of the commercial properties along Western Avenue.

In its 1998 Revocation/Nuisance Abatement – Case No. ZA-1997-994-RV, the Zoning Administrator found that the operation of the business known as Mr. Spirit Liquor had resulted in repeated nuisance activities and required the modification of the operation of Mr. Spirit Liquor, in order to mitigate adverse impacts caused by the operation on adjacent and nearby residential and commercial uses. At that time, operating conditions were put in place to preserve the health, peace, and safety of persons working and residing in the surrounding area, while allowing the alcohol establishment to continue to operate. It was stated that the action was the first governmental action provided by Ordinance 171,740 to address nuisance activities.

On June 23, 1999, the Zoning Administrator modified the conditions of operation under Case No. ZA-1997-994-RV-PAD. On April 13, 2000, the Zoning Administrator issued a Letter of Determination and modified the conditions of operation under Case No. ZA-1997-994-RV-PAD. On May 26, 2000, the Zoning Administrator issued a Letter of Correction for previous determination dated April 13, 2000 and amended Condition No. 5 for the hours of operation to be 8 a.m. to 11 p.m., seven days a week. On October 3, 2001, the Zoning Administrator conducted a review of compliance to conditions and found that the operation of Mr. Spirit Liquor has substantially complied with previous conditions and no additional review was necessary. A total of 26 operational conditions continued to

be maintained on the property, imposed under Case No. ZA-1997-994-RV-PA. During the application review process for Case No. ZA-1997-994-RV-PA, the property was sold to the current owner and operator. According to the Office of Finance LATAX Report, the current owner began operating at the subject liquor store on July 1, 2000.

On April 16, 2009, the Zoning Administrator conducted a review of compliance to conditions and found that the operation of Mr. Spirit Liquor has operated in partial but not full compliance with the terms and conditions set forth in the previous determination. Under Case No. DIR-1997-994-RV-PA2, the Zoning Administrator modified the operational conditions and required that the owner file a Plan Approval application within six months of the effective date of the determination dated April 16, 2009.

On July 21, 2011, under Case No. ZA-1997-994-RV-PA3, the Zoning Administrator conducted a review of the effectiveness of the conditions of the determination dated April 16, 2009. The Zoning Administrator determined that the operation of Mr. Spirit Liquor has operated in partial but not full compliance with the terms and conditions set forth in the last determination. The determination for ZA-1997-994-RV-PA3 did not impose a condition which required a regularly scheduled Plan Approval application to be filed. However, the Zoning Administrator modified Condition No. 27 and stated that should documented evidence be submitted showing that the operation of the subject store and/or a violation of any conditions of the determination has resulted in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator reserves the right to require the applicant to file for a Plan Approval with the Office of Zoning Administration.

On October 19, 2020, the Planning Department received an email correspondence from Isaias Benavides, Field Deputy for Councilmember Marqueece Harris-Dawson, requesting for the Planning Department to review compliance with conditions imposed under previous revocation actions. On January 19, 2021, the Director of Planning initiated Case No. ZA-1997-994-RV-PA4 to review compliance with conditions.

Per correspondence provided by Council District Eight, the Council Office received numerous complaints from constituents concerning loitering, drinking in public, narcotics activities, prostitution, dumping, and assault with a deadly weapon. According to reports provided by the LAPD, there were more than 220 calls for service for Mr. Spirit Liquor store and the adjoining intersection located at 69th Street and Western Avenue, between a three-year period from January of 2019 to February of 2021, which included incidents of assault with a deadly weapon, aggravated assault, domestic violence, attempted robbery, battery, burglary, disturbances, fights, homicide, burglary from motor vehicle, prowler trespassing, indecent exposure, intoxicated groups, kidnapping, narcotics activities, prostitution, vandalism, possession of weapons, and more.

On April 15, 2021, a LAPD Senior Lead Officer provided an Officer's Declaration which stated that LAPD received numerous calls, emails, and letters from stakeholders who reside in the area near the liquor store. Many of the complaints related to individuals smoking narcotics, selling narcotics, consuming alcohol, fights, shootings, and prostitution. The crimes are being conducted in the parking lot of Mr. Spirit Liquor. LAPD was also advised of transients sleeping in the parking lot and leaving trash all around the lot. Community members have advised that there is nothing being done by the business owner to resolve these issues. Per LAPD testimony, the Senior Lead Officer has conducted daily checks on the liquor store, issued citations to individuals who consume alcohol in the parking lot, and cleaned up daily all the trash that goes unattended. The Senior Lead Officer also advised the owner of the property on several occasion that a security guard shall be on premises from 2:00 p.m. until closing time of the business. LAPD did not observe any security guard up until approximately two months ago. However, the Senior Lead Officer still observes local transients hanging out in the parking lot, drinking alcohol, and local gang members selling narcotics. LAPD also notified the property owner to repair the alley gate which the store uses to access the trash bins. The gate has not been repaired and there are transients accessing the alley to use narcotics, urinate, and conduct prostitution activity. The property owner has been notified several times that it is his responsibility to maintain the alley. The LAPD has not seen any attempt from the owner to improve the condition on site.

On February 17, 2021, Planning staff conducted a field analysis between 11:00 a.m. and 12:00 p.m., as part of the nuisance investigation. At the time of the investigation, Mr. Spirit Liquor store was open to the public. During the field investigation, Planning staff examined physical indicators of nuisance activities on site and near the liquor store's vicinity. Staff observation found that the operation of Mr. Spirit Liquor complied with nine out of the 31 conditions imposed under ZA-1997-994-RV-PA3. There were six conditions in which the operator was found to be partial compliance, and thirteen conditions that the operator was found to be in violation.

During the field investigation on February 17, 2021, Planning staff observed loitering and graffiti on-site and adjacent premises. Trash, debris, broken glass and bottles, as well as abandoned furniture were scattered near the liquor store parking lot, public sidewalks, and adjacent private alley. Groups of individuals were seen loitering in the liquor store parking lot, the adjacent public sidewalk, and next to vacant tenant spaces owned by the owner and operator. Not all of the required signage was posted and the premises was ill-maintained. Numerous complaints were submitted to Planning staff regarding the unsafe conditions near the liquor store and associated parking lot, as well as criminal activities occurring in the private alley. The complaints pertained to shootings, narcotics activities, loitering, prostitution, littering, fights, public intoxication, public urination, indecent exposure, and more. More than twenty email correspondences were received from nearby residents who raised concerns related to the issues aforementioned. The Community Coalition also provided 180 signatures from community members in support of revoking the alcohol license for Mr. Spirit Liquor, and 25

problem documentation forms, which listed activities such as public drinking, drug use, alcohol sales to minors, lewd conduct, loitering, prostitution, threats, violence, and others.

At the virtual public hearing held on August 11, 2021, fifteen community members provided testimony in support of revoking the alcohol license for Mr. Spirit Liquor. A representative from Council District Eight stated that Mr. Spirit Liquor has been a source of frustration and fear for residents over the years, and that the site requires a significant amount of attention and resources from the City. It was also stated that the location has had the time to improve the situation over a long period of time but has failed to do so. The Council Office requested the revocation of the alcohol license at Mr. Spirit Liquor.

Subsequent to the public hearing, Council District Eight provided a letter dated October 1, 2021, and reiterated its support for the revocation of the alcohol license of Mr. Spirit Liquor, in response to the owner's failure to comply with corrective conditions and address a pattern of nuisance activities.

As evidenced by the LAPD reports over the last three years, testimony and documents provided by LAPD, Council District Eight, and members of public, as well as staff observation during the field investigation, Mr. Spirit Liquor has shown a continued legacy of nuisance activities that impacts the surrounding area and demands the resources of the City's public safety departments. It is reasonable to expect that such nuisance activity and violations will continue to occur at the alcohol sales establishment, should there be no action taken by the Office of Zoning Administration. Hence, it is found that the use or discretionary approval jeopardizes or adversely affects the health, peace, or safety of persons working or residing in the surrounding area.

2. Constitutes a public nuisance.

There are a number of conditions from the 2009 and 2011 Zoning Administrator's determinations on nuisance abatement revocation actions that were not met. Also, there are several violations of the City's municipal code: Planning and Zoning, and the Los Angeles Police Department chapters. As provided through testimony, there are considerable spillover impacts from the improper use and management of the liquor store premises which affect the surrounding neighborhood.

The general public has come to expect 69th Street, which is a designated Local Street, to provide access to the residential neighborhood east of Western Avenue as well as access for students attending Horace Mann UCLA Community School one block to the west. The establishment contains three points of egress and ingress, with two vehicular driveways along 69th Street and one vehicular driveway along Western Avenue. The establishment's entrances are located at the intersection of Western Avenue and 69th Street and is the source of unwanted activities brought to the area by the alcohol sales establishment. Law enforcement has provided testimony pertaining to public intoxication and drinking

in public outside of the establishment. According to testimony and photographs provided by LAPD and members of the public, patrons of Mr. Spirit Liquor and loiterers gather in the liquor store parking lot and along 69th Street, obstructing both vehicular and pedestrian traffic.

The community has come to expect noise to be confined to the interior of the commercial building and not travel into the living spaces of nearby residential uses. Loiters congregate in the liquor store parking lot, the public sidewalk along 69th Street, and in the private alley adjoining the liquor store. Per LAPD testimony, noise is observed from patron activities that occur in the liquor store parking lot and along the 69th Street public right-of-way.

The Council District Eight representative gave testimony that the Council Office has witnessed problems caused by the operation of Mr. Spirit Liquor over the years and its contribution to illicit activities. Upon review of the crime reports and evidence provided by law enforcement and members of the community, as well as staff observation during the field investigation, it is found that the alcohol sales establishment's failure to comply with local regulations and conditions from previous revocation determinations as well as its connection to unwanted and undesirable activities, constitutes a public nuisance.

3. Has resulted in repeated nuisance activities.

The Los Angeles Police Department, along with the Department of City Planning investigations have demonstrated that there are ongoing and repeated violations related to the operation of Mr. Spirit Liquor over the past two decades.

Alcohol use, or the authority for the sale of alcohol, at the subject location has a history of nuisance activities that extends back to 1996, before the Office of Zoning Administration issued its Revocation determination in 1998, at which time it was stated that the said governmental action was the first to eliminate the problems associated with the alcohol use. From 1999 to 2000, two Plan Approval applications were filed to review compliance with conditions imposed on the subject property. Between 2001 to 2011, three Plan Approval applications were processed under the current ownership to review compliance with operational conditions. The subject application under Case No. ZA-1997-994-RV-PA4 is the sixth review. Under the previous Revocation actions, the property owner is required to comply with several conditions of the determination including operating the establishment as conditioned by the Office of Zoning Administration. As shown in the Compliance Review Section beginning on Page 29 of this Determination, the owner has failed to do so.

Since the 2011 Plan Approval action on Mr. Spirit Liquor, nuisance activities began to reemerge at the subject premises as evidenced by LAPD records and complaints received by Council District Eight and the Department of City Planning. Violations of operational conditions, complaints of noise beyond the premises, loitering, prostitution, littering, public drinking, public intoxication, and narcotics activities are just a few. There has been no consistent security guard

presence at the premises, and confirmation of STAR training for employees was not submitted as required. Law enforcement records show that there were more than 220 calls for service for Mr. Spirit Liquor store and the adjoining intersection located at 69th Street and Western Avenue, between a three-year period from January of 2019 to February of 2021, which included incidents of assault with a deadly weapon, aggravated assault, domestic violence, attempted robbery, battery, burglary, disturbance, fights, homicide, burglary from motor vehicle, prowler trespassing, indecent exposure, intoxicated group, kidnapping, narcotic activities, prostitution, vandalism, possession of weapons, car-jacking and more.

Many of the nuisance activities attributed to the current operator have a long history with the site and community. In the 1998 Revocation determination and subsequent Plan Approval, efforts were made to address the nuisance activities through the operational conditions that were imposed on the establishment. Among the conditions imposed by the Zoning Administrator were those addressing the hours of operation, security, maintenance, loitering, lighting, graffiti, trash and debris removal, crime prevention, STAR training, and more.

The Council District Eight Councilmember provided a letter, dated October 1, 2021, and stated that conditions at Mr. Spirit Liquor had not improved, despite the significant time and resources committed by law enforcement. The letter also states that reports of public intoxication, fights, assault, shootings, human trafficking and more corroborate the overwhelming sentiment the Council Office has received from community members, that Mr. Spirit Liquor is central to the ongoing criminal activity that threatens the well-being of the neighborhood. Many of the operating conditions have not been consistently complied with over the years and the result has been a reemergence of the nuisance activities and problems for the community. Therefore, it is found that the lack of compliance with use or discretionary approval conditions as operated or maintained, has resulted in repeated nuisance activities.

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

As stated previously, the Los Angeles Police Department and the Department of City Planning have discovered and documented the ongoing and repeated violations related to the operation of Mr. Spirit Liquor at the subject location. The property owner and operator have repeatedly violated the Revocation determination and subsequent Plan Approval determinations issued by the Office of Zoning Administration.

Subsequent to the initial Revocation action in 1998, multiple Plan Approval applications were filed to determine compliance with operational conditions. In the most recent determinations from 2009 and 2011, the current owner and operator was found to be in partial but not full compliance with the terms and conditions set forth in the Revocation determination imposed by the City. Under the subject Plan Approval review for ZA-1997-994-RV-PA4, the sixth review for condition compliance, the owner is found to be in violation of at least thirteen

operational conditions including such major conditions as video surveillance, STAR training and update verification, prohibitions on loitering in the parking lot, sidewalk and alley and the hiring of a State licensed security guard or when hired not being present during the full hours of required guard service.

On April 15, 2021, the area's LAPD Senior Lead Officer provided an Officer's Declaration which stated that LAPD has received numerous calls, emails, and letters from the stakeholders who reside in the area near Mr. Spirit Liquor. Many of the complaints are for individuals smoking narcotics, selling narcotics, consuming alcohol, fights, shootings, and prostitution. The crimes are being conducted in the parking lot at Mr. Spirit Liquor Store. The Senior Lead Officer was advised that transients are sleeping in the parking lot and leaving trash all around the lot. The community members advised LAPD that there is nothing being done by the operators of Mr. Spirit Liquor to resolve the issues. It has come to the point that community members are in fear to walk or drive by the liquor store. This is important because the parking lot is adjacent to the 69th Street sidewalk which is part of the student walk route to Horace Mann UCLA Community School. The Senior Lead Officer has conducted daily checks and issued citations to individuals for consuming alcohol in the Mr. Spirit Liquor store parking lot. LAPD has cleaned up the trash that goes unattended and advised the property owner several times that a security guard was required to be on premises from 2:00 p.m. until closing time. The LAPD has worked closely with the Narcotics and Vice units in the LAPD 77th Division and arrests have been made. The Senior Lead Officer stated that the location is a nuisance and LAPD has not seen any attempts from the owner to improve the situation.

In reviewing the documents and reports submitted by LAPD, as well as staff observation during the field investigation, it is found that the operator has violated, and continues to violate, provisions of the municipal code and the City's conditions, regulations, ordinances, and statutes.

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.**

As stated earlier, efforts to eliminate problems associated with the operation of Mr. Spirit Liquor store extend back to 1998, when the first revocation action was taken to address nuisance activities. The measures taken at that time appear to address the problems associated with the liquor store under the previous ownership. Under the current ownership, the nuisance problems have returned, and there continue to be violations of conditions imposed on the property. Loiters illegally occupy the Mr. Spirit Liquor store parking lot, vacant tenant spaces, and the public sidewalk adjoining the liquor store. Law enforcement has witnessed the lack of maintenance on the premises and adjoining alley, as trash, debris, and abandoned furniture are left unattended. LAPD has notified the property

owner on numerous occasions of his responsibilities, but the situation has not improved.

At the virtual public hearing, testimony and reports were provided indicating many of the nuisance activities persisted as recently as weeks prior to the hearing despite prior efforts to address the problems. The LAPD has issued citations to individuals consuming alcohol in the Mr. Spirit parking lot, and the Senior Lead Officer also provided testimony pertaining to single plastic cups being sold from the liquor store. According to reports provided by the LAPD, there were more than 220 calls for service for Mr. Spirit Liquor store and the adjoining intersection located at 69th Street and Western Avenue, between a three-year period from January of 2019 to February of 2021, which included incidents of assault with deadly weapon, aggravated assault, domestic violence, attempted robbery, battery, burglary, disturbance, fights, homicide, burglary from a motor vehicle, prowler trespassing, indecent exposure, intoxicated group, kidnapping, narcotic activities, prostitution, vandalism, possession of weapons, and more.

As the nuisance activities persist, it can be said that prior governmental efforts to cause the owner and operator to eliminate the problems associated with the use or discretionary zoning approval have failed.

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 property owner has not demonstrated a willingness or ability to eliminate the problems associated with the use or the discretionary approval.

The owner has submitted statements and some evidence of compliance with some of the conditions of approval in the previous 2009 and 2011 Zoning Administrator's determinations. Staff's review of compliance with the conditions of the determination contradicts the owner's claim. The LAPD has been involved with nuisance activities at the subject establishment for a number of years. It appears that the operator is either unwilling or unable to modify the operation of the liquor store sufficiently to abate the nuisance activities associated with loitering and drinking of alcoholic beverages in public. The lengthy effort of the citizens of the community, the Community Coalition, the Office of Zoning Administration, the Los Angeles Police Department and the City Council to abate the nuisance activity associated with Mr. Spirit Liquor store has not produced the required results. The business has not abated its nuisance activity and is not operating in a responsible manner with respect to the neighborhood and the surrounding community. With a history of nuisance activities on the site dating back to 2000 under the current ownership, the Zoning Administrator can only conclude that the owner and operator has failed to demonstrate the willingness or ability to eliminate the problems associated with the use and discretionary approval of Mr. Spirit Liquor store.

The Zoning Administrator hereby finds, on behalf of the Director of Planning, that the repeated administrative attempts made to improve the operation of the liquor store known as Mr. Spirit Liquor, with its associated alcohol sales, have not resulted in the elimination of the problems associated with the use. The use of the property as an alcohol sales establishment is hereby ordered discontinued.

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

VINCENT P. BERTONI, AICP
Director of Planning



CHARLES J. RALSCH, JR.
Associate Zoning Administrator

CR:VS:IW:ds

Cc: Councilmember Marqueece Harris-Dawson
Adjoining Property Owners
Department of Building and Safety, Code Enforcement Bureau
Los Angeles Police Department, City Nuisance Abatement Unit

Applicant Copy
 Office: Downtown
 Application Invoice No: 78347

City of Los Angeles
 Department of City Planning



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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:2022042002-18, Amount:\$194.34, Paid Date:02/11/2022

Applicant: CHUONG XUAN MAI FAMILY TRUST - MAI, JENNIFER (310-3479072)
Representative:
Project Address: 6816 AND 6818 S WESTERN AVE S, 6820, 6822, 6824, 6826 S WESTERN AVENUE, 90047

NOTES: APPEAL OF THE ENTIRE ACTION ZA-1997-994-RV-PA4 BY AN AGGRIEVED PERSON(S), THE APPLICANT/OWNER, CLAIMING TO BE AGGRIEVED

ZA-1997-994-RV-PA4-1A			
Item	Fee	%	Charged Fee
Appeal by Person Other Than The Applicant *	\$158.00	100%	\$158.00
Case Total			\$158.00

Item	Charged Fee
*Fees Subject to Surcharges	\$158.00
Fees Not Subject to Surcharges	\$0.00
Plan & Land Use Fees Total	\$158.00
Expediting Fee	\$0.00
Development Services Center Surcharge (3%)	\$4.74
City Planning Systems Development Surcharge (6%)	\$9.48
Operating Surcharge (7%)	\$11.06
General Plan Maintenance Surcharge (7%)	\$11.06
Grand Total	\$194.34
Total Invoice	\$194.34
Total Overpayment Amount	\$0.00
Total Paid (this amount must equal the sum of all checks)	\$194.34

Council District: 8
 Plan Area: South Los Angeles
 Processed by MCCOY, NOAH on 02/11/2022

Signature: _____

Building & Safety Copy
 Office: Downtown
 Application Invoice No: 78347

City of Los Angeles
 Department of City Planning



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Council District: 8
 Plan Area: South Los Angeles
 Processed by MCCOY, NOAH on 02/11/2022

Signature: _____