

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

December 10, 2021

In Ok Choi (A)(Op)  
445 South Del Sol Lane  
Diamond Bar, CA 91765

Alex Woo (O)  
Genesis Consulting, Inc.  
3600 Wilshire Boulevard  
Suite 1510  
Los Angeles, CA 90010

Tom's Liquor  
1355 West Florence Avenue  
Los Angeles, CA 90044

CASE NO. DIR-1993-36-RV-PA3  
REVIEW OF CONDITIONS  
1355 West Florence Avenue  
South Los Angeles Planning Area  
Zone: C2-1-CPIO  
D. M.: 102B197  
C. D.: 8  
CEQA: ENV-2021-6105-CE  
Legal Description: Fr. Lots 505-508,  
Tract 1356

**Request**

The purpose of the hearing is to obtain testimony of the property owner and/or business operator, plus affected and/or interested persons regarding the operation of Tom's Liquor, located at 1355 West Florence Avenue. Following the hearing, the Zoning Administrator may require the discontinuance of the use, or may impose corrective conditions regarding its use as a liquor/convenience store in order to mitigate any land use impacts caused by the use. The public is invited to submit written comments prior to the hearing.

The Zoning Administrator will consider:

1. An Exemption from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15321 (Enforcement Actions by Regulatory Agencies), and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.
2. An Approval of Plans (Compliance Review), pursuant to Los Angeles Municipal Code Section 12.27.1 and Condition No. 15.e. of Case No. DIR-1993-36-RV-PA2 approved by the Associate Zoning Administrator on March 24, 2020 for the purpose of reviewing compliance with the conditions and effectiveness of the conditions in eliminating the public nuisance problems related to the subject site.

**Authority**

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

### Property Description

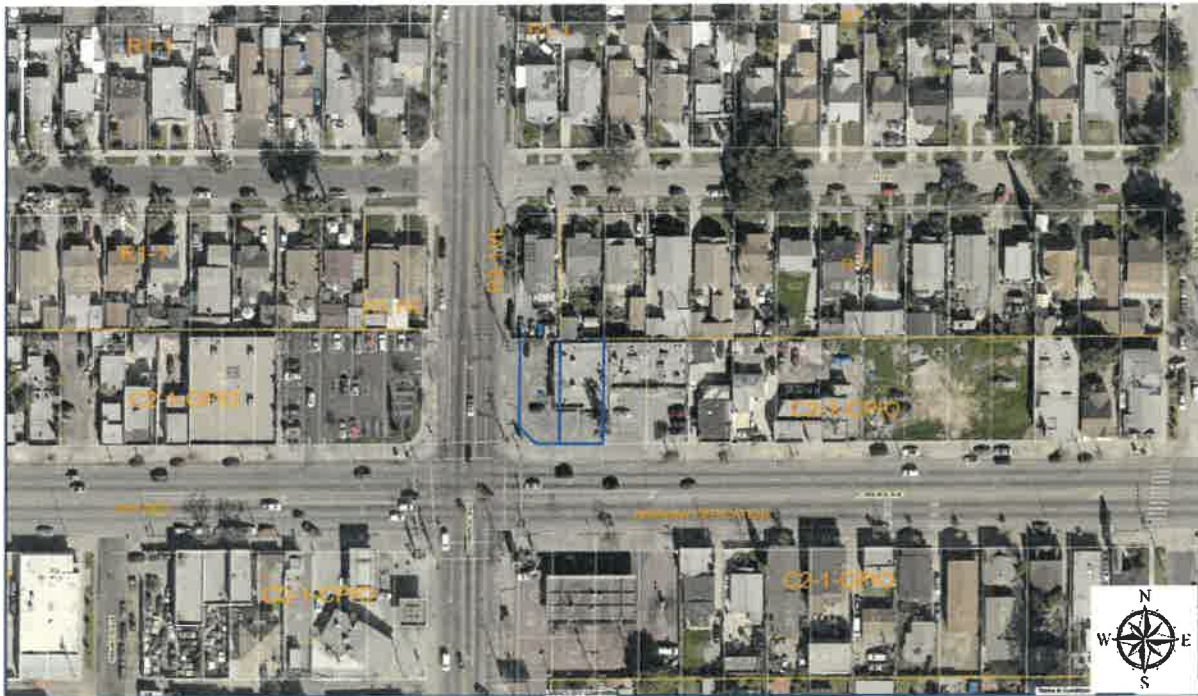
The South Los Angeles Community Plan Map designates the property for Community Commercial land uses with corresponding zones of CR, C1, C1.5, C2, C4, RAS3, R3 and Height District No. 1. The property is within the Commercial Corridor Subarea of the South Los Angeles Community Plan Implementation Overlay, Western/Slauson Redevelopment Project (ZI-2488), South Los Angeles Community Implementation Overlay (ZI-2484), and Transit Priority Area (ZI-2452). The site is in a liquefaction area and approximately 2.9 kilometers from the Newport – Inglewood Fault Zone.

The property is within the area of the South Los Angeles Alcohol Sales Specific Plan (ZI-1231). The application is not affected.

The subject property is comprised of two flat rectangular parcels, having a frontage of approximately 62 feet on the north side of Florence Avenue with a depth of approximately 80 feet of street frontage on Normandie Street, for a total of approximately 7,343 square feet of lot area in the C2-1-CPIO Zone. The site is in Reporting District 1245, of Los Angeles Police Department's South Bureau – 77<sup>th</sup> Street Area Station.



ZIMAS Generalized Zoning Map, 2017



ZIMAS Aerial, 2017

The subject site is developed with a one-story multi-tenant commercial building consisting of Tom's Liquor and a mobile phone store, with approximately 14 parking spaces. The abutting property to the east is owned by the Bunda Eddie, LLC and the Chief Executive Officer is In Ok Choi, which is the same property owner as Tom's Market. Vehicular ingress and egress to the parking lot is via Florence Avenue and Normandie Avenue.

The subject property has a deemed approved conditional use status (Ordinance No. 159,598) because the business and the license to sell alcohol were existing prior to the effective date of the ordinance establishing the sale of alcoholic beverages for on-site/off-site consumption as well as the South Los Angeles Alcohol Sales Specific Plan. The site has been licensed for the off-site sales of alcoholic beverages since November 2, 1981 with a Type 21 license (off-sale general) to Tom's Liquor Mart, which was transferred to the current owners, 1355 Florence Inc., on December 3, 2010 (California Alcohol Beverage Control license No. 503816).

The subject business sells incidental grocery items such as milk, dog food, canned goods, bathroom tissue, sugar, juice, and candy are also available for sale.

The hours of operation of the subject liquor store is 7:00 a.m.-10:00 p.m. daily.

### **Streets**

Florence Avenue, adjoining the property to the south, is a designated by the Mobility Plan 2035 as a Avenue I, right-of-way width of 100 feet and is fully improved with a curb and gutter.

Normandie Avenue, adjoining the property to the west, is designated by the Mobility Plan 2035 as a designated Modified Avenue II, right-of-way width of 80 feet and is fully improved with a curb and gutter.

### **Surrounding Land Uses**

Properties to the north are zoned R3-1VL and R1-1 and are developed with one-story, single-family dwellings.

Properties to the south, across Florence Avenue are zoned C2-1-CPIO and is developed with a gas station (76 Gas Station).

Properties to the east are zoned C2-1-CPIO are developed with one-story, vacant commercial buildings.

Properties to the west, across Normandie Avenue are zoned C2-1-CPIO and is developed with an auto parts store (Auto-Zone).

### **Background**

On April 14, 1993, the Zoning Administrator determined that the operation of Tom's Liquor Market constituted a public nuisance under Case No. ZA-93-0036-RV. Allegations and complaints of nuisance activities included sale of alcoholic beverages to minors, disturbances of the peace, illegal drug activity, theft, assaults, battery, vandalism, litter, lewd conduct, acts of violence, use of firearms, drinking in public, public urination, and gambling. The Zoning Administrator imposed corrective conditions pursuant to Los Angeles Municipal Code Section 12.21-A, 15, in order to mitigate adverse impacts caused by the operations of the subject liquor store. The property owner filed an appeal and on June 29, 1993, the Board of Zoning Appeals (BZA 4810) denied the appeal and modified several of the Zoning Administrator's conditions such as deleting Condition Nos. 3 (alcohol consumption) and 5 (ice sales); modifying Condition Nos. 4 (advertising) and 6 (corkscrews/can openers); clarifying Condition Nos. 8 (hours of operation), 13 (lighting) and 17 (plot plan); and adding Condition No. 18 (administrative). On November 9, 1993, the Planning and Land Use Management Committee also denied the appeal and adopted the Board of Zoning Appeals modified conditions and deleted Condition No. 4 (advertising). On November 23, 1993, the City Council (CF 93-1598) granted in part the appeal and adopted the Board of Zoning Appeals modified conditions and the Planning and Land Use Management Committees recommendation to delete Condition No. 4. Pursuant to Modified Condition No. 18.e. (approved by the City Council on November 23, 1993, Council File No. 93-1598), the owner was required to file for a Plan Approval in one year to review the effectiveness of the conditions as well as compliance.

On February 16, 1994, the property owner appealed the decision to the Superior Court which granted a petition for a writ of mandate. The City, in compliance therewith, took action to vacate the Council action of November 23, 1993. On April 8, 1996 the Court of Appeal reversed the trial court's judgment and vacated the order granting relief. A subsequent request for review by the petitioner was denied by the Supreme Court. As a

result of these court decisions, on September 10, 1996 the City Council reinstated the corrective conditions that were imposed on November 23, 1993. Although Modified Condition No. 18.e, required the owner/operator to file for a Plan Approval application for a Condition Compliance Review from one year, the owner/operator did not file a Plan Approval application and the City Planning Department initiated a public hearing on September 11, 1997. On November 25, 1997, the Zoning Administrator issued a determination (Case No. ZA-93-0036-RV-PAD) and modified Condition Nos. 7 (security guard), 10 (lighting plan), 14 (plot plan), 15 (administrative), and added Condition No. 16 (fee). Los Angeles Police Department testified that there were arrests related to drinking in public and loitering. Other incidents include drug sales and alcoholic beverages were sold to a minor decoy during undercover investigations, in violation of the California Alcoholic Beverage Control (ABC) regulations.

The determination action was challenged in court and on July 1, 1998, a settlement agreement was executed between the owners of the subject business and the City of Los Angeles (Assistant City Attorney). One of the terms of the Settlement Agreement is for the owners of the liquor store submit a compliance report. On January 9, 1999, January 26, 1999, and October 2, 2008, a Request for Condition Compliance Report letter was sent to the owner/operator and they were non-responsive. On April 27, 2009, the City Planning Department initiated a hearing based on reports from the Los Angeles Police Department, and Council Office 8 and community members regarding nuisance activities of: attempted murder, assault with a deadly weapon, sale of narcotics, possession of illegal drugs, carjacking and drinking in public.

On August 26, 2009, the Zoning Administrator determined (Case No. DIR-93-0036-RV-PA1) that the operation of Tom's Liquor partially complied with the Corrective Conditions that were previously imposed on November 25, 1997 under Case No. ZA-93-0036-RV-PAD and stipulated by the Settlement Agreement in the lawsuit. The Zoning Administrator modified Condition Nos. 5 (hours of operation), 6 (loitering/compliant number), 7 (security guard), and 15 (administrative); deleted condition no. 16 (fee), and added condition nos. 17 (ownership change), 18 (STAR), 19 (surveillance system), and 20 (indemnification).

The City Planning Department received a referral from Council Office 8 due to community complaints that include: theft, shootings and death. On September 17, 2019 the Zoning Administrator conducted a hearing and Los Angeles Police Department testified that during the site visit, he observed an overselling of alcohol to intoxicated people; security guard lacked a guard card/identification; and single cups behind the counter. Los Angeles Police Department reports confirmed the community allegations and other incidents including robbery, vandalism, and burglary. On March 24, 2020, the Zoning Administrator determined (Case No. DIR-1993-36-RV-PA2) that the subject business partially complied with the imposed conditions and modified Condition Nos. 4 (cups and ice), 8 (graffiti), 15.e (plan approval), 20 (indemnification) and added Condition Nos. 21 (incidental goods), 22 (age verification), and 23 (on-duty manager). Pursuant to Condition No. 15.e, the operator was required to file for a Plan Approval within 15 months to review effectiveness of the conditions as well as compliance.

On March 8, 2021, the City Planning Department sent an overdue Plan Approval letter reminding the operator to file a Plan Approval application for Condition Compliance



Review as the application by July 8, 2021. On July 20, 2021 the operator filed a Plan Approval application.

### **Nuisance Investigation**

City Planning staff and personnel from the Los Angeles Police Department conducted an inspection of Tom's Liquor on December 2, 2021, at approximately 2:00 p.m until 3:00 p.m. and met the representative and operator. All photographs in the staff report were taken on said date and time unless otherwise noted.

1. Code. Compliance with all other use, height and area regulations of the Municipal Code shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.

Applicant's Response: Tom's remains in compliance with all use, height and area regulations of the Municipal Code. No changes have been made to the property, or its use. No changes are proposed.

Investigator's Response: In compliance. During the site visit, City Planning staff did not observe any changes to the subject property.

2. Condition modification (more restrictive conditions). 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 property.

Applicant's Response: Tom's operates with due regard for the character of the surrounding district, and agrees to the Zoning Administrator's corrective conditions, as necessary. No changes to the site or its use are proposed. Photos of nearby businesses are provided, below, for locational reference.

Investigator's Response: Zoning Administrator's discretion.

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

Applicant's Response: No corkscrews or can openers are sold, furnished or given away at Tom's Liquor, per the Condition.

Investigator's Response: In compliance. During the site visit, staff did not observe any corkscrews or can openers.

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

consumption on the premises. The store shall not sell or dispense ice for single-serving purposes or sell in quantities less than 4-pound bags.

Applicant's Response: In addition to complying with the general Condition on cups, glasses or other receptacles commonly used for the consumption of beverages, Tom's has been fully compliant in not selling or dispensing ice for single-serving purposes, or selling in quantities less than 4-pound bags. It will continue to adhere to this important Condition.

Investigator's Response: In compliance. During the site visit, City Planning staff did not observe any single-serving cups or quantities of ice less than 4-pound bags.



5. Hours. Hours of operation for the store shall be limited to those between 7 a.m. and 10 p.m., seven days per week. The operating hours shall be posted in a visible location near the front entrance to the store.

Applicant's Response: Tom's operating hours will remain limited to between 7 a.m. and 10 p.m., seven days per week. The operating hours are posted at the entrance to the store, to the right of the door, as seen in the photo below.

Investigator's Response: In compliance. During the site visit, City Planning staff observed the posted hours of operation from 7 a.m. and 10 p.m., seven days a week.



6. Loitering/complaint number. Signs prohibiting loitering or public drinking shall be prominently displayed on the store front, side and rear of the involved building.

Further, the business operator shall identify a contact person and provide a 24-



hour "hot line" telephone number for any inquiries or complaints from the community regarding the subject facility. Within 15 days from the effective date of this determination, the phone number shall be posted on the site so that it is readily visible to any interested party. The hot line shall be:

- posted at the entrances and at the cashier,
- responded to within 24-hours of any complaints/inquiries received on this hot line, and
- documented in a log and available for review by the Los Angeles Police Department and the Director of Planning upon request on when the calls were received, returned and the action taken.

This condition is to document any public complaints about criminal activities, public nuisance and/or any anti-social behavior that may be associated with the operation of the store. The evidence that shows compliance with this condition shall be provided with a compliance review required in Condition No. 15.e and subsequent plan approvals.

Applicant's Response: There are several signs prominently posted prohibiting loitering or public drinking. The signs are conspicuously posted both on the storefront and on the side of the building. (Please see photos below.)

A "hot-line" telephone number for inquiries or complaints from the community regarding the subject facility is conspicuously posted at both the entrance and at the cashier, readily visible to any interested party. Likewise, a log has been created and will be made available for review by the LAPD and the Planning Director at their request. (Please see photo below.)

Investigator's Response: Partial compliance. During the site visit, City Planning staff observed signs prohibiting loitering or public drinking. Also, posted is a hot line telephone number (323) 305-6110 at the front of the building facing Florence Avenue. On December 7, 2021, City Planning staff verified that the telephone number is working, but no one answered the phone and the voice-mail greeting does not indicate that it is a Tom's Liquor customer service phone number. Also, there was no hot line log on-site.





7. A State licensed, uniformed security guard shall be stationed at the exterior of the premises during all hours of operation including one-half hour after 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 that the premises is open for business 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 loitering of any kind on the premises.

The security guard shall, at a minimum, have the following qualifications and responsibilities:

- a. A State licensed security guard shall not have a criminal background.
- b. The guard shall wear a uniform.
- c. The guard shall not be the owner or have any association with the operation of the establishment.
- d. The guard shall not conduct any other activities while employed at the store other than those of a security guard which include checking identification and escorting undesirable patrons off the premises. The security guards shall maintain order and prevent activity that would interfere with the quiet enjoyment of the surrounding properties. The guard shall be responsible for preventing loitering and any criminal activity on and around the store including public drinking, littering, trespassing, transactions involving

controlled substances, and other illegal and public nuisance activities. If unlawful activity inside and outside the store related to loitering, drinking alcoholic beverages, or for solicitation of sex or drugs is observed or reasonably assumed, then the guard(s) shall request such persons to leave the area. The guard shall request the assistance of the Los Angeles Police

Department if, based upon the guard's training, the situation so warrants.

- e. The business owner/operator and security guard shall maintain a daily log of patrol activities in the store, which shall include the following:
- Name of the security guard on duty
  - Date and time for check-in and check-out for security duties
  - Date, time and descriptions of any incidents that may occur in and around the store during the security patrol
  - Resolution of the incidents

Within 30 days of the effective date of this action, the business operator shall provide a copy of the executed security contracts to the satisfaction of the Director of Planning/Zoning Administrator. The contracts shall include the minimum security service requirements as required by the conditions of this determination. The security contract shall include the names of the security guards, their working hours and copies of their State guard licenses as well as a clearance of their criminal background from the LAPD.

Applicant's Response: A State-licensed, uniformed security guard is currently stationed at the exterior of the premises during all hours of operation, including one-half hour after closing. Security guards are trained to actively discourage loitering of any kind on the premises. The security guard possesses all the required qualifications and responsibilities of Condition 7. A copy of the executed security contract will be provided to the satisfaction of the Zoning Administrator. Please see the security guard photos, below.

Investigator's Response:

- a. In compliance – Although City Planning staff could not verify if the operator conducted a background check regarding the security guard, an online search confirmed that he had an active security guard license no. 6473221, expires on December 31, 2023 and there were no complaints;
- b. In compliance – The guard wore a shirt identifying him as a security guard;
- c. In compliance – During the site visit, staff did not observe the security guard behind the cash register;
- d. In compliance – During the site visit, staff observed that the security guard patrol the parking lot and posted at the entrance of the subject business;
- e. Undetermined – During the site visit, the security guard did not have a security log on-site, but explained that any crime that occurs at the subject property is notated to the security company office. Therefore, there was no security log on-site.



8. Graffiti. Notwithstanding the "graffiti ordinance" requirements pursuant to Municipal Code Sections 91.8101(f) and 91.8904.1, or any amendment thereto, graffiti shall be removed from the exterior walls and structures on the subject property at least once a week and within 24 hours after the graffiti has been reported to the management of the facility.

Applicant's Response: Tom's Market is committed to ensuring that the site remains graffiti-free, per Condition 8.

Investigator's Response: Partial compliance. During the site visit, staff did not observe any graffiti on the subject building, but observed graffiti on the monument sign.





9. Service deliveries/trash (hours). Deliveries and trash hauling to or from the site shall be limited to the hours between 9 a.m. and 4 p.m., seven days per week.

Applicant's Response: Service deliveries are limited to the hours between 9 a.m. and 4 p.m. as described in Condition 9. See photos below for images of the refuse hauler and service/trash area.

Investigator's Response: In compliance. During the site visit, the representative explained that trash is collected twice a week at around 10:00 a.m.

10. Within 30 days of the effective date of this action an amended lighting plan shall be submitted to and approved by the Zoning Administrator. Any changes from plans previously submitted shall be noted on the plans. The lighting plan shall continue to demonstrate lighting of sufficient luminosity to make all exterior areas clearly visible and readily visible to a person with normal eyesight. Lighting of the exterior of the premises shall be maintained on timers so that the system will operate during the hours of darkness whether the facility is opened or closed. The owner shall obtain the approval of the 77th Street Division of the Los Angeles Police Department that the premises are sufficiently illuminated to provide typical illumination necessary to aid as a deterrent to criminal activity. All lighting on the exterior of the premises shall be maintained in first class operating order at all times with burned out or broken bulbs or fixtures replaced when inoperative. [Amended by Settlement Agreement]

Applicant's Response: Lighting at the Market has been upgraded both within the store, and at the exterior of the premises. Lighting of the exterior of the premises is maintained on timers, operating during the hours of darkness whether the facility is opened or closed. Tom's is committed to maintaining safety at the Market with sufficient illumination to aid as a deterrent to criminal activity. Please see photo below for locations of enhanced and upgraded lighting.

Investigator's Response: In compliance. In reviewing Case No. DIR-93-0036-RV-PA1, the operator submitted a lighting plan.

11. Phone. Any public telephones shall be strictly prohibited.

Applicant's Response: There is no public phone available at Tom's Market.

Investigator's Response: In compliance. During the site visit, City Planning staff did not observe any public telephones at the subject site.

12. Maintenance. The adjacent sidewalks, gutter and parking area shall be swept on a daily basis and litter and trash removed.

Applicant's Response: Tom's Market takes great care to maintain the adjacent sidewalks, gutter and parking area. Premises are swept on a daily basis, and litter

and trash is cleared as soon as possible. Please see photos below for the typical level of cleanliness in the parking lot, gutters, and the adjacent sidewalks, including the corner.

Investigator's Response: In compliance. During the site visit, staff observed that the property was clean without trash/debris.

13. Games. The installation and operation of any type of game machines (video, etc.) is strictly prohibited.

Applicant's Response: There is no, and will be no installation or operation of any type of game machine at Tom's Market.

Investigator's Response: In compliance. During the site visit, City Planning staff did not observe any type of game machine at the subject business.

14. Within 30 days of the effective date of this action, amended plot plan, including the parking area, and a floor plan shall be submitted for approval by the Zoning Administrator. Plans shall have been previously reviewed by the 77th Street Division of the Los Angeles Police Department to assure, that to the extent feasible, interior and exterior of the building allow for the premises to be observed by law enforcement as a deterrent to potential crime, and so that views to the interior of the premises are not inappropriately blocked by merchandise, displays, gondolas and the like. [Amended by Settlement Agreement]

Applicant's Response: Parking for Tom's Market is accessed from either Florence Ave or Normandie Ave. The parking area is free of obstructions that would prevent clear observation into the store from the street, and there is clear viewing into the store from the parking lot. Please see photos below of unobstructed parking areas for clear observation into the store from the street.

Investigator's Response: In compliance. The plot plan and floor plan was submitted to the previous file, reviewed by LAPD and dated January 2, 1998.

15. Administrative. [Amended by Settlement Agreement]

- a The conditions of this determination, a copy of a business license, insurance information and applicable Police permits shall be retained on the premises at all times and shall be immediately made available upon request of any Los Angeles Police officer, Department of Alcoholic Beverage Control investigator or other responsible agencies.

The manager and all employees shall be knowledgeable of these Conditions. The conditions of this action shall be provided to and reviewed by employees. The employees shall be informed that any violations of the required conditions will result in disciplinary action including termination of employment.

- b **Covenant.** Within 30 days of the effective date of this determination or any subsequent revocation action associated with the subject proceeding, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the subject case file. Any previously recorded document containing these conditions shall be terminated subsequent to the recordation of these amended conditions.
- c **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendments to any legislation.
- d **Definition.** The term "Planning Department" shall mean Office of Zoning Administration/Zoning Administrator, or any successor or delegated agent.
- e **Review.** The property owner shall file a Plan Approval application for Condition Compliance review within 12 to 15 months of the effective date of this action to allow for a review of the effectiveness in implementing the conditions established herein. A public hearing shall be conducted. Notice of the public hearing shall be mailed to all property owners and occupants located within 500 feet of the property.
  - i. **Hearing/Review.** The owner/operator of the store shall submit a report outlining the efforts made by the owners/operators to comply with these conditions with the first report 6 months from the effective date of this determination and every 12 months thereafter. The Director of Planning/Zoning Administrator may schedule a non-public hearing with the owner, the owner's representative, a representative from the Los Angeles Police Department, a representative from the City Attorney's office and representatives of Council District 8 to review the report and any oral statements made at the hearing to determine whether the owner/operator is complying with these conditions. [Revised by the Settlement Agreement in 1998].
  - ii. After the non-public hearing compliance review as described above, if the Director of Planning/Zoning Administrator determines that the nuisance problems associated with the subject store continue to result in detrimental impacts to the surrounding properties, the property owner and the business owner/operator will be required to file a plan approval together with associated fees. A public hearing shall be conducted. Notice of the public hearing shall be mailed to all property owners and occupants located within 500 feet of the property. The owner/operator shall submit evidence of compliance of

each condition with the Plan Approval application. The Zoning Administrator conducting the hearing may add, modify or delete Conditions as determined appropriate. The Zoning Administrator may also revoke the uses on the property if the applicable findings can be made.

Further, at any time, should documented evidence be submitted showing a violation of any condition(s) of this determination resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Director of Planning/Zoning Administrator reserves the right to require the property/business owners and operator to file for a plan approval application together with associated fees, the purpose of which will be to hold a public hearing to review the business owner/operator's compliance with and the effectiveness of these conditions. The owners/operators shall provide a summary and supporting documentation of how compliance with each condition of the grant has been attained. Upon this review the Zoning Administrator may modify, add or delete conditions, or revoke the use on the property if the applicable findings can be made.

- iii. Notwithstanding the above review procedure, if the Planning Department determines prior to the expiration of the continuance period that the conditions and requirements of this action have not been complied with or that the use has been operated in a detrimental or unsafe manner, the Planning Department may revoke or discontinue the use or permit.
- f. **Procedure** termination. As a part of the review process, the Planning Department, or City Council on appeal, may terminate the subject procedure and corrective conditions if it is deemed that:
- i. Corrective conditions are no longer needed;
  - ii. The use no longer constitutes a nuisance or other problem as defined under the subject nuisance procedure which was used in the subject action,
  - iii. The discontinuance proceedings are terminated, as set forth by the Municipal Code for termination, because the Constitutional rights of the property owner are being denied by the continued imposition of corrective conditions which no longer are necessary to protect the peace, safety and welfare of the community.

Applicant's Response: Tom's Market agrees to all stipulations from Condition 15, and agrees to ongoing dialogue with the Planning Department as needed to prevent nuisance and promoted safety at the site.

Investigator's Response:

- a. In compliance. City Planning staff confirmed with the employees that they knew about the conditions.
- b. In compliance. On July 19, 2021, a covenant (Instrument No. 20211108151) was recorded with the Los Angeles County.
- c. No Comment. Standard definition
- d. No Comment. Standard definition
- e. Partial Compliance. On July 20, 2021, the owner/operator filed a Plan Approval application for Condition Compliance, but it was overdue as it should have been filed by July 8, 2021. On March 8, 2021, City Planning sent an overdue Plan Approval letter to the owner/operator reminding them to file a Plan Approval application.
  - i. Not in compliance. No condition compliance reports were submitted as they were due on October 8, 2020 and April 8, 2021.
  - ii-iii. – No comment.
- f. i-iii. – No comment. To be determined if conditions are no longer warranted.

16. [Deleted by the Settlement Agreement in 1998]

17. 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 satisfaction of the Director of Planning/Zoning Administrator.

Applicant's Response: Tom's Market agrees to fully comply with Condition 17.

Investigator's Response: In compliance. The owner/operator, Bunda Eddie, LLC has not changed since December 19, 2014 and according to the California Secretary of State Statement of Information, Mr. In Ok Choi is the Chief Executive Officer.

18. Within 45 days from the effective date of this determination, all personnel acting in the capacity of a manager of the premises and all personnel shall complete the STAR (Standardized Training for Alcohol Retailers) session sponsored by the Los Angeles Police Department. All employees shall attend follow-up STAR classes every 24 months. The STAR training shall be conducted for all new hires within 2 months of their employment.

Within 60 days from the utilization of this grant, a list of employees, their hire date and written confirmation of their STAR training shall be submitted to the Zoning Administrator, and shall be retained on the premise at all times and be immediately produced upon request of any Los Angeles Police officer or Department of Alcoholic Beverage Control investigator.



Applicant's Response: Tom's Market agrees to fully comply with Condition 18. Staff have attended STAR training in the past and, while STAR training was not offered last year due to the disruptions caused by covid-19, once LAPD starts offering the training again we will follow up, and we will provide proof of attendance. All appropriate staff will attend follow-up STAR classes every 24 months. STAR training will be conducted for all new hires within 2 months of their employment. A list of employees, their hire date and written confirmation of their STAR training will be maintained on the premises for Planning Department review.

Investigation Status: Not in compliance. No STAR training information or, a list of employees, the hiring dates and written confirmations of their STAR training was submitted to the case file.

19. A video surveillance system shall be provided on the interior and exterior of the store to the satisfaction of the Los Angeles Police Department. Management shall routinely monitor the cameras and keep the video tapes/DVD for at least 14 days. Management shall immediately notify the LAPD when criminal activity is observed and shall keep and make available to the LAPD upon request any and all tapes, which indicate possible criminal activity.

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 alley and streets. The signs shall state the following:

**WARNING**

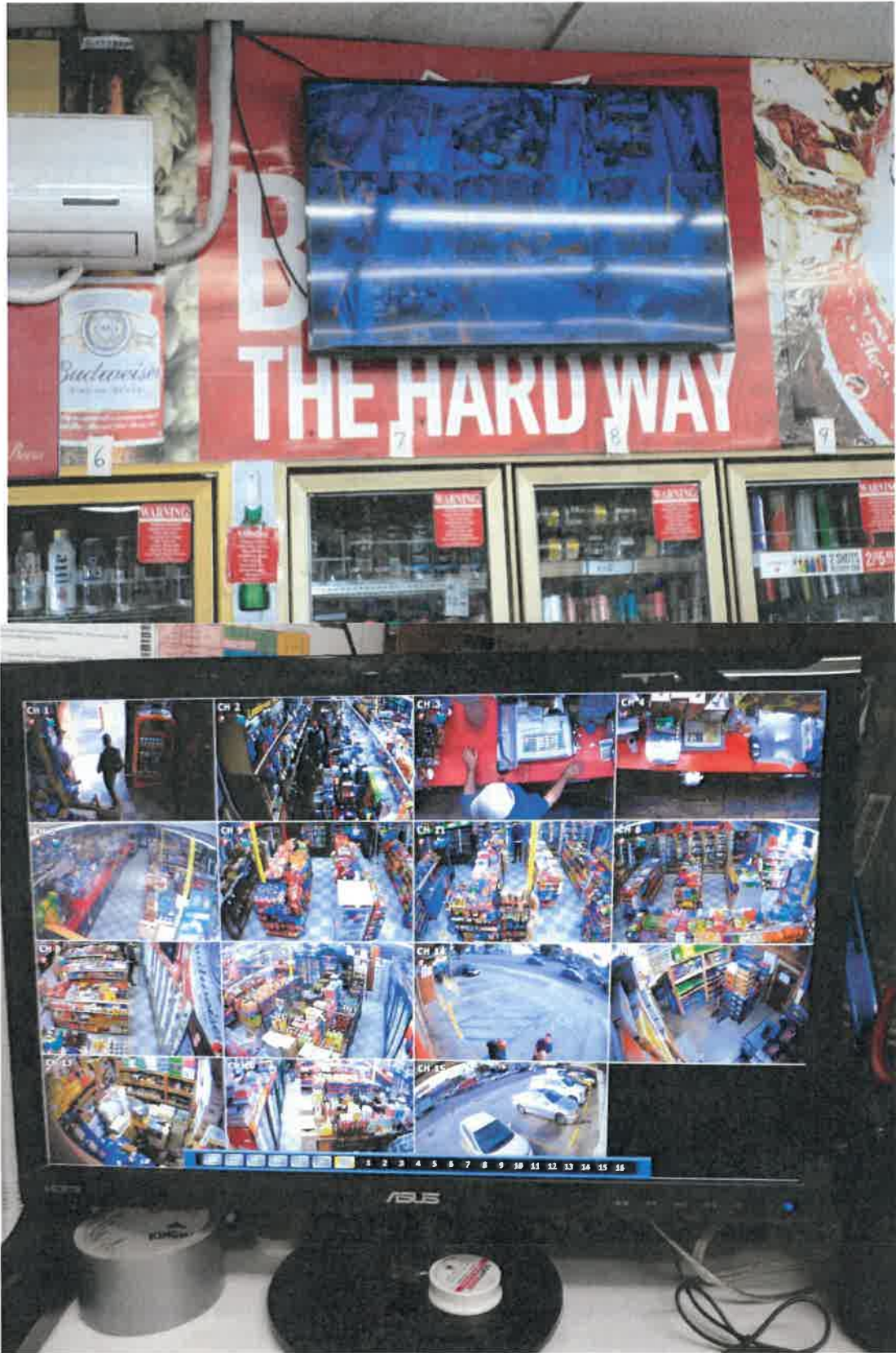
THIS STORE (TOM'S LIQUOR) IS UNDER 24-HOUR  
SURVEILLANCE BY THE STORE MANAGEMENT AND THE LOS  
ANGELES POLICE DEPARTMENT WITH A VIDEO  
SURVEILLANCE MONITORING SYSTEM.

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.

Applicant's Response: A video surveillance system is utilized within the interior and the exterior of the Market per requirements and guidance by the Los Angeles Police Department. Management routinely monitors the cameras and keeps the data for at least 14 days. Please see photographs below of exterior surveillance devices, and signs indicating the use of a 24-hour video surveillance system.

Investigator's Response: In compliance. During the site visit, City Planning staff observed outdoor and indoor cameras. There are two monitors inside the store, one above the coolers and the other is behind the register.



**20. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- i. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- ii. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- iii. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- iv. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- v. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate

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

For purposes of this condition, the following definitions apply:

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

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

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

Applicant's Response: Tom's Market agrees to fully comply with Condition 20.

Investigator's Response: Standard condition.

21. There shall be general merchandise items such as milk, juice, water and other non-alcoholic beverages available for purchase at the store.

Applicant's Response: Tom's Market complies with Condition 21 by stocking general merchandise items such as milk, juice, bread and other non-alcoholic items available for purchase at the store. Please see photos, below, for examples of Tom's grocery items.

Investigator's Response: In compliance. During the site visit, staff observed that there was general merchandise items such as milk, juice, water, bread, canned goods, dog food, toilet paper, and other dry goods.









22. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual and shall be installed at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.

Applicant's Response: An electronic verification device is in place and operational at Tom's Market.

Investigation Status: Undetermined. During the site visit, staff did not see an electronic age verification device. The operator explained that it is being repaired.

23. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism or truancy occur.

Applicant's Response: An on-duty manager is present during all operating hours to ensure compliance with all applicable local Municipal and State ABC laws and regulations. The prevention of criminal activity at the site is of paramount importance to Tom's Market.

Investigator's Response: In compliance. During the site visit, Mr. In Ok Choi stated that he is at the subject business during the hours of operation and is familiar with the imposed conditions.

#### **Comments from Other Departments and/or the General Public**

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

Detective Case Tracking System: There were three incidents submitted for the property located at 1355 West Florence Avenue between October 27, 2020 and December 15, 2020, regarding stolen vehicle and assault.

Calls for Service: There were seven calls for service submitted for the property located at 1355 West Florence Avenue, between May 2, 2020 and October 8, 2021.

No.	Date	Time	Code	DESCRIPTION
1	5/2/2020	7:57 PM	620	MAN/WOMAN DISPUTE
2	5/31/2020	6:13 PM	900	UNKNOWN TROUBLE
3	9/4/2020	10:32 PM	100	OTHER
4	12/15/2020	3:41 PM	242	BATTERY

5	8/21/2021	10:10 PM	900	UNKNOWN TROUBLE
6	9/11/2021	10:08 AM	006	POLICE RESPONDING
7	10/8/2021	9:03 AM	100	OTHER

#### Arrest and Investigative Reports:

Los Angeles Police Department submitted investigative reports for two incidents at 1355 West Florence Avenue between October 27, 2020 and December 15, 2020:

1. October 27, 2020, 7:35 p.m. – Stolen Vehicle – Vehicle Report – A vehicle was stolen in the parking lot in front of the subject business.
2. December 15, 2020, 3:30 p.m. – Elder Abuse – Investigative Report – After a verbal argument, the suspect pushed the victim and fell hitting his head on a yellow cement pole.

No comments were received from the general public at the time of this staff report.

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

##### Subject Site

Case No. DIR-1993-36-RV-PA2 - On March 24, 2020, the Zoning Administrator determined that the subject business partially complied with the imposed conditions and modified condition nos. 4 (cups and ice), 8 (graffiti), 15e (plan approval), 20 (indemnification) and added condition nos. 21 (incidental goods), 22 (age verification), and 23 (on-duty manager).

California Alcohol Beverage Control License No. 503816 – Type 21 license, for Tom's Liquor Mart located at 1355 West Florence Avenue, allowing off-site sales of a full line of alcohol, expires on November 30, 2022.

Communication - On July 13, 2015, a communication was sent to the business operator explaining the process to modify conditions of operation under Case No. DIR-93-0036-RV-PA1.

Case No. DIR-93-0036-RV-PA1 – On August 26, 2009, 15.e (i) of Case No. ZA-93-0036-RV-PAD as stipulated in the Settlement Agreement in the lawsuit between the parties entitled Tadashi and Reiko Suzuki v. City of Los Angeles, Case No. BS027313 the Zoning Administrator found that the operation of Tom's Liquor located at 1347, 1351 and 1355 West Florence Avenue has complied with some but not all of the corrective Conditions that were previously imposed on November 25, 1997 under Case No. ZA-93-0036-RV-PAD and stipulated by the Settlement Agreement in the lawsuit. The determination modified, added, and/or retained the existing Conditions.

Communication - On October 2, 2008, a communication was sent to the business operator to provide condition compliance outline for a non-public hearing with the City Attorney, Council District 8 and the Office of Zoning Administration.

Communication - On March 3, 1999, a communication was sent to the business operator to advise them that there must be strict compliance with all of the corrective conditions imposed on the operation of the store and the Office of Zoning Administration will continue to monitor compliance.

Communication - On January 26, 1999, a second communication was sent to the business operator to submit a condition compliance report for a non-public hearing with the City Attorney, Council District 8 and the Office of Zoning Administration. The letter was addressed to the new business owner Edward I. Yoon.

Communication - On January 8, 1999, a communication sent to the business operator to provide condition compliance report for a non-public hearing with the City Attorney, Council District 8 and the Office of Zoning Administration.

Case No. BS027, 313 - On June 23, 1998, Settlement agreement between Tadashi and Reiko Suzuki v. City of Los Angeles, without any admission of liability or violation of law that, in exchange for dismissal of the lawsuit, with prejudice, the City's Zoning Administrator agrees to modify the revocation action in Case No. ZA-93-0036-RV-PAD for the property located at 1355 West Florence Avenue, Los Angeles, Ca, currently known as Tom's Liquor.

Case Nos. ZA 93-0036-RV-PAD; BZA 4810; CF 93-1598 - On November 25, 1997, pursuant to the provisions of Section 12.27.1 of the Los Angeles Municipal Code and Condition No. 18e of ZA Case No. 93-0036-RV and Council File No. 93-1598 which provided for review of conditions and compliance with the required operational conditions for the commercial use known as Tom's Liquor, it has been determined that, based upon specific incidents, and the totality of police citations, reports, and police and public testimony, Tom's Liquor has operated in a manner that has adversely affected the health, peace, or safety of persons in the surrounding area and has jeopardized or endangered the public health or safety of such persons, constituted a public nuisance, has resulted in repeated nuisance activities, and has operated in violation of State and local regulations and Ordinances. The Zoning Administrator, retained, amended and/or added conditions relative to the operation of Tom's Liquor.

Communication - On October 3, 1996, a communication was sent to the business operator of a reinstatement of the City Council's previous Nuisance Abatement action of November 23, 1993, imposing restrictions and conditions on the operation of a retail market and liquor store ("Tom's Liquor") at 1355 West Florence Avenue, in connection with the case of Suzuki v. City of Los Angeles.

Case No. CF 93-1598 - On September 10, 1996, as a result of an appeal court decision, for "Suzuki vs. City of Los Angeles", in connection the City Council adopted resolution reinstating their previous action of November 23, 1993, which imposed nuisance abatement restrictions and conditions in connection with the operation of a retail market and liquor store.

Case No. CF 93-1598 - On September 13, 1995, the City Council set aside the Council's

action of November 23, 1993, relating to the operation of Tom's Liquor Market at 1355 West Florence Avenue, pursuant to peremptory Writ of Mandate issued by California Superior Court on March 1, 1995 [Case No. BS 027,301] and formally initiating public nuisance revocation proceedings for said property

Communication – On August 15, 1995, a letter from the City Attorney advising the Chief Zoning Administrator, requiring the City to set aside the revocation action and advised a stay of enforcement.

Case No. CF 93-1598 - November 23, 1993, the City Council, adopted the appeal in part by Tadashi Suzuki, property owner, regarding Condition Nos. 4, 8, 10 and 12 imposed in the action of the Board of Zoning Appeals in sustaining the decision of the Zoning Administrator in determining, pursuant to Los Angeles Municipal Code Section 12.21-A,15 (discontinuance of a nuisance commercial use), that the past operation of a liquor store had constituted a public nuisance, resulted in repeated nuisance activities and/or had endangered the safety of persons residing in the surrounding area of the property located at 1355 West Florence Avenue, at Normandie Avenue, subject to the original (18) corrective conditions of approval imposed by the Board of Zoning Appeals and further revised by the Committee by deleting Condition No. 4 (advertising).

Case No. BZA 4810 - On July 14, 1993, the Board of Zoning Appeals denied the operator appeal and modified the prior Zoning Administrator's conditions and Findings.

Case No. ZA 93-0036-RV - On April 14, 1993, the Zoning Administrator, found sufficient evidence the subject liquor store constituted a public nuisance and imposed corrective operating conditions.

There are no similar or relevant Nuisance Abatement/Revocation cases on surrounding properties.



MATTHEW LUM  
Staff Investigator