

Findings for amendment # 5

Item: 22-0188

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:

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 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. **As the Zoning Administrator revoked the alcohol use for the subject liquor store, previously imposed revocation conditions were eliminated. As such, the City hereby requires the discontinuance of the alcohol use for Mr. Spirit Liquor store. In the event that the property owner and/or business owner/operator chooses to continue operation as a convenience market with no alcohol sales, the City hereby requires the addition of operational and security conditions to prevent further criminal activities on site.**