

From: Rosalie Odell, Owner, 4058 Crenshaw Bl., Los Angeles, CA 90008
To: City of Los Angeles, Office of the City Clerk, Council and Public Services Division
Regarding: DIR-2021-1780-RV—1A (ENV-2021-1781-CE) – Council District 10

I. Appeal Outline from building owner, Rosalie Odell for 4-18-23 Public Hearing

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

II. Relief Sought by Landlord

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

III. Discussion

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

At the end of 2021 and the beginning of 2022, Ms. Odell organized a complete makeover of the property. The outside was freshly painted. Additional lighting was added for safety at night. Unnecessary signage was removed. The parking barriers were freshly painted yellow. Large “no parking” and “no loitering” signs were displayed on the outside. A new dumpster was added to the back of the property and a garbage can was placed near the side of the building. The building was transformed from a worn-down

look to an appealing freshened-up building. The tenants also freshened-up the interior of their store by painted the interior, installing new flooring, repairing a window, adding new contemporary glass doors, and removed unsightly posters. Ms. Odell was not aware of any new or recent violations of The Rasta Smoke Shop, and the record does not suggest there are any.

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

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

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

Conclusion:

Once Ms. Odell becomes aware of a problem at 4058 Crenshaw, she takes steps to make sure the problem is corrected in a reasonable and expeditious manner.

Ms. Odell wants to find out what categories of businesses would be acceptable to the LADBS, at the 4058 Crenshaw, Los Angeles, CA 90008 location.

Which proposed new business uses at the 4058 Crenshaw location would require an application with the LADBS?

Is there an available list or is there information available from the LADBS pertaining to this? Item #4 on page 2 of the 12-6-2021 - Order of Revocation and Discontinuance of Use refers to this.

For the proposed application for a new prospective tenant, how long does review and application for a new tenant take? How long will it take to have a new business at the commercial location 4085 Crenshaw. (Need a set time, and if the City has not responded within the time period, then the review and application is deemed approved.)