

VOICES BOARD MEMBERS
Albert Farias, Chairperson
Jaime Rabb, Vice Chairperson
Monica Lomeli, Corresponding Secretary
Ingrid Guevara, Parliamentarian
Kaamil Benoit Recording Secretary
Steven Nieto, Treasurer
Parker Rand, At-Large Rep
Sally Embrey, Area 1 Rep
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Edward Garren, Area 4 Rep
Sara Zurita, Non-Profit Rep
Kelvin Guevara, Education Rep
Anita Gray, Youth Rep
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VOICES NEIGHBORHOOD COUNCIL
Planning & Land Use Committee
And
Health & Safety Committee



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COMMITTEE MEMBERS
Parker Rand (Chair)
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Javonne Sanders
Matthew Crawford

HEALTH & SAFETY COMMITTEE
MEMBERS
Steven Nieto (Chair)
Albert Farias (Board Member)
Jaime Rabb (Board Member)
Sawnia House

“Special” Joint Board & Planning & Land Use And Health & Safety Committee Agenda
Friday, September 25, 2020, 4:00PM-6:00PM

Zoom Meeting Online or By Telephone
<https://zoom.us/j/91695010730>
Dial (669) 900-6833 to Join the Meeting
Then Enter This Webinar ID: 916 9501 0730

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- 1. Call to Order & Introductions**
- 2. Public Comment on non-agenda items (2 minutes per speaker)**
- 3. Approval of Minutes from Planning & Land Use/Health & Safety August 2020 meeting**
- 4. Presentation by Mario Chavez (Community & Government Relations), and/or Mario Clemente (Associate Director, Institutional Giving from St. John's Well Child and Family Center (report/discussion/possible action to bring full board) (30 minutes)**
Motion to recommend that Voices NC contribute \$5,000 to St. John’s Well Child and Family Center for coronavirus-related health efforts.
- 5. Discussion with Sherilyn Correa, Director of Planning & Economic Development, CD9, on Possible Challenge of Transit Oriented Community (TOC) Incentive Program (report/discussion/possible action to bring full board) (30 minutes)**
- 6. Discussion regarding Banditos Tacos & Tequilas Appeal to Revoke Liquor License (report/discussion/possible action to bring full board) (30 minutes)**
Motion to recommend that Voices NC make a recommendation regarding the appeal to case number DIR-1992-818-PV-PA1-1A and Council File motion 20-1027 related to the plan approval for revocation or discontinuance of use.
- 7. Request for future agenda items**
- 8. Adjourn**

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of the VoicesNC will be conducted entirely by video conference or telephonically. This will be effective starting May 1, 2020 and will continue during the period in which state or local public health officials have imposed or recommended social distancing measures.

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RALPH M. BROWN ACT

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202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

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Government code Section 54957.9

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“Special” Joint Board & Planning & Land Use And Health & Safety Committee Agenda
MINUTES

Friday, August 28, 2020, 4:00PM-6:00PM

Zoom Meeting Online or By Telephone
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- 1. Call to Order & Introductions at 4:06pm; Board Members present: A. Farias, J. Rabb, S. Nieto, P. Rand, E. Garren, K. Benoit, A. Patton; Committee Members present: J. Sanders, M. Crawford**
- 2. Public Comment on non-agenda items (2 minutes per speaker) – James Westbrooks, CD9, stated cameras, additional lighting, speed humps have been funded and will be installed in Vermont Square Park (VSP); Speed Humps will be constructed in September; 1 on Budlong and 1 on 47th; Programming & Safe Passage work will continue in VSP and Community Build has a Food Drives 2x a month in the park.**
- 3. Approval of Minutes from Planning & Land Use/Health & Safety July 2020 meeting – J. Rabb motioned; S. Nieto second; all approved unanimously.**
- 4. Presentation by Christopher Diaz, Planning Assistant Deputy, CD9, on Transit Oriented Community (TOC) Rules & Regulations and Update on Conditional Use Permits (CUPs) within Voices NC boundaries (report/discussion/possible action to bring full board) (30 minutes)** Sherilyn Correa from CD9 mentioned Urban Design Studio in the Planning Department can help provide architect design with the developer for the unit. Environmental Impact Report (EIR) has to be submitted; Ask Sherilyn/Christopher to report back after they find the qualifying tier of TOC based on the amount of feet from the Rapid Bus as well as how to challenge/revise the TOC process. Ask how the distance between accessible transit and developments is measured and why it isn't according to someone's actually walking route versus the radius from the development? CPU - Sensitive Land Use; Need to follow conditions to keep their liquor license - Star certificate received by LAPD; trash clean up; graffiti clean-up; provide a public phone number for community to issue any problems they may have. CD9 will help us get a list of CPU within our boundaries along with dates of certifications and list of regulations and the Health & Safety Committee will

follow up with these stores to ensure compliancy. Sherilyn mentioned awaiting list of stores with CPU prior to 1980.

5. Discussion on Demolition of 4 units and build 31-unit building (*report/discussion/possible action to bring full board*) (30 minutes)

Case ID: DIR-2020-1822-TOC

Project: Demolish 4 residential units and add 31 units, 5 of which are affordable units.

Proposed Action: Motion to make a recommendation to the Voices NC General Board on the proposal for a 31-unit new construction at 836-844 W. 42nd Pl (Between Menlo and Hoover).

Send a letter to not support the 31-unit project because the project doesn't contribute to the social fabric of our neighborhood and quality of life & well-being of our community. In order to meet this threshold/standard that we have for our community, they should contribute to a BID investment on Vermont Ave., provide free public Wifi, select 100% of the applicants who live in the community (1 mile radius) once the development opens up; right of return and refusal for people being displaced, work with City Planning on the design of the building, add 1 parking space per unit and increase number of affordable housing units approaching 15 units (50%) within 1 of these tiers across tiers. E. Garren motion; J. Rabb second; motion carries.

6. New Homeless Housing Development with HHH Funds at 5900 Figueroa Ave.

(*report/discussion/possible action to bring full board*) (30 minutes)

Presentation by John Perfitt, Executive Director, Restore Neighborhoods LA, Inc.

Proposed Action: Motion to make a recommendation to Voices NC General Board.

Greater Cornerstone Baptist Church Sec of 59th & Figueroa; Supportive Housing Unit will have 42 studio (single) units. E. Garren motioned; K. Benoit second; motion carries to recommend that the Voices NC support project if a pet policy is implemented as well as have a community room available to use including free public Wifi. Put on September General Board agenda

7. Presentation by Maria Patiño Gutierrez, United Neighbors in Defense Against Displacement Coalition, on "Public Land for Affordable Housing in South LA Campaign.

(*report/discussion/possible action to bring to full board*) (20 min)

3685 S. Vermont Ave. vacant lot will be 167 non-union hotel with retail stores on bottom; Visit unidad-la.org for information. Request to submit Community Impact Statement – Maria will send the council file so we can add motion to September Planning & Land Use agenda and weight in on the CIS.

8. Request for future agenda items – Invite Sherilyn Correa from CD9 back to our September Planning & Land Use/Health & Safety meeting regarding challenging the Transit Oriented Community process.

9. Adjourn at 6:57pm

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2049 Century Park East Suite 750, Los Angeles, CA 90067
(323) 813-1910 • kevingres.com

June 17, 2020

Via Electronic Mail

Anat Escher (Anatescher@yahoo.com)

In re: 900 W. Martin Luther King Jr. Blvd.

Anat:

I was asked to analyze documents and put together a proposed plan of action. My key points at the appeal would be the following

- (1) There is a lot of uncorroborated documentary evidence that was used to support their decision to revoke. This includes 911 calls, citizens reports, police reports, and a plethora of other internal documents like the LAPD's "comprehensive investigation." I would want to be able to inspect these documents before the appeal. My suspicion is that they are based on shaky grounds or do not say what they are claiming they say. This gives us an opportunity to rebut and cross examine the city's evidence.
- (2) According to their own reports, there has been a strong history of compliance. There were about 18 months of no violations and strong cooperation and communication between you and the city. This needs to be clear, and at the hearing, it wasn't. Visual aids would be helpful at the appeal. According to their own reports there was no violation between August 2017 and March 2019. That needs to be emphasized.
- (3) LAPD and the city are not distinguishing between situations where minors are let in the establishment and allowed to drink with and without a fake ID. The presence of a technologically advanced fake ID is of critical importance. Has LAPD analyzed these IDs? Should they be detected by the latest machine? Has this been tested? How many of these kids have been cited and convicted? You should not be held responsible after doing your due diligence.
- (4) There are dozens of inconsistencies, half-truths, and misleading statements in the report. Being able to rebut them is important at the appeal. Many of the city's arguments are cyclical. For example, the LAPD concludes that your business is a nuisance because the LAPD report concluded that your business is a nuisance. Those are illogical and insufficient grounds to base their decision. There are many more examples.

Ms. Anat Escher
June 17, 2020
Page 2 of 2

(5) Lastly, the impression they painted is that your business is responsible for all the blight, trash, debris and crime in a 5-block radius, including a violent kidnapping blocks away. This is preposterous. We can subpoena crime records that have nothing to do with your business to show that you are not only having a non-negative impact, but perhaps a positive impact.

I believe that if we execute these points by presenting a cohesive, persuasive argument, we have a realistic chance of overturning this decision and requesting some other type of administrative action.

If you have any questions, please do not hesitate to contact me (323) 813-1910.

Sincerely,

A handwritten signature in blue ink that reads "Kevin Gres". The signature is written in a cursive, flowing style.

Kevin Gres

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
DIR-1992-818-RV-PA1-1A	ENV-2019-5725-CE	9 –Price Jr.
PROJECT ADDRESS:		
900-902 West Martin Luther King, Jr. Boulevard		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Chief Zoning Administrator Office of Zoning Administration	213-978-1318	Matthew.Lum@lacity.org
<input type="checkbox"/> New/Changed		
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Anat Escher	323-428-5012	anatescher@yahoo.com
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Anat Escher	323-428-5012	anatescher@yahoo.com
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Matthew Lum	213-978-1912	Matthew.Lum@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
Plan Approval for Revocation/Discontinuance of Use		

FINAL ENTITLEMENTS NOT ADVANCING:**ITEMS APPEALED:**

Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15321 and related CEQA findings with no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies and the discontinuance of the operation of a bar with alcohol sales at Banditos Tacos & Tequila (formerly known as the Menlo Bar) and

ATTACHMENTS:**REVISED:****ENVIRONMENTAL CLEARANCE:****REVISED:** Letter of Determination Findings of Fact Staff Recommendation Report Conditions of Approval Ordinance Zone Change Map GPA Resolution Land Use Map Exhibit A - Site Plan Mailing List Land Use Other _____ Categorical Exemption Negative Declaration Mitigated Negative Declaration Environmental Impact Report Mitigation Monitoring Program Other _____**NOTES / INSTRUCTION(S):**

Anat Escher (operator/owner) is appealing the following: Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15321 and related CEQA findings with no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies, report from the Department of City Planning, Office of Zoning Administration; and Appealing the entire decision by the Associate Zoning Administrator to discontinue the operation of a bar with alcohol sales at the establishment known as Banditos Tacos & Tequila (formerly known as the Menlo Bar): 1) erred in revoking the ability to sell alcohol; 2) denies and refutes allegations that the subject business jeopardizes and adversely affects public health, peace and safety among people working or residing in the surrounding area; 3) that the city is creating a story that the subject business is a problem and nuisance to the area; and 4) false statements and unsubstantiated facts in the Letter of Determination dated May 12, 2020.

FISCAL IMPACT STATEMENT: Yes No

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:	
<input type="checkbox"/> City Planning Commission (CPC) <input type="checkbox"/> Cultural Heritage Commission (CHC) <input type="checkbox"/> Central Area Planning Commission <input type="checkbox"/> East LA Area Planning Commission <input type="checkbox"/> Harbor Area Planning Commission	<input type="checkbox"/> North Valley Area Planning Commission <input type="checkbox"/> South LA Area Planning Commission <input type="checkbox"/> South Valley Area Planning Commission <input type="checkbox"/> West LA Area Planning Commission
PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
LAST DAY TO APPEAL:	APPEALED:
TRANSMITTED BY:	TRANSMITTAL DATE:
Raoul Mendoza	8/18/20

ESTINEH MAILIAN
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
HENRY CHU
JONATHN HERSHEY
THEODORE L. IRVING
FRANKLIN N. QUON
CHARLES J. RAUSCH JR.
FERNANDO TOVAR
CHRISTINA TOY-LEE
DAVID S. WEINTRAUB

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

**DEPARTMENT OF
CITY PLANNING**

VINCENT P. BERTONI, AICP
DIRECTOR

—
KEVIN J. KELLER, AICP
EXECUTIVE OFFICER
(213) 978-1272

LISA M. WEBBER, AICP
DEPUTY DIRECTOR
(213) 978-1274

May 12, 2020

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

Martin Dream LLC (O)
7174 Melrose Avenue
Los Angeles, CA 90046

Anat Escher (Op)
900 West Martin Luther King,
Jr. Boulevard
Los Angeles, CA 90037

Banditos Tacos & Tequila
900 West Martin Luther King,
Jr. Boulevard
Los Angeles, CA 90037

CASE NO. DIR-1992-818-RV-PA1
REVOCATION/DISCONTINUANCE OF USE
900 West Martin Luther King, Jr. Boulevard
South Los Angeles Planning Area
Zone: C2-2D-CPIO
D. M.: 114B197
C. D.: 9
CEQA: ENV-2019-5725-CE
Legal Description: FR of Lot 151,
Exposition Park Square Tract

Pursuant to the provisions of Section 12.27.1 of the Los Angeles Municipal Code, I hereby **REQUIRE:**

the discontinuance of the operation of a bar with alcohol sales at the establishment known as of Banditos Tacos & Tequila (formerly known as the Menlo Bar), located at 900–902 West Martin Luther King, Jr. Boulevard.

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 October 31, 2019, 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

In response to the May 2, 2019 – Citywide Nuisance Abatement Problem Property Referral from the Los Angeles Police Department to the Office of Zoning Administration/Department of City Planning concluding that after a summary of investigations of Banditos Tacos & Tequila was determined to be a general nuisance for the Southwest Community and the establishment is now a public safety concern. The Office of Zoning Administration has initiated this Revocation and Nuisance Abatement proceeding, pursuant to Ordinance No. 164,749.

Property Description

The subject property is within the South Los Angeles Community Plan, which designates the property for Community Commercial land uses with corresponding zones of C2, C4, RAS3, R3, RAS4 and R4 and Height District No. 2D. The property is within the South Los Angeles Alcohol Sales Specific Plan. It is in the Urban Agriculture Incentive Zone, Central City Revitalization Zone, Broadway/Manchester Redevelopment Project Area, Transit Priority Area and State Enterprise Zone. The subject site is within CPC-2007-3827-ICO, which pertains to the South Los Angeles Fast Food Interim Control Ordinance. The subject property is zoned C2-2D-CPIO and with the Los Angeles Police Department Reporting District 396, South Bureau - Southwest Area Station.

Surrounding properties are within the C2-2D-CPIO, R3-1-CPIO, PF-1-SN zones, and are characterized by level topography, with the immediate abutting properties developed with low density multi-family dwellings. One- and two-story single-family dwellings, multi-family buildings, and commercial buildings are situated in the broader surrounding community. Exposition Park, is comprised of the Los Angeles Memorial Coliseum, the Natural History Museum, the California African American Museum, the Exposition Park Rose Garden, Banc of California Stadium, and the new Lucas Museum; all are located north of the subject property. Manual Arts Senior High School is located one block west along Vermont Avenue and USC Hybrid High School is located one block northwest along Vermont Avenue.

Streets

Martin Luther King, Jr. Boulevard, adjoining the property to the north, is designated by the Mobility Plan as Avenue I, within a dedicated, variable width of 90 to 95 feet, and is fully improved.

Menlo Avenue, adjoining the property to the east, is a Local Standard Street dedicated a width of 60 feet and improved with curb, gutter, and sidewalk. Parking is prohibited on the west side of the street.

Vermont Avenue, located one block west, is designated by the Mobility Plan as Avenue I, within a dedicated, variable width of 90 to 95 feet, and is fully improved.

The subject property is a level, rectangular-shaped, corner, record lot, having a frontage of approximately 50 feet on the south side of Martin Luther King, Jr. Boulevard and an approximate depth of 120 feet. The site's easterly property line abuts Menlo Avenue for

approximately 120 feet, with ingress and egress to the parking lot area along the same public right-of-way.

The subject site is developed with a one-story commercial structure that has large window openings along Martin Luther King, Jr. Boulevard, and large pedestrian entrance is along Vernon Avenue. The parking area is provided to the rear. The commercial structure is approximately 2,050 square feet and was built in 1937 per ZIMAS. The asphalt parking area is 50' x 75' according the Department of Building and Safety records.

The subject premises has operated as a bar since 1992 when it was known as the Menlo Bar. The property is now known as Banditos Tacos & Tequila Bar/Restaurant (Banditos) following the transfer of ownership in 2016. The subject premises remains an alcohol serving establishment and is a popular point of interest among the USC student body, as well as visitors to the Los Angeles Football Stadium, the Los Angeles Memorial Coliseum, and the cultural venues at Exposition Park.

Staff's research revealed that the hours of operation of Banditos are as follows:

Monday closed,
Tuesday 4:00 p.m. to 12:00 a.m.,
Wednesday 5:00 p.m. to 12:00 a.m.,
Thursday 5:00 p.m. to 12:00 a.m.,
Friday 4:00 p.m. to 2:00 a.m.,
Saturday 4:00 p.m. to 2:00 a.m. and,
Sunday 10:00 a.m. to 12:00 a.m.

According to the Los Angeles Police Department, "since March of 2017, the Los Angeles Police Department (LAPD), Detective Support and Vice Division, Citywide Nuisance Abatement Unit in conjunction with LAPD Southwest Area has conducted a comprehensive investigation into the nuisance complaints emanating from 900 West Martin Luther King Boulevard, the former Menlo Bar now operating as "Banditos Tacos & Tequila."

This bar is located near the intersection of Martin Luther King, Jr. Boulevard and Menlo Avenue, which is located within the boundaries of Los Angeles City Council District 9. This establishment is a part of the West University Park section of the City. According to testimony from the LAPD, this location has been problematic for the Southwest community since the opening of the establishment.

"Banditos Tacos Bar & Tequila" is registered under a Type 48 License with the Alcoholic Beverage and Control, which means that at no time is a person under the age of (21) legally permitted to be inside the establishment.

Nuisance activity at the location consists of inebriated persons walking onto the major thoroughfare (Martin Luther King, Jr. Boulevard) and into the neighborhood, which is residential. There is also an ever-present nuisance at the location in regards to the numerous noise violations committed by amplified music that is permitted to escape from the perimeter of the establishment and into the neighborhood, disturbing the tranquility of the neighborhood.

In addition to the reported nuisance, the Department of Building and Safety found a number of violations of the City's municipal code and building, as well as violations of the terms and conditions of a Revocation Determination issued by the Office of Zoning Administration.

Further, it's been determined that the operator has violated several provisions of the California Department of Alcoholic Beverages Control, licensing requirements, which resulted in the temporary suspension of the license to sale alcohol.

On-Site Cases, Affidavits, Permits, and Orders

California Department of Alcoholic Beverages Control

Type 48 ABC License No. 568665 – On sale general public premises Banditos Management Inc. Expiration Date June 30, 2020.

Type 58 ABC License – Caterer permit. Expiration Date June 30, 2020.

Type 77 ABC License – Event permit. Expiration Date June 30, 2020.

Type 48, Type 58, Type 77 ABC License – Transferred to Anat Escher on July 27, 2016, from Reginald Farmion Jones former owner of Menlo Club.

Department of City Planning

Case No. ZA-1992-818-(RV)(PAD) – On July 29, 1997, the Zoning Administrator issued a communication to the proprietor notifying the operator of complaints that had come to the attention of the decision maker.

Case No. ZA-1992-818-RV-PA1 – On June 28, 1995, the Zoning Administrator, under Case No. ZA-1992-818-RV, determined that the operation of the "The Menlo Bar", located at 900 West Martin Luther King Jr. Boulevard, substantially resolved previously identified nuisance problems or violations as follows: no reported public drinking by club patrons in front of the site, no drunk patrons outside, no disorderly behavior by customers, and no poor management control of the operations which causes general public nuisances

Case No. ZA-1992-818-RV – On October 8, 1992, under ZA-1992-818-RV, for review of conditions, the Zoning Administrator determined that there is sufficient evidence to conclude that the past operation of the subject property has constituted a public nuisance, has resulted in repeated nuisance activities has endangered the safety of persons residing in the surrounding area. This determination constituted the first governmental action taken to eliminate the problems associated with the use as provided by Ordinance No. 160,495.

Department of Building and Safety

Permit No. 2014-10000-00804 - Submitted February 24, 2020 for a one-story kitchen addition (28ft x 10.5ft, 12ft x 10ft, 414 sq.ft.) to existing restaurant (URM), Comply with Department Order effective 10/30/2019. Permit will expired 30 days from issued date". All permits shall be from the same time period limitation. CEIS Case Number is 866327.

Permit No. 18048-10000-00107 - Issued on January 31, 2018, for a new non-illuminated sign to read "Happy Hour 2-4-1 All Drinks Mon-Fri."

Permit No. 18048-10000-00929 – Not issued or finalized, corrections issued on April 9, 2018, to install two new wall signs: sign A: (2'x17.25') internally illuminated channel letter sign area – 34.5 sq. ft., height from adjacent grade to bottom of sign is 15'-5"; sign B: (2.33'x4') illuminated wall sign area - 9.33 sq. ft., height adjacent grade to bottom of sign is 10'0".

Certificate of Occupancy - Corresponding to building permit 1963LA499779, issued on September 3, 1965, for a 47'x52' bar converted from a non-conforming, one-story, type III-B, 47'x52' irregular shaped commercial building. (no cooking or entertainment) (110 occupancy).

Certificate of Occupancy - Corresponding to building permit 1959LA41037, issued on June 5, 1960, for a 50' x 75' parking lot for use of land only.

Certificate of Occupancy - Corresponding to building permit 1958LA95161, issued on August 1, 1958, for a one-story, type III-B, 10'6" x 28' storeroom addition to an existing one-story, type-III-B, 41'6"x50' cocktail lounge.

Order to Comply – Issued by LADBS on September 2, 2019 for an unpermitted sign and sidewalk obstructions. Closed on December 19, 2019.

Order to Comply – Issued by LADBS on June 12, 2019 for a violation of conditions imposed by Case No. ZA-1992-818-RV, unpermitted expansion of the bar, unapproved use of land, unapproved occupancy and use of a storage room conversion to a bar, unpermitted metal canopy and outdoor cooking equipment, unpermitted building addition, and unpermitted tenant improvements. Not in compliance to date.

Order to Comply – Issued by LADBS on February 27, 2018 for a violation of temporary signs. Closed (date not available).

Order to Comply – Issued by LADBS on December 18, 2017 for a violation of temporary signs. Closed (date not available).

Order to Comply – Issued by LADBS on October 6, 2017 for a violation of temporary signs. Closed on November 20, 2017.

CORRESPONDENCE AND REPORTS RECEIVED PRIOR TO THE PUBLIC HEARING**The Los Angeles Police Department submitted the following reports:****Arrest and Investigative Reports:**

- May 2, 2019 – Citywide Nuisance Abatement Problem Property Referral from LAPD to Zoning Administration/Department of City Planning:

“Summary of Investigation, Banditos Tacos & Tequila is a general nuisance for the Southwest Community. Citizens have complained regarding amplified noise that permeates from the restaurant. Banditos Bar and Tequila engages in furnishing alcohol to those under the age of 21 and service of alcohol to intoxicated persons. Thus, is now a public safety concern. University of Southern California, Public Safety, has been summoned to assume responsibility and care for inebriated USC students who have been allowed access into the bar, despite being under legal age (21) and sold alcohol for consumption. Students are then unable to care for themselves.”

- May 3, 2019 – Citizen Declarations. Four Citizen Declarations from residents living south of the subject Banditos were submitted by LAPD. The Citizens Declarations state the following problems related to the subject site:
 - Traffic/Parking Violations
 - Loitering/Fighting
 - Excessive Noise/Loud Music
 - Trash/Debris
 - Patrons enter private property engaging in sexual activity
 - Public urination

May 4, 2019 – LAPD- Detective Dana Harris (CNAU) submitted a Nuisance Abatement Referral, arrest, and investigative reports from March 2017 – June 2017. The Referral stated the following:

- The following crime stats for the location covers a two-year period for 900 W. MLK:
 - Service of Alcohol to intoxicated person(s)
 - Minors being in possession of alcohol
 - Minors in possession of false identification
- Investigative efforts at this location have revealed that sensitive sites are near the intersection of Martin Luther King Boulevard and Menlo Avenue. The locations are:
 - Los Angeles Memorial Coliseum
 - Exposition Park
 - Los Angeles Swimming Club Stadium
 - University of Southern California

- LAPD investigations:

Citywide Nuisance Abatement Unit (CNAU) and Southwest Area Vice investigators have conducted numerous surveillance and investigations (over 50) in the area, finding that the number of persons under the age of 21 who have been allowed into the establishment to consume alcohol is a direct violation of state law, where the legal age to consume alcohol is (21). The LAPD investigative units have also cited the establishment's management for Service to an Intoxicated Person. On two separate occasions, LAPD Southwest Area Watch Commanders summoned uniformed officers to rescue patrons of the establishment. In both instances, the patron was under the age of 21 and a current University of Southern California (USC) student who was over-intoxicated and unable to care for themselves.

- LAPD investigation incident reports:

- On March 12, 2017, at approximately 0300 hours, University of Southern California, Department of Public Safety (USC-DPS), during routine patrol, observed a male standing in the middle of Martin Luther King Boulevard, in the 900 block.

Upon contacting the male, they found that the male was intoxicated to the point of requiring care. DPS officers asked the young male his name. The male replied that he was a current student at USC and was under the age of 21. He then stated that he was allowed to enter Banditos Tacos & Tequila bar without providing proper identification where he was served alcohol until closing. He was then ushered out of the establishment with the rest of the patrons.

The underage male was clearly unable to care for himself, according to DPS. DPS transported the male back to the USC campus where he lived after having him treated and released by campus nurses. DPS notified LAPD Southwest Command Staff regarding the incident whom relayed the same incident to the Southwest Area Vice unit.

- On March 16, 2017, Southwest Area Vice investigators conducted a surveillance and investigation at 900 W. Martin Luther King Boulevard, "Banditos Tacos and Tequila" as a way of corroborating or disproving information provided by DPS.

At approximately 2030 hours, investigators deployed a Minor Decoy, who is under 21 years of age and has the appearance of someone who is less than 21 as well. The decoy entered the establishment posing as a customer. No one stopped or checked the decoy for proper identification. The decoy then purchased an alcoholic beverage in violation of 25658 B&P from the bartender. The bartender was cited on RFC # G00473.

Southwest Area investigators notified the establishment management regarding the violation with "best practice" suggestions. Management (Anat Escher) informed the police that the incident would not happen again.

The investigators told management that not only had they arrested the bartender for Service to a Minor, but they also pointed out that there were overly intoxicated persons in the establishment, live entertainment for which the establishment was not permitted (103.102 LAMC) and overcrowding for which is an issue of public safety.

- On March 16, 2017, Southwest Area Vice investigators conducted an undercover operation at Banditos Bar. Officers were served alcoholic beverages. The officers then took these same beverages off premises onto the public sidewalk without interference from security or employees. The officers completed a Statement Sheet for 41.27 (d), for the allowance of patrons inside an alcohol retail establishment to exit the premises in possession of an open beverage of alcohol and away from the designated area permitted under the diagram of the service area. The alcohol was booked as evidence at Southwest station.
- On April 1, 2017, Sergeant Koval as the Officer in Charge of the Vice unit conducted surveillance (from unseen vantage point) at the Banditos Bar through open establishment roll top windows. He observed over-crowding inside the bar, which appeared to be a public safety issue. Koval noted the overcrowding and noted to check the permitted capacity prior to notifying the Fire Department. The location closed for business (0200 hours) prior to FD arrival. Koval cancelled LAFD response.
- On April 6, 2017, Southwest Area investigators conducted an undercover investigation at Banditos Bar. Officers noted that patrons were dancing on a makeshift dance floor (103.102 LAMC-No Café Entertainment Permit), in the aisles between tables with a live DJ playing music behind a laptop (103.106 LAMC-No Live Entertainment Permit). Sergeant Koval warned management (Escher) that they were once again in violation.
- On April 15, 2017, Sergeant Koval received a phone call from Southwest Area Watch Commander, Mike Richardson. Sergeant Richardson informed Koval that at approximately 0300 hours, a male White was standing in the middle of the street at Martin Luther King Boulevard and Menlo Avenue. The male stated that he had been drinking alcohol inside Banditos Bar. Southwest officers detained the young man who stated that he is a current student at USC and lives on campus. He stated that he is currently 20 years of age. The male stated that he was trying to find his way home, but was unsure due to intoxication. USC-DPS transported the male back to campus and his residence.
- On April 20, 2017, Southwest Area Vice conducted an inspection of Banditos Bar. As they approached the location from over 200 feet away, they could hear amplified music being played from speakers, in violation of 116.01 LAMC. Once inside the officers detained two individuals who were youthful in appearance. Officers cited two individuals for 25661 B&P, Minors in Possession of False Identification. The manager (Escher) was again cited for 103.102, No Dance Hall Permit.

*Investigator notes...Of the over twenty persons inside the bar, there were only (5) persons in the bar who were over the age of 21 years. All others were under proper age for Type 48 license which prohibits all persons from entering the establishment whom are under the age of 21.

- On April 27, 2017, Southwest officers conducted a "Trap Door operation at Banditos Bar to further investigate illegal activity and underage persons being permitted to the establishment. Officers observed, detained and cited (9) persons for 25661 B&P, Minors in possession of false identification while consuming alcohol.
- On August 26, 2017, Southwest Area Vice investigators conducted a "Minor Decoy" operation at Banditos Bar. The investigation was due largely to the number of persons under the age of 21 years that have been detained consuming an alcoholic beverage inside the bar.

Investigators and a Minor (for these purposes, a person under the age of 21), entered the establishment in an undercover capacity to conduct an investigation. The Minor is a person who is under the age of 21 years with valid identification that states as much.

The Minor entered the establishment and walked past a gentleman whom was wearing a black shirt with the word, "Security" emblazoned on the front. The Minor walked directly past the security guard and entered the establishment without anyone asking for identification, which is a violation of the land use [grant] which strictly prohibits any person under the age of 21 from entering the establishment.

The Minor was approached by female wait staff who requested the Minor's drink order. The Minor ordered a "Stella Artois" beer in a can. Staff then retrieved the beer and handed it to the Minor who in turn handed Staff \$20 to pay for the beverage.

For the evening, Defendant Escher, who is the Business Owner and responsible party for the establishment, was cited for 25658 (d) B&P, Allowance of a Minor into a Type 48 establishment where alcohol is sold. Waitress staff (name deleted) was cited for 25658 B&P, Furnishing of Alcohol to a Minor and Staff Security Guard (name deleted), whom was cited for 75.82, No Guard Card. (Report attached to file)

- February 23, 2018, the Los Angeles Police Department, Southwest Area Vice officers, conducted a "Minor Decoy Operation" at various licensed establishments in the city. A decoy under the age of 21, was sent into the establishment in an attempt to purchase alcoholic beverages. The business was successful in preventing stated activity.
- On March 9, 2018, Southwest Area Vice conducted a "Trap Door" with the California Department of Motor Vehicles and the Alcohol Beverage and Control.

The premise of the operation was to conduct investigations at alcohol retail establishments near the University of Southern California for minors in possession of false identification and in possession of alcoholic beverages in Type 47/48 establishments. Agent Castellon of DMV, was one of the agents present.

At approximately 0100 hours at 900 W. Martin Luther King Blvd, "Banditos Bar and Tequila, a person under the age of 21 was identified inside "Banditos Bar" while in possession of alcohol and cited for 25665 B&P, Minor in Possession of Alcohol. RFC# H05502. (Report attached to file)

- On March 22, 2018, Southwest Area Vice along with the Department of Motor Vehicles conducted an additional Trap Door operation at 900 West Martin Luther King, "Banditos Tacos and Tequila." The operation yielded citations issued by the Department of Motor Vehicles for nine (9) persons being inside Banditos Bar in possession of False Identification, in violation of 21651 B&P. (Report attached to file)
- On July 3, 2018, in response to the numerous citations written against the ownership of Banditos Bar, Anat Escher, for Alcohol Beverage and Control violations ranging from Service of Alcohol to an Intoxicated Person and Minors in Possession of Alcohol in a Type 48, Establishment, the licensed sale of alcohol on premises was suspended for 15 days. Registration Number, 18086590 on Business and Professions Section 25658 (A) B&P.
- A letter dated November 8, 2018 – On October 26, 2018, the Los Angeles Police Department, Southwest Area Vice officers, conducted a "Minor Decoy Operation" at various licensed establishments in the city. A decoy under the age of 21, was sent into the establishment in an attempt to purchase alcoholic beverages. The business was successful in preventing stated activity.
- On March 1, 2019 (March 7, 2019), Southwest Area Vice investigators responded to several citizen complaints regarding chronic noise and nuisance activity emanating from 900 W. Martin Luther King Boulevard, "Banditos Tacos and Tequila." The investigators conducted an operation in which they cited Anat Escher, the Business Owner and on-site manager of Banditos for 25665 B&P, Allowing Persons Under the Age of 21 to Enter and Remain in an Alcohol Licensed Location. During the inspection by officers, they detained (10) underage individuals for being inside the location. (Report attached to file)
- On April 19, 2019, Southwest Area Vice conducted a Minor Decoy inspection. One of the locations to be inspected was, 900 W. Martin Luther King Boulevard, Banditos Tacos and Tequila Bar. This establishment is a Type 48 License (no persons under the age of 21). This establishment has had numerous complaints from citizens in the Southwest portion of Los Angeles. Southwest Area Vice has made numerous arrests at that location for a host of Alcohol Beverage and Control related offenses.

The Business Owner/Manager, Anat Escher has been educated and warned numerous times regarding her license status. She and her staff have been offered training on detecting false identification and best business practices. {Has there been any proof of acceptance or completion?}

Officers approached the entrance of the bar to conduct the inspection. They were met by a male who was performing as a security guard at the location. The male had "Security" emblazoned across his back. He was equipped with a collapsible baton, pepper spray and wearing a tin badge that also stated "security." Male "security" stated that he was currently in training and in process of awaiting confirmation of his fingerprint register in Sacramento and receiving his guard card (in violation of 7582 B&P (Report attached to file).

Officers continued with their inspection at Banditos Tequila Bar. They found that inside the bar and either in the process of purchasing or attempting to purchase alcohol were (9) persons who were under the age of 21, in violation of 22655 B&P. All USC students with false identification from out of state. (Report attached to file)

- o To date, the number of Calls for Service, high incidence of arrest are problematic at Banditos Tacos & Tequila Bar. Complaints from various sources USC-DPS, Southwest Area Vice, Senior Lead Office and Council District 9, have distinguished this location as a nuisance and a public safety issue.

Southwest Area Vice officers as well as investigators from the Detective Support and Vice Division have met with the Business Owner, Anat Escher and not only provided training for her staff, but offered suggested improvements for the establishment that would lend to public safety. Ms. Escher was either unwilling or unable to implement changes that would lend to best business practices and maintain a business free from nuisance issues.

It is the position of the Los Angeles Police Department to see Revocation conditions imposed at this location to remedy the nuisance activity. Ms. Escher has been given ample opportunity to remedy the public safety issues at the location and change the dynamics of the property. She has also been provided ample opportunity to implement changes that will mitigate the nuisance activity at 900 West Martin Luther King Boulevard. Very little has been implemented.

It is the responsibility of the citizens and business owners in the City of Los Angeles to maintain public safety in which our citizens may remain in an environment in which their safety, despite their age is not placed in jeopardy.

May 27, 2017 – A letter sent from Captain Lee Sands: Commanding Officer-Southwest Area Community Police Station to the ABC Licensee of Banditos Tacos & Tequila:

"On May 26, 2017, the Los Angeles Police Department, Southwest Area Vice Officers, conducted a "Minor Decoy Operation" at various licensed establishments in the city. A decoy, under the age of 21, was sent into your establishment in an

attempt to purchase alcoholic beverages. Your business was unsuccessful in preventing this activity.'

The result of this action will lead to a criminal complaint filed against the seller with the City Attorney's Office. In addition, the Department of Alcoholic Beverage Control may take administrative action against the licensee."

May 9, 2019 – Los Angeles Police Department Employee's Report states:

"I, Sergeant II Paul Shearholdt, Serial No. 34890, Officer-in-Charge, Southwest CLEAR, have been made aware of, and have personally observed, numerous issues [at] Banditos Tacos & Tequila" that have the potential to grow into larger problems. The bar is located at 900 W. Martin Luther King Jr. Blvd, on the southwest corner of Martin Luther King Jr. Blvd and Menlo Avenue.

First, the patrons that I have seen approaching the entrance and leaving the location appear to be extremely young to be entering a 21 and older establishment. Some of these individuals appear to be between 17 and 20 years of age. When I have observed this, I have notified our Vice Unit.

Second, the traffic congestion near the business caused by patrons being dropped off and picked up is a hazard. There is no space for these vehicles to safely pull out of lanes of traffic to drop off or pick up patrons. Especially at closing time, I have noticed traffic being affected on MLK and on Menlo. On occasion, I have even stopped to conduct traffic control because some of the vehicles are blocking the streets.

Lastly, the open-air style of the building seems to invite transients and patrons to loiter on the outside of the building near the large open windows. This has been the source of several "415 man" radio calls that I am personally aware of. The loitering at these windows is not limited to the local homeless but I have also seen patrons loitering near these windows on the outside of the business, which could lead to people drinking alcohol on the sidewalk. The business recently added security bars to these windows but I have continued to see transients and patrons still standing outside these windows.

So far, the issues appear to be isolated to ABC, Vice, and quality of life issues, but if there is anything the GED or CLEAR can do to help, please let me know."

May 24, 2019 – Los Angeles Police Department Complaint Application:

- **Source of Activity:**
On 05-24-19 at approximately 2130 hours, my partners, (Sgt. II Ercolano, #37574), (Officer Gevorgyan, #41253) and I (Officer Trujillo, #40066) were assigned to the Southwest Area Vice Unit. We were driving a plain vehicle. We were both wearing our LAPD department approved tactical vests.

We responded to 900 W. Martin Luther King Jr. Blvd. (Banditos Tacos and Tequila). We met with the owner of the establishment (Escher, Anat) and served her with a copy of the (Imposition of Conditions). (Case NO. ZA 92-0818-RV) placed on October 8, 1992, along with a copy of the (Review of Conditions) (Case NO. ZA 92-0818-RV-PAD) from June 28, 1995. We advised her that she would be required to abide by the conditions and that we would return in two weeks to ensure she was in compliance. She stated that she would give the document to her attorney and would abide by them if he advised her to do so.

On 06/14/19 at approximately 1945 hours, my partners, (Sgt. II Ercolano, #37574), (Officer Richardson, #36402), (Reserve Officer Strauss, #R6544) and I (Officer Trujillo, #40066) were assigned to the Southwest Area Vice Unit. We were driving a plain vehicle and wearing department approved tactical vests.

We responded to 900 W. Martin Luther King Jr. Blvd and conducted an inspection of the location, with Senior Building and Safety Inspector Portillo Serial No. 20144.

- Investigation:
The focus of this investigation was to identify Building and Safety violations and ensure compliance with the imposed conditions. Upon our arrival, we made contact with (Escher, Anat). We advised Escher that we were conducting an inspection of the location. We then began the inspection.
- The following are the results of our inspection:
 - Per City Imposed Condition Number 9 regarding Signs: The owner shall post and maintain a sign in the parking lot and at each entrance to the business and in the parking lot stating that loitering is prohibited in the parking lot. The signs shall measure at least 1-foot by 1-foot square.

During our inspection, we inspected the above named areas, as required by imposed condition number 9 and did not see any posted signs. Clearly, the owner (Escher, Anat) is out of compliance with this condition. Based on our observations of the location, the signs were not posted. Escher acknowledged the signs were not posted. We then formed the opinion the suspect (Escher, Anat) is in violation of 12.27 .1 LAMC (Failure to comply with city imposed conditions). We request a complaint be filed for failure to comply with City Imposed Condition number 9.

- Additionally:
During this incident, officers observed a patio area set up in the rear parking lot of the location. Officers observed three male Hispanics drinking alcoholic beverages in this area, in violation of the location's ABC license. A 15.7 was completed and forwarded to ABC to document this violation.

June 23, 2019 – Los Angeles Police Department Investigative Report of Kidnapping

- Investigation:

My partner and I met with the Victim, across from 532 W 40th Pl. The Victim stated she was at the Banditos Tacos & Tequila (900 W Martin Luther King Jr Blvd, Los Angeles, CA 90037). At approximately 0145 hours, she left the bar with her friends (Witness 1-3). She walked S/B on Menlo and then E/B through the alley (E/W alley S/O King Blvd E/O Menlo Ave.). Her friends (Witness 1-3) fell behind as she walked through the alley and out of sight. She exited the alley on Hoover St. and walked S/B on Hoover St. She was approached by a dark colored SUV, possibly a black or blue Chevrolet Tahoe or Suburban (Suspect Vehicle). A Hispanic male, approximately 32 years old, 6 foot tall, 190 lbs., with brown hair exited the vehicle from the rear passenger side door. The Suspect was wearing red-orange shirt, blue ripped jeans, white shoes, and had a gold chain with a crucifix. The Suspect approached the Victim from behind and grabbed her by the neck by wrapping one of his arms round her neck. The Suspect pulled her into the Suspect vehicle from the west sidewalk of Hoover St (in front of 4025 S Hoover St). The Victim was pulled approximately three feet from the curb and into the Suspect vehicle. The Victim immediately jumped out the open rear window of the rear passenger side. She then ran E/B on 40th Pl to 712 40th Pl. She hid in the back until she felt safe and called her friends. She then ran to 532 W 40th Pl and met with her friends. The Victim then called Police.

July 9, 2019 – Citation for LAMC 12.27.1 - Failure to comply with City imposed Conditions.
Condition No. 9 (post and a maintain no loitering signs at each entrance to the business and in the parking lot. LAPD documentation as follows:

- Source of Activity:
On 07-09-19 at approximately 2130 hours, my partners, Sgt. II Ercolano, #37574, Officer Gevorgyan, #41253, and I Officer Trujillo, #40066, were assigned to the Southwest Area Vice Unit. We were driving a plain vehicle. We were wearing our LAPD department approved tactical vests. We were accompanied by LAFD Fire Inspector Walker. The purpose of our inspection was to follow up on the possible Fire Code violations inspector Portillo observed.
- Investigation:
During the above date and time, my partners and I drove to the above-referenced location. We walked in and met with Escher. We advised Escher, we were conducting a follow up to insure she had posted the signs, as required per city imposed condition number 9.

During our inspection, it was clear that the required signs were not posted. Sgt. II Ercolano took photos of the areas required to have posted signs per the City Imposed Condition number 9. Escher asked my partners and I what signs were they and what did they need to say. I advised her to review City Imposed Condition number 9 as instructed to do so in the past and reiterated that she is required to have No Loitering signs.

Based on our training, experience, and observations, we determined that Arrestee Escher, Anat (owner of Banditos Tacos and Tequila) was in violation of 12.27.1 LAMC- Violation of City Imposed Conditions.

- **Arrest:**
Officers arrested Escher for 12.27.1 LAMC - Violation of City Imposed Conditions. We issued her RFC No. H05070. Sgt. Il Ercolano took photos of the building, entrance and parking lot.
- **Additional:**
During this incident, officers observed a patio area set up in the rear parking lot of the location. Officers observed a male Hispanic and female Hispanic drinking alcoholic beverages in this area, in violation of the location's ABC license. A 15.7 was completed and forwarded to ABC to document this violation. Fire Inspector Walker observed several fire code violations which were documented and forwarded to Fire Station 46 for enforcement.

Correspondence from the Operator in response to the July 9,2019 citation:

- On October 11, 2019, the operator submitted a receipt as evidence that an electronic age verification device is installed at the subject site.
- On October 18, 2019, e-mail from the operator submitted photos of confiscated fake identification cards and a short video announcing that fake identification cards will be confiscated.
- On October 18, 2019, the operator submitted this statement via e-mail:

"I want to tell you my side of the story.

I want to start first by saying that I had no idea that there was a ZA case from 1995. I was in business for almost 3 years before anyone brought it to my attention. When I bought the business, we did a search and nothing came up. I am going to send you a picture a day after I found out from ZIMAS that it doesn't show that this report was available.

When I did find out about 4 months ago about the conditions, we immediately complied with all of them. The main one was to close during week by 12am midnight, which we do.

I don't see my business as a nuisance to the area. The opposite actually. We have cleaned up the area, made it more visible, and brought the neighborhood together by providing a place they can come to and enjoy.

Another point that is very important that I would like to have in the report is that I don't even have to serve food and I do. I bought a trailer that serves Tacos and other food items that customers can order to help prevent anyone from getting too inebriated.

When I opened in February 2017 unfortunately, the manager and the team that I had working for me did not do a very good job and we got caught 3 times in a 6 months period serving underage kids (not USC students)

I paid high penalties to the ABC and in 2018 I fired the manager and most of the bartenders and started a clean slate. My staff knows now and checks everyone's IDs regardless of how old they may appear. IN FEBRUARY 23, 2018, WE PASSED SUCCESSFULLY AND UNDERCOVER STING AND AGAIN IN NOVEMBER 2018 WE PASSED AGAIN. This shows that we have cleaned up and are on the right path.

But, we still have a problem with underage USC wanting to come to my bar (especially on Wednesday and Thursday, those are the days they like to come to my bar because they cannot do it on the row).

Unfortunately, a few times when VICE came and conducted a raid, they found 10-15 kids with fake ID - not consuming alcohol, but in the restaurant. And this is what triggered this situation between me and the city. I did everything in my power to check their IDs - with a special scanner - but they are way too smart and have a lot of money to spend on IDs that are difficult to detect.

At one point, in 2018 I bought a top of the line computer scanner for more than \$5000 that definitely helped the situation. We also learned that even if you have the best software and scanners out there, technology eventually improves and can become obsolete, and did catch all of the fake IDs.

All of this helped, but we still had a problem with VICE when they once came in. I understand this makes me look bad. I personally have a 17-year-old son and I don't want him to drink at this age.

At one point in 2019, I had a few meetings with the head of VICE, Sgt. Ercolano, and I decided to take a different approach, which worked amazingly for the last 6 months.

- 1. We stopped promoting on Instagram or any platform any parties. Please check.*
- 2. We started confiscating the IDs that we came across at the door every night - even if I slightly suspected - I have about 200 actual IDs in my possession. I take pictures of them and send them to VICE - this deters them from even trying to come in because those IDs are expensive.*
- 3. I will send you some emails that I actually announce to the lines outside of the establishment that I will confiscate their fake ID if they attempt to use them.*
- 4. If someone looks too young, I don't even deal with it, I tell them to leave and refuse any service to them.*

5. *Even though we scan all IDs at the door, everyone of my staff still checks their IDs when someone orders a drink - it's always another barrier they have to go through.*
6. *Even though I applied and received a police permit to have a DJ, I no longer allow any USC DJs, and the reason is that it is very difficult to regulate the volume. So now we just use a personal iPod and we have complete control over the volume.*

Other points that I would like to address, I am not just the owner of the bar, but also the owner of the property itself so you can understand that I am fully invested. Throughout the whole process, I have been working with VICE and definitely made progress with our communications. And please refer to the emails we have sent to one another showing this.

We are also gathering letters of support from the neighbors which I will send in the next few weeks, most importantly the nearest neighbors to the bar.

Another very important point is that in the 2 1/2 years I am open, police was never called to my location for noise, fights, shooting, stabbing, etc. This has to be a part of the report. Please confirm this with me.

It was always a problem and concern with USC underage/fake IDs.

Other points that I would like to add to the report is that this area is known for gangs and violence. So police officers, almost on a weekly basis, come into my business to ask to see footage captured on my 24 cameras I have on my property - half of them film the outside - concerning incidences that have nothing to do with my business, typically occurring not during my business hours. As far as keeping the area clean, the city definitely doesn't do a good job cleaning the area - my corner is the cleanest one because we do it ourselves every day. I can also send you pictures to prove this.

Please let me know if you have any other questions and I will send you more emails soon.

Anat Escher"

- Planning staff have received approximately 22 e-mails from the owner/operator stating how she is working to curtail nuisance activities. An electronic age verification device has been purchased by the operator, and fake identification cards are being confiscated. Also, in the e-mail attachments from the operator are accounts of inspections from the LAPD and on one occasion LA City Fire with LAPD providing security.

Other Public Agencies:

Department of Public Works, Street Services Bureau

- In late 2017 and early 2018, Karrie De Mascio, Street Services Investigator I, issued several citations to the owner of the business for the restaurant's impacts that spilled over into the public right-of-way. (The owner addressed the matters.)

Los Angeles Department of Building and Safety issued an Order to Comply (OTC) – Effective October 30, 2019:

- The inspection by the Code Enforcement Bureau revealed that the subject property is in violation of several Los Angeles Municipal Code (L.A.M.C.) sections. A copy of the official Order to Comply is attached to the file.

The violations are listed as follows:

1. Expansion of an existing establishment dispensing alcoholic beverages for sale or other considerations by more than 20 percent.

1) Obtain a new conditional use approval which is required when the existing establishment has had a substantial change with the mode or character of operation, including any expansion of more than 20 percent of the existing floor area, seating or occupancy, whichever applies.

Code Section violations: 12.24-W.1.(d), 12.21-A.1.(a) of the LAMC.

2. Violation of condition No. 4 of the Conditional Use Permit ZA 92-0818 (RV).

Provide the required Occupancy Load Sign, as issued by the Los Angeles Fire Department.

Code section violations: 12.29, 12.21-A.1(a) of the LAMC.

3. Violation of condition No. 9 of the Conditional Use Permit ZA 92-0818(RV).

Post and maintain [a] sign stating that loitering is prohibited, a minimum of 1 foot x 1 foot at the parking lot and at each entrance to the business.

Code section violations: 12.29, 12.21-A.1(a) of the LAMC.

4. Unapproved occupancy and use of the storage room that has resulted in the expansion of the bar.

Discontinue the unapproved occupancy or use of the storage room as part of the bar establishment.

Code section violations: 91.104.2.5, 91.103.1, 12.26-E and 12.21-A.1.(a) of the LAMC.

5. The approximate 15 ft. x 10 ft. addition to the rear part of the building was/is constructed without the required permits and approvals.
 1. Demolish and remove all construction work performed without permits(s).
 2. Restore the existing structure(s) to it originally approved condition, OR
 3. Submit plans, obtain the required permits and expose the work for proper inspections.

Code section violations: 91.8105, 91.106.1.1, 91.106.1.2, 91.108.4, 91.106.3.2, 91,103.1, 91.0104, 94.103.1.1, 95.112.1, 12.21A.1(a) of the LAMC.

Added to the rear part of the building and along the west property line. Currently being used as a kitchen prep workstation.

6. Unapproved use of Land.

Discontinue the unapproved occupancy or use of the Parking Lot as a kitchen and cooking facility and restore it to its approved condition.

Code section violations: 91.104.2.5, 91.103.1, 12.26-E and 12.21-A.1(a) of the LAMC.

7. The approximate 22 foot x 22 foot construction of a metal framed canopy over outdoor cooking equipment was/is constructed without the required permits and approvals, in parking lot.
 1. Demolish and remove all construction work performed without permits(s).
 2. Restore the existing structure(s) to it originally approved condition, OR
 3. Submit plans, obtain the required permits and expose the work for proper inspections.

Code section violations: 91.8105, 91.106.1.1, 91.106.1.2, 91.108.4, 91.106.3.2, 91,103.1, 91.0104, 94.103.1.1, 95.112.1, 12.21-A.1(a) of the LAMC.

8. The tenant improvement was/is constructed without the required permits and approvals.
 1. Demolish and remove all construction work performed without permits(s).
 2. Restore the existing structure(s) to it originally approved condition, OR
 3. Submit plans, obtain the required permits and expose the work for proper inspections.

Code section violations: 91.8105, 91.106.1.1, 91.106.3.2, 91.103.1, 93.0201, 93.0104, 95.111.1, 95.111.2, 94.103.1.1, 12.21-A.1(a) of the LAMC.

Includes an updated bar counter, exterior wall opening along Martin Luther King Blvd., Menlo Ave., and along the rear part of the building to accommodate the new use of the storage room, as well as plumbing and electrical work within the building.

9. An updated Certificate of occupancy is required for the expansion of the bar.

Obtain the required building permit and update the Certificate of Occupancy.

Code section violations: 12.2-E.1.(a), 12.21-A.1.(a) of the LAMC.
C of O #1963LA49979 specifically states "no cooking or entertainment."

General Public:

At the time of the report's preparation, three letters from the public had been received with complaints regarding the operation of Banditos. The nuisances mentioned were noise disturbances, traffic interdiction from ridesharing services along the Menlo Avenue and Martin Luther King, Jr. Boulevard intersection, parking impacts from patrons and employees, amplified music that is audible off-site up to nearly two blocks away, and smoke from cooking on the outdoor grill.

Another concerned citizen complained that the alcohol serving premise was operating as a nightclub with loud music and patrons, and that the structure's opening along Martin Luther King Boulevard, and the entrance on Menlo Avenue, accentuates the amplified music and loud patrons.

Finally, another letter stated "as the general consensus seems to be glad to see 'business' on the South side of MLK JR. BLVD., Banditos is not really helping improve our community. It's loud, impacting parking & traffic and the owner seems to be unapproachable or unavailable for assistance or compromising. While the previous business on site was also a 'bar' type of establishment, it was not 'open air' and was somewhat more classy re: patrons, nearby residents and community involvement. This current establishment is continually unfair to nearby community residents."

Staff received one letter supporting Banditos, stating the following, "I respect and appreciate when you've responded to my requests in regards to the noise levels and the sub-woofer bass which is most invasive. I will definitely have no problems with Banditos, and I'm sure our neighbors will feel the same. The closing weekdays by midnight is most welcome, and helpful to everyone. The USC parties being a thing of the past, is excellent."

PUBLIC HEARING

A public hearing was conducted by Theodore Irving - Associate Zoning Administrator, on October 31, 2019 at 10:00 a.m. at City Hall, located at 200 North Spring Street. In attendance and testifying were the property owner/operator, bar managers and employees, representatives of the Los Angeles Police Department, residents and stakeholders, and a representative of the Office of the Ninth Council District.

Prior to opening the hearing to public testimony, the Department of City Planning's staff investigator presented a summary of background information and other pertinent information regarding the location. The presentation was a summary of the Planning Staff Investigator Report, which is attached to the case file.

The following is a summary of the points made at the public hearing:

Anat Escher- 20 year restaurant operator & owner:

- Opened 2 ½ years ago, the establishment was a success right from the beginning.
- LAPD activity not accurate throughout the 2 ½ years of operation, refuse to believe Banditos is a problem. The problem is with the USC students. USC is the real problem.
- Electronic Identification are harder to spot; to identify fake I.D.'s I purchased a \$5,000.00 system to combat the prevalence of electronic fake I.D.'s.
- Currently have a Type 48 license; working toward a Type 47 license (full-line for restaurants).
- The establishment has been confiscating I.D.s, photocopying and sending e-mails to LAPD South West Vice.
- I asked Sgt. Ercolano to provide LAPD-Vice to assist to spot fake I.D.s.
- USC student come by Wednesday and Thursday (no fraternity parties on "the row" on Wednesday and Thursday); stopped advertising on Instagram and will confiscate fake I.D.s.
- Windows opening on MLK Blvd., I put security bars to stop people from jumping in, security bars did not need permits.
- When asked for the "Fire Occupancy Load" by the Zoning Administrator, the answer given was, "we have a Certificate of Occupancy from 1957."
- Disagree with LAPD Vice, we are taxpayers and create jobs in the area.
- Starting immediately, Banditos will not allow any USC events or USC party events.
- Patrons from USC are a problem and will post a sign stating "Due to the high volume of fake I.D.'s presented by USC students Banditos will not host any USC parties or events-ever." Sixteen signs will be posted.
- Submitted a signed petition from residents, a map of adjacent properties supporting the operation of Banditos.
- Passed two LAPD inspections, minor decoy operations.
- Not aware of the nuisance abatement case on the property, it was not on the public ZIMAS.
- Building built in 1957 not up to standards.
- Should provide private security, cannot rely on the taxpayers and LAPD Vice.

Sherilyn Correa-Director of Planning and Economic Development for Council District-9:
Curren D. Price Jr.:

- Council District 9 opposes the operation of Banditos' Tacos & Tequila has been the cause of nuisance activities and violations in the community.
- Council office staff witnessed problems caused in the community, its operation causes blight, has underage drinking, noise violations; it is located in an already high crime area. Other nuisance activities include loitering, trash, and illegal signage.
- Applaud the work of LAPD Vice unit and the successful vice operations associated with the operation of Banditos.
- The Council office supports the discontinuance of the use or revoke Type 48 license, impose additional conditions and opposed any further extension of the record.
- A letter from the Councilman Curren D. Price Jr. was submitted to the file. In opposition to the operation of Banditos.

LAPD Sgt. Chris Ercolano -14 years, Newton-Vice 4 years, currently at Southwest-Vice since February 2019:

- Banditos causes problems for Southwest Division; received calls for noise disturbances, problems with underage drinking; there have been victims of crime, and sexual assaults occurred at the establishment. After each enforcement action, have met with Ms. Escher after each operation.
- Southwest Vice have taken the following enforcement actions:
 - 3/7/19 – Arrest of 15 USC students with fake ID's, and Anat Escher was cited for furnishing alcohol to minors.
 - 4/8/19 – 13 arrest for possession of False ID's, all students at USC, and arrest for unlicensed security.
 - 5/24/19 – Ms. Escher was served with conditions of operation under Case No. ZA-92-0818-RV-PAD.
 - 6/14/19 - Entered the location with LADBS Inspector and spoke with the owner about the issues and operation of the establishment.
 - 7/9/19 - Southwest Vice escorted LAFD for an inspection of the establishment.
 - 10/16/19 - LAPD made 26 arrests met with the owner, asked Ms. Escher that even if they look young with identification deny them service.
 - 10/16/19 - LAPD conducted an operation at Banditos. Strong drinks being served and still allowing individuals with fake ID's inside. LAPD arrested 26 individuals with fake ID's. Undercover officers observed a blue-green drink and a USC student paid \$1,000.00 for a wristband. Undercover officers overheard the security guard and bartender make comments about fake ID's.
 - After the operation, Detective Dana Harris did a secondary inspection and observed seven people hiding, two people in a closet, underage kids in the "VIP area", and found seven people hiding under the couch. LAPD observed bar staff purposely help kids avoid arrest. A person was observed taking a tank top off a mannequin and wear it to pose as an employee to avoid arrest. Have multiple statements from enforcement agencies regarding the 10/16/19, operation.

- Other issues:
 - USC Department of Public Safety officer monitor social media and found Banditos Thirsty Thursday on Oct. 3, 2019, targeting USC students.
 - 100 arrests have occurred for fake ID's.
 - Ms. Escher asked LAPD to help with checking ID's and verification. LAPD are not allowed to assist in security on or off duty due to liability issues.
 - ID card reader not reliable; machines not reliable. A joint operation by LAPD, DMV, and ABC was brought onto the site to identify false ID's.
 - Staff need additional STAR training, it appears that STAR training is current, however, problems will continue.
 - Vice have observed illegal parties and raves.
 - Patio with a bench in the parking lot serving alcohol, violation of the CUP (ZA-92-0818-RV-PA), and the establishment is not operated in a responsible manner. Undercover officers have consumed alcohol on the bench.
- Calls for service from 1/01/17 to 10/23/19 with a total 29 responses.
- USC Public Service officers had five reports taken.
- Crimes occur at the location where the victims were served alcohol and left the establishment. The nexus is victims were served alcohol at this location.
- Public assemblage LAFD Order to comply found five violations.
- Capt. Lee Sands submitted a letter detailing 31 calls for service from January 2017.
- Capt. Al Baez submitted a letter describing the problems observed while driving home from his shift at Newton and made a call to Southwest Patrol to take control of the situation.
- Senior Lead Officer John Bindo (SW), is the SLO for the area north of the site, observed alcohol being passed back and forth from the opening on MLK, and informed Southwest Vice about the problem.

Officer Paul Straus – LAPD Reserve Volunteer Three Years (Dr. Anesthesiology-Cedars Sinai):

- Oct. 16, 2019, after the arrival of LAPD officers, 15-20 people climbed over a cinder block wall to avoid arrest; onto another wall with spikes and they could have been seriously injured. A USC Public Safety Officer observed “kids” coming out the back on to the west adjacent property destroying property and the flowerbed. The Public Safety Officer asked them to cease climbing the walls for their own personal safety.
- Observed patrons glassy eyed, slurred speech, unable to walk and clearly inebriated.
- Spoke with resident in the lower apartment, to the west, affected by noise and nuisance activities. They have lived there for 20 years and are tired of the noise, garbage and public urination.
- Finally, as a physician, alcohol has affects under 21, especially with binge drinking and the CDC states that it is community's responsibility to limit alcohol consumption with young adults.

Captain Ed Palmer- USC Dept. of Public Safety (29 years LAPD Retired):

- 6 years at SC, patrols a 3 square mile outside of the campus and is the commanding officer of Patrol operations.
- Banditos has been a problem issue since it has opened and USC students know

they can go there for underage drinking.

- USC Public Safety informs parents that they will take of your kids as if they were our kids and insure they will be safe.
- Banditos cannot control itself or the student population.
- SC students get drunk, leave the establishment and are assaulted, robbed, and have become victims of sexual assault.
- Recommend closure of the establishment.

Sgt. Rod Peacock - USC Dept. of Public Safety (Ret 30 yr. LAPD, last eight at Southwest and a Vice Officer Harbor Davison):

- During his time at LAPD never witnessed the degree of underage drinking violations at Banditos.
- Took part in the operation and arrest of underage drinking with LAPD Vice on 10/16/2019.
- Detained 20 people; wrist band allowed underage drinking to attend, one student stated that they should have come on Tuesday nights, that is when all the freshman come and would have had more violations, "Freshman Night" is Tuesdays.
- Matched students real birthdays to the fake ID's.
- The area around Banditos is a high crime area. Worked undercover with LAPD for robberies and armed robberies. Conducted arrests for robberies, gun possession, murder and numerous felonies.
- There have been numerous robberies of drunk students and the suspects lived in the area.
- An underage patron with a wristband to enter said this allowed her to enter but not drink.
- There is a need to correct the deficiencies of this operation.

LAPD Detective Dana Harris DSVD - Community Problems Unit:

- Banditos has been under a comprehensive investigation since March 2017 with LAPD, ABC, LADBS, and USC Department of Public Safety in regards to 900 W. Martin Luther King Jr. Blvd., Banditos Tacos & Tequila, in Council District No. 9.
- Was informed that a Sergeant detained an intoxicated USC student at 3 am standing in the middle of MLK Blvd. The student was drinking at Banditos, LAPD Sgt. alerted [Southwest] Vice that they have a problem.
- May 14, 2019, brought in from the Chief of Police Office, and opened formal abatement. Nuisance activity include public intoxication, SC students jumping the walls; noise, service to minors, false I.D., 415 PC group disturbance/fights, 107 cited for alcohol related crimes and service to minors, robbery, domestic violence, 31 calls for service, 11 separate investigative reports, two separate incidents of SC students where underage drinkers that were sexually assaulted, reported to LAPD and to USC Public Safety. Inebriated students enter the neighborhood and urinate, vomit and engage in other nuisance activities.
- Sensitive uses near the location are Exposition Park, L.A. Coliseum, L.A. Swim Club and USC.
- The establishment holds a Type 48 License.
- The old Menlo Club was not a problem after LAPD investigated it in the past, and it was an older crowd. It operated as a speakeasy. No issues with the old Menlo club.

- On 3/16/2017, Minor decoy operation; a minor entered and purchased an alcoholic beverage from the establishment without an ID. A violation of 25658 B&P Code.
- On 3/17/2017, Southwest Vice purchased alcoholic beverages and walked out to MLK Blvd., consumed alcohol without proper ID and without being stopped. A violation of 41.27 D of the LAMC, consuming alcohol outside a licensed ABC establishment within 50 feet. LAPD officers spoke with Ms. Escher, the owner/operator, and she understood the seriousness of the situation and stated it would not happen again.
- On 4/1/2017, Sargent Koval, formally of Southwest Vice, surveyed the establishment and observed open windows; drinks passed back and forth between the open windows, dancing on table top; and overcrowding. LAFD called to the scene for overcrowding but the establishment closed before the arrival and cancelled the LAFD response.
- On 4/6/2017 Southwest vice observed patrons dancing without a CUX, violation of 103.102 & 103.106 LAMC, No Cafe and Entertainment permits. The owner was cited.
- On 4/15/2017 Sargent Koval and Sargent Richardson observed an intoxicated male, 20 years of age wandering on MLK Blvd. at 2 am. He was transported back to USC by USC Public Safety officers.
- On 4/20/17 report of amplified music, no dance hall permit, loud noise from speakers beyond 50 feet. A violation of 116.01 LAMC loud noises. Upon arrival, officers issued citations for 25661 B&P, minor in possession of fake ID. Law enforcement personnel noted that of the 20 person in bar, only five people were over 21.
- 4/27/2017 LAPD and the State Dept. of Motor Vehicles conducted a "trap door" operation for to investigate underage drinking and use of false identification. Officers detained nine individuals for possession of false identification while consuming alcohol.
- 8/16/17 SW vice conducted a minor decoy; the minor entered security did not check ID, ordered and purchased a Stella Artois beer. The owner, security and the wait staff were cited for furnishing alcohol to minor and security operating without state guard card.
- 3/9/2018 SW-vice and DMV conducted another "trap door" operation underage drinking. There were 21 underage patrons were cited for consuming alcohol and possession of false identification.
- 3/22/2018 An additional, trap door operation 9 people cited with false identification.
- 6/3/2018-ABC In response to the numerous citations, ABC suspended 15-day suspension of license of Ms. Escher, #18086590, per B&P 25658 code.
- 3/1/19-SW Area investigators responded to complaints of chronic noise from Banditos. Investigators entered the establishment cited 10 persons under 21. Ms. Escher was cited for 25658 B&P code.
- 4/19/19 Again, law enforcement personnel entered the establishment and cited individuals for underage consumption of alcohol.
- 10/16/19 – The incident has already been discussed.

Summary:

This location is out of control. It is similar to the problems seen in the Hollywood area with noise, fights and sexual assaults. The operator is unwilling or will not control the operation.

The area is not Hollywood but operates as a Hollywood nightclub and some LAPD has sought revocation and this place.

Critical of Ms. Escher requesting LAPD's assistance in controlling the underage drinking problem. It is the responsibility of the operator to control their environment not the LAPD.

All operations conducted has resulted in double-digit arrest. It is the position of the LAPD that the use operating at this location be revoked.

Claudio Moreno Sr. Inspector Los Angeles Department of Building and Safety

- Here to provide testimony regarding the 10/18/2019, inspection regarding a complaint submitted to LADBS. The complaint was about possible CUP violations. The complaint was filed in June 2019, prompting the inspection.
- First entered from the parking lot to get information and a feel for the property. It was myself, and two other inspectors; they noticed a canopy in the parking lot and also noticed propane tanks in the parking lot with a cooking facility under the metal canopy. Entered the front entry of the property with the 1992 and 1995-CUP (RV) conditions, which eliminated the security guard conditions and extended the hours of operation.
- Noted a violation of Condition No. 9 of the RV case, no loitering sign posted at all entrances; there was no sign posted at the parking lot.
- The reason for the inspection was in response to complaints regarding the property.
- The Certificate of Occupancy is issued by LADBS; the fire occupancy load certificate is issued by the Fire Department and its load [capacity] may be more restrictive than the building code.
- Staff contacted Ms. Escher by phone and she requested that [the inspectors] leave; she was uncomfortable with the inspection and did not want the business disrupted.
- During the inspection, [the inspectors] took photos of the interior and the parking lot.
- Research indicated more code violations, over 205 modifications of the premises and issued an Order to Comply, documenting a more than 20% expansion of the premises that requires a new CUB.
- Noted violation of Condition No. 4 (fire occupancy load) and Condition No. 9 (no loitering signs posted at each entrance and the parking lot).
- Parking lot is approved for parking not for cooking. The Certificate of Occupancy states no cooking or live entertainment. A permit is required for a metal canopy; the mobile cooking device appears to be permanent in nature.
- [Item] No. 9 of the Order to Comply [states] the storeroom was modified to a VIP room.

- When asked to leave, LADBS staff not able to fully inspect an unapproved structure [made] for a storage addition. However, inspectors observed a makeshift kitchen/prep station non-permitted.
- Also, observed a sign in front for advertising of music and dancing, violating the C of O as dancing requires a CUX.
- Research of multiple violations indicated no permits for window opening, security bars, updated plumbing for the bar. With the interior tenant improvement work, the establishment lost the deemed-to-be-approved conditional use status to serve alcohol; the premises is no longer grandfathered.

State of California Alcoholic Beverage Control (ABC) – Agent Dan Vergara

Part of a State Alcoholic Beverage operation for compliance and enforcement of Alcoholic Beverage Control Act, Business & Professions codes, and Health & Safety Codes.

- ABC was invited by LAPD, to conduct an undercover operation on 10/16/19, arrived before 9 pm at Banditos 900 W. Martin Luther King Jr. Boulevard, specifically to looking for service to drunk, obviously intoxicated individuals. They were greeted by bartenders and were given menus.
- Observed happy hour was from 5 pm - 9 pm; and 2 for 1, drink specials violation of B&P Code 25600, a violation free goods or free alcohol not to be given away.
- ABC undercover agents ordered two beers along with two other undercover groups. Received an alcoholic beverage and shot glasses, which represented the second drink. The free drink represents consumption of more alcohol.
- Observed 5gallon buckets with blue green fluid called an "Adios", with mixed distilled spirits; no labels or markings [which is a] violation of B&P 25170. Also, a container with more than a gallon of alcohol is a violation of B&P 25172.
- The gallon drinks were for a fraternity party, held later. ABC continued monitoring the premises.
- ABC personnel went to the back parking area had alcohol service and observed employees walking pass, and they said nothing to him. Only the building was licensed to serve alcohol inside.
- Employees appeared youthful looking under 18-20 years old, a violation of B&P 25663; employees under 21 cannot prepare or serve alcohol.
- Observed employees take money for wrists band for drinking purposes to people involved in the party.
- 40 youthful patrons enter; bartender says to double-check ID's, one officer overheard bartender state "that's a pretty bad ID" then proceeds to serve alcohol. Violation of B&P 25658(a), alcohol service to minors. The establishment holds a Type 48 beer and wine; distilled spirits public premises 21 and over (no minor allowed). Any minors on the premises is a B&P 25665 violation.
- Observed numerous youthful appearing patrons if under 21 years, [which is] a violation of B&P 25662. In addition, observed minors with fake ID's; confiscated six ID's, a violation of B&P 25665.
- Called in units outside to secure the premises and check ID's, when units arrived at the front door at least 10 kids tried to exit the rear.
- At this point Agent I opened my investigative report not yet finished and is an open investigation.
- Followed up on 10/22/19, to provide additional for training of the operators to

identify false ID's and stressed that they have to ID false identification; they (the establishment staff and operator) are responsible.

- Security guard are regulated by the Department of Consumer Affairs, Bureau of Security Investigative Services. Security has to meet scheduling, bonding and insured, registration regulated and certified by Bureau of Security Investigative Services. Ms. Escher was acting as her own private patrol operation a violation of B&P Code 16240. [Request] to inspect employee schedules was denied; a violation of B&P 25753, and denying law enforcement personnel access to inspect the premises and records [is] a violation of B&P 25755.
- Ms. Escher refused to release video surveillance to Law enforcement personnel; stressed that an ABC license is not right but a privilege. Failure to provide documents and access to law enforcement violation of Penal Code (PC) 14801 obstructing an investigation.
- Continued the investigation with a visit on 10/30/19; identified employees working on 10/16/19 [and spoke on the phone with Ms. Escher [who] now has an attorney, stated that she did not have to provide anything. Asked employees for identification, they answered that they did not work for ABC and did not have to provide ID. Management and employees did not cooperate with ABC. ABC role is to insure health and safety of patrons and comply with ABC laws and regulations.

Ramon Escobar- Employee:

- Worked for Anat Escher 13-14 years; Banditos not a bad place.
- It's not a dirty place; there no trash; I cook and make Tacos.
- They have good customers; they keep the place clean
- other restaurant have trash

Juan Escarcega- Resident:

- I lived in the neighborhood for the past 2 years,
- I live 5 blocks away
- Only place to go; long time staff are good people,
- Tough area but it is coming up
- Rent out a unit and recommends Banditos
- LADBS has experience researching city documents, it is challenging
- It has good food; good happy hour
- I do not feel unsafe there

Sara McCann- Employee:

-Read a prepared statement:

"I've been employed at Banditos for over 2 years and have worked for Anat Escher in several of her establishments for 15 years.

Since the day I was hired, the most important rule for the restaurant has always been to check IDs for every customer, regardless of how old they look. I was the employee that was involved in one of those sting undercover operations at Banditos in 2018 where I ID'd a customer, saw her ID reflected that she was

underage and refused her service. We later received a letter letting us know of the sting and that we had passed.

For more than a decade, I have worked in neighborhoods all over Los Angeles, and the Banditos community has been extremely welcoming to us. I serve the same faces several times a week, and have become friends with the people who live and work in the area and have been told over and over again how excited they are that they have a place to come to and relax after their work day - we host their birthday parties, their sports gatherings, and all of the customers tell us how happy they are since we moved into the neighborhood.

Because customer service is so important - not just to the people I am helping but to the environment of Banditos as a whole, we are aware and make sure never to over serve anyone.

Being in the bar industry, we are very much aware that fake IDs are out there, and even if they do pass the security and come in, when anyone orders a drink, first and foremost we ID everyone at the bar no matter what, and when they show us a REAL ID, we only serve them one drink at a time - this is the policy. And if anyone has a suspicion of the authenticity of their ID, a manager is called and they are removed from the establishment.

I take my job seriously and care very much about it, and hope that you take all of this into consideration. Thank you for your time."

Ashley Buchanan – Employee:

- Worked 4 ½ years with Anat Escher.
- This is the third place working with her to see it progress over 2 ½ years. The first managers at the establishment not up to par from the very beginning; they fell victim to vice investigations.
- Worked in the restaurant industry 20 yrs., and as a bartender 12 years and would have carded any youthful looking patron.
- The USC area is becoming gentrified, with the Rams, LAFC and the new museum will bring on more people that will bring more public drunkenness and trash. The trash problem is not wholly Banditos responsibility.
- Banditos opened as the Rams returned to the LA Coliseum and brings in thousands of people that contribute to trash and public drunkenness.
- There is trash from other areas; there is a homeless encampment on 40th street behind Banditos. I park my car in the area a mile down Menlo [Avenue] and walk to work and I see trash from other establishments.
- Video of homeless with LAPD talking with homeless and the homeless person spreading trash. The LAPD officer left and Banditos staff had to clean it up the trash.
- We take the checking of ID's, seriously. ID's are sophisticated and have false information imbedded in the magnetic strip.
- The big money people are the Rams and USC football games and they are excited about Banditos.
- To say it is a public nuisance is preposterous.

- Permits; researching permits are tough to find and many issues are grandfathered.
- The permitting process is tough and difficult.
- I like working in the South Los Angeles area; I enjoy the job. The area is up and coming.

Selina Moreno – Employee:

- I recently moved to Los Angeles and a friend got me a job at Banditos.
- I have no issues with the area, never felt unsafe or seen a situation that the Banditos staff could not handle.
- The USC problem is small compared to what Banditos represents,
- I've worked in the restaurant industry since 18 years of age and a bartender for 4 years. I've worked in San Francisco, San Jose and Sacramento.
- Banditos provides a good income, good staff and the community is wonderful.
- Never had any problems with the neighborhood, with Rams or USC patrons.
- *The regular customers love the bar; it's fun and enjoyable.*
- I do not want to lose my job, it's tough to find a good bar/restaurant job in LA.
- Keep Banditos open.

Daniel Caderis - Two year Employee:

- I have been warned about the ID problem by Anat; I make sure to properly checked ID's.
- The bar has a friendly environment to work.
- The area has a lot of potential with the museum, LAFC and Rams.
- With respect to LAPD, giving a USC student a shirt to assist a drunk patron, is a falsehood and not true. We would not break the law.

Jacqueline Recendez – Employee for 1½ years:

- I'm a graduate with a BA in art. As an artist, I'm chasing my dream in LA.
- The bar and the staff are like a family. I've bartended since I was 19 in Texas and this place provides a sustainable income.
- Officer Vegara (ABC)- entered the backway, the undercover guy needed ID; I was harassed by ABC; he flashed his badge stating, "Do you know what this is? You need to respect this". I felt intimidated by him.
- There are 2 for 1 drinks in other areas; law enforcement personnel has made this personal.
- I worked at places in Hollywood and they had 2 for 1 drinks as well as, and a place in Venice. I have seen girls dance on tables at the 901 Club.
- *On non-USC nights, at closing time, we do not see LAPD and they do not secure the area.*
- There are decent members of the community; for example, a neighborhood member helped her move.

Nellie Gomes-Resident-Resident since 1996:

- My in-law owns property in the area; one on 41st & Menlo and another on Martin Luther King.
- There is no noise and no trash; Banditos is the only place clean.
- There is a "BJ Clothing Store" and a "Yoshinoya" restaurant; and there it smells

like urine.

- SC students are the problem; not the regulars. The locals do not cause problems. we go there for a good time. The City has to figure out how the USC students obtain fake ID's.
- I drive by there every night and I never see LAPD in the area. Nevertheless, I see the kids and Uber drivers.
- I used to go to the old Menlo club and was not a problem and I was friends with old owner. LAPD was never there because it is on MLK and not Figueroa. MLK is where the minorities are.
- USC students are causing the problem with the fake ID's. The locals do not cause problems.
- There is 2 for 1 drinks at the 901 Club. I've been there.
- BJ Clothing is where the trash is.
- Finally, there is no way seven kids can hide under the sofa; I do not believe that. Seven kids could not hide there.

Bishrel Mashubat – Employee 2 years:

- I take issue with Banditos being accused of a public nuisance. We employees work every single day.
- The locals come in every day and they would not if it was a nuisance.
- The neighborhood may not be the safest and have a history of gang violence but Banditos is an establishment helping to reinvigorate the area. The community supports the establishment.
- We have the cleanest corner in the neighborhood, trash everywhere and we clean every day.
- Fake ID's are the cause of the problem on Wednesday and Thursday, April 23, 2020.
- USC is the problem, much busier when events occur like Ram and USC games.
- We want to follow the law if we defied the law we could not operate.
- Raid regarding the students using a Banditos shirt sounds like a made up story, if true we would asked the patron to take it off. We asked Sgt. Ercolano to do another sweep; we did not defy the LAPD.
- SC is a tiny part of the business and fake ID's are getting very sophisticated.
- We had fake ID's and my ID was mixed in and the ABC officer could not tell the difference.
- On 10/30/2019, we confiscated 10 ID's at the door.

Sarah Onzo- Employee One Year:

- Anat is a good boss, and she has taught me a lot. She hires the best security.
- We are diligent about ID's for every patron. All the bartenders check ID's.
- There on 10/16/19, I also refute LAPD stating the employees helped get shirts off a mannequin for an SC patron. Sgt. Ercolano apologized for to me because the patron took it off the mannequin and we did not give it to her.
- I have seen full ID's along with the fakes and we immediately kick them out.
- The locals are our main business; along with the LAFC and the Rams also big part of our business.
- The area has improved since Banditos opened. I take pride in my work. I am there

five days a week for 40 hours and worked in the hospitality industry 14 years.

- I would never go against the law; and I take pride in my job.
- The trash comment is not true; they keep the area clean from the parking lot, on Menlo up to Martin Luther King Jr. Boulevard. We keep that corner clean.
- No alcohol is allowed on the patio or outside; if someone take alcohol on the patio or outside they are permanently banned.

Tamiko Nakamoto - 30 year resident spoke in opposition to Banditos:

- I live in the immediate area impacted by Banditos. I used to go to the Menlo Club.
- When Banditos opened it operated as a sports bar, no problem, & most people tend to leave after the game.
- Now it has become a problem; after 10 pm, the volume of the music goes up and starts to operate as a nightclub.
- Elder people are more sensitive to low pitch sound and the subwoofers and amplified music reverberates the buildings. That may be due to the structural changes; they opened the wall on the north side of the building. The entrance use to be Martin Luther King; now Menlo Avenue is the entrance.
- Residents living on Menlo are impacted. Those in the neighborhood who spoke favorably do not live on Menlo.
- Banditos staff and patrons park on the street; they block gates for alley access and use the doctor's office parking lot after hours. Many of the locals had permission to park there but, Banditos staff and patrons have appropriated it.
- Patrons continue to drink after closing and throw trash in yards; I have picked up bottles and clothing.
- Cooking in the parking lot is impacting the residents. The outdoor grill has taken parking spaces and the smoke from the grill has impacted my property.
- In 30 years, there have been good owners and bad owners. Ms. Escher said they are not responsible for the patrons once they leave. Many patrons leave with alcohol purchase from Banditos.
- Ask her to respect the neighborhood; remove the subwoofer.
- Much of the trash, but not all from the patrons.
- The Banditos patrons loiter in the neighborhood and not in front of the building.
- The music wakes up my neighbor at night, her husband walks over to ask to turn down the music, and kids heckle him 'Old Man'; the elders are not respected.
- Banditos have a problem the operation and it must be modified. It operates as a nightclub and does not have a license for a nightclub.
- ABC and RV conditions are still intact; noise from the use until after 2 pm.
- We request that this operation close at 12 midnight weekdays.
- Many of the locals in the area cannot come to the hearing. They use me as a neighborhood advisor and share their concerns about parking or street cleaning, and I come with their concerns about the operation of Banditos.

Anat Escher

- For the record, we are not a nightclub.
- The health department permits cooking in the parking lot, and we do not need LADBS permits.
- We'll meet with ABC Dan Vergara and our lawyer with cameras and schedules.

- We received an Order to Comply from LADBS and will get all information regarding the LADBS-OTC and comply with the revocation conditions.

CORRESPONDENCE RECEIVED AT THE OCTOBER 31, 2019, PUBLIC HEARING

Six Letters in support of Banditos were submitted at the public hearing. Five were from residents living in the vicinity and one from the principal of the USC Hybrid High College Prep.

Also, a petition of support from neighbors and customers with 88 signatures was submitted.

Detective Dana Harris of LAPD Submitted the following:

Patrol Calls for Service for the period of January 2019-July 2019: 30 Responses to 900 W. Martin Luther King Jr. Boulevard.

October 31, 2019, from Captain Lee Sands, Southwest Area Community Police Station:

I have been the Commanding Officer of the Los Angeles Police Department (LAPD) Southwest Area since March of 2017. During my tenure as Commanding Officer, Banditos Tacos and Tequila, located at 900 West Martin Luther King Junior Boulevard, has been an ongoing problem. Most importantly, the location regularly furnishes alcohol to minors. Case in point, the Southwest Area Vice Unit has conducted five undercover minor decoy operations at the location, and during three of these operations, staff at the bar served alcohol to the minor in violation of 25658(a) of the Business and Professions Code- Furnishing Alcohol to a Minor.

The location appeals to, and attracts, underage students from the nearby University of Southern California (USC). This has been demonstrated time and time again. The Vice Unit has made 108 arrests at Banditos since January 2017. Just under 100 of these arrests have involved USC students who were arrested for section 25665 of the Business and Professions Code- Minor in Public ABC Premise, or section 25661 of the Business and Professions Code- Minor in Possession of Fraudulent Identification. This activity has continued despite Department personnel meeting with the owner repeatedly to educate her and encourage her to stop marketing her business to USC students. In fact, just two weeks ago, on October 16, 2019, Vice Officers arrested 26 underage USC students at the location.

My concern is not just the underage students drinking alcohol, but the crime that results from it. There have been two documented sexual assaults of underage USC students who were drinking at the location on the night they were assaulted.

Aside from the underage drinking, and the crimes that derive from this activity, Southwest officers have responded to 31 calls for service at Banditos since January of 2017. During that same period, the location has been the scene of 19 crimes. These crimes include robbery, assault with a deadly weapon, domestic abuse, battery, and theft. These numbers do not include incidents in which an individual was drinking at the establishment and then became the victim of a crime very nearby. Such was the

case in June of this year when a woman walked out of Banditos and immediately became the victim of an attempted kidnapping.

Due to the continued service of alcohol to minors, the ongoing violent crime at the location, the citizen complaints of noise at the location, and the apparent inability of the operator and staff to prevent these ongoing issues, it is the position of the Los Angeles Police Department that the communities of Southwest Area would benefit from the revocation of the approved use for dispensing alcohol at 900 West Martin Luther King Junior Boulevard.

October 29, 2019, Captain Alex Baez, Area Commanding Officer Newton Division:

During my time as the Patrol Commanding Officer of Southwest Division in 2018 and 2019, I became aware of the ongoing nuisance activity at Banditos Tacos and Tequila, located at 900 West Martin Luther King Junior Boulevard. I was aware that that the location had a reputation for serving underage University of Southern California (USC) students, and that the Southwest Vice Unit was actively involved in enforcement at the location. I was concerned with this, but even more concerned with the reported and unreported crime that occurred as a result of underage individuals drinking at the location.

As these issues are being addressed with your office by others, I wanted simply to make you aware of my observations one night in early 2018. I was driving home at approximately 2200 hours and observed the location to apparently be out of control. The bar appeared to be filled beyond capacity, with individuals spilling out on the north and east sides of the establishment. Individuals appeared to be passing items from inside the bar to the outside through the large open windows on the north side. The majority of the individuals appeared to be college-aged. I did not observe bar security of staff attempt to control the large crowd inside or outside the location. Because of the apparent lack of order, I notified the Southwest Watch Commander to dispatch a patrol unit to disperse the crowd and gain control of the establishment.

It is very unfortunate that an ABC establishment is allowed by its management to become so over occupied that it cannot be controlled, and the police must respond to restore order. I hope your office will find this incident useful in determining whether or not to allow the location to continue to dispense alcohol.

October 30, 2019, SLO John Biondo to Sargent Ercolano, Southwest Vice:

I have been a Senior Lead Officer in Southwest area since 2008 and the Senior Lead Officer in Basic Car 3A57 since 2013. Since my time in Basic Car A57 I have seen first-hand the impact that Banditos Tacos & Tequilas has had on the community. Banditos skews their advertising and targets USC students. Additionally, Banditos has in the past hosted large unruly gatherings of underage USC students, oftentimes "closing" the bar to non USC patrons in order to serve USC students many underage, in relative secrecy. When the location closes, the students then spill out into the streets of the community causing disturbances and acting in a drunken and unruly manner.

October 29, 2019, Lt. Dan Robbins to Captain III, Lee Sands, Commanding Officer, Southwest Area:

During the last month, I, Lieutenant Dan Robbins, Serial No. 32492, had the opportunity to observe activity at Banditos Bar, on several occasions. The first instance occurred in the last week of September or the first week of October at approximately 2030 hours. At this time, I observed through the large open front windows, two female patrons standing on tables inside the establishment. The location was extremely crowded, with the females surrounded by numerous other patrons. I relayed these observations to Southwest Vice Officer in Charge, Sergeant II Christopher Ercolano, Serial No. 37574, several days after the observations. Later in the month, at the same approximate time, I observed several persons laying on the sidewalk adjacent to the northeast corner of the location.

These observations were also relayed to Ercolano. The dates and times are approximate, as no written notes were made.

October 23, 2019, Sargent Chris Ercolano, Southwest Vice:

On 10/21/19, we conducted an Undercover Operation inside Banditos Tacos and Tequila. During our operation it was evident many of the patrons were under 21 years of age. During the investigation, Officers determined 25 patrons were under 21 years of age and were inside the establishment. During the detention of the patrons, I could smell a strong odor of an alcoholic beverage omitting from their breath. As we were concluding our investigation, the manager of the location, (Name deleted) stated, "The location was empty" and asked if he could close the doors. I, along with Sgt. II Ercolano, conducted a walk through of the interior of the location and noticed a set of feet from under a couch. When ordered to come out from under the couch, the subject did not move. After a couple of attempts we discovered that seven individuals were all hiding behind the couch. All seven of the individuals were under 21 years of age. The seven individuals were detained then escorted outside. During the detention, I noticed a large amount of vomit all over the floor.

October 16, 2019, Officer Lam, Southwest Area:

On 10/16/2019, we conducted an Undercover Operation for service to intox at Banditos Tacos and Tequila. I was working in an undercover capacity inside of the establishment during this operation. During this time I observed a group of approximately 40 individuals (male and female) walk in. All appeared to be under the age of 21. They all approached the bar and were served alcoholic beverages. When Vice Officers walked into the location wearing marked Police tactical vests and their Police badges clearly displayed, everyone scattered. I observed some walking towards the rear of the location, some immediately locked themselves in the restroom stalls and some climbed on top of the restroom stalls and hid behind the piñatas that were being stored at the top. I observed a few individuals attempt to exit through the kitchen area. I was sitting at the bar when someone asked the bartender if she could pretend to be part of the staff. The bartender then directed this person to remove a "Banditos" shirt off of one of the mannequins located above the rear entrance. This individual removed the shirt off the mannequin, wore it over her clothing and began cleaning tables.

October 16, 2019, Officer F. Trujillo, Southwest Area:

On 10-16-19, my partners Officer Trujillo #40066, Officer Churnock #40802, Officer Lam #38802, Sgt II Ercolano #37574 and I, Officer Gevorgyan #41253 were assigned

to Southwest Division, Vice Unit. We were dressed in plain clothes, conducting a service to intox/service to minors operation at 900 W. Martin Luther King Jr. "Banditos" along with Sgt Manlove #36232 and Officer Lindberg #41649 assigned to Harbor Division Vice, Detective Ill Harris #25888 and Sgt Garcia #27687 assigned to DSVD, University of Southern California Department of Public Safety (DPS) and Alcohol Beverage Control (ABC). This location is known to be frequented by minors who attempt to gain entry by using "Fake" Id's.

Officer Churnock, Officer Lam, Officer Underberg, Sgt Garcia and D. Vagara (ABC) were dressed in plain clothes working in an undercover capacity inside Banditos in attempt to observe any over service of alcohol to patrons and possible minors inside location. While inside the location, they observed multiple youthful looking patrons who appeared to be under the age of 21.

At approx. 2200 hours, my partners Officer Trujillo, Sgt Manlove, Sgt Ercolano and I, Officer Gevorgyan entered "Banditos". We were wearing our Department approved tactical vests. The dance floor and bar was filled with patrons who appeared to be underage and intoxicated. We detained several patrons who appeared to be underage in attempts to verify their age. We escorted the patrons outside to verify their identification with the assistance of DPS. After verifying their age, (3) were cited for 25661 B&P-Minor in possession of fake ID, (22) were cited for 25665 B&P-Minor in public ABC establishment and (1) for 25658 (a)-Furnishing alcohol to minors. As they were detained and cited, numerous minors appeared to be intoxicated. They had objective symptoms such as slurred speech, blood shot watery eyes, swaying, staggering and a strong odor of alcohol omitting from their breath.

Los Angeles City Fire Department Inspection Date July 10, 2019 – Fire/Life Safety Violation. (via Det. Dana Harris):

Comply with Requirements as Noted:

L.A.M.C. 57.505.1 Through 57.505.1.2

Every person exercising or having ownership, possession, custody, control, or charge of any building, structure, parking lot, or premises shall have and maintain the established street address number thereon upon or near each entrance from a public street and from any other access way. The Chief shall have the authority to prescribe the manner and location of placement of such street address numbers. Access way, shall include, but not be limited to any alley, waterway, stairway, driveway, or walkway.

CCR 596, 596.1, L.A.M.C. 57.906.2

(Provide and maintain/relocate) (2) approved portable fire extinguisher(s) for (kitchen/dining). Extinguisher(s) shall have a rating of at least (20 BC) unit each, and shall be located so that an extinguisher is within 75 feet of every portion of the building, structure, or premises.

Title 19, Sec. 596.4, L.A.M.C. 57.906.2.3 & 57.906.2.4

Hang portable fire extinguisher(s) on bracket(s) with the top not higher than five feet above the floor.

Location(s): Kitchen/Dining Area.

L.A.M.C. 57.1004.3

Post and maintain an occupant load sign stating the use and maximum number of occupants allowed in the room or area in a conspicuous place near the main exit doorway. This sign shall be provided by the Fire Department or by management.

Title 19, Sec., 3.01, UFC, Sec. 85.108

Provide and maintain a minimum of 30 inches unobstructed clearance in front of electrical panel(s).

UNIVERSITY OF SOUTHERN CALIFORNIA-DEPARTMENT OF PUBLIC SAFETY:

Below is a list of reports from the University of Southern California, Department of Public Safety covering the period from April 2017 through October 2019. The reports lists the activities related to the subject premises.

USC – Department of Public Safety

- 10/16/2019- USC DPS Officers assisted LAPD VICE with the identification and citations of persons using fake identification to gain entry into Banditos Tacos & Tequila.

Source of Activity:

On October 16, 2019, my partner's, Officer Flores #0150330, Officer Hamby #036891 and I, Officer Van Holland #2032442 were assigned to the Crime Reduction Detail in full uniforms and in marked law enforcement vehicles. At approximately 2200 hours, we were advised by USC/DPS Sergeant Hughlet to assist LAPD VICE at the Banditos Tacos and Tequila at 1546 Martin Luther King Jr Boulevard, Los Angeles, CA 90007.

Investigation:

We were assigned as uniform presence to the LAPD plain clothes officers monitoring the subject's identification. As plain-clothes officers detained violators, they were handed off to USC/DPS Officers who then jointly worked together to process the violator's citation portion, and proper identification of each individual.

While at the location, 25 subjects were cited and 24 of them were identified as USC Students. All subjects were arrested and issued citations for Possession of false ID by a minor pursuant to Business and Profession Code 25661 or Minor in Public ABC Premise pursuant to Business and Profession Code 25665. All violators were below the state's legal drinking age. The USC Students were informed that in addition to legal obligations pertaining to the criminal citations, USC Student Judicial Affairs would be notified.

Student Names, birthdates, USC Student ID numbers and citation numbers are all listed and uploaded to USC/DPS Media Drive. All violators were issued Release from Custody (RFC) citations and released at scene.

- 04/18/2019 - USC DPS Officers assisted LAPD Vice, California ABC and DMV

Officers with the identification and citations of persons using fake identification to gain entry into the 901 Club and Banditos Tacos & Tequila:

Source of Activity:

On April 18, 2019, my partner, Officer C. Maddox #2019069 and I, Officer A. Connell #2018996 were assigned to work a multi-agency operation involving LAPD VICE, California ABC, DMV, and University of Southern California Department of Public Safety (USC/DPS). At approximately 2100 hours, we responded 901 Bar and Grill at 2902 S. Figueroa Street, Los Angeles, CA 90007.

Investigation:

We were assigned by USC/DPS Lt. Ellerson to present a uniform presence to the plain-clothes officers monitoring subject's identification. As plain-clothes officers detained violators, they were handed off to USC/DPS Officers who then jointly worked together with DMV investigators who processed the violator's citation portion, and proper identification of each individual.

While at 901 Bar and Grill, 4 subjects were cited and 3 were identified as USC Students.

On April 19, 2019 at approximately 0020 hours, the operation was relocated to Banditos Tacos and Tequila at 900 Martin Luther King Jr Boulevard, Los Angeles, CA 90007. 13 subjects were cited and were all identified as USC Students.

All subjects were arrested and issued citations for Possession of false ID by a minor pursuant to Business and Profession Code 25661. All violators were below the state's legal drinking age. The USC Students were informed that in addition to legal obligations pertaining to the criminal citations, USC Student Judicial Affairs would be notified.

Student Names, birthdates, USC Student ID numbers and citation numbers are all listed and uploaded to USC/DPS Media Drive. All violators were issued Release from Custody (RFC) citations and released at scene.

- 03/30/2019 – USC Student was observed unconscious with a strong odor of alcohol emitting from her person. USC Student was transported to California Hospital:

Source of Activity:

On February 3, 2019, my partner, Officer C. Scott #20437 and I, Officer A. Connell #2018996 were assigned to work uniformed patrol in a marked patrol vehicle for the University of Southern California/Department of Public Safety (USC/DPS). At approximately 2351 hours, we responded to a radio call for a Drunk in Public Investigation at Banditos Tacos and Tequila at 900 Martin Luther King Jr Blvd, Los Angeles, CA 90007.

Upon arrival, I observed a subject (later identified as USC (blank), who was lying down on the sidewalk with her head in a female's lap.

As I approached (blank), I observed vomit on the street and curb with remains on (blank)'s person with a strong odor of alcohol emitting from her person. I asked (blank) for her name and she remained unresponsive. LAFD RA (Rescue Ambulance) was requested for further evaluation.

I spoke with (blank)'s friend who advised he (blank) had been drinking alcoholic beverages at a friend's house before meeting them at Banditos Tacos and Tequila. I was also advised that (blank) is a sophomore student at USC and is 19 years old.

LAFD Rescue Ambulance 46 arrived on scene to evaluate (blank). (blank) was transported to California Hospital for further treatment.

- 03/07/2019 - USC DPS Officers assisted LAPD, California ABC, and DMV Officers with the identification and citations of persons using fake identification to gain entry in Banditos Tacos & Tequila:

Source of Activity:

On 03/08/2017, at approximately 2100 hours, under the supervision of Sgt. Peacock #2031222 I, Officer Hamby #36891, my partners Officer Flores #0150330, N. Van Holland #2032439, were in full USC/DPS uniform and driving marked DPS vehicles. We were assigned to a Multi-Agency task force, which included USC DPS, LAPD, ABC and California DMV. The purpose of this task force was to identify and cite underage subjects using fake/fraudulent identification to enter an establishment where alcohol is being served. The location for this assignment was 900 W. MLK Blvd LA CA 90007, (Banditos Tacos & Tequila)(RD396).

Investigation:

We were assigned by USC/DPS Lt. Ellerson to present a uniform presence to the plain-clothes officers monitoring subject's identification. As plain-clothes officers detained violators, they were handed off to USC DPS Officers who then jointly worked together with DMV investigators who processed the violator's citation portion, and proper identification of each individual.

During the detail, approximately nine (9) subjects were cited. A total of nine (9) subjects were identified as USC Students. All subjects were arrested and issued citations for possessing fake/fraudulent identification to gain access pursuant to Business and Profession Code Section 25661(a). All violators were below the state's legal drinking age. The USC students were informed that in addition to legal obligations pertaining to the criminal citations, the Universities student judicial affairs authority would be made aware of the offences.

Students names, birthdates, SID #'s, along with their citation #'s are all listed in the "Other Media" file attached to this report. All violators were issued citations (Release from Custody/RFC) and released at scene.

10/05/2018 – While on patrol officers were flagged down by RP in McCarthy Quad. RP stated that her iPhone was left in the restroom at Banditos Restaurant. RP went to recover he iPhone with negative results.

- 03/22/2018 - USC DPS Officers assisted LAPD, California ABC, and DMV Officers with the identification and citations of persons using fake identification to gain entry in Banditos Tacos & Tequila:

Source of Activity:

On 03/22/2018, at approximately 2130 hours, under the supervision of Sgt. Alegre #138245, I, Officer Hamby #36891, and my partner Officer C. Gonzalez. #2010113, were in full USC/DPS uniform and driving marked DPS vehicles. We were assigned to a Multi-Agency task force which included USC DPS, LAPD, ABC and California OMV. The purpose of this task force was to identify and cite underage subjects using fake/fraudulent identification to enter an establishment where alcohol is being served. The location's for this assignment was 900 W. Martin Luther King Blvd. LA, CA. 90007 (Banditos Tacos & Tequila)(RD396).

Investigation:

Officers attended the briefing for this detail at the LAPD Southwest Division briefing room. We were assigned to present a uniform presence to the plain-clothes officers monitoring subject's identification. As plain-clothes officers detained violators, they were handed off to USC DPS Officers who then jointly worked together with OMV investigators who processed the violator's citation portion, and proper identification of each individual.

During the detail, approximately nine (9) subjects were cited. A total of eighteen (18) subjects were identified as USC Students. All subjects were arrested and issued citations for possessing fake/fraudulent identification to gain access pursuant to Business and Profession Code Section 25661(a). All violators were below the state's legal drinking age. The USC students were informed that in addition to legal obligations pertaining to the criminal citations, the Universities student judicial affairs authority would be made aware of the offences.

Students names, birthdates, SID #'s, along with their citation #'s are all listed in the "Other Media" file attached to this report. All violators were issued citations (Release from Custody/RFC) and released at scene.

- 08/18/2017 - USC DPS Officers assisted LAPD, California ABC, and DMV Officers with the identification and citations of persons using fake identification to gain entry in Banditos Tacos & Tequila:

Source of Activity:

On 08/18/2017, at approximately 2200 hours my partner, Officer Ankri, #92081, Officer Sanchez, #2032440 and I, Officer Gallegos #2032472, were working for the University of Southern California (USC), Department of Public Safety (DPS) in full uniform driving a marked patrol vehicle. We were assigned to a Multi-Agency task force, which included USC DPS, LAPD, ABC and California OMV. The purpose of this task force was to identify and cite underage subjects using

fake/fraudulent identification to enter an establishment where alcohol is being served. The location for this assignment was 900 W. Martin Luther King Blvd, LA, CA, 90007 (Banditos Tacos & Tequila), RD 0396.

Investigation:

As part of the USC move in week, Southwest Vice officers along with ABC and OMV investigators conducted a "Trap Door" operation. OMV investigators checked ID's at the front entrance to Banditos Tacos & Tequila in order to detect minors utilizing fake ID's to enter the bar. Officers attended the briefing for this detail at the LAPD Southwest Division briefing room. We were assigned to present a uniform presence to the plain-clothes officers monitoring subject's identification. As plain clothes officers detained violators, they were handed off to USC DPS Officers and LAPD Officers, who were stationed at the parking lot located at 910 W. Martin Luther King Jr Blvd, LA, CA, 90037 (West of Banditos Tacos & Tequila).

During this detail, officers cited eleven (11) subjects of which nine (9) were identified as USC students. All subjects were issued citations for possessing fake/fraudulent identification to gain access. The aforementioned students were informed of the legal obligations pertaining to the criminal citations as well as violating University policy.

Additional:

During this detail, LAPD Officers and DPS Officers came in contact with a USC student identified as (blank). (blank) had previously been arrested for Sexual Assault on 04/10/2017 and through this investigation officers were able to ascertain that (blank) entered Banditos Tacos & Tequila and engage in underage drinking.

- 08/18/2017- (blank) entered Banditos Tacos & Tequila using a fraudulent ID. While being detained by LAPD Officer Churnock #40802, Churnock overheard (blank) sate out loud "This is gonna get dropped right". Based on (blank) behavior it is apparent that he is not adhering to the expectation of a USC student and member of the university community. Officers are requesting Office of Student Judicial Affairs and Community Standards to review (blank)'s actions behavior and determine if there is good cause for more serious University sanctioned penalties.
- 04/27/2019 - USC DPS Officers assisted LAPD, California ABC, and DMV Officers with the identification and citations of persons using fake identification to gain entry in Banditos Tacos & Tequila:

Source of Activity:

On 4/27/17, at approximately 21:30 hours, I, Officer Yzaguirre #310562, and my partners Officer Hamby, E. #36891, CSO Morales, M. #2020349, were in full USC/DPS uniform and driving two marked DPS vehicles. We were assigned to a Multi-Agency task force, which included USC DPS, LAPD and California DMV. The purpose of this task force was to identify and cite under age subjects using fake/fraudulent identification to enter an establishment where alcohol is

being served. The location for this assignment was 900 W. Martin Luther King Blvd. (Banditos Tacos & Tequila).

Officer's Investigation:

Officers attended the briefing for this detail at the LAPD Southwest Division briefing room. We were assigned to present a uniform presence to the plain-clothes officers monitoring subject's identification. As plain-clothes officers detained violators, they were handed off to USC DPS in the rear lot on the south side of the bar (Banditos) for processing.

LAPD later advised that we would be continuing the detail at 2902 Figueroa St. (901 Bar & Grill). We were assigned to present a uniformed presence to the plainclothes officers monitoring subject's identification at the front door of the location. As plainclothes officers detained violators, they were handed off to us to escort to the rear lot of "Carl's JR" restaurant located next-door on the south; side for processing.

During the detail approximately (16) subjects were cited. Approximately (12) subjects were identified as USC Students. All subjects were arrested and issued citations for possessing fake/fraudulent identification to gain access. All were below the state's legal drinking age. These students were informed that in addition to legal obligations pertaining to the criminal citations, the Universities student conduct authority would be made aware of the offences.

Students names, birth dates, SID #'s, along with their citation #'s are all listed in the "Other Media" file attached to this report, and the additional information section below. All students were issued citations (Release from Custody/RFC) and released at scene pending a criminal hearing.

- 04/20/2017- USC DPS Officers assisted LAPD, California ABC, and DMV Officers with the identification and citations of persons using fake identification to gain entry in Banditos Tacos & Tequila:

Source of Activity:

On 4/20/17, at approximately 2230 hours, under the supervision of Lt. Ellerson #2020353, I, Officer Yzaguirre #310562, and my partners Officer Hamby, E. #36891, Officer Quezada, P. #44414, and Officer Jackson, M. #2028228, were in full USC/DPS uniform and driving two marked DPS vehicles. We were assigned to a Multi-Agency task force, which included USC DPS, LAPD and California DMV. The purpose of this task force was to identify and cite underage subjects using fake/fraudulent identification to enter an establishment where alcohol is being served. The location for this assignment was 900 W. Martin Luther King Blvd. (Banditos Tacos & Tequila).

Investigation:

Officers attended the briefing for this detail at the LAPD Southwest Division briefing room. We were assigned to present a uniform presence to the plain-clothes officers monitoring subject's identification. As plain clothes officers

detained violators, they were handed off to USC DPS to escort to east side of the bar (Banditos) for processing.

During the detail approximately (14) subjects were cited. Approximately (6) subjects were identified as USC Students. All subjects were arrested and issued citations for possessing fake/fraudulent identification to gain access. All were below the state's legal drinking age. These students were informed that in addition to legal obligations pertaining to the criminal citations, the Universities student conduct authority would be made aware of the offences.

Students names, birthdates, SID #'s, along with their citation #'s are all listed in the "Other Media" file attached to this report, and the additional information section below. All students were issued citations (Release from Custody/RFC) and released at scene pending a criminal hearing.

- 04/08/2017 At approximately 0320 hours, I Officer Trevino #274709, was working for the University of Southern California (USC), Department of Public Safety (DPS) in full uniform driving a marked patrol vehicle. I received a radio call of a to meet LAPD detaining a drunk USC student at MLK and Vermont.

Investigation:

Upon arrival, I meet with LAPD units who stated that they observed Suspect (blank) standing in the middle of roadway on MLK just west of Banditos Tacos and Tequila Bar. When they made contact with him they determined he was intoxicated in public and was a USC student.

I asked Suspect (blank) for his USC ID but he was unable to provide me with one. Suspect (blank) then handed me a Delhi Transport Department Government ID card. The ID card had Suspect (blank) name and birth date of 12/29/1994, which made him 22 years old.

I checked Suspect (blank) through USC records, which revealed he was a currently enrolled student, and his correct birth was 12/29/1996, which made him 20 years old. I confiscated the ID and placed it into the secured property safe for detectives. I made of copy of it and uploaded into ARMS.

I transported Suspect (blank) to his residence at Lorenzo Apartments and their security escorted him to his room.

Calls For Service – USC Department of Public Safety 29 response calls were documented for the period between 2017-2019.

CORRESPONDENCES RECEIVED AFTER OCTOBER 31, 2019 PUBLIC HEARING

Ten e-mails from Anat Escher were submitted to the case file, detailing the owner's efforts correct violations identified by the Los Angeles Department of Building and Safety, the Los Angeles Fire Department and the State of California Department of Alcoholic Beverage Control. Also, e-mails dated December 13, 2019, and December 15, 2019, from the owner's architect are included in the case file detailing efforts to address Building and

Safety's Code Enforcement Bureau - Order to Comply.

Also, submitted to the case file on December 13, 2019 is correspondence from the owner -Anat Escher- stating the proof of compliance with the Conditions of the ZA-1992-818-RV-PAD determination:

***City of Los Angeles
Department of Building and Safety***

*Case No. ZA 92-0818 (RV)(PAD)
900 Martin Luther King Jr Blvd
South Central Los Angeles CA 90037*

The purpose of this document is to provide details of how we are in proof of compliance for the 14 conditions laid out by the Zoning Administrator and Department of Building and Safety for the plan approval dated June 28th 1995.

Condition 1. HOURS

Our hours of operation are strict and we close our doors at if not before 12am midnight Sunday through Thursday every week. We stop serving alcohol 30 minutes before and close out all open checks around this time so that all doors are closed and locked by the allowed time.

Condition 2. NOISE

*We have complete control over the volume of all television sound and music played in the establishment. **Concerning noise, the biggest issue was when USC students would hold events on Wednesdays and Thursdays. Since the ZA meeting, we have prohibited USC students from having events here, so noise disturbances are no longer an issue.***

Condition 3. FIRE SAFETY

I went to the city and have paid for the fire department license. The fire marshal met me last week (please see attached email) and told me he will send me a report of what we need to be in compliance with (which is nothing major) and then he will issue the occupancy load sign. It is in process, and I will send you the proof.

Condition 4. OCCUPANCY

We have been in contact with the Fire Marshal and have paid for the issuing of the Occupancy Load Sign.

Condition 5. SECURITY

We are not required to have security, but do in fact pay for a permitted guard to be on the premises every busy day, including every Tuesday, Friday, Saturday and any time there is a local event nearby such as a sports game. We also have 14 cameras all over the establishment recording the comings and goings of all patrons and employees.

Condition 6. MAINTENANCE

Employees sweep the sidewalk and surrounding premises of the establishment twice a day everyday – upon opening the doors as well as closing, so no debris or trash is left in the parking lot or sidewalk. Also, we re-paved the parking lot 2 years ago upon acquisition of the building to ensure a smooth and clean area for our employees and customers. We are by far the cleanest corner in the entire area, and request that you drive by so that you can see yourself.

Condition 7. GRAFFITI

We do not have any issues with graffiti or tagging on or in the building, but have paint on the premises to remove it if any is posted anywhere on the façade of the building.

Condition 8. PLAN

Not sure what this condition needs from me

Condition 9. SIGN

Signs have been posted by the parking lot in the back of the building as well as every entrance that loitering is prohibited - see attached signs.

Condition 10. LIGHTING

We have added more lighting to the front of building by the entrance as well as have adequate lighting in the parking lot to ensure that the appearance and conduct of all persons can be viewed by the security cameras we have on the premises. This lighting doesn't not bother the neighboring residents, but provides light to ensure the safety of our patrons.

Condition 11. ALCOHOL OUTSIDE

Signs have been posted to ensure that all clientele know there is no alcohol permitted to be taken outside of the premises under any condition.

Condition 12. POOL HALL PERMIT

We are not a pool hall, so this condition doesn't apply

Condition 13. WARNING

We are in compliance with the Alcohol and Beverage Control conditions.

Condition 14. ADMINISTRATIVE

Please let me know if there is anything that I have either forgotten to include or if you have any questions about anything above.

Thank you for your time.

Anat Escher
Owner
Banditos

On December 15, 2019, Ms. Escher submitted the following:

Dear Mr. Irving,

Over the last few weeks I sent you a lot of information (I hope it wasn't overwhelming) so I will keep this brief.

I want you to know I understand the severity of the situation and take it very seriously and will make sure that we are going to be in compliance and an honorable business to the neighborhood.

It's pretty clear that what triggered this situation was the underage USC students that frequented my place and used fake IDs to gain entry and party. All of this is done. Meaning that we have made it very clear for the last month and a half by posting the sign (see attachment) at the door that clearly states that they aren't welcome here any more because of the excessive amount of Fake IDs that we confiscated.

I have enough business from the neighborhood and local events and do not need or want their solicitation. I'm sure you have read all of the letters of support from the neighbors, from patrons, including the principal of a USC affiliated school that he and his teachers often frequent My location.

I am pleading to you that in lieu of punishing us that, you please consider to give us a trial basis to prove to you that we have complied and continue to run a positive and beneficial business to the neighborhood and our patrons, and that we can meet again in the future if there are any more problems.

It's already costing me in penalty fees to the city in the thousands, and I have employees that depend on me and the business, and of course my family and lively hood.

Thank you for your time and consideration,

Anat Escher

CALIFORNIA STATE ALCOHOLIC BEVERAGE CONTROL

The following is an excerpt from a 208-page investigative report submitted by Agent Danny Vergara of the California State Alcoholic Beverage Control submitted to the file on December 17, 2019:

BACKGROUND:

Banditos Management Inc. was issued a Type 48- On Sale General Public Premises by the Alcoholic Beverage Control on July 27, 2016 at 900 W Martin Luther King Jr. Boulevard in the city of Los Angeles. The business is named Banditos. The President/Secretary/Treasurer and Stockholder of Banditos Management Inc. is Anat ESCHER.

A type 48 ABC license only allows people over the age of 21 inside the location.

The following is a summary of the disciplinary history of the business:

On March 4, 2017, a minor decoy was served at the location in violation of Business and Professions Code Section 25658(a).

On August 26, 2017, a minor was served at the location in violation of Business and Professions Code Section 25658(a).

On March 8, 2018, two minors were permitted to enter and remain inside the licensed premises in violation of Business and Professions Code Section 25665.

It should also be noted the City has a separate investigation/case against Banditos Inc. and has requesting a hearing be held to consider the revocation of the Conditional Use Permit at the location.

CIRCUMSTANCES/INVESTIGATIONS:

October 16, 2019

On Wednesday, October 16, 2019, LAPD Officers and I (ABC Agent D. Vergara #1107) conducted an operation at Banditos to ensure compliance with all law, rules and regulations. I along with LAPD Sergeant L. Garcia were in plain clothes on this day and entered the location posing as patrons. We entered the location at approximately 2045 hours.

Upon entry we took seats at the bar counter. We monitored the activity inside the location. There were 2 females tending to the bar area. One of the bartenders greeted us and provided us a menu. I observed on the menu a section referencing a "Happy Hour" which indicated 2 – 4 – 1 between the hours of 5 pm – 9 pm. I photographed the menu. I also observed on the Yelp application, an advertisement regarding "2 for 1 drinks" which I took a screen shot. The bartender, later identified as (Name deleted), asked us for our order. I ordered a Corona beer and Sergeant Garcia ordered an 805 beer. Name deleted brought us the beers and charged us for the beers, which Sergeant Garcia paid for. Name deleted also placed plastic shot glasses next to the beers and said those were for a 2nd free drink. After approximately 45 minutes, we traded in the shot glasses and asked for a second round. Name deleted brought us another round of beers and did not charge us any money for the beers. It should be noted that I photographed the 12 oz. bottle of Corona beer and the plastic shot glass.

While sitting at the bar counter, I observed several large buckets containing a blue colored liquid. We asked Name deleted what the buckets contained. Name deleted stated it was a drink called, "Adios", which contains several liquors (distilled spirits). The buckets were containers larger than 1 gallon which is a violation of Business and Professions Code Section 25172. No labels on containers of alcohol is also a violation of Business and Professions Code Section 25170. Name deleted stated they were waiting on a fraternity that was hosting an event at the location. We continued to monitor the activity inside the location. I photographed the buckets.

At approximately 2100 hours, I observed a male wearing a security guard uniform enter and walk around inside the location, the security guard was later identified as

Name deleted. Numerous youthful appearing patrons entered the bar with Name deleted at the entrance of the business.

At approximately 2200 hours, I observed a youthful appearing male, later identified as Name deleted (DOB 10-01-1997) contact the bartenders and the bar manager Name deleted. Name deleted handed money to the employees and was provided wristbands, which he later put on "guests" of his party which granted them access to alcoholic beverages he paid for. It should be noted that a numerous amount of the patrons found under the age of 21 inside the location were wearing the wristbands and had been consuming alcoholic beverages. It should also be noted there are video/surveillance cameras inside of the business. Copies of the recorded surveillance was requested. I photographed Name deleted at the bar counter.

I observed two youthful appearing males wearing black shirts bearing the letters of the business "Banditos" serving food inside the location and bussing tables. One of the males was positively identified as 19-year-old Name deleted (DOB 07-05-2000). The other male was not identified but stated to Officers that he was 18 years old (John Doe #2). It should be noted that on 10-30-2019, I returned to the location and observed the 18-year-old employee and requested his identification, which he refused to provide, but again stated he was 18 years of age.

I took a photograph of some of the youthful appearing patrons. Outside personnel were notified of the number of youthful appearing patrons inside the location consuming alcoholic beverages. The outside personnel responded and secured the location to verify the ages and identifications of all patrons at approximately 2300 hours.

I observed approximately 10 youthful appearing males and females exit the back door of the location as Officers secured the front door/main entrance. The back door leads to an enclosed parking area, which had a roller gate that was closed. Officers secured the back-parking area which resulted in the youthful males and females entering the bar and waiting for the front entrance to clear to exit. Many of the youthful appearing patrons gathered by the restroom/kitchen side of the business out of plain sight of the responding officers. Some of the patrons climbed on top of ledges over the restrooms, hid in the kitchen area and hid in a VIP/private room (secluded room with a curtain over the doorway). One of the females was asking for apparel with the name of the bar, attempting to pose as an employee and was observed cleaning tables. It should be noted the employees of the bar did not attempt to control patrons and allowed patrons to attempt to hide from police officers. Please refer to LAPD Police Report #190323588 for further details.

On this day, LAPD Officers issued 24 citations to underage patrons found in the business. 5 false identifications were seized on this day by the LAPD and provided to me. 4 patrons were cited for possession of false identifications (Name deleted (DOB 09-10-1998)/ Name deleted-N (DOB 05-17-1999)/ Name deleted (DOB 02-10-2000)/ and Name deleted (DOB 07-25-1999). It should be noted that Name deleted-N was cited for possession of false identification, but the false identification was not amongst those provided to me at the conclusion of the operation. In total, 24 underage patrons were found to be under the age of 21.

22-year-old Name deleted was cited for furnishing alcohol to minors since he purchased the alcoholic beverages which the minors consumed from.

The following individuals were cited at the premises:

21-year-old- Name deleted (DOB: 09-10-1998)- Violation of BP 25661
20-year-old- Name deleted (DOB: 05-17-1999)- Violation of BP 25661/25665
19-year-old- Name deleted (DOB: 02-10-2000)- Violation of BP 25661/25665
20-year-old- Name deleted (DOB: 07-25-1999)- Violation of BP 25661/25665
20-year-old- Name deleted (DOB: 10-26-1998)- Violation of BP 25665
19-year-old- Name deleted (DOB: 02-15-2000)- Violation of BP 25665
19-year-old- Name deleted (DOB: 06-26-2000)- Violation of BP 25665
20-year-old- Name deleted (DOB: 02-27-1999)- Violation of BP 25665
18-year-old- Name deleted (DOB: 09-28-2001)- Violation of BP 25665
20-year-old- Name deleted (DOB: 12-15-1998)- Violation of BP 25665
20-year-old- Name deleted (DOB: 08-06-1999)- Violation of BP 25665
19-year-old- Name deleted (DOB: 11-22-1999)- Violation of BP 25665
20-year-old- Name deleted (DOB: 05-28-1999)- Violation of BP 25665
19-year-old- Name deleted (DOB: 06-25-2000)- Violation of BP 25665
20-year-old- Name deleted (DOB: 01-25-1999)- Violation of BP 25665
20-year-old- Name deleted (DOB: 06-25-1999)- Violation of BP 25665
20-year-old- Name deleted (DOB: 11-19-1998)- Violation of BP 25665
20-year-old- Name deleted (DOB: 06-11-2000)- Violation of BP 25665
18-year-old- Name deleted (DOB: 03-03-2001)- Violation of BP 25665
20-year-old- Name deleted (DOB: 12-17-1998)- Violation of BP 25665
20-year-old- Name deleted (DOB: 06-25-1999)- Violation of BP 25665
19-year-old- Name deleted (DOB: 04-23-2000)- Violation of BP 25665
20-year-old- Name deleted (DOB: 05-15-1999)- Violation of BP 25665
20-year-old- Name deleted (DOB: 01-09-1999)- Violation of BP 25665
19-year-old- Name deleted (DOB: 01-09-2000)- Violation of BP 25665

It should be noted that of the 5 false identifications seized, the identification numbers all start with a "B", which was based upon my experience is issued to people approximately 30 years of age. DMV identification numbers for people near the age of 21 should begin with either an "F" or a "Y".

On this day, I also photographed empty containers of alcoholic beverages near the entrance to the location. I also photographed the vehicle owned by the security guard (Name deleted).

October 17, 2019

On Thursday, October 17, 2019 at approximately 1830 hours, LAPD Sergeant Ercolano and I met with ESCHER at the LAPD Southwest division at the request of ESCHER. ESCHER requested the meeting prior to our visit on 10-16-2019. ESCHER informed us the purpose of the meeting was to seek Sgt. Ercolano's support in an upcoming hearing regarding the revocation of the conditional use permit at 900 Martin Luther King Jr. Blvd, Los Angeles CA, doing business as Banditos. It should be noted

that during the meeting I identified myself as a police officer for the Alcoholic Beverage Control and displayed my Department credentials. I informed ESCHER of the violations I observed the day prior. I informed her that giving away alcohol (not charging) is a violation of Business and Professions Code Section 25600, having alcoholic beverages in containers larger than 1 gallon in size is a violation of BP 25172, not having labels on alcoholic beverages is a violation of BP 25170, Minors being in a Public Premises is in violation of BP 25665, Furnishing or causing alcoholic beverages to be furnished to minors is a violation of BP 25658(a). I then discussed minor employees, a violation of BP 25663. ESCHER stated the kitchen is outside of the public premises and is ran by another company. I explained that minors are not to be allowed inside the public premises and that staff whether directly employed by her or not must comply with BP 25665. Sergeant Ercolano discussed the employees permitting consumption of alcoholic beverages in the outside patio/parking area is a violation of the Conditional use permit and a violation of BP 23355. I also requested information regarding the security guard and how he had been employed. ESCHER stated she employed the security guard directly, which is a violation of Business and Professions Code Sections 7574.12 and 16240. I requested copies of the surveillance recorded at the location the day prior regarding the violations, at which time ESCHER stated she knew her rights and would not be providing any further information and requested I leave the meeting, which I did.

On Thursday, October 17, 2019, at approximately 2000 hours, LAPD Sergeant Lee and I (Agent D. Vergara) responded to Banditos located at 900 W Martin Luther King Jr. Blvd in the City of Los Angeles. The purpose of the visit was to inspect books and records specific to the employees of the establishment and to provide a notice to produce records should the records not be available for review. ESCHER was at the location at the time of the inspection and was personally handed the Notice to Produce Records. It should be noted that I agreed to meet with Banditos staff on Tuesday, October 22, 2019 at 1600 hours to provide some training on identification checking.

October 22, 2019

On Tuesday, October 22, 2019 at approximately 1600 hours I responded to Banditos for the purpose of providing training on identification checking. I met with ESCHER, Name deleted (Manager), and Name deleted (Security Guard). I asked ESCHER what type of Identification Checking training she provided to her staff. ESCHER was not able to provide any policy in writing, but stated she tells her staff to look at the identification to ensure the information is correct and has the photograph of the person presenting the identification. I provided ESCHER with a pamphlet provided by DMV and showed ESCHER an Identification Checking Guide which contains samples of identifications of all states. ESCHER stated she relies on a machine that scans the identifications for which she paid over \$5,000. I informed ESCHER most false identifications will scan and provided training on other security features to help identify false identifications. I also took the time to ask ESCHER about items requested on the notice to produce. ESCHER allowed me access to her employees at the location at the time, for which I requested identifications and they complied. I also asked for access to the video surveillance system. ESCHER stated her attorney advised her not to provide me with the footage, but that she wanted me to observe staff checking identifications at the door. ESCHER showed me a monitor behind the bar counter

and the Manager showed me footage of the outside camera showing the entrance of the location. I photographed the screen and requested to observe the different camera angles which was denied. I observed the monitor to list 13 cameras.

Since ESCHER stated she had an attorney, I requested the attorney contact me.

October 25, 2019,

ABC Agents Duren, Garcia and Hoang found a minor inside the licensed premises. Refer to ABC Report # 19-18-075.

October 28, 2019

ESCHER e-mailed me on Monday, October 28, 2019 indicating she was in the process of acquiring an attorney.

October 29, 2019

I received a phone call from Seth Weinstein, who stated he will be the attorney of record for Banditos Inc. We discussed the records request which she had not provided a response to.

October 30, 2019

On Wednesday, October 30, 2019 at approximately 1940 hours, I returned to Banditos to continue my investigation regarding minor employees at the location and to identify one of the bartenders who had been working on 10-16-2019. I noted the gate at the rear of the business was open and could observe the two youthful appearing males who were bussing tables and serving food inside the public premises on 10-16-2019 were at the location. I entered through the rear parking lot area and approached the staff that was in that food prep area. I displayed my Department issued credentials and identified myself as a Police Officer. I spoke to a 3rd older male and requested his identification. The male was identified as Name deleted. Name deleted stated he has worked at the location for approximately 15 years and that he is paid via payroll. Name deleted did not clearly identify Banditos Inc. as his employer.

I then identified myself to a youthful appearing male (John Doe #2) who was in the food preparation area by display of my Department issued credentials and verbally as a Police Officer. I asked for the male's age, to which he responded he was 18 years old. I requested his identification. The male continued working on the food preparation and did not comply. I photographed the male several times, one of which shows the male entering the public premises. It should be noted that I observed 19-year-old Name deleted at the location from the street but was not there upon contact with the other employees.

While I was at the rear of the business, a female approached me and held up a phone stating it was the owner. The female was later identified through employment records as Name deleted. I identified myself to the person on the other end of the phone call and recognized the person as Anat ESCHER, which I had met with on prior occasions

and spoken to over the telephone. ESCHER said I shouldn't be there and that she had an attorney. ESCHER did not allow me to speak therefore I disconnected the call. ESCHER called back and Name deleted answered again attempting to hand the phone back to me. I stated I didn't need to speak to ESCHER and needed to speak to the employees and requested her identification. Name deleted said she did not work for me and did not need to comply with any requests. I informed her that I was a Police Officer for the Alcoholic Beverage Control and displayed my Department issued credentials. I asked Name deleted if she had taken a LEAD/STAR class, which she said she had. I again asked for her identification which she refused to provide. Name deleted who was still on the phone, then stated I was harassing the employees and requested I leave. I then entered the location, photographed the interior of the business and left immediately thereafter, at approximately 1952 hours.

October 31, 2019

On Thursday, October 31, 2019, I attended a public hearing, which was being held to consider revocation for the Conditional Use Permit at 900 W Martin Luther King Jr. Blvd. in the city of Los Angeles. ESCHER was provided time to present her case. ESCHER stated she was the property owner of 900 W Martin Luther King Jr. Blvd in the City of Los Angeles.

November 5, 2019

On Tuesday, November 5, 2019, I received an e-mail from Banditos Inc. Attorney Seth Weinstein, who was providing an estimated timeframe for when I would receive information requested per the Notice to Produce records. I informed Weinstein that enough time had been provided and that the report would be completed with or without a response.

November 6, 2019

On Wednesday, November 6, 2019, I received several e-mails from ESCHER addressing items requested per the Notice to Produce Records. It should be noted that I requested employee schedules and employee files. ESCHER provided the information of bartenders and servers. I requested confirmation the list provided by ESCHER was an all-inclusive roster of the employees of Banditos Management Inc. ESCHER responded that her attorney would respond.

ESCHER provided an email with access to surveillance recorded from the outside camera but failed to provide access to the additional camera angles. The video footage was reviewed and downloaded onto a DVD on 11-19-2019 (See ABC 320 dated 11-19-2019).

November 7, 2019

On Thursday, November 7, 2019, I received an email from Banditos Inc. attorney Seth Weinstein regarding "Opposition to Notice to Produce Records".

Access to video surveillance of inside the location was not provided. The response indicated the business does not have a functioning kitchen and references a food truck parked in proximity to Banditos LA. It should be noted the food truck is parked on the property of Banditos (900 W Martin Luther King Jr. Blvd., Los Angeles). The food truck is parked in the rear parking lot of the location, within the gates. Attached are satellite images of the location from above and from the street view. From the street view one, could see a server walking into the location. It should also be noted the "employees" of the "food truck" can enter the premises and serve patrons inside the premises as well as utilizing the location sinks to wash utensils and plates. Photographs of the food truck were taken on Wednesday, October 30, 2019. It should also be noted the "food truck" employees wear black t-shirts bearing the "Banditos" name in white letters also photographed on 10-30-2019. Attached to the report are also pages printed from the Los Angeles County Assessor's Office regarding the property and the size of the property, which clearly indicated the location of the "food truck" belonging to the same address. It should also be noted that I ran an address search of 900 W Martin Luther King Jr. Blvd., Los Angeles and found it may be owned by Martin Dream LLC, for which Anat ESCHER is the sole manager and agent for processing per the Secretary of State webpage. This corroborates ESCHER's statement at the hearing on 10-31-2019, that she is not only the licensee, but also the property owner.

Also, regarding the location not having a functioning kitchen, it should be noted the name of the location on the internet is referenced to as "Banditos Tacos and Tequila". The location offers a "Tacos Tuesday" and includes a copy of the food menu on their website at www.banditosla.com. Also found on their website at www.banditosla.com were several photographs of food images in the Gallery Section.

Attached to this report is a summary of the emails from ESCHER. The e-mails have been printed out and attached, which also includes emails and attachments through November 6, 2019. The e-mails include the response to the notice to produce records, schedule of bartenders, bartenders resume and identifications.

10-18-2019 @ 10:10 AM (email) references the 2-4-1 deal stating they charge 24 cents for the second drink, which was not applied on the day of my visit on 10-16-2019. On 10-19-2019 @ 8:42 AM ESCHER indicated she added a 25-cent charge for the 2nd drink, and made changes on the website, menus and POS system.

10-18-2019 @ 10:13 AM ESCHER provided a video clip of her announcing she will confiscate false IDs.

ESCHER forwarded e-mail correspondence with LAPD Sergeant Ercolano and LA Deputy City Attorney Michelle West regarding fake IDs and seizures.

10-19-2019 @ 9:46 AM ESCHER forwarded an email from 03-21-2018 @ 11:06:24 AM, indicating she booked a fraternity and sorority party from USC, which indicates she has been catering to USC students.

Attachments included successful decoy operation letters from 10-26-2018 and 02-23-2018, along with an invoice for the ID scanner system ESCHER purchased.

10-21-2019 @ 1:49 PM, ESCHER addresses "her" security guy and included the guard card but failed to list him as an employee in the response to the Notice to Produce Records.

End of Report.

REVIEW OF COMPLIANCE WITH CONDITIONS OF CASE NO. DIR 1992-818-RV-PAD, 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-1992-0818-RV-PAD along with information provided by the Los Angeles Police Department, the Los Angeles Fire Department and the Los Angeles Department of Building and Safety. Planning staff, conducted field analysis, on October 16, 2019, between 12:00 noon and 1:00 p.m., as part of the nuisance investigation to observe the surrounding area and some degree of compliance with the operating conditions of Case No. ZA-1992-0818-RV-PAD. Staff observed the following :

Operational Conditions:

1. **Hours.** The hours of operation for this establishment shall be from 10 a.m. to 10 p.m. Sunday through Thursday and from 10 a.m. to 2 a.m. on Friday and Saturday.

Hours of operation Sunday to Thursday are increased from 10 p.m. closing to 12 midnight but these hours can again be reduced if there are new problems. Revised in conjunction with DIR-1992-881(RV)(PAD) issued June 28, 1995.

Status: In-compliance. On-line research states hours of operation are Sunday-Thursday 4:00 p.m. – 12:00 a.m. (midnight), and 4:00 p.m. – 2:00 a.m. Friday and Saturday.

2. **Noise.** The establishment, both inside and outside, and the parking lot shall be operated in such a manner as to prevent noise disturbances to the neighboring residential area.

Status: Non-compliance: Four citizen's declarations (residents in the area) submitted by LAPD, complaining about traffic, loitering, excessive noise, trash, public urination, lewd activity, and loud music. Unpermitted wall openings fronting MLK Blvd., have been modified and, as well as, the entrance changed from MLK Blvd., to Menlo Avenue may cause patron and amplified noise to emanate from the premises.

3. **Fire Safety.** The owner shall comply with all Fire Department regulations regarding maximum capacity and fire safety.

Status: Non-compliance. Staff requested capacity and occupancy for the operator and have not received capacity information from the operator. On October 22, 2019, LADBS inspection **did not observe** maximum occupancy displayed. LAFD cited the establishment on July 10, 2019, for violation of this condition among other fire code violations.

4. Occupancy. The owner shall provide the Zoning Administrator with a copy of the Occupancy Load Sign issued by the Fire Department. In the event the property has not been posted, the operators shall obtain same form from the Fire Department, Public Safety Section, Room 920, City Hall East, and present it to the Zoning Administrator for inclusion in the file.

Status: Non-compliance. Staff requested LAFD capacity and occupancy for the operator and have not received capacity information from the operator. LAFD cited the establishment on July 10, 2019, for violation of this condition.

5. Security. Between the hours of 6 p.m. and closing, whenever the business is open, the owner shall provide a State Licensed uniformed security guard on the premises who shall maintain order inside and outside the building and prevent any loitering or other activity which is unlawful or would interfere with the quiet enjoyment of the neighboring residential property.
 - a. The security guard mentioned above shall be a private patrol operator as defined in the Business and Professions Code, Section 7521, Subsection (B), who is duly licensed by the State of California pursuant to the Private Investigators Act, or at least one of said private investigator's duly registered employees.
 - b. The requirement for the security guard may be waived by the Zoning Administrator upon the written recommendation of the Commanding Officer of the Southwest Division of the Los Angeles Police Department. This recommendation must be based upon a finding that there are no longer any police problems associated with the establishment and that the security guard is no longer needed.

This condition is dropped for the time being due to lack of serious problems the past two years but can always be added if problems were to return. Revised in conjunction with DIR-1992-881(RV)(PAD) issued June 28, 1995.

Status: This condition was dropped by ZA-1992-818-RV-PAD, dated June 28, 1995, Zoning Administrator's determination. However, the operator still retains on-site security.

6. Maintenance. The owner shall keep the subject property and parking lot free from debris and trash.

Status: In-compliance. Staff conducted a land use survey, on October 16, 2019, the site was clear any trash and debris.

7. Graffiti. Notwithstanding the "graffiti ordinance" requirements pursuant to Municipal Code Sections 91.1707(e), and 91.1804.1, or any amendment thereto, graffiti shall be removed from the exterior walls and structures on the subject ownership and any associated parking facilities at least 24 hours after graffiti has been reported to the management of the facility.

Status: In-compliance. The building was clear of any graffiti, none was observed on the building.

8. Plan. A maintenance and security plan to accomplish items 5, 6 and 7 shall be prepared and presented to the Zoning Administrator for approval.

Status: Non-compliance. No maintenance plan for the current operator was submitted. Condition No. 5, was dropped by ZA-1992-818-RV-PAD, dated June 28, 1995, Zoning Administrator's determination.

9. Sign. The owner shall post and maintain a sign in the parking lot and at each entrance to the business and in the parking lot stating that loitering is prohibited in the parking lot. The signs shall measure at least 1-foot by 1-foot.

Status: Non-compliance. "No Loitering" signs are posted at the business entrance, but according to LADBS-Order to Comply, no signs is posted in the parking lot.

10. Lighting. Adequate lighting shall be provided on the exterior of the building and in the parking lot so as to make easily discernible the appearance and conduct of all persons on or about the property and the parking lot. Lighting on the property and the parking lot shall be located as to as to not unreasonably illuminate the window area of any nearby residences.

Status: In-compliance. The subject site has sufficient lighting standards at the front and side of the site. From staff's perspective, it appears that these lights are set so as not to disturb the adjoining residential neighborhood.

NUISANCE ABATEMENT AUTHORITY - SECTION 12.27.1 OF THE LOS ANGELES MUNICIPAL CODE

The Zoning Administrator, on behalf of the Director of Planning, has the authority to investigate and initiate corrective actions against any use which constitutes a public nuisance, adversely affects the safety of persons residing or working in the surrounding area, and does so on a repeated basis, pursuant to the provisions of Section 12.27.1 of the Los Angeles Municipal Code, established under Ordinance No. 171,740 on October 27, 1997. This Ordinance amended earlier nuisance abatement authority established May 25, 1989 under Ordinance No. 164,749.

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 authorizes the Director of Planning to eliminate conditions imposed by a previous administrative nuisance abatement decision if there has 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 correspondences and public testimony by affected parties, it is hereby determined that the operation of the bar known as Banditos Tacos & Tequila has created public nuisance impacts at the site. The Director may require the discontinuance or revocation of any use or discretionary zoning approval if its office finds that the use or discretionary approval as operated or maintained in a similar manner. The Zoning Administrator, on behalf of the Director, finds that the business has operated in a manner that:

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 and institutional uses. Apartments abuts the site's southerly and westerly property lines, and an apartment is located east across Menlo Avenue. Further east and south are medium density residential uses. Institutional, cultural and open space uses are located north across Martin Luther King Boulevard. Several schools are located within a one mile radius and a neighborhood shopping center is situated northwest of the property. The University of Southern California is located one mile north.

In its 1992 Revocation/ Nuisance Abatement - Case No. ZA-1992-818-RV, the Zoning Administrator determined that the operation of the "The Menlo Bar" constituted a public nuisance and its activities endangered the safety of persons residing in the surrounding area. 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 government action provided by Ordinance 160,495 to address nuisance activities. In the 1995 Plan Approval Review of the case, the Zoning Administrator revised the conditions of approval for the establishment. The site changed ownership July 27, 2016 while retaining its Deemed-to-be-Approved Conditional Use status and continued to be govern by

the Revocation Determination, to allow operators with a Type-48 ABC License and a Type-58 Caterer Permit.

After assuming control of the alcohol serving establishment, a number of physical alterations were completed which changed the configuration of the building and the alcohol serving operation such that it no longer aligned with the building configuration and layout that was review and approved in conjunction with the Zoning Administrator's 1992 determination. Per the Building and Safety, Code Enforcement Unit's inspection, a substantial change (greater than 20%) in the mode and character has occurred. The northerly elevation was reconfigured (without permits) creating a very large window opening. The business' entry was relocated, from its northerly frontage to the easterly frontage, along Menlo Avenue. The entry door is a very large opening, which results in greater activity closer to the existing multi-family residential uses. Per the Building and Safety, Code Enforcement Unit's inspection, a portion of the parking lot was reconfigured without building permits to accommodate a kitchen and cooking facility area. The reconfiguring of the parking area also displaced required parking for the premises and results in increase demand for the limited on-street parking within the surrounding neighborhood. Testimony was provided that patrons, as well as employees, walk south from the establishment to cars parked within the neighborhood.

Per the owner, she became aware of the revocation (nuisance abatement) conditions associated with the use when she received visits from the Los Angeles Police Department. LAPD informed her that corrective conditions had been imposed on the property as a result of Zoning Administrator's determinations issued 1992 and 1995, when the Menlo Club constituted a nuisance. The LAPD record, including arrest reports, correspondence, and testimony at the public hearing, indicates violations of the revocation conditions and documented nuisance activities. Citywide Nuisance Abatement Unit (CNAU) and Southwest Area Vice investigators of the LAPD conducted numerous surveillance and investigations (over 50) in the area, finding that there were a number of persons under the age of 21 who have been allowed into the Banditos Taco and Tequila establishment to consume alcohol, which is a direct violation of state law, where the legal age to consume alcohol is twenty one. On two separate occasions, LAPD Southwest Area Watch Commanders summoned uniformed officers to rescue a patron. In both cases, the patron was under the age of 21 and a current University of Southern California (USC) student who was over intoxicated and unable to care for themselves. There have been repeated documented sexual assaults of underage USC students who were drinking at the location on the night they were assaulted. Also submitted are 10 investigative reports from USC-Department of Public Safety that assisted the LAPD and California ABC and DMV Officers for underage drinking and fake identification operations to gain entry.

In addition to law enforcement activities, the establishment has created other nuisances to the public. The kitchen and cooking facility area in the parking lot is illegal despite claims by the operator that the health department has authorized its use. In addition to displacing required parking, the unpermitted kitchen and cooking facility lacks the required review and approval to safeguard the health and welfare

of the general public. Authorization by the Department of Building and Safety is required for a commercial kitchen to safeguard the public interest. In a review of emails from the owner to the Department of Public Works, Street Services Division, the operation was cited several times by the Street Services Investigator for impacts on the public right-of-way. Testimony was provided that smoke emerges from the food preparation area in the parking lot and travels into the residences nearby and impacts their tranquility and quiet enjoyment. The entry to the establishment has been reconfigured so that it's along Menlo Avenue which is a local access street into the adjoining residential neighborhood; previously, the entry was along Martin Luther King Boulevard which is a major traffic corridor. The reconfigured entry has led to increased traffic congestion, noise and trash from the business and patrons congregating along the neighborhood's local street.

The reconfigured one-story structure, along with the operational change of the alcohol serving establishment, results in a mode and character that differs significantly from that which was reviewed and approved by the Zoning Administrator in its earlier determination. The physical changes have all occurred since the transfer of ownership, and continues a legacy of nuisance activities that impacts the surrounding area and that 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 services 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 stemming from the 1992 and 1995 Zoning Administrator's determinations nuisance abatement revocation actions that were not met. Also, there are several violations of the City's municipal code: Planning and Zoning, Department of Fire, Department of Building Safety, and the Los Angeles Police Department. The Department of Public Works, Street Services Division issued several citation to the property owner. Additionally, the establishment has been determined to be in violation several rules and regulation established by the California State Alcoholic Beverage Control Department. The University of Southern California, Department of Public Safety has routinely been called to the establishment since its transfer of ownership. As provided through testimony, there are considerable spillover impacts from the improper use of the site which affect the surrounding neighborhood.

The general public has come to expect Menlo Avenue, which is a Local designation street, to provide access to the residential neighborhood south of Martin Luther King, Jr Boulevard, but the reconfiguration of the building's entry has altered the character of the local street. The establishment's entry point is at the intersection of Martin Luther King Jr Boulevard and Menlo Avenue and is the source of unwanted activities brought to area by the alcohol serving establishment. The owner gave testimony stating that identification checks occur before patrons enter the establishment, which is along the Menlo Avenue public right-of-way. Law enforcement has provided statements and reports of underage drinking and public

intoxication outside of the establishment. The general public has come to expect, and the municipal code requires, that a commercial establishment's food preparation and cooking occur indoors and not within a site's required parking lot area. Testimony was provided that smoke from the outdoor cooking can be observed by the nearby residents. In its inspection of the premise, the Code Enforcement Bureau of Building and Safety cited the owner for the illegal kitchen and cooking facility. 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. The reconfigured building openings allow noise to escape through the very large opening along Martin Luther King, Jr Boulevard and the large entry door along Menlo Avenue. Also, noise is observed from patron activity that occurs along the Menlo Avenue public right-of-way. Residents and neighborhood stakeholders have come to expect activities generally associated with a neighborhood serving establishment and not an establishment that markets to, and attracts, individuals visiting the County's regional attractions or the nearby university.

The Council District No. 9 representative gave testimony that its staff witnessed problems caused by the operation and its contribution to the blight of a community that is already situated in a high crime area. Hence, the alcohol serving establishment's failure to comply with local and state regulations, its connection to unwanted and undesirable activities and contribution to blight constitute a public nuisance.

3. Has resulted in repeated nuisance activities.

The Los Angeles Police Department, along with the USC-Department of Public Safety, the California State Department of Alcoholic Beverage Control, the Los Angeles Fire Department, and the Los Angeles Department of Building Safety investigations have demonstrated there is ongoing and repeated violations related to the sale of alcoholic beverages at the subject location.

Alcohol use, or the authority sale to alcohol, at the subject location has a history of nuisance activities that extends back to the 1990s, before the Office of Zoning Administration issued its Revocation determination in 1992, at which time it was stated that the said government action was the first to eliminate the problems associate with the alcohol use. In 1995, the operators of the bar at that time submitted and obtained a Plan Approval determination modifying some of the terms and conditions of the 1992 determination. However, the establishment continued to operate with some incidents under the revived governing land use permit until the ownership of the establishment was transferred to the current owner. Under the governing land use permit, the receiving owner is required to comply with several conditions of the determination including operating the establishment as conditioned by the Office of Zoning Administration and the departments of Fire and Building and Safety. The owner has failed to do so.

Upon the transfer of ownership, nuisance activities began to reemerge at the subject premises as evidence by orders, citations and complaints on record by various city departments. Violations of state alcoholic beverage laws, complaints

of noise beyond the premises, parking related activities in the neighborhood and smoke odors from an outdoor cooking facility are just a few. Under aged drinking, drunkenness, illegal dispensing of alcohol, violations of the State's Business and Professional Code were other situated reported. Law enforcement records include reports of security guards failing to be state-licensed, a lack of STAR training, repeated alcohol service to minors, and a failure to identify false identification. LAPD records show repeated calls to the establishment since 2017.

Many of the nuisance activities attributed to the current operator have a long history with the site and community. In the 1992 Revocation determination and subsequent 1995 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, noise, fire safety, security, maintenance, and loitering. Many of the operating conditions appear to have been overlooked and the result has been a reemergence of the nuisance activities and problems for the community. Therefore, it is found that the use or discretionary approval 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, along with the USC-Department of Public Safety, the California State Department of Alcoholic Beverage Control, the Los Angeles Fire Department, and the Los Angeles Department of Building Safety investigations have discovered and reported ongoing and repeated violations related to the sale of alcoholic beverages at the 900 West Martin Luther King, Jr Boulevard location. Also reported were violations of the Revocation determination issued by the Office of Zoning Administration.

The Los Angeles Department of Building Safety, in its Order to Comply, listed a number of violations of the municipal code including the illegal expansion of an alcohol serving premise, illegal cooking and the failure to comply with Zoning Administrator's conditions of approval. The Fire Department discovered and reported a number of violations of the municipal code as well. The Los Angeles Police Department has conducted several undercover operations resulting in several citations to individuals at the location and, police have been dispatched to the location dozens of times since its 2017 opening.

The Department of Alcoholic Beverage Control agent reported the premise violated a number of Business and Professional Codes related to the sale of alcohol. Among the reported code violations was that the location "had a mixture of distilled spirits in containers of over 1 gallon", had "minor employees observed in the public premises", "minors in possession of false identifications", and a denial of the request to review employment records and video surveillance.

These reports demonstrate the operator has violated, and continues to violate, provisions of the municipal code, and some state regulations.

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 sale of alcohol at the subject location extend back to the 1990s, when the first revocation action was taken to address nuisance activities. The measures taken at that time appear to adequately address the problems (gangs, drunkenness, disorderly conduct, loud noise, etc.). But since the change in ownership, the nuisance problems have not only returned but there appears to be an intensification of nuisance activities. The illegal use of the premise, illegal building construction, illegal signs, underage patrons, illegal cooking or entertainment and the sale of alcohol to minors are some of the newer activities associated with the property.

The LADBS required the applicant file a new conditional use permit application because of the significant changes made to the building, or return the building to its original condition. The owner has not filed a new application nor has the applicant returned the building back to its original form.

At the public hearing testimony and reports were provided indicating some of the nuisance activities persisted as recently as two weeks prior to the hearing despite prior efforts to address the problems. The Los Angeles Police Department conducted an undercover operation in which they discovered underage and intoxicated patrons; several citations were issued. The University of Southern California Department of Public Safety issued citations to USC students at the subject premise for the "unlawful purchase of alcohol by a minor". The Department of Alcoholic Beverage Control agent reported the premise violated a number of Business and Professional Codes related to the sale of alcohol including having a "mixture of distilled spirits in containers of over 1 gallon, minors in possession of and consuming alcohol, and employees providing alcohol to minors. The October incident was the most recent prior to the hearing, but evidence was submitted to the case file that such activities extend as far back as 2017.

As the premise use remains illegal and the nuisance activities persist, it can be said that prior governmental efforts to cause the owner or 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 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 the some of the conditions of approval of the 1992 and 1995 Zoning Administrator's

determinations. Staff's review of compliance with the conditions of the determination contradicts the owner's claim. The owner has failed to return the mode and character, and the configuration of the one-story building back to that which was reviewed and approved under the Zoning Administrator's 1992 and 1995 actions. The very large window openings, large entry doors, and floor area layout remain significantly different from the building configurations reviewed and approved by the Zoning Administrator. Food service continues to be advised despite the Certificate of Occupancy prohibiting food service. Advertising that is intended attract patrons from beyond the neighborhood and visitors to the County's institutions and cultural facilities across the street, remain a part of the operation of the alcohol serving establishment. While the owner has been inclined to correct some of the minor violations, there has been no willingness to return the building, and its mode and character, back to its former state.

The Department of Building and Safety, Code Enforcement Bureau issued an Order to Comply instructing the owner to obtain a new conditional use because of the significant changes to the building. The Order to Comply provided other instructions to the owner in order to obtain a new Certificate of Occupancy. The owner has not submitted an application for a new conditional use permit to authorize the reconfigured building, floor area, and to authorize the change in mode and character of the establishment. While the owner has been incline to discuss the matter with design professionals to correct some violations, there appears to no willingness to obtain a new conditional use permit for the new mode and character of the alcohol and food serving business.

The LAPD, ABC, LADBS, Street Services, and USC-DPS have been involved with nuisance activities related to the actual operation of the alcohol serving establishment. The operator has made some efforts to address the operation's activities to satisfy these public agencies and more, but the core of the problems is the unauthorized land use. The operator has shown no willingness to address the fundamental land use right to operate an alcohol serving establishment at its location.

The Zoning Administrator hereby finds, on behalf of the Director of Planning, that the repeated administrative attempts made to improve the operation of the bar known as Banditos Tacos & Tequila, 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 beverage serving establishment is hereby ordered discontinued.

APPEAL PERIOD - EFFECTIVE DATE

The Zoning Administrator's determination in this matter will become effective after May 26, 2020, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be 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://planning.lacity.org>. Public offices are located at:

Downtown

Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(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

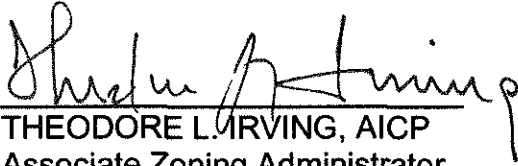
West Los Angeles

West Los Angeles Development
Services Center
1828 Sawtelle Boulevard, 2nd Floor
Los Angeles, CA 90025
(310) 231-2598

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Inquiries regarding this matter shall be directed to Associate Zoning Administrator Theodore Irving, of the Office of Zoning Administration at (213) 978-1366.

VINCENT P. BERTONI, AICP
Director of Planning


THEODORE L. IRVING, AICP
Associate Zoning Administrator

TI:VQ

cc: Councilmember Curren D. Price
Adjoining Property Owners
Department of Building Safety, Code Enforcement Bureau
Los Angeles Police Department, City Nuisance Abatement Unit
Public Hearing Sign-in / Notification Sheet: October 31, 2019



APPLICATIONS

APPEAL APPLICATION

Instructions and Checklist

Related Code Section: Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

Purpose: This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

- Area Planning Commission, City Planning Commission, City Council, Director of Planning, Zoning Administrator

Regarding Case Number: DIR 1992-818-RV-PA1

Project Address: 900 W. MARTIN LUTHER KING BLVD. JR. LOS ANGELES, CA 90037

Final Date to Appeal:

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: ANAT ESCHER

Company/Organization:

Mailing Address: 900 W. MARTIN LUTHER KING BLVD. JR.

City: LOS ANGELES State: CA Zip: 90037

Telephone: (323) 428-5012 E-mail: anatescher@yahoo.com

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

- Self, Other:

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

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): ANAT ESCHER
Company:
Mailing Address: 900 W. MARTIN LUTHER KING BLVD. JR.
City: LOS ANGELES State: CA Zip: 90037
Telephone: (323) 428-5012 E-mail: anatescher@yahoo.com

5. JUSTIFICATION/REASON FOR APPEAL

- a. Is the entire decision, or only parts of it being appealed? [X] Entire [] Part
b. Are specific conditions of approval being appealed? [X] Yes [] No

If Yes, list the condition number(s) here:

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- [X] The reason for the appeal [X] How you are aggrieved by the decision
[X] Specifically the points at issue [X] Why you believe the decision-maker erred or abused their discretion

6. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: [Handwritten Signature]

Date: 5/18/20

GENERAL APPEAL FILING REQUIREMENTS

B. ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES

1. Appeal Documents

a. Three (3) sets - The following documents are required for each appeal filed (1 original and 2 duplicates) Each case being appealed is required to provide three (3) sets of the listed documents.

- [] Appeal Application (form CP-7769)
[] Justification/Reason for Appeal
[] Copies of Original Determination Letter

b. Electronic Copy

[] Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). No file should exceed 9.8 MB in size.

c. Appeal Fee

- [] Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
[] Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

d. Notice Requirement

- [] Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC
[] Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment.

SPECIFIC CASE TYPES - APPEAL FILING INFORMATION

C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITES (TOC)

1. Density Bonus/TOC

Appeal procedures for Density Bonus/TOC per LAMC Section 12.22.A 25 (g) f.

NOTE:

- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.
- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.

- Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

D. WAIVER OF DEDICATION AND OR IMPROVEMENT

Appeal procedure for Waiver of Dedication or Improvement per LAMC Section 12.37 I.

NOTE:

- Waivers for By-Right Projects, can only be appealed by the owner.
- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

E. TENTATIVE TRACT/VESTING

- 1. Tentative Tract/Vesting** - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

NOTE: Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.

- Provide a copy of the written determination letter from Commission.

F. BUILDING AND SAFETY DETERMINATION

- 1. Appeal of the Department of Building and Safety determination, per LAMC 12.26 K 1, an appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.**

a. Appeal Fee

- Original Applicant - The fee charged shall be in accordance with LAMC Section 19.01B 2, as stated in the Building and Safety determination letter, plus all surcharges. (the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code)

b. Notice Requirement

- Mailing Fee - The applicant must pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt as proof of payment.

- 2. Appeal of the Director of City Planning determination per LAMC Section 12.26 K 6, an applicant or any other aggrieved person may file an appeal, and is appealable to the Area Planning Commission or Citywide Planning Commission as noted in the determination.**

a. Appeal Fee

- Original Applicant - The fee charged shall be in accordance with the LAMC Section 19.01 B 1 a.

b. Notice Requirement

- Mailing List - The appeal notification requirements per LAMC Section 12.26 K 7 apply.
- Mailing Fees - The appeal notice mailing fee is made to City Planning's mailing contractor (BTC), a copy of receipt must be submitted as proof of payment.

G. NUISANCE ABATEMENT

1. **Nuisance Abatement** - Appeal procedure for Nuisance Abatement per LAMC Section 12.27.1 C 4

NOTE:

- Nuisance Abatement is only appealable to the City Council.

a. Appeal Fee

Aggrieved Party the fee charged shall be in accordance with the LAMC Section 19.01 B 1.

2. **Plan Approval/Compliance Review**

Appeal procedure for Nuisance Abatement Plan Approval/Compliance Review per LAMC Section 12.27.1 C 4.

a. Appeal Fee

Compliance Review - The fee charged shall be in accordance with the LAMC Section 19.01 B.

Modification - The fee shall be in accordance with the LAMC Section 19.01 B.

NOTES

A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

Please note that the appellate body must act on your appeal within a time period specified in the Section(s) of the Los Angeles Municipal Code (LAMC) pertaining to the type of appeal being filed. The Department of City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.

This Section for City Planning Staff Use Only		
Base Fee: 89-	Reviewed & Accepted by (DSC Planner): J. CHAN	Date: 6/10/20
Receipt No: 0108178653	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

Appeal Findings

Re: DIR-1992-818-RV-PA1

Reasoning to the APPEAL:

Hello, my name is Anat Escher, I am the owner of Banditos Tacos & Tequila bar. The reason I am appealing this ZA's determination because he erred on his decision in revoking my ability to sell alcohol at my business.

The complaint states that we may jeopardize and adversely affect public health, peace and safety among people working or residing in the surrounding area - which is absolutely false. I 100% deny and refute these allegations, and as proof of that, I have letters of support from the owners of the buildings (not the renters) adjacent to my bar, 2 of whom i share a wall with. The other two are within 50 ft of me - you would think that they would be the ones to complain if any.

Unfortunately, the city and VICE are trying to create a story that we are a problem and nuisance to the area - which I completely and vehemently disagree with.

If you read their reasoning, there are a lot of false statements - a lot of observations from outside the establishment, a lot of he said she said with no proven facts, and statements saying that I was unwilling or unable to implement changes - which you can see isn't true based on the numerous emails and meetings back and forth I have with VICE trying to fix the issue. With that being said,

The problem that triggered this whole situation between me, Vice, and the city are the students that attend USC who come into my place with their fake IDs.

WE DO NOT LET THEM IN THE BAR ANY MORE

On top of that, we have endless signatures of support from our neighbors who frequent the establishment, customers who come several times a week, as well as my employees who love their job, some of whom have worked for me for many years.

We created jobs, are paying taxes, and are contributing to the neighborhood in a positive way.

Also, I was given an opportunity to comply with conditions given the Administrator which I have done so. Attached are the permits

Los Angeles Department of Building and Safety

Certificate Information: 900 W MARTIN LUTHER KING, JR BLVD 90037

Application / Permit	20014-10000-00804
Plan Check / Job No.	B20LA03511
Group	Building
Type	Bldg-Addition
Sub-Type	Commercial
Primary Use	(17) Restaurant
Work Description	ONE STORY KITCHEN ADDITION (28FT * 10.5FT, 12FT * 10FT, 414SQFT) TO EXISTING RESTAURANT ((URM), "COMPLY WITH DEPARTMENT ORDER effective date 10/30/2019. PERMIT WILL EXPIRE 30 DAYS FROM ISSUANCE DATE". I All permits shall be for the same time period limitation. CEIS Case Number is 866327.
Permit Issued	No
Current Status	Reviewed by Supervisor on 4/8/2020

Permit Application Status History

Submitted	2/24/2020	APPLICANT
Assigned to Plan Check Engineer	3/20/2020	TSE MING HUANG
Disabled Access Plans Picked Up	3/31/2020	APPLICANT
Corrections Issued	4/2/2020	TSE MING HUANG
Reviewed by Supervisor	4/8/2020	STANLEY RAAP
Building Plans Picked Up	4/20/2020	APPLICANT

Permit Application Clearance Information

Green Code	Not Cleared	3/13/2020	DONALD CRICLOW
"D" conditions	Not Cleared	4/6/2020	TSE MING HUANG
Community Plan Implem. Overlay	Not Cleared	4/6/2020	TSE MING HUANG
Community Plan Implem. Overlay	Not Cleared	4/6/2020	TSE MING HUANG
Community Plan Implem. Overlay	Not Cleared	4/6/2020	TSE MING HUANG
Community Plan Implem. Overlay	Not Cleared	4/6/2020	TSE MING HUANG
DAS Clearance	Not Cleared	4/6/2020	TSE MING HUANG
Encroachment in public way	Not Cleared	4/6/2020	TSE MING HUANG
Eng Process Fee Ord 176,300	Not Cleared	4/6/2020	TSE MING HUANG
Fire Marshall Fire Life Safety	Not Cleared	4/6/2020	TSE MING HUANG
Food establishment approval	Not Cleared	4/6/2020	TSE MING HUANG
Frnt yard landscape/Water mgmt	Not Cleared	4/6/2020	TSE MING HUANG
Highway dedication	Not Cleared	4/6/2020	TSE MING HUANG
Low Impact Development	Not Cleared	4/6/2020	TSE MING HUANG
Miscellaneous	Not Cleared	4/6/2020	TSE MING HUANG
Miscellaneous	Not Cleared	4/6/2020	TSE MING HUANG
Prkng lot landscape/Water mgmt	Not Cleared	4/6/2020	TSE MING HUANG
Redevelopment Project Area	Not Cleared	4/6/2020	TSE MING HUANG
Roof/Waste drainage to street	Not Cleared	4/6/2020	TSE MING HUANG
Sewer availability	Not Cleared	4/6/2020	TSE MING HUANG
Specific Plan	Not Cleared	4/6/2020	TSE MING HUANG

ZA Case

Not Cleared

4/6/2020

TSE MING HUANG

ZI

Not Cleared

4/6/2020

TSE MING HUANG

Contact Information

No Data Available.

Inspector Information

No Data Available.

Pending Inspections

No Data Available.

Inspection Request History

No Data Available.