



OFFICE OF THE CITY CLERK

July 30, 2009

Super Liquor
Kum Man Jhae
125 East Orange Grove Boulevard
Pasadena, CA 91103

Re: Appeal of Code Enforcement Commission Panel No. 3 Order Regarding
Super Liquor - 125 East Orange Grove Boulevard

Dear Mr. Jhae:

At its regular meeting on Monday, July 27, 2009, the City Council considered the above-referenced matter. At the conclusion of the appeal hearing, and after considering the written and oral evidence presented, the City Council adopted the findings of the California Alcoholic Beverages Commission as set forth in its Decision dated March 13, 2009 regarding the above location; and based on those findings affirmed the June 4, 2009 decision of the Code Enforcement Commission's Panel No. 3 to impose 20 separate (and severable) conditions (Conditions Nos. 1 through 20) provided as Attachment 1 of the agenda report. The City Council also modified Condition No. 19 by limiting the hours that alcohol sales may occur between the hours of 9:00 a.m. to 6:00 p.m., while specifically avoiding any additional limitation on the hours of operation of the other retail components at the site.

Enclosed, please find an amended copy of the conditions imposed by the Code Enforcement Commission's Panel No. 3, and affirmed and modified by the City Council at the July 27, 2009 meeting.

The effective date for this decision is August 7, 2009.

If you have any questions regarding the above action, please do not hesitate to contact me.

Sincerely,



Mark Jomsky
City Clerk

Enclosure – Amended copy of the conditions affirmed and modified by the City Council at the July 27, 2009 meeting

cc: Richard Bruckner, Planning Department
Jon Pollard, Code Enforcement
City Clerk Legislative File

**CODE ENFORCEMENT COMMISSION HEARING
SUPER LIQUOR – 125 E. ORANGE GROVE BOULEVARD
COMMISSION'S DIRECTED CORRECTIVE ACTION
ITEMS 1 THROUGH 20 INCLUSIVE
WITH CITY COUNCIL AMENDMENT TO NO. 19**

1. The sale or stocking of wine products with an alcohol content greater than 14.9% are prohibited.
2. The sale or stocking of fortified beer and/or malt beverages with an alcohol content greater than 5.7% are prohibited.
3. The sale or stocking of single containers of distilled spirits, beer, malt beverages, and wine coolers in sizes of 12 oz. or less is prohibited, but may be sold in manufacturer pre-packaged multi-unit quantities.
4. The licensee is prohibited from packing merchandise in anything other than translucent plastic bags. It shall be at the City's discretion to modify this requirement as local ordinance dictates.
5. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee(s) as depicted on the ABC-257 and ABC 253 dated (Pursuant to Condition a).
6. Loitering is prohibited on or around these premises or this area under the control of the licensee(s) as depicted on ABC-257 dated March 13, 2009 (Pursuant to Condition a).
7. Signs advertising types of alcoholic beverages for sale at the subject site shall not be visible from anywhere off the site.
8. Alcohol sales shall be for off-site consumption only.
9. Management shall employ a private security guard to patrol the business premises and the surrounding vicinity, including the north side of Orange Grove Boulevard adjacent to the property, during all hours of business operation for a distance of 50 feet in each direction from the subject site to ensure that no littering, loitering, or consumption of alcohol occurs.
10. It shall be the responsibility of the business owner / operators of the business to remove identifiable litter of the business from the public right-of-way within a 500 ft. radius of said business, and make prompt notification to the Pasadena Police Department of instances of loitering or the public consumption of alcohol.
11. The site and surrounding area shall be maintained free of graffiti. Any graffiti that occurs on the site shall be removed within 48 hours.
12. The parking area shall be sufficiently lit to discourage loitering, disturbances of the peace, illegal drug activity, public consumption of alcohol, public drunkenness, public urination, gambling and/or late night activity that is prohibited by law. Such lighting shall be at an amount of not less than two footcandle nor more than three footcandle.
13. Three signs shall be posted on the premises prohibiting loitering and the consumption of alcohol on site. Such signs shall be a minimum of 24 inches wide and 18 inches tall with letters not less than two inches high.

14. No pay telephone shall be maintained on the exterior of the premises.
15. There shall be no coin operated games or video machines maintained on the premises at any time.
16. The ownership or management shall comply with all decisions, orders, or directives of the Department of Alcoholic Beverage Control.
17. The ownership or management shall obtain all required planning approval and building permits for items, signs, lighting fixtures or other appurtenances required as a result of this recommended corrective action.
18. All alcoholic beverages containers shall be identified with a sticker that has the name of the business establishment. Translucent plastic bags shall be identified in the same manner.
19. Business hours of operation shall be between 7:00 A.M. and 9:00 P.M. daily with the sale of alcohol to occur only between the hours of 9:00 a.m. and 6:00 p.m. daily.
20. A sturdy lock and chain shall be placed across the parking lot entrance promptly at 9:00 P.M.

**CODE ENFORCEMENT COMMISSION HEARING
SUPER LIQUOR – 125 E. ORANGE GROVE BOULEVARD
COMMISSION'S DIRECTED CORRECTIVE ACTION
ITEMS 1 THROUGH 20 INCLUSIVE**

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15. There shall be no coin operated games or video machines maintained on the premises at any time.
16. The ownership or management shall comply with all decisions, orders, or directives of the Department of Alcoholic Beverage Control.
17. The ownership or management shall obtain all required planning approval and building permits for items, signs, lighting fixtures or other appurtenances required as a result of this recommended corrective action.
18. All alcoholic beverages containers shall be identified with a sticker that has the name of the business establishment. Translucent plastic bags shall be identified in the same manner.
19. Hours of operation shall be between 7:00 A.M. and 9:00 P.M. daily.
20. A sturdy lock and chain shall be placed across the parking lot entrance promptly at 9:00 P.M.

Super Liquor Storefront

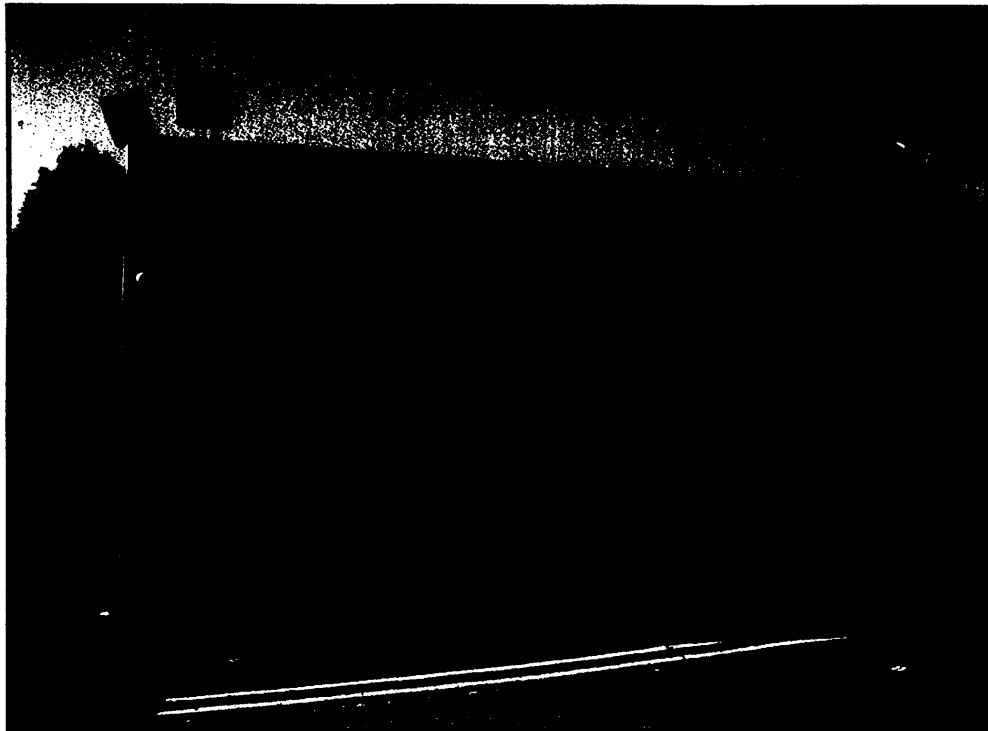
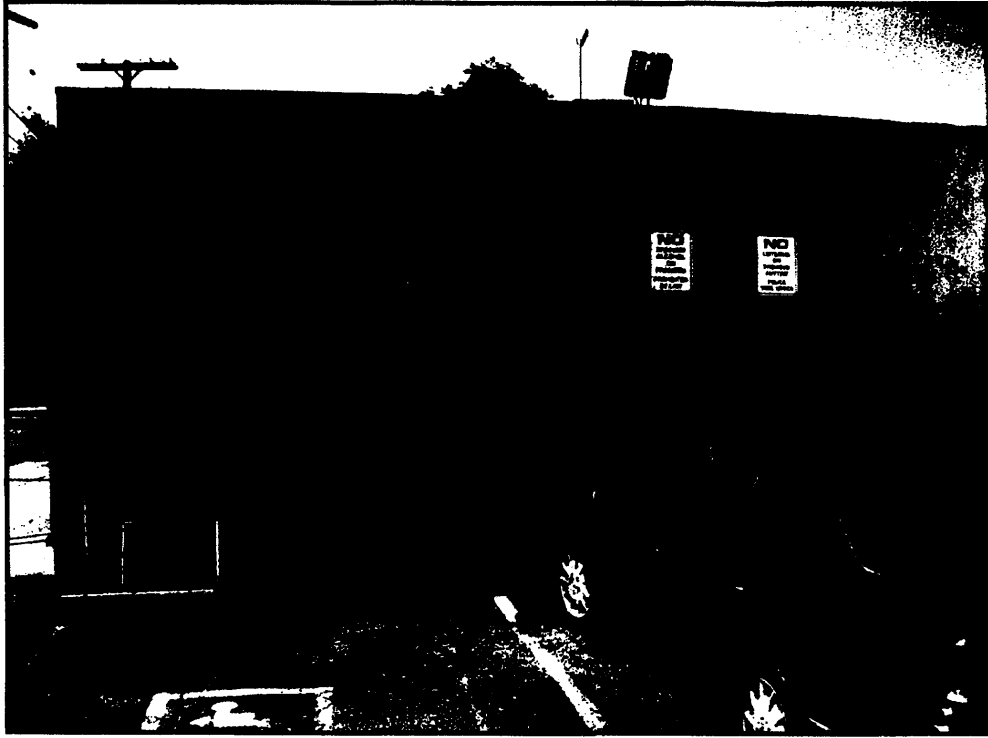


No Visible Advertising for Alcoholic Beverages (Condition No. 7),
No Litter (Condition No. 10) , No Graffiti (Condition No. 11),
No Payphone (Condition No. 14)



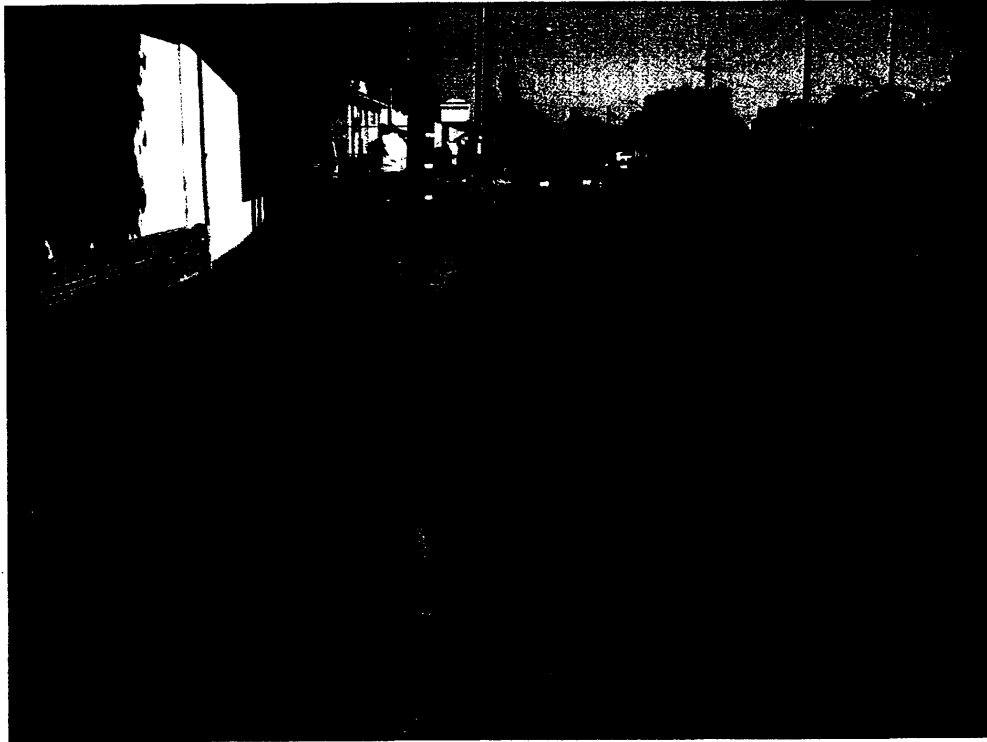
"No Loitering" and "No Drinking Alcohol" Signs (Condition No. 13)

Super Liquor Parking Area

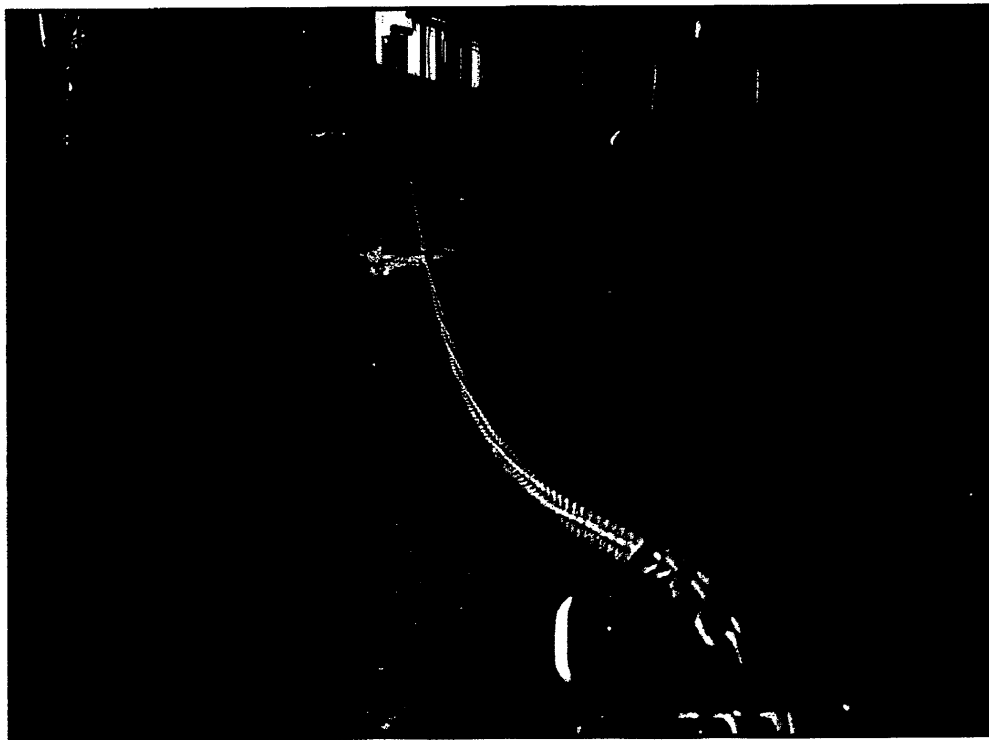


No Litter (Condition No. 10) , No Graffiti (Condition No. 11),
Parking Area Floodlights (Condition No. 12)
"No Loitering" and "No Drinking Alcohol" Signs (Condition No. 13)

Super Liquor Storefront and Parking Area



No Litter (Condition No. 10) , No Graffiti (Condition No. 11),



Lock and Chain to Restrict Access to Parking Area (Condition No. 20)

**Super Liquor Security:
Interior Monitor and Mirrors**



Super Liquor Security: Security Cameras

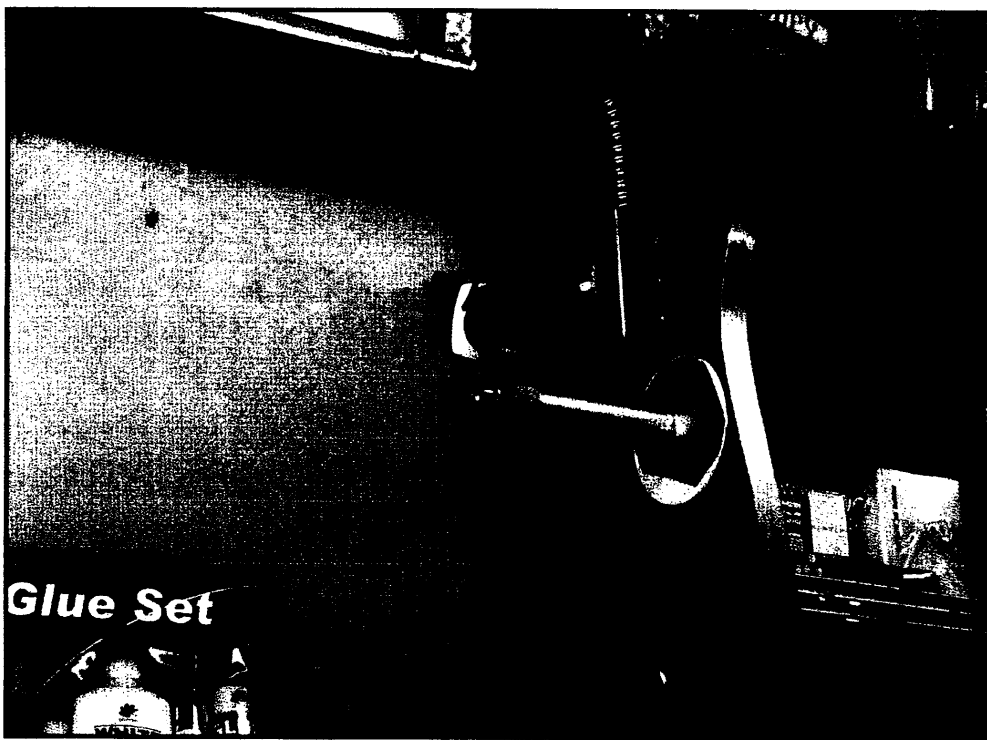
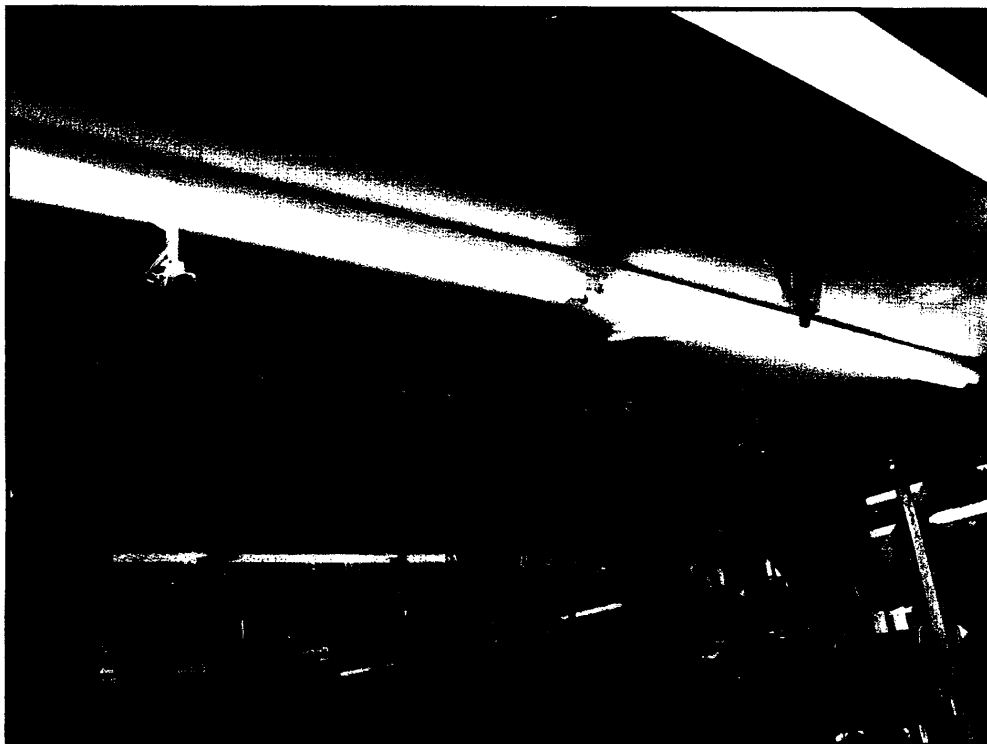


Exhibit E

Voluntary Security Conditions:
Super Liquor / 125 E. Orange Grove Boulevard

1. Sale of single cans of beer shall be limited to 16 ounces and above.
2. Single cups, glasses, containers (paper, plastic, etc.) or individual small plastic bags of ice shall not be sold at any time.
3. All of Appellants' employees shall complete the Alcoholic Beverage Control (ABC) License Education on Alcohol & Drugs (LEAD) Program.
4. Electronic age verification device(s) used to determine the age of any individual attempting to purchase alcoholic beverages or tobacco products shall be installed on the premises at each point-of-sale location. These device(s) shall be maintained in an operational condition, and all employees shall be instructed in their use prior to the sale of any alcoholic beverage or tobacco products.
5. The Appellants shall maintain an electronic video surveillance security system to monitor the interior of the premises and the adjacent parking lot. Records of such system shall be maintained for a minimum of thirty (30) days and will be made available to the City of Pasadena for review upon request, within the stated time frame.
6. The Appellants shall post signs in two (2) conspicuous locations indentifying the name and contact information (phone number) of the Super Liquor staff member who is responsible for responding to community questions and related issues.
7. The Appellants shall post "We ID" stickers on the entry door and posters on the security glass at the pay point station.
8. The Appellants shall contact the designated senior lead law enforcement officer on a monthly basis (via e-mail) to ensure compliance with the voluntary conditions noted herein, and to advise same regarding and changed conditions of the neighborhood, community and environment. Upon such contact, Pasadena Police will provide Appellants with detailed information regarding all Police responses to premises.

**Kun Chin and Kum Man Jhae
125 E. Orange Grove Boulevard
Pasadena, California 91103**

January 20, 2010

Mayor Bill Bogaard and Members of the City Council
City of Pasadena
100 N. Garfield Avenue
Pasadena, CA 91109

Re: Super Liquor
125 East Orange Grove Boulevard
January 25, 2010 Reconsideration Hearing

Dear Mayor Bogaard and Members of the City Council:

We are the owners of Super Liquor, located at 125 E. Orange Grove Boulevard. Since purchasing Super Liquor in December 2002, our store has been a family-owned and operated business. We also employ three workers, who rely on their jobs to support themselves and their families.

Since April 2009, our business has been in compliance with conditions imposed by the Department of Alcoholic Beverage Control of the State of California. As a result, our overall sales have fallen more than 13 percent, compared to the previous year, and we have had to cut our employees' hours.

On July 27, 2009, the Pasadena City Council voted to impose additional operating restrictions on Super Liquor, and we are already in compliance with most of these conditions. However, based on our review of the store's receipts and estimates provided by potential vendors, some of these conditions severely threaten the financial viability of our small business, including the following:

- Condition No. 19 limits the hours when we can sell alcoholic beverages to 9:00 a.m. to 6:00 p.m., as well as restricting our overall hours of operation. On average, more than *35% of our revenue* from alcohol sales occurs between the hours of 6:00 p.m. and 10:00 p.m.. Our business cannot survive the loss of these operating hours.

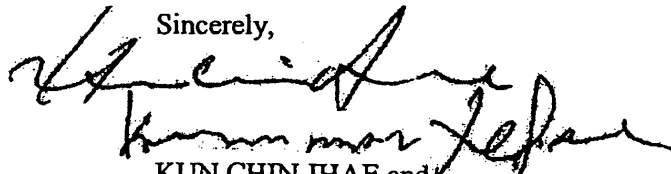
In addition, many of our customers come to the store to purchase both alcoholic beverages and other food, merchandise or household items. On average, more than 32% of our total sales occur between the hours of 6:00 p.m. and 10:00 p.m. and approximately 7% of our total sales occur between the hours of 6:30 a.m. and 9:00 a.m. However, if we are prevented from selling alcohol before 9:00 a.m. and after 6:00 p.m. we will not only lose the majority of our revenue from the sale of alcohol,

but we will also lose a large share of non-alcohol sales that accompany the sale of alcohol.

- Condition No. 18 requires us to label all alcoholic beverage containers with the name of our business. We estimate that complying with this condition will cost us between \$500 and \$1,000 per month for labels and an additional \$500 to \$1,000 per month in labor costs - totaling between **\$12,000 to \$24,000 per year!**
- Condition No. 9 mandates that we hire a private security guard to be present at our store during all hours of operation. Even under the restricted hours that the City is attempting to impose, at \$18/hour, a private security guard will cost us more than **\$7,500 per month and more than \$90,000 per year!** Our small store cannot support such a huge expense and we will no doubt be forced to close.

If the City Council imposes the conditions above, we will be forced out of business. However, we believe that all of the City's concerns can be addressed through less burdensome security measures. We respectfully ask that you take the information above into consideration before you make any decisions concerning what conditions, if any, you impose on our business.

Sincerely,



KUN CHIN JHAE and
KUM MAN JHAE

Disclosure: This letter has been translated for Kun Chin Jhae and Kum Man Jhae from their native language (Korean) into English.



12-07-09

The Honorable William Bogaard
Mayor
City of Pasadena
100 N. Garfield Avenue, Room S228
Pasadena, CA 91109-7215

Re: APN – 5725-010-041
Super Liquor & Market (125 E. Orange Grove Boulevard)

Dear Mayor Bogaard:

The Korean American Grocers Association of California (KAGRO), established in 2001, represents more than 4,500 large and small grocery store retailers in the Southern California area. Kum Man Jhae and Kun Chin Jhae are one of our most active members and have proven to be responsible and caring operators of Super Liquor & Market. This letter is put forth in support of their reconsideration to the Pasadena City Council with respect to Conditions imposed on July 27,th 2009 by the Council.

The Jhae's are hands on owners/operators of this long established neighborhood market that provides convenient one stop shopping for food (can, dry and perishables), household items (pots, pans, cleaning items, etc.), paper goods (diapers, tissue, towels, etc.) and a restaurant, in a transit dependent neighborhood. Not only do the Jhae's operate the store, they are also the property owners.

As you well know, the Jhae's operate in a very challenging environment, yet have a very loyal customer base. Many in the neighborhood consider the Jhae's friends, and treat them like a member of their own family. To ensure the safety of their customers and staff which includes their daughter, they have implemented a number of security measures (lighting, signs, video cameras, LEAD training, etc.), which has proven successful in eliminating any negative activities associated with the subject location. The Jhae's have a "zero tolerance" policy with respect to any illegal activities around their business. Nevertheless, it appears that the Jhae's have been the unintended victims of their surroundings and are unfairly being punished. There is substantial evidence (Pasadena Police Department [PPD], Drug Enforcement Agency [DEA], Alcohol Tobacco Firearms (ATF), US Attorney's Office and Immigration Enforcement [ICE]) that most of the noted negative activities was coming from a small number of residents and their associates of the Community Arms Housing Project.



KAGRO FOUNDATION
KOREAN AMERICAN GROCERS ASSOCIATION OF CALIFORNIA

Moreover, additional negative activities are well known by law enforcement to be associated with the nature and character of the neighborhood. With respect to same, the recent multi-agency task force (see above), created to address said conditions, conducted a sixteen (16) month surveillance and under cover investigation culminating in at least 89 arrests. Since said arrests, the area is much improved, allowing families to shop and recreate in the neighborhood without the former negative elements. Much of the current improvements can be attributed to law enforcement, and measures instituted by the owners/operators of Super Liquor & Market. A testament of the owner's effort is the enclosed petition of support from a cross section of the community, confirming the improved conditions post law enforcement activities. In other words, it is clear that the problems were not with our member, but with a few residents and their associates bent on making life miserable for all of the impacted stakeholders. The Conditions, recommended by the City of Pasadena, over and above that of ABC, impose an undue and unwarranted hardship on our member, especially during these tough economic times.

On behalf of the Jhae's, the national, California and local chapters of KAGRO strongly urges you to support modifying said Conditions as requested by the law firm of Jeffer, Mangels, Butler & Marmaro, LLP (JMBM) and FMG.

Lastly, be advised that KAGRO will work with all of our members in Pasadena and surrounding cities to ensure that they are in compliance with all local codes, ordinances and procedures. Thank you for your support of our request.

Best regards,

James Kim, President
California KAGRO

Robert Kim, Chairman
California KAGRO

CC: Members of the Pasadena City Council



12-07-09

The Honorable William Bogaard
Mayor
City of Pasadena
100 N. Garfield Avenue, Room S228
Pasadena, CA 91109-7215

Re: APN – 5725-010-041
Super Liquor & Market (125 E. Orange Grove Boulevard)

Dear Mayor Bogaard:


The Korean American Grocers Association of Los Angeles (KAGRO), established in 2001, represents more than 1,000 large and small grocery store retailers in the Southern California area. Kum Man Jhae and Kun Chin Jhae are one of our most active members and have proven to be responsible and caring operators of Super Liquor & Market. This letter is put forth in support of their reconsideration to the Pasadena City Council with respect to modifying Conditions imposed by the Council on July 27, 2009.

The Jhae's are hands on owners/operators (on premises everyday) of this long established neighborhood market that provides convenient one stop shopping for food (can, dry and perishables), household items (pots, pans, cleaning items, etc.), paper goods (diapers, tissue, towels, etc.) and restaurant, in a transit dependent neighborhood. The Jhae's take pride in keeping the store and the property clean and clear of litter, debris and graffiti. Moreover, they have a sophisticated security camera system that monitors the exterior and interior of the store. Video is maintained for 90 days and available to law enforcement (PPD & ABC) upon request. Additionally, the adjoining parking lot is well lighted, and secured at the close of business to prevent cars from parking overnight. As you well know, the Jhae's operate in a very challenging environment, yet have a very loyal customer base. Many in the neighborhood consider the Jhae's friends and treat them like a member of the family. Modifying the requested Conditions will allow the Jhae's to stay in business while offering a very vital service to the community, with due regard to the safety and security of same.

Hence, let it be known that KAGRO supports the modification of Conditions as requested by the law firm of Jeffer, Mangels, Butler & Marmaro, LLP (JMBM) and FMG.

Best regards,

Dalsub Yoon, President
KAGRO Los Angeles Chapter

 Augustine Park, Chairman
KAGRO Los Angeles Chapter

CC: Members of Pasadena City Council

Jomsky, Mark

From: Laurie Baer [laurie_baer@yahoo.com]
Sent: Wednesday, January 20, 2010 1:23 PM
To: Jomsky, Mark
Cc: De La Cuba, Vannia
Subject: Super Liquor:

We are fairly new to the area, my husband Philip Kay and I moved to 580 North Raymond Avenue 2 years ago. We had great hopes for the neighborhood and Pasadena. Having been residents in Glendale for 15 years we moved here to be closer to my mother. She lives on Paloma Avenue, her home is a five minute drive from our neighborhood, but the difference is like night and day.

The main difference that I see is the need for and availability of liquor stores on every other street corner in our neighborhood and despite all the communication that occurs with the majority of the neighbors and the city it appears that Super Liquor is trying to squirm out of the limitations placed on them by the city.

If our government in Pasadena will not fight for our lovely neighborhood to keep the dangers away, we will be lost. Without protection from the evils the great tax paying residents will move away and the lovely neighborhood will have no hope.

Super Liquor got off easy, drug use and selling on their property under their aware eyes is not acceptable. Please **STAND UP FOR OUR RIGHTS!**

We love our home, now we want to say that about our neighborhood and Pasadena.

Thank You,
Laurie Baer

Mr. Charles Stepney
1126 Forest Ave
Pasadena, CA 91103

RECEIVED

'10 JAN 22 AM 11:28

CITY CLERK
CITY OF PASADENA

12-07-09

The Honorable William Bogaard, Mayor
City of Pasadena
100 N. Garfield Avenue, Room S228
Pasadena, CA 91109-7215

1/25/10

Re: 125 East Orange Grove Boulevard – Super Liquor (~~12-14-09~~ Council Meeting)

Dear Mayor Bogaard:

I have live in the City of Pasadena. I am also aware that in recent times, my neighborhood has had problems with drugs and other negative elements hanging around the streets in close proximity of premises. The new owners, Kum and Kun Jhae have done much to improve the center with fresh paint, new signs, improved/cleaned up parking lot, and installed new security cameras located in the interior and exterior of store.

Super Liquor & Market offers a wide range of consumer products (can/dry/paper goods, personal & household products). Also, in the past, they have worked with other establishments that sell alcohol beverage on improving the delivery of goods & services, reducing trash/debris, and graffiti.

Therefore, I am pleased to write in support of their request, and strongly urge you vote to modify the Condition as requested by their consultants.

Thanks,

Charles L. Stepney

Mr. Charles Stepney, Resident

CC: Members of the Pasadena City Council

01/25/2010
Item 11

Raichelle Browning
143 E. Orange Grove Blvd., # 11
Pasadena, CA 91103

RECEIVED

'10 JAN 22 AM 11:29

CITY CLERK
CITY OF PASADENA

12-23-09

The Honorable William Bogaard, Mayor
City of Pasadena
100 N. Garfield Avenue, Room S228
Pasadena, CA 91109-7215

Re: Super Liquor

Dear Mayor Bogaard:

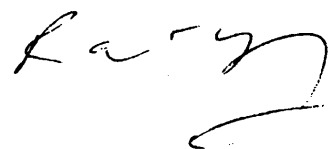
I have lived in the City of Pasadena for more many years. I'm very aware of the challenges in my neighborhood. I am familiar with the above location as it's been a liquor store and convenience market for a long time. I am aware that in recent year, there has been a general problem with drugs and people hanging around the streets in close proximity of the apartment complex adjacent to Super Liquor; however, the new owners, Kum and Kun Jhae have only provided a needed convenience to the community. The Jhae's have not only sent money to improve the property with fresh paint, security camera's and a security chain to prevent vehicles from parking in their lot after store hours; but also been a concerned business owner.

I am pleased to write in support of their request not to make them change their hours

Respectfully Yours,

Ms. Raichelle Browning, Resident

CC: Members of the Pasadena City Council



01/25/2010
Item 11

Mr. Douglas Ross
974 Worcester Ave
Pasadena, CA 91104

RECEIVED

'10 JAN 22 AM 1:29

CITY CLERK
CITY OF PASADENA

12-29-09

The Honorable William Bogaard, Mayor
City of Pasadena
100 N. Garfield Avenue, Room S228
Pasadena, CA 91109-7215

Re: 125 East Orange Grove Boulevard - Super Liquor (12-14-
09 Council Meeting)

1/25/10

Dear Mayor Bogaard:

I have live in the City of Pasadena. I am also aware that in recent times, my neighborhood has had problems with drugs and people hanging around the streets in close to Super Liquor. The new owners, Kum and Kun Jhae have done much to improve the their store with fresh paint, new signs, improved/cleaned up parking lot, and installed new security cameras located in the interior and exterior of store.

I am pleased to write in support of their request, and strongly urge you vote to modify the Condition as requested by their consultants.

Thanks,

Douglas Eric Ross

Mr. Douglas Ross, Resident

CC: Members of the Pasadena City Council

01/25/2010
Item 11

Mr. Eugene Williams & Priscilla Hampton
414 N. Robles, Suite 14
Pasadena, CA 91101

RECEIVED

'10 JAN 22 AM 11:28

12-07-09

The Honorable William Bogaard, Mayor
City of Pasadena City Council
100 N. Garfield Ave., Room S228
Pasadena, CA 991101

CITY CLERK
CITY OF PASADENA

1/25/10

Re: 125 East Orange Grove Boulevard – Super Liquor & Market (~~12-14-09~~ City Council meeting)

Dear Mayor Bogaard:

I own a small business dry cleaning business for the past 9 years, and Priscilla and I have lived in Pasadena for some 27 years; therefore, well acquainted with the above location, inasmuch as it's been a market/liquor store for many years. I am also aware that in recent times, the area has had some problems with drug activity and other negative elements. However, none of it directly associated with the store. If anything, they have been a victim, much in the same way as us, and other business owners & residents. The current owners, Kum and Kun Jhae have done much to improve the center with fresh paint, cleaned up parking lot, security cameras located in the interior/exterior of store and appropriate signs. It's not fair for them to be penalized for problems that are beyond their control. As an example, I've read some of the reports that said a number of illegal activities associated with the store actually took place after the store was closed. How they could be accused of contributing to the negative element when they're not open is beyond my comprehension.

Super Liquor is important to our neighborhood because they offer a wide range of consumer products (can/dry/paper goods, personal & household products), in a transit dependent community. Also, they are active participants in encouraging other local merchants to improve neighborhood conditions.

Therefore, I am pleased to write in support of their appeal to remove all of the Conditions imposed by the Code Enforcement Commission.

Best regards,

Mr. Eugene Williams, Business Owner



CC: Members of the Pasadena City Council

01/25/2010
Item 11