

MINUTES
September 16, 1986
Interim Business License Commission
City Hall Council Chambers

I. **CALL TO ORDER**

Meeting was called to order at 7:17 p.m. by Commissioner Hirsch.

A. **Pledge of Allegiance:** Led by Commissioner Hirsch.

B. **Roll Call:**

Present: Crane, Forbes, Hirsch, Smith, Sweeney

Absent: None

Others Present: Paul Self, Business License
Coordinator
John McKinney, Sr. Code Enforcement
Officer
Deputy Early Lincoln, Los Angeles
County Sheriff's License Detail

C. **Approval of Agenda**

Action: To approve agenda as written.

(Motion: Smith Second: Forbes)

Motion carried unanimously.

D. **Approval of Minutes**

Action: To approve minutes of August 19, 1986 with following correction:

Pledge of Allegiance led by Mary Sweeney.

(Motion: Sweeney Second: Smith)

Motion carried unanimously.

II. **ITEMS FROM CITIZENS:** None

III. **ITEMS FROM STAFF**

A. **Presentation by Deputy Early Lincoln, Los Angeles County Sheriff's License Detail**

Deputy Lincoln reviewed Sheriff's department license detail procedures and investigation procedures of individual business license applications.

B. Staff reported that a proposed amendment to the City's business license ordinance has been prepared. The amendment would require hearings by the Business License Commission for renewals of entertainment with

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dance business licenses. Amendment is being reviewed by City attorney.

Staff also reported on a proposed amendment to the City's Municipal Code to include procedures and regulations in the Code for the City's Business License Commission. Amendment is being reviewed by City attorney.

Budget for Business License Commission is to be presented at September 18 Council meeting.

Next meeting of the interim Business License Commission is October 7 and not September 30 as had been previously stated.

Staff will provide update of hearings calendar by next scheduled meeting.

Staff has begun work on a computer database for business licenses in the City which may be in place by first week of October.

IV. COMMISSION CHAIR'S REPORT

Commissioner Hirsch announced there will be a Council Study Session on Sunday, September 21, 1986, from 2:00 p.m. - 4:00 p.m. at City Hall Council Chambers. The purpose of the Study Session will be to discuss relations between night club owners and residents in adjacent neighborhoods.

V. PUBLIC HEARING

A. Hearing BLC-86-002
Ashkenazy Enterprises, Inc. dba Le Mondrian Hotel
8440 Sunset Boulevard, West Hollywood.
Application for Health Spa business license

1. Staff Report
Staff reported that applicant applied for health club business license to operate in Le Mondrian Hotel. County Sheriff's License Detail and Regional Planning Commission both recommended approval of the license as long as the use of the health club was restricted to hotel guests only. Recommendation was based on a Conditional Use Permit hearing held by the County in January of

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1985. Staff recommended a temporary 90-day business license application be issued with the following conditions:

- a. Applicant must address concerns of the County Building and Safety Department as outlined in their letter of March 27, 1986.
- b. Applicant must submit to the City's Planning Dept. a revised Plot Plan showing any alterations and/or modifications to the premises since the last Plot Plan was filed with the County Regional Planning Commission.
- c. The health club be restricted to hotel guests only.

2. Testimony of Applicant

- a. Steven Weaver, Counsel for Ashkenazy Enterprises, 8063 Beverly Blvd.

Requested health club be open to the public.

- b. Don Davies, General Manager, Le Mondrian Hotel, 8440 Sunset Blvd.

Presented information, including diagrams and visuals, on operation of health club. Said health club is under controlled access with only three entrances plus a fire exit available for entry plus televised monitoring of area. Said health club is locked at 10:30 p.m. and reopened at 7:00 a.m.. Hotel guests are escorted by security to the health club area.

- c. Wanda Bouvier, Manager, Health Club, Le Mondrian, 463 So. Maple Drive, #5, Beverly Hills.

Operating as individual trainer at hotel. Worked as personal instructor for over 15 years. Works at health club from 8:00 a.m. - 2:00 p.m. and from 4:00 p.m. - 7:00 p.m., Monday through Friday. Said her personal clients are using health club facilities as hotel guests. Answers questions on use of fitness equipment and proper exercise procedures. Said health club is available to

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hotel guests 24 hours a day but is accessible to guests after hours, but only upon request and only when accompanied by security.

Mr. Davies again addressed the Commission and said that outside guests are allowed in the health club only if they are clients of Ms. Bouvier. Clients are able to use the facilities from 8:00 a.m. - 7:00 p.m., Monday through Friday, and from 7:00 a.m. - 1:00 p.m. on Saturdays. Ms. Bouvier's clients make up the majority of users of the health club, although more hotel guests use the club between 6:00 a.m. and 9:00 a.m. during the week. Ms. Bouvier charges per session for her services. Mr. Davies said the hotel provides free valet parking for health club clients.

Mr. Weaver again addressed the Commission to summarize the applicant's comments. He presented to the Commission a copy of the minutes of the Conditional Use Permit hearing by the County Zoning Board on November 15, 1983. Mr. Weaver referenced the section of the minutes which shows the hotel was to provide free, validated parking for outside guests. Also said the minutes stated in the Findings of the Zoning Board that the hotel would include ". . . other recreational facilities and customary amenities." Said this should be interpreted to include plans for hotel health club since applicant contemplated operating health club and Zoning Board included reference to this because of the applicant's intention.

3. Public Testimony For: None

4. Public Testimony Against:

a. Bud Kops, 969 No. Larrabee, West Hollywood.

Said he felt all of staff recommendations should be filled prior to granting of health club license. Questioned Ms. Bouvier's guests' use of facilities.

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5. Other Public Testimony

- a. Jeanne Dobrin, 9000 Cynthia Ave., West Hollywood.

Spoke on her recollection of Zoning Board hearing of 1983. Said parking was one of major issues raised. Said the hotel parking provided above and beyond Conditional Use Permit requirements is minimal and would not support use of health club to outside guests. Also asked following questions:

- 1) What rooms or areas were demolished in hotel to make room for health club?
- 2) What other Building and Safety permits were obtained at the time of construction of health club?
- 3) Is Zoning Exception Clearance the same as a variance?

Recommended license for health club be restricted to registered hotel guests only. Cited previous problems with applicant in community.

6. Rebuttal by Applicant

Mr. Weaver spoke in rebuttal to public testimony against applicant.

Commissioner Hirsch closed public testimony.

Commissioners asked Deputy Lincoln to respond to questions concerning Sheriff's department recommendations on license application. Deputy Lincoln stated that investigation was conducted by Deputy Ron Vestey who was investigator at the time. Said it may be preferable to ask Deputy Vestey about circumstances of recommendations.

Commissioner Smith asked Deputy Lincoln why license application showed fingerprint requirement was waived. Deputy Lincoln said it was probably because applicant already had a fingerprint card on file from previous applications.

Commissioner Hirsch closed public hearing.

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Commission held discussion on issues regarding application. Commissioner Forbes said he had visited premises on Sunday, September 14 and said club was a well-run facility. Said blueprints filed with County Regional Planning Commission don't correspond with current layout of the club. Said parking may be a problem. Commissioner Smith questioned agencies recommendations and expressed concern as to whether it was appropriate for a business to operate within an existing business. Commissioner Crane asked what the occupant load for the health spa was and what the original Plot Plan showed for the health club. Also questioned County's recommendations.

Action: To continue hearing until next regularly scheduled meeting of the interim Business License Commission pending additional information from Staff, the County Regional Planning Commission and the County Sheriff's License Detail.

(Motion: Sweeney Second: Crane)

Ayes: Crane, Forbes, Hirsch, Smith, Sweeney

Nays: None

Abstain: None

[Meeting recessed for 2 minutes]

- B. Hearing BLC-86-003
Walnut Enterprises, Inc. dba Pussycat Theater
7734 Santa Monica Blvd., West Hollywood.
Renewal of adult theater business license

1. Staff Report
Staff presented report on renewal application for adult theater license by Walnut Enterprises, Inc. Staff recommended approval of adult theater licenses.

Deputy Lincoln reported that there were 15 lewd conduct arrests, as defined by Section 647(a) of the Penal Code, on the premises within the last year. Arrests were made as a result of business license checks to premises. Deputy Lincoln defined what constituted lewd conduct. Commission asked what were the total number of visits by the Sheriff's Patrol officers and on the number of convictions. Deputy Lincoln said no record on number of visits have been kept and number of

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convictions are kept separately by the Sheriff's dept. Said recommendation for renewal is because arrests are not result of negligence or mismanagement by applicant.

Commission questioned whether number of arrests were common to other adult theaters or unreasonably high. Also questioned whether there was any way to discourage lewd conduct activity. (i.e., brighter lights in theater, etc.)

2. Testimony of Applicant:

Donald Haley, Publicist, Pussycat Theaters, 5445 No. Sunset Blvd., Hollywood.

Said the theater keeps record of non-patrons. Said there were high number of vice officers patrolling the theater. Documented 1,000 visitations by officers in less than one year. Said theater staff is required to patrol theater every 15 to 20 minutes.

3. Testimony For:

- a. Jeanne Dobrin, 9000 Cynthia, West Hollywood
- b. James Litz, 777 Romaine, West Hollywood

4. Testimony Against: None

5. Other Testimony: None

Commissioner Hirsch closed public testimony.

Commissioner Hirsch closed public hearing.

Action: To approve renewal license application.

(Motion: Smith Second: Hirsch)

Ayes: Forbes, Hirsch, Smith, Sweeney

Nays: None

Abstain: Crane

VI. ITEMS FROM COMMISSION:

1. Commission asked staff what the schedule of hearings for the next scheduled Commission meeting would be. Also asked if Commission could receive information or

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materials from applicant one week prior to meeting.

2. Commissioner Forbes asked Deputy Lincoln to describe Sheriff's Department Special Problems Unit. Deputy Lincoln explained that unit was initially organized to deal with prostitution and prostitution-related crimes and now also deals with special business establishment problems.

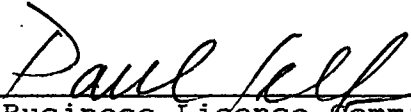
VII. ITEMS FROM CITIZENS: None

VIII. ADJOURNMENT

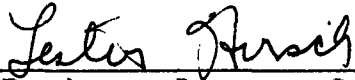
Action: To adjourn to next regularly scheduled meeting of the interim Business License Commission to be held Tuesday, October 7, 1986, at 7:00 P.M.

(Motion: Hirsch Second: Sweeney)
Motion carried unanimously.

Meeting adjourned at 10:30 p.m.



Secretary, Business License Commission



Chairperson, Business License Commission

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