

BUSINESS LICENSE COMMISSION

MINUTES

Tuesday October 2, 2001
The Werle Building
626 Robertson Blvd.
WEST HOLLYWOOD, CA

I. CALL TO ORDER: Chair Sonnenburg called the meeting to order at 6:00 P.M.

- A. ROLL CALL:
PRESENT: Commissioners – Maxine Sonnenburg, Eric Thompson Rodney Scott, Stanley Stalford and James Kazakos.
- STAFF PRESENT: Wade Davenport, Code Compliance Manager; Lisa Chilton, Business License Officer; Tony Leyva, Code Compliance Officer.
- OTHERS PRESENT: Christi Hogin, Assistant City Attorney; Lt. Buddy Goldman, LACSD; Fire Inspector Wallace Lejay LACFD.
- B. PLEDGE OF ALLEGIANCE: The pledge of allegiance was led by Commissioner Thompson.
- C. APPROVAL OF AGENDA:
- Action: To approve the Agenda.**
Motion: Scott Second: Stalford
Votes: All Ayes Motion carried.

II. CONSENT CALENDAR

- A. **To approve the minutes of July 3, 2001.**
Motion: Kazakos Second: Thompson
Votes: All Ayes Motion carried.
- B. **To approve the minutes of August 7, 2001.**
Motion: Kazakos Second: Thompson
Votes: All Ayes Motion carried.

III. ITEMS FROM CITIZENS - None

IV. PUBLIC HEARING

- A. **The Business License Commission shall conduct a public hearing to Consider modifying, suspending, or revoking Public Eating business license REG000179, Coin – Operated business license REG000178, Dance business license REG000180, Entertainment business license REG000177, Entertainment Promoter business license REG001416, Manager’s business licenses REG000059, REG000061, REG000809, and (new application pending approval) REG001612 for Club 7969 located at 7969 Santa Monica Blvd.**

Code Compliance Manager Wade Davenport announced to the Commission that Staff received a late correspondence from the legal counsel of Club 7969 requesting a continuance of the public hearing.

Assistant City Attorney, Christi Hogin addressed the Commission regarding the request for a continuance. Ms. Hogin stated that the question raised by legal counsel Mark Lehman in the letter address to Staff suggested that the public hearing was not properly noticed and that Club 7969 should be issued a continuance in order to have adequate time to prepare an argument. Ms. Hogin also stated that after looking into the matter she was convinced that adequate notice had been given and that it was now up to the Commission as to whether or not they grant the continuance.

Mark Lehman addressed the Commission arguing that the actual site was not posted as is required in the Business License Ordinance. Mr. Lehman also noted that the Club itself did not receive notice of the public hearing until very late and had therefore had very little time to prepare for the hearing.

Commissioner Thompson asked the Asst. City Attorney if noticing requirements had been met?

Ms. Hogin responded that the Code addresses the noticing issue with regards to applicants and proposed sites but does not address revocation hearings and is therefore somewhat unclear. Ms. Hogin continued that the question before the Commission should be whether or not the Club has had adequate time to prepare for this hearing or not and not whether or not the hearing was noticed according to the code, which she believes it was.

Commissioner Stalford suggested that the Commission hear from the members of the public at tonight’s hearing and allow the Club to present it’s case at a future hearing date.

To open the public hearing in order to receive public testimony, and to allow the public hearing to remain open. To call a special meeting of the Business License Commission to be held on October 9th, 2001 at 6:00 P.M. to be held at a location to be determined.

Motion: Thompson

Second: Stalford

Votes: All Ayes

Motion carried.

Tony Leyva presented the staff report.

Wade Davenport continued with the staff report giving the Commission a history of past violations by Club 7969. Mr. Davenport further stated that the purpose of pointing these violations out is to demonstrate to the Commission a long recurring pattern of behavior by Club owners/managers. Because past violations have been met with progressive modification and suspension of the Club's licenses Staff is recommending complete revocation of all licenses currently held by the Club.

Mark Lehman presented his report on behalf of Alhar Enterprises.

- Suggested that the Code requires that a Statement of Charges be presented outlining the reasons for revocation of a business license.
- Would like to work with the City and the community to resolve the issues at hand including parking concerns.
- Desires to work with Code Compliance and the LA County Sheriff's Dept., in order to resolve security problems of the past and to develop a successful security plan for the future.
- Stated that the charges presented do not appear to be terribly serious.
- Commented that the Code speaks in present tense as to reasons for revocation. Mr. Lehman indicated that issues presented have been resolved and therefore do not apply to the Code as reasons for revocation.

Public Testimony

- A. Gary Zimmerman, West Hollywood**, opposes giving the Club additional time to work with the neighborhood as they have had 13 years to do this and suggested that revocation is the only option that has not been tried to resolve neighborhood issues.
- B. David Jarbo, West Hollywood**, stated that club patrons come into the neighborhood and urinate, make unreasonable noise, and disturb the neighbors with their drunkenness.
- C. Avner Garbi, West Hollywood**, is disturbed by music coming from Club 7969 even after spending money on soundproofing for his apartment. He expressed parking concerns and testified of public drunkenness by club patrons. Mr. Garbi also stated that as the building manager he has difficulty keeping tenants due to the excessive noise from the club.

- D. **Ilene Fischer, West Hollywood**, commented on traffic and disregard for traffic signs in the neighborhood. She also spoke of public drunkenness and noise.
- E. **Greg Nise, Los Angeles**, said that the noise coming from the Club emanates into his apartment and is a big problem.
- F. **Kristi Borges, Los Angeles**, stated that noise from the Club can be heard clearly in her bedroom. After 2:00 A.M. the nature of the noise changes from music to horn honking, screaming, bottle crashing and this continues until about 3:30 A.M. Kristi has found beer bottles, needles and other debris in her yard when leaving her apartment in the A.M. She also expressed concern for her personal safety due to loitering in the neighborhood from club patrons after hours.
- G. **John Nieto, West Hollywood**, has been negatively affected by Club 7969 for the past 10 years and recommends closing the club permanently.
- H. **Scott Reader, West Hollywood**, complained of the excessive noise coming from Club 7969.
- I. **Chris Clarkin, West Hollywood**, does not live in the area but spoke on behalf of all residents at tonight's hearing and stated that these same issues have been presented before the Transportation and Public Safety Commissions.
- J. **Steve Goldberg, Westwood**, general manager of Club 7969 stated that the Club believes that it is in compliance with past conditions placed on it and answered allegations presented in the staff report.
- K. **Charles Lenzen, West Hollywood**, complained of litter in the neighborhood including needles and of public sex.
- L. **Daniel Carter, El Monte**, security guard for Club 7969 testified that he makes regular patrols of the neighborhood within one block of the Club. Mr. Carter stated that he has been verbally assaulted by neighbors while on patrol and has witnessed no prostitution while at the Club.
- M. **Brett Sands, West Hollywood**, complained of noise and parking problems and commented that the benefits that the Club offers the community are outweighed by its burdens. Ms. Sands also testified of prostitution coming from the Club and asked the Commission to revoke all business licenses of the Club.
- N. **Bardy Azadmard, Los Angeles**, stated that club patrons litter their neighborhood, noise and prostitution.
- O. **John Fletcher, West Hollywood**, lives across the street from the Club on Hayworth complained of noise, club patrons arguing in the neighborhood and music coming from car radios disturbing the public peace.
- P. **Danielle Noble, West Hollywood**, stated that the noise in the area is excessive and complained of vandalism, public sex and prostitution.
- Q. **Dana Moorehead, West Hollywood**, complained about noise and commented that she has attended neighborhood meetings held by the Club in order to resolve community issues but believes that Club 7969 has proven that they do not care about neighborhood concerns as has been

demonstrated by its lack of appropriate action to resolve past community complaints.

- R. **Deborah Praver, West Hollywood**, said that the noise from the Club is overwhelming and has witnessed public sickness of Club patrons in her front yard.
- S. **Cory Wong, Los Angeles**, employee of the Club stated that working at Club 7969 has paid his living expenses and that the employees of the Club are good people.
- T. **Barry Hinton, Hollywood**, suggested that many of the noise complaints expressed at tonight's meeting are the result of the neighbors themselves and from the other clubs in the area.
- U. **Robert Bellande**, owner of Sky Sushi mentioned to the neighbors that the businesses in the area are working together to solve neighborhood complaints and expressed his desire to be proactive with neighborhood concerns.
- V. **Kinberly Asada, Cerritos**, employee of Club 7969 said she would be willing to work with Club management and the neighborhood to resolve the problems that exist.

Mark Lehman presented a rebuttal for Club 7969 and stated that Club 7969 will gladly work with the community to resolve existing problems. He also stated that Club 7969 is currently working to improve security for the Club and also looks forward to working with the City in resolving parking and other concerns that have been expressed.

Commissioner Sonnenburg asked Lt. Buddy Goldman whether there is one club that contributes overwhelmingly to the problems expressed by residents at tonight's hearing?

Lt. Goldman responded that no one club or business is responsible for the noise and mayhem that exists in the area but that all of the clubs and businesses including 7 Eleven, gas stations and restaurants all contribute to patrons loitering in the area.

Commissioner R. Scott expressed concern that all required posting and noticing be completed before the next public hearing.

Ms. Hogin suggested to the Commission that if they would like to see the business posted as is required, by the Code, in accordance with applications for new business permits, that the notice would need to be posted for 10 days.

Commissioner Thompson asked the residents to meet with the representatives of Club 7969 in order to rectify some of the existing problems between now and the next Commission meeting.

Brett Sands on behalf of the area's residents declined this request stating that they have attended many meetings over the past 10 years and do not desire to attend additional meetings with the Club or its representatives.

To leave the public hearing open and to call a special meeting of the Business License Commission to be held on October 23rd, 2001 at 6:30P.M. to be held at a location to be determined.

Motion: Thompson

Second: Kazakos

Votes: All Ayes

Motion carried.

V. COMMISSION CHAIR'S REPORT

- A. The director of the West Hollywood Orchestra has resigned his position.
- B. Asked Staff to look into the increased activity on Carol Drive as a result of Goodbar, The Roxy, and The Key Club.

VI. ITEMS FROM COMMISSIONERS

Commissioner R. Scott announced his resignation from the Business License Commission in order to take on a more active role as Co-Chair of the Christopher Street West (CSW) Board of Directors. Commissioner Scott also commented that he has appreciated the opportunity to work on this commission. Additionally Mr. Scott stated that he will be conferring with his appointing councilmember as to when his resignation will become effective.

Commissioner Kazakos asked about the status of the two (2) at large appointments to be made to the Commission.

Commissioner Thompson questioned whether there would be quorum concerns given that the Commission would soon be a seven (7) member commission rather than a five (5) member?

Staff responded that this question is currently being reviewed by the City Attorney.

VII. ITEMS FROM STAFF

The Commission allowed public testimony under *Items From Staff* and the following member of the public spoke on item 7B.

Public Testimony

- A. **Chris Clarkin, West Hollywood**, addressed the Commission regarding 1114 Horn, the proposed site of Lobster Bay. Mr. Clarkin expressed concern over potential problems that arise when new businesses come into residential

neighborhoods and presented Staff a list of neighborhood recommendations to be used in determining conditions of approval for their business license.

A. Commission requested summary of valet operations at Miyagi's located at 8225 Sunset Boulevard and Moomba's located at 665 N. Robertson Boulevard.

Miyagi's – located at 8225 Sunset Blvd. Staff reported to the Commission the valet operation at Miyagi's is presently in good standing with the City. The Valet business license is held by Valet Parking Service. All licenses are current and that they have received zero (0) citations during the past 12 months.

Moomba's – 665 Robertson Blvd. Mr. Davenport reported that Moomba's is in good standing with the City and has received three citations for valet operations and Staff is working with Moomba's and operators of King valet to correct the violations.

B. Commission requested status update on 9040 Sunset Boulevard formerly Legacy, 1114 N. Horn Avenue formerly Spago's, 9000 Sunset Boulevard Rome Restaurant, and for Le Colonial, located at 8783 Bonner Drive.

Senioritas – located at 9040 Sunset Blvd. This is Mexican style southwestern restaurant that has received planning approvals for alcohol service and outdoor dining. Staff reported that this site has been vacant for the past 12 months. They are awaiting final approvals from the Building and Safety division but are currently open for business as none of these final approvals involves life safety issues. All necessary licenses have been issued and are in good standing and are now open for business.

Lobster Bay – a proposed New England style restaurant at 1114 Horn Avenue has received all planning and alcohol service approvals. The Planning division has allowed the restaurant to have two (2) pianists on a small stage which they do not consider to be a form of entertainment as it is for restaurant ambiance only and is therefore allowed under their MCUP. To date two (2) Stop Work Orders have been issued by the City for work being done outside the scope of their approved building permits. There are not outstanding issues with this restaurant at this time. No license applications have been submitted and they are anticipating a November opening date.

Rome Restaurant – 9000 Sunset Blvd., an Italian style restaurant and currently has approvals for planning and alcohol service. No building permits have been issued for improvement work and no business license applications have been received.

Le Colonial – 8783 Bonner Drive, a new Public Eating license was issued as of August 31st, 2001 as well as a issuance of existing valet license with a new valet circulating plan having been issued. The restaurant is now under new management to address past issues. All conditions of the original Development Permit and MCUP are still in effect. Code Compliance has also placed a condition on their business license that smoking is prohibited except in the outdoor smoking areas. All entertainment is strictly prohibited without a CUP. Occupant loads have been established by the Fire Department and Building & Safety division and are as follows: the 1st floor's total occupancy at 182, and the second floor 119 for a total occupancy of 301.

C. Status update on Regulatory License Ordinance revisions and amendments.

Staff advised the Commission on the Business License Ordinance revisions stating that a draft copy would be ready for review by the City Attorney in November. After that review is complete the Ordinance would be reviewed by the Building & Safety and Planning divisions, for their comment and would hopefully be ready to present to the Business License Commission and then begin public comment beginning in February 2002.

Commissioner Sonnenburg asked if the Commission would have a chance to review the document in its draft form before the suggested February date so that they might interject their opinions and suggestions before the final copy is presented to the public.

Commissioner Thompson echoed Commissioner Sonnenburg's request and suggested that he would like to review the document over the next three months and to offer his suggestions during this period.

D. Informational item regarding upcoming Strategic Planning Process to vision and establish goals and objectives for the City during the next ten years.

Staff informed the Commission that Saturday, October 13th, from 1:00 – 4:00 P.M. at West Hollywood Park Auditorium and Sunday, October 14th, also from 1:00 – 4:00 P.M. at the Comprehensive Center have been set aside by the City as time for the community to come together to discuss visioning for the City. In addition, the city manager has requested that members of all boards and commissions be encouraged to attend one of these sessions.

E. Review of Administrative Regulation No. 103 which governs Board and Commission Documents, specifically Attendance Records.

Staff reviewed the attendance policy for commission and board members. Staff reviewed excused and unexcused absences and encouraged commissioners to attend all applicable commission meetings whenever possible.

VIII. NEW BUSINESS

IX. OLD BUSINESS

XI. ADJOURNMENT

Action: To adjourn to a special meeting of the Business License Commission to be held on Tuesday, October 23rd, 2001 from 6:30 p.m. until completion at the Werle Building, 626 Robertson Blvd., or a place to be determined. Commissioner R. Scott asked that the meeting be adjourned in memory of Dan Brandhorst, Ronnie Gamboa and David Gamboa-Brandhorst.

Motion: R. Scott
Votes: All Ayes

Second: Thompson
Motion carried.

PASSED, APPROVED AND ADOPTED THIS DAY OF _____.

CHAIRPERSON: *[Signature]*

ATTEST:
BUSINESS LICENSE OFFICER: *[Signature]*