

BUSINESS LICENSE COMMISSION

MINUTES

Tuesday, October 3, 2000

**WEST HOLLYWOOD CITY HALL
COMMUNITY CONFERENCE ROOM**

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

A. ROLL CALL:
PRESENT: Commissioners – Scott Forbes, Maxine Sonnenburg, Terry Morgan, Rodney Scott and Stanley Stalford.

STAFF PRESENT: Wade Davenport, Code Compliance Manager; Lisa Chilton, Business License Officer; Bruce Robertson, Administrative Staff Assistant.

B. PLEDGE OF ALLEGIANCE: Commissioner Sonnenburg led A pledge of allegiance.

C. APPROVAL OF AGENDA:

Action: To approve the Agenda

Motion: Morgan Second: Stalford

Votes: All Ayes Motion carried.

II. CONSENT CALENDAR

A. Approval of Minutes, September 5, 2000

Action: To amend the minutes to reflect the following addition under item 8A bullet point number two (2). This item shall read as follows: Triggering system to be established wherein any business that is cited three (3) times within and 18-month period would be brought before the *Business License Commission*, and to approve the Consent Calendar as amended.

Motion: Sonnenburg Second: Morgan

Votes: All Ayes Motion carried.

Forbes abstained.

III. ITEMS FROM CITIZENS

- a. **Jeanne Dobrin, West Hollywood**, Congratulated the Commission on their recent work and commented on future work to be done by the Commission.

IV. PUBLIC HEARING

- A. The Business License Commission shall consider modifying, suspending, or revoking Public Eating Business License REG000384 and Valet Parking Business License REG001154 for Le Colonial at 8783 Bonner Drive.

Mr. Davenport presented the staff report.

Robert Besser, Pacific Palisades, spoke on behalf of Le Colonial.
Anthony Punnett, West Hollywood, spoke on behalf of Le Colonial.

Public Testimony

- a. **Bill Doebler, West Hollywood**, commented on valet violations that occur at this location, which impact the neighborhood and recommended that Le Colonial be made to follow all conditions of their CUP in the future.
- b. **Doug Bernard, West Hollywood**, noted that valets are using the lot near Rosewood to park cars which is a violation of their CUP as their valet parking license was approved based on their having secured parking in the Pacific Theatre lot on Robertson Boulevard.
- c. **Sherie Stark, West Hollywood**, commented on neighborhood meetings that have been held regarding Le Colonial and the lack of results from these meetings. Ms. Stark also commented on noise emanating from the restaurant into nearby neighborhoods.
- d. **Rick Forrest, West Hollywood**, commented on noise coming from the restaurant and suggested that Le Colonial operates more as a nightclub than a restaurant.
- e. **Michael Harabin, Beverly Hills**, moved away from the neighborhood because of Le Colonial and the noise created by this establishment, and considers Le Colonial to be a bar NOT a restaurant.
- f. **Howard Hamburg, Culver City**, representing Valet Parking Service spoke in behalf of the valet operation at Le Colonial.
- g. **Donald DeLuccio, West Hollywood**, commented on the intensification of use that took place when Le Colonial was granted an MCUP and suggested that the restaurant provide all information as is required in the MCUP conditions.
- h. **Jeanne Dobrin, West Hollywood**, suggested that the Commission implement the conditions suggested in the staff report.

- i. **Helane Wilbourne, West Hollywood**, commented on the progressive nature of problems that have existed at Le Colonial and asked the Commission to help the neighbors with their petition.
- j. **Elizabeth York, West Hollywood**, spoke as the general manager of Le Colonial and on behalf of the restaurant.

Commission Discussion

Morgan

- Suggested that parking enforcement should cite and tow cars that are parked illegally in the neighborhood.
- Commented that the sheriffs department should be notified about the threatening nature of some limousine drivers who may park in the neighborhood surrounding Le Colonial.
- Recommended eliminating condition seven (7) of Staff's proposed conditions.

Sonnenburg

- Recommended that an additional paragraph be added to the conditions in the staff report that would address valet parking.
- Suggested that a formal recommendation be forwarded to the appropriate bodies, recommending that the restaurant's hours of alcohol service be restricted for a period not to exceed 90 days.
- City staff and area residents to be contacted within 24 hours of any management or telephone number changes at the restaurant.

Stalford

- Proposed that an employee be secured to monitor the noise level of patrons as they exit the restaurant as well as to monitor crowd control.
- Asked staff what measures could be taken in working with other departments or agencies to effectively mitigate the parking violations that are currently occurring by limousine drivers, valet companies, etc.

Staff responded that a memorandum could be sent to the Department of Transportation and the Sheriffs department's traffic division advising them of the Commission's concerns and summarizing the myriad of problems that currently exist in the area. In the memorandum, staff could request that an increased presence be effectuated in the area in an effort to mitigate these problems for the area residents.

- Recommended that Le Colonial produce a copy of the restaurant's gross sales receipts, which would be presented to the Commission at the November 14th meeting.

Forbes

- Recommended posting security personnel from the restaurant on the sidewalk in front and to the rear of the restaurant in an effort at preventing the restaurant's patrons from entering residential areas.
- Suggested restricting the upstairs dining hours to 10:00 p.m. and the downstairs dining area to 11:00 p.m., or 12:00 a.m.
- The use of the outside balcony be closed at 10:00 p.m.
- The use of the outside dining area to be closed, with all activity having ceased at 12:00 a.m. on Friday and Saturday nights and by 11:00 p.m. on weeknights.

The Commission adopted the following as conditions of operation for Le Colonial:

1. The outside balcony shall be designated as a smoking area only and shall be open solely between the hours of 8:00 a.m. and 10:00 p.m. Further, there shall be no furniture, other than ashtrays, placed on the outside balcony so as to discourage patrons from lingering within this area.
2. The use of the outside dining area shall be restricted to the hours of 8:00 a.m. to 11:00 p.m. Sunday through Thursday, and 8:00 a.m. to Midnight Friday and Saturday. All activity in this area, including clean-up shall cease at these designated hours.
3. The use restrictions placed on the outdoor dining area and balcony may be considered for review upon the submission to and approval of a noise mitigation plan prepared by a licensed professional indicating what physical and operational changes will be made to address all noise produced by the business.
4. The business shall submit documentation within 30 days of October 3, 2000, verifying that all the windows on the eastern façade of the building have been double glazed for sound insulation as required by Development Permit (DVP) 95-19. Further, all windows on the eastern façade shall remain shut after 8:00 p.m. nightly.
5. Le Colonial shall immediately install signs in all outdoor dining/smoking areas and in any valet drop-off/pick-up areas reminding patrons to be quiet and respectful of the adjacent residential neighbors.
6. The business shall immediately cease any and all promotional and advertising activities indicating that any entertainment activities are permitted.
7. Outside security personnel shall be provided for the purpose of monitoring noise levels generated by the business, restrict patrons from entering the surrounding residential neighborhood and ensure that patrons waiting to enter the business do not obstruct the public right-of-way or generate noise.

8. The business shall ensure that vehicles existing onto Rosewood Avenue shall turn left only and a sign to this effect shall be posted and maintained as is required by Minor Conditional Use Permit #95-06.
9. The business shall ensure that no vehicles shall enter the parking lot from Rosewood Avenue and signage to this effect shall be posted and maintained as is required by DVP 95-19.
10. The business shall ensure that vehicles exiting through the front driveway shall not turn left onto Bonner Drive after 7:00 p.m. A sign to this effect shall be posted and valets shall direct all exiting customers to use Beverly Boulevard as is required by Minor Conditional Use Permit 95-06.
11. The business shall ensure that limousines do not park within the public right-of-way and shall not remain with idling motors near the restaurant or in the parking lot as is required by MCUP 95-06.
12. Contact cards shall be made available to all neighbors and City staff which shall contain the names and numbers of the business management which can be reached during all hours of operation. These cards shall be updated within 24 hours of any changes that occur with regards to the information on these cards.
13. These conditions shall be reviewed by the Business License Commission in three (3) and six (6) months to evaluate their effectiveness. Should a citation be issued to the business for any violation of the Municipal Code during this evaluation period, this matter will be brought back before the Business License Commission for reconsideration.

Action: To direct Staff to draft a resolution based on the conditions imposed by the Commission at tonight's meeting and to have the resolution approved and signed and to become effective immediately upon its approval.

Votes: All Ayes

Motion carried.

- B. The Business License Commission shall consider modifying suspending, or revoking Public Eating Business License REG000551 for Kass-Bah at 9010 Melrose Avenue.

Mr. Davenport presented the staff report.

Marion Hack, Los Angeles, spoke on behalf of Kass-Bah.

Robert Kass, West Hollywood, presented a summary of actions taken by the restaurant in an effort to mitigate the nuisances created by the restaurant. Mr. Kass also expressed his desire to be a good neighbor.

Public Testimony

- a. **Jean Hobart, West Hollywood**, mentioned that the live entertainment at Kass-Bah is extremely loud.

- b. **Charlotte Banta, West Hollywood**, commented on the noise emanating from Kass-Bah and the problems it has caused her tenants.
- c. **Paul DeAngelis, West Hollywood**, noted that the noise coming from the restaurant has been going on for three (3) years.
- d. **George Goetz, Los Angeles**, co-owner of Kass-Bah commented that the restaurant management is aware that noise is coming from the restaurant but has not been able to determine its source.
- e. **Steve Brown, Sherman Oaks**, manager of Kass-Bah commented on mitigation measures taken by the restaurant to reduce noise to the neighborhood and said that those involved have not been able to determine the source of the noise.
- f. **Dan Siegel, West Hollywood**, commented on the dumpsters being left open and on the noise coming from the restaurant.
- g. **Jeanne Dobrin, West Hollywood**, supports staff's recommendations.
- h. **Don Earl** spoke on behalf of Kass-Bah.

Commission Discussion

Sonnenburg

- Recommended that a sound engineer be brought in to determine where the noise is coming from and how to mitigate it.
- Suggested restricting the restaurants hours of operation until noise mitigation measures have been achieved.

Stalford

- Recommended that Kass-Bah obtain a licensed valet to operate the valet operations of the restaurant.
- Suggested that all live entertainment and dance should be eliminated from Kass-Bah.

Morgan

- Recommended bringing in a sound engineer in an effort to mitigate the noise problems.
- Proposed that no entertainment be allowed until a sound engineer has been able to mitigate the noise.
- Suggested that their regulatory license be pulled if Kass-Bah violates the direction of the Commission and allows entertainment at their restaurant.

Forbes

- Proposed that the windows at the rear of the restaurant, facing the alley, remain closed and locked beginning at 6:00 p.m. each evening.
- Recommends that Kass-Bah immediately cease all dance and entertainment until the required licenses have been obtained, and if additional violations occur it would be cause to bring the business back before the Business License Commission for possible revocation or further modification of their business license.
- Suggested that additional security to be placed in the alley and at the end of the street in an effort to mitigate the noise problems.
- The restaurant shall see to it that their contracted valet company has a current valet license and is in compliance with the circulation plan listed therein.

The Commission adopted the following as conditions of operation for Kass-Bah:

1. The business shall ensure that no repeated or sustained noise from the premises is plainly audible from any adjacent residential property line between the hours of 10:00 p.m. and 8:00 a.m.
2. All deliveries shall be made through the front entrance only and shall be conducted between the hours of 8:00 a.m. and 10:00 p.m., Monday through Friday. Access through the rear shall be permitted only between the hours of 10:00 a.m. and 8:00 p.m. Monday through Saturday.
3. The business shall install signs at all exits, outdoor smoking areas, and any valet drop-off/pick-up areas reminding patrons to be quiet and respectful of the adjacent residential neighbors.
4. The business shall immediately obtain from the City's licensed solid waste franchise garbage and recycle containers with lock-type lids.
5. Kass-Bas shall immediately cease any and all unpermitted entertainment activities including, but not limited to dancing, bands and/or deejays.
6. The business shall immediately cease any and all promotional and advertising activities indicating that any unpermitted entertainment activities including but not limited to dancing, bands and/or deejays are taking place.
7. The parking area at the southeast corner of Melrose Avenue and Almont shall be used as a self-park for employees of the business only.
8. Contact cards shall be made available to all neighbors and City staff which shall contain the names and numbers of the business management which can be reached during all hours of operation. These cards shall be updated within 24 hours of any changes that occur with regards to the information on these cards.
9. It shall be the responsibility of the business to ensure that any valet operations taking place at the site are properly and currently licensed within two (2) weeks of October 3, 2000.

10. The business shall be responsible for providing at least one (1) roving security employee whose responsibility is to patrol the following areas on a regular basis during all hours of operation to prevent noise generated by patrons and monitor any noise generated by the business: Melrose Avenue between the business and Almont Drive; The parking area on the southeast corner of Melrose Avenue and Almont Drive; Almont Drive between Melrose and the alley way between Almont Drive and the rear of the business.
11. The Business License Commission shall review these conditions in three (3) and six (6) months to evaluate their effectiveness. Should a citation be issued to the business for any violation during this evaluation period, this matter will be brought back before the Business License Commission for reconsideration at the first available meeting.

Action: To direct Staff to draft a resolution based on the conditions imposed by the Commission at tonight's meeting and to have the resolution approved and signed and to become effective immediately upon its approval.

Motion: Sonnenburg

Second: Morgan

Votes: All Ayes

Motion carried.

V. COMMISSION CHAIR'S REPORT - None

VI. ITEMS FROM COMMISSIONERS - None

VII. ITEMS FROM STAFF

- A. Staff announced that the Boards/Commissions reception that was announced at the last meeting has now been cancelled but will be rescheduled for a later time.

VIII. NEW BUSINESS - None

IX. OLD BUSINESS

- A. Proposed Work Plan

It was the desire of the Commission to table this item and to adjourn to a special study session of the Business License Commission in which this item could be discussed.

X. ADJOURNMENT

Action: To adjourn to a special meeting of the Business License Commission to be held on November 10, 2000 from 7:00 p.m. until

completion at the City of West Hollywood, Rent Stabilization Hearing Room, 8300 Santa Monica Boulevard.

Motion: Sonnenburg

Second: Morgan

Votes: All Ayes

Motion carried.


PASSED, APPROVED AND ADOPTED THIS DAY OF

11/14/00.

CHAIRPERSON: _____

ATTEST:

BUSINESS LICENSE OFFICER: _____

 11/16/00