

BUSINESS LICENSE COMMISSION

MINUTES

**Tuesday May 1, 2001
City of West Hollywood
Community Conference Room
8300 Santa Monica Blvd.
WEST HOLLYWOOD, CA**

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, and Rodney Scott

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

B. PLEDGE OF ALLEGIANCE: The pledge of allegiance was led by Maxine Sonnenburg

C. APPROVAL OF AGENDA:

Action: To approve the Agenda.

Motion: R. Scott Second: Sonnenburg
Votes: All Ayes Motion carried.

II. CONSENT CALENDAR

Action: To amend the minutes to reflect Chair Forbe's comments on page six (6) to read, *feels that an 11:00 closing is not a severe enough reprimand and recommends modifying the hours of operation for a period of three (3) months, and to approve the minutes as amended.*

Motion: R. Scott Second: Sonnenburg
Votes: All Ayes Motion carried.

III. ITEMS FROM CITIZENS

IV. PUBLIC HEARING

A. The Business License Commission shall conduct a public hearing to reconsider modifying, suspending, or revoking Public Eating Business

License REG001467 and Valet Parking License REG001345 for the
Sunset Trocadero located at 8280 Sunset Boulevard.

Wade Davenport presented the staff report.

Public Testimony

- A. **Steve Afriat, Los Angeles**, spoke as a representative of the Trocadero. Mr. Afriat commented that the original seating plan, approved by the City, has been restored as much as is possible. He also commented that the patio speakers have been removed, that the parking lot in the rear is owned and leased by Sushi on Sunset and not utilized by patrons of the Trocadero, and that the Trocadero generally supports the recommendations made by Staff.
- B. **Milton Zampelli, West Hollywood**, owner of the Trocadero stated that they are working with the City and their neighbors to mitigate any and all noise coming from the restaurant.
- C. **Thomas Thanan Gadan, Los Angeles**, asked the Commission to assist the neighbors with the noise that is being created on Sunset and disturbing the neighbors in the area.
- D. **Bruce Huntley, West Hollywood**, commented that the Trocadero is a nuisance to the neighborhood and asked the Commission to restrict its hours of operation.
- E. **Dan Silver, West Hollywood**, spoke about noise coming from the Trocadero and commented that the gross sales receipts presented by the restaurant are incorrect. Mr. Silver also stated that the Trocadero is a bar rather than a restaurant.
- F. **Mark Newburuer, West Hollywood**, spoke on behalf of the Trocadero and commented that it is a neighborhood establishment. Mr. Newburuer also commented that he often takes his parents to eat at the Trocadero after 10:30 P.M. and personally eats there late 2-3 times each week.
- G. **Richard Recco, Los Angeles**, stated that he holds business meetings at the Trocadero because the noise level is relatively low there.
- H. **Chuck Catterneo, West Hollywood**, spoke in behalf of the Trocadero.
- I. **Judith Kass, West Hollywood**, commented that noise coming from the Trocadero wakes her at night and that she would like to see it close earlier than it currently does.
- J. **John Pace, West Hollywood**, asked the Commission to see Sunset Blvd., for what it is and spoke in support of the Trocadero. Mr. Pace also commented that noise is coming from many sources from this area and asked the Commission to consider this when making their decision.
- K. **Jason Hollander, West Hollywood**, entertains clients at the Trocadero and considers it a quiet and respectable restaurant.
- L. **Gilbert Bell, West Hollywood**, commented that the Trocadero makes every effort to keep the noise levels low and spoke in support of the restaurant.

- M. **Kennedy Jones, West Hollywood**, commented that there are many sources of noise coming from businesses on Sunset and supports the Trocadero. Mr. Jones also commented that he often eats at the Trocadero after midnight and supports no change in their operating hours.
- N. **James Hecht, West Hollywood**, commented that it is unfair to select the Trocadero as the source of all of the noise in the area considering the many larger restaurants in the area.
- O. **Randall Rubin, West Hollywood**, commented that noise is coming from all people and establishments on Sunset and asked the Commission not to restrict the Trocadero's hours of operation. He also commented that he is a writer and often eats at the Trocadero after 10:00 P.M.
- P. **Jack Barry, West Hollywood**, commented that Dublins and the Body Shop contribute to the noise in the area but stated that the policing of individual establishments might be required in order to determine the source of and reduce noise in the area.
- Q. **Hillary Selvin, Los Angeles, (Executive Director/CEO of the West Hollywood Chamber of Commerce)** commented the Trocadero offers a small quiet, intimate setting and that many other sources of noise should be considered when looking at the source of noise in this area.

Steve Afriat presented his rebuttal and asked the Commission not to attribute all noises coming from the Sunset Strip, to the Trocadero. He also asked the Commission to allow the Trocadero to do what it takes to continue operating successfully.

The Commission Posed Questions of Members of the Public

Commissioner Sonnenburg asked Hillary Selvin what measures The Chamber could take to mitigate the noise coming from The Strip?

Ms. Selvin responded that The Chamber is considering shuttling all employees working on Sunset to a central parking location away from The Strip in an effort to reduce traffic and noise on Sunset.

Chair Forbes asked Mr. Silvers if there has been any improvement in the Trocadero since the previous meeting of the Commission?

Mr. Silvers responded that there has been no change and considers the problems to stem from the fact that the Trocadero is a bar rather than a restaurant.

R. Scott asked Staff if gross sales receipts from the Trocadero have been examined and if Staff is comfortable with the results?

Staff responded that gross sales receipts were received through the end of last year, from the Trocadero, and it is Staff's opinion that these receipts are true and correct.

Commission Discussion

R. Scott

- Does not consider the source of the noise heard by the neighbors to be coming from the Trocadero.
- Expressed concern with the parking lot to the rear of the restaurant.
- Recommended the Trocadero work with the neighbors to mitigate their noise concerns.
- Supports Staff's recommendation with the exception of adding an additional security guard.

Sonnenburg

- Concurs with Commissioner R. Scott.
- Recommends that Staff evaluate the closing of some or all of the doors of the restaurant in an effort to mitigate noise.
- Suggested that the source of the noise could be the rear parking lot and asked Staff to look into this as a possibility.
- Asked Staff to report back to the Commission on their parking lot investigation at the three (3) month review of the Trocadero in order to assist the Commission in its decision about the source of the noise.

Forbes

- Feels that the Trocadero meets the criteria defined by the City as a restaurant.
- Recommends additional security as proposed by Staff, and suggested that this person only roam the premises to mitigate noise and other potential nuisances.
- Would like to see cooperation between the Trocadero and its neighbors.
- Supports Staff's recommendations.

Motion: To move Staff's recommendation with the exception of the hiring of an additional security guard .

Motion: R. Scott

Second: Sonnenburg

Vote:

R. Scott

Aye

Sonnenburg

Aye

Forbes

No

Motion carries.

The Commission directed Staff to investigate the parking lot behind the Trocadero to determine the source of the noise in the area as has been reported by the neighbors. Among other things direction was given to look at lot ownership, hours of operation, who is in charge of the lots operation, and any and all information that would assist the Commission in determining if this lot is the source of noise reported by neighbors in the area, and if so how to mitigate this nuisance.

Motion: To amend the agenda to hear item VII out of order.

Motion: Forbes

Second: R. Scott

Vote: All Ayes

Motion carries.

V. ITEMS FROM STAFF

- A. Commission requested an informational report on new business operation status pursuant to Commission's direction resulting from public comments during April 3, 2001 Business License Commission meeting for Belly, located at 7929 Santa Monica Boulevard.

Lisa Chilton presented the staff report.

Commissioner Forbes asked Staff if additional complaints have been received since the original complaint at the previous BLC meeting.

Staff responded that no additional complaints have been received.

The Commission took no action on this item.

- B. An appeal has been submitted by Le Colonial for a public hearing before the City Council appealing the Business License Commission's recent decision regarding it's operating conditions. The appeal will be heard on May 21, 2001.

VI. COMMISSION CHAIR'S REPORT

VII. ITEMS FROM COMMISSIONERS

VIII. NEW BUSINESS

IX. OLD BUSINESS

XI. ADJOURNMENT

Action: To adjourn to the next regularly scheduled meeting of the Business License Commission to be held on June 5, 2001 from 6:00 p.m.

**until completion at West Hollywood City Hall, 8300 Santa Monica Boulevard
in the Community Conference Room.**

Motion: Sonnenburg
Votes: All Ayes

Second: R. Scott
Motion carried.

PASSED, APPROVED AND ADOPTED THIS DAY OF June 5, 2001.

CHAIRPERSON: [Signature]

ATTEST:
BUSINESS LICENSE OFFICER: [Signature]