

BUSINESS LICENSE COMMISSION

MINUTES

Tuesday, February 1, 2000

**WEST HOLLYWOOD CITY HALL
COMMUNITY CONFERENCE ROOM**

I. CALL TO ORDER: Chair Forbes called the meeting to order at 7:00 P.M.

A. ROLL CALL:

PRESENT: Commissioners - Forbes, Morgan,
Sonnenburg, Scott and Garner.

STAFF PRESENT: Ray Reynolds, Community Development
Director; Tom Benedetti, Senior Code
Compliance Officer; Gloria Buitrago, Business
License Officer; Erika Fleming, Assistant City
Attorney; Bruce Robertson, Staff Assistant.

B. PLEDGE OF ALLEGIANCE: A pledge of allegiance was led by
Commissioner Garner.

C. Darlene Garner and Rodney Scott took the oath of office and were sworn
in as Commissioners of the Business License Commission.

D. APPROVAL OF AGENDA:

Action: To approve Agenda

Motion: Sonnenburg Second: Morgan
Votes: All Ayes Motion carried.

II. CONSENT CALENDAR

A. Approval of Minutes, July 29, 1999

Action: To approve Consent Calendar

Motion: Sonnenburg Second: Morgan
Votes: All Ayes Motion carried.
Abstained: Forbes, Scott, Garner

III. ITEMS FROM CITIZENS – None

IV. PUBLIC HEARING

A. Appeal of Dance and Entertainment Business License Denial.

Written request to appeal denial of regulatory dance and entertainment business license based on staff recommendation.

Owner:	The Argyle Hotel
Applicant:	Norman Chang
Location:	8358 Sunset Blvd.

Recommendation: To hear and review applicant and staff report prior to rendering a decision, and to uphold denial if testimony does not substantially alter original reason for denial.

Tom Benedetti presented the staff report.

Brian Chin and Norman Chang presented the applicant's report.

Public Speakers

- a. **Bill Watson, West Hollywood**, commented on noise and CUP violations and stated that overturning this denial would require complete compliance of the Argyle's CUP.
- b. **Teri Gustafson, West Hollywood**, spoke regarding the Hotel's balcony being used as a smoking area which creates a noise nuisance for neighbors.
- c. **Katherine Thulin, West Hollywood**, presented a chronology of events that has occurred over the past 27 months and commented that the Commission should not be deceived because the Hotel has a new general manager.
- d. **Stephen Spurgeon, West Hollywood**, expressed that the Hotel has not responded to citizens' requests for quiet in the neighborhood.
- e. **John Jacobs, West Hollywood**, commented that noise, from the Hotel's patrons, increases after 2:00 a.m. or 3:00 a.m.
- f. **Lynn Hoopingarner, West Hollywood**, spoke about time spent dealing with the Argyle and commented that the Hotel employees placate the neighbors when complaints are made and also commented on hotel employees parking in residential areas.

The applicant presented a rebuttal.

Commissioner Morgan questioned the applicant as to what measures they have taken to mitigate the noise levels at the Hotel?

Mr. Chang responded that they have increased security for parties held at the hotel and hotel management is choosing their clientele more carefully as result of the problems that have occurred, in the past.

Commissioner Sonnenburg asked Mr. Chang if a management person is currently available, at night should problems arise, and asked about the way in which this person/persons could be contacted.

Mr. Chang stated that the Hotel has radio contact available by which management personnel communicate with one another. He further stated that should a complaint be received this complaint would immediately be relayed (via radio) to the person able to remedy the problem. Mr. Chang continued that it is the Hotel's goal not to receive complaints but to eliminate the problems that precipitate calls from neighbors.

Chair Forbes asked what measures have been taken to eliminate noise emanating from the ballroom onto the terrace area and beyond.

Mr. Chang responded that the Hotel has eliminated any patron passage from one terrace to another, they have closed doors/windows in the Hotel's galley from which sound might emanate, and they have placed guards at the terrace exits to direct patrons.

The Commission decided to hear additional public speakers, at this time.

Public Speakers

- a. **Geoffrey Smith, West Hollywood**, commented that a persons home should be a refuge and residents should not have to call the hotel asking that noise levels be lowered.
- b. **Lynn Hoopingarner, West Hollywood**, asked how long Mr. Chang will remain at the Hotel and expressed concern over how his promises to residents would be handled by any future hotel owner.
- c. **F. Gustafson, West Hollywood**, commented on the Hotel's CUP and suggested that the Hotel and residents would not be at this meeting had Mr. Chang abided by it's conditions.
- d. **Stephen Spurgeon, West Hollywood**, commented on Mr. Chang's creation of a Noise Task Force.
- e. **Katherine Thulin, West Hollywood**, expressed concern that the noise has recently been reduced only because the Hotel has no license for dance or entertainment. Ms. Thulin also expressed employee parking concerns.
- f. **Bill Watson, West Hollywood**, noted that noise spills out into the neighborhood anytime doors to the Hotel are open.

Mr. Chang presented his 2nd rebuttal.

Action: To close the public hearing.

Motion: Forbes

Second: Morgan

Votes: All Ayes

Motion carried.

Commission Discussion

Sonnenburg

- Questioned Staff as to possible ways of mitigating noise.
- Suggested that Staff and the Hotel could meet with acoustical engineers to remedy the problem.
- In favor of eliminating terrace use only if other mitigation measures fail.
- Recommends that the Hotel provide Staff with its management names and numbers where they can be reached should the need arise.
- Also recommends that Staff be provided with employee license plate numbers in order to monitor parking in residential areas.
- Supports the installation of vestibules as a noise mitigation measure.

Morgan

- Concurs with Commissioner Sonnenburg's suggestion of vestibules and also suggested restricting the Hotel's activities until this measure is completed.

Scott

- Recommends that an additional review process be put into place.
- Supports the elimination of terrace use after 10:00 p.m.
- Recommends a periodic review process at three (3) months and again at six (6) months.

Forbes

- Suggested imposing interior and exterior conditions to mitigate noise.
- In favor of eliminating terrace use whenever there is entertainment or amplified music inside the Hotel, and also supports requiring closure of windows and doors during these times.
- Would support limiting terrace use to 11:00 p.m. on weekdays and 1:00 a.m. on weekends when no entertainment or amplified music is going on inside the Hotel.

Garner

- In favor of restricting the terrace to smoking use only, after 11:00 p.m.
- Suggests a review every three (3) months, by the Business License Commission, for a period of one year.

Sound

Forbes

- Terrace doors to remain closed while dance/entertainment or amplified music is going on inside the Hotel.

Sonnenburg

- Concurs with Chair Forbes and further recommends that this restriction remain in force until the Applicant can provide written documentation, from an acoustical engineer as to how to contain the sound within the Hotel.

A straw poll was taken and the members of the Commission concurred with these recommendations on sound.

Terrace Use

Scott

- Recommended limiting use of the terrace to 11:00 p.m.
- Feels the terraces should be considered as one; not separately.

Forbes

- Agrees with limiting terrace use to 11:00 p.m. on weekdays but recommends extending this time on weekends.

Garner

- Suggested the terrace be used for smoking only (no food or beverage) after 11:00 p.m.

The Commission agreed that ingress and egress to the Hotel terrace shall remain closed when dance/entertainment or amplified music is going on within the Hotel. The Commission also agreed to allow access to the terrace until 11:00 p.m., through other Hotel passages so long as no sound emanates from the Hotel. The Commission also noted that these conditions could be modified if the Hotel can show, through the employing of an acoustical engineer, that measures have been put into place that will eliminate the noise nuisance to the neighborhood.

It was also the consensus of the Commission to allow dining on the terrace (15' off the Fenix Room) until 11:00 p.m. weekdays, and 12:00 a.m., on weekends with the last seating to be 11:00 p.m.

Review Period

Forbes

- Suggested September be the month in which the Commission would review the Hotel's compliance to the conditions imposed.

Sonnenburg

- Recommends the Applicant return to the Commission on June 1st, 2000, to be reviewed.

Scott

- Prefers a three (3) month review and then an additional review three (3) months later.

At the suggestion of the City Attorney's Office, Erika Fleming recommended to the Commission that the review period of three (3) months be set with the option of coming back to the Commission sooner should the Applicant present Staff with sufficient data showing that mitigation measures have been implemented that will alleviate the noise nuisance to the neighborhood.

Noticing of Neighbors

The Argyle Hotel will notice the neighbors within a 500' radius and provide them with contact numbers of Hotel management, along with the shifts each manager will be working. These numbers may be used should neighbors feel a need to contact the Hotel at any time. These numbers will put the neighbors in contact with Hotel management and not simply an answering machine.

Action: To allow the Argyle Hotel to continue operating under the following conditions.

Motion: Garner

Second: Scott

Conditions of Approval

1. All terrace doors and windows shall remain closed and shall not be used during the hours of any dance or entertainment uses in those areas of the Hotel that are adjacent to the terraces. During such hours, access to the terraces shall be permitted through other doorways, but only if no noise emanates from the Hotel.
2. The hotel terraces shall be closed and unavailable for any use after 11:00 p.m., Sunday through Thursday.
3. On Friday and Saturday nights, the Hotel terraces shall be closed and unavailable for any use after 11:00 p.m., except for the following: (i) the last seating for Pool Deck dining on the west terrace shall be at 11:00 p.m. and those dining as of 11:00 p.m. will be allowed to remain in the dining area until 12:00

a.m.; and (ii) that 15 foot strip of the west terrace closest to the Fenix Restaurant shall be available solely as a smoking area between the hours of 11:00 p.m. and 12:00 midnight. No food or drink shall be allowed during this time.

4. The terms and conditions of Resolution _____ shall be reviewed by the Business License Commission after a period of three (3) months, and again after a period of six (6) months, unless the applicant requests a public hearing to revise the conditions before that time.

The Argyle Hotel shall provide Staff with the phone numbers and schedules of all hotel managers. They shall also provide a complete and up to date list of automobile license plate numbers, of all hotel employees, as well as the Hotel's written disciplinary policy should employees violate its parking policy.

Votes: All Ayes

Motion carried.

V. COMMISSION CHAIR'S REPORT – NONE

VI. ITEMS FROM COMMISSIONS

Garner – is happy to meet as a commission and asked Staff the make recommendations as to the function of the Commission, and the scope of the Commission's responsibilities.

Forbes – asked for a status report of the joint meeting to be held with the Business License Commission, the Recreation Division, and CSW.

VII. ITEMS FROM STAFF

Tom Benedetti – Staff is currently coordinating with the Human Services Department and CSW in an effort to meet jointly with the Business License Commission, in order to make the CSW event run as smoothly as possible. The date of this meeting is yet to be determined.

- VIII. **Action: To adjourn to the next regularly scheduled meeting of the Business License Commission to be held on March 7, 2000 from 6:00 p.m. until completion at the City of West Hollywood, Community Conference Room, 8300 Santa Monica Boulevard.**

Motion: Forbes

Second: Garner

Votes: All Ayes

Motion carried.

PASSED, APPROVED AND ADOPTED THIS DAY OF _____

3/21/2000

CHAIRPERSON: _____

ATTEST:

BUSINESS LICENSE OFFICER: _____

[Handwritten signature]
[Handwritten signature: Maria Gutierrez]