

## BUSINESS LICENSE COMMISSION

### MINUTES

Tuesday April 3, 2001  
City of West Hollywood  
Community Conference Room  
8300 Santa Monica Blvd.  
WEST HOLLYWOOD, CA

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

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

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

B. PLEDGE OF ALLEGIANCE: The pledge of allegiance was led by Rodney Scott.

C. APPROVAL OF AGENDA:

**Action: To approve the Agenda.**

Motion: R. Scott                      Second: Sonnenburg

Votes: All Ayes                      Motion carried.

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II. CONSENT CALENDAR

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**Action: To change item 3A (Item from Citizens) to reflect Dan Silver's testimony as referring to the Trocadero and to amend item 7A (items from staff) to reflect the Trocadero as the business being referred to in this discussion. In addition, on page four of the minutes, under public comment, the minutes shall reflect the business being referred to by Mr. Bally as Le Colonial, and to approve the minutes as amended.**

Motion: Sonnenburg	Second: Stalford
Votes:	
Stalford	Aye
Sonnenburg	Aye
Forbes	Aye
R. Scott	Abstained

Motion carried.

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III. ITEMS FROM CITIZENS

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- A. **Brian L. Chin, Los Angeles**, representing the Trocadero made the Commission aware that all violations noted in the staff report have been addressed. Mr. Chin also outlined steps being taken to correct the noise levels and other nuisances to the neighborhood, by the Trocadero.
- B. **Dan Silver, West Hollywood**, commented about the noise coming from the Trocadero and outlined several CUP violations of the restaurant.
- C. **Herman Molina, West Hollywood**, spoke about the bars in the neighborhood of Santa Monica Boulevard and Laurel Avenue, specifically referring to Club 7969 and Belly, and commented on prostitution and the drinking of alcohol in the neighborhood. Mr. Molina also expressed parking concerns.
- D. **Thomas Thanangadan, Los Angeles**, commented on noise created by the patrons of the Trocadero.
- E. **Bruce Huntley, West Hollywood**, commented that noise coming from the Trocadero is disturbing to the neighborhood and suggested that sound barriers be erected to eliminate such noises.
- F. **Judith Kass, West Hollywood**, spoke about noise coming from the Trocadero and about patrons yelling and screaming in the neighborhood.
- G. **Waris Hussein, West Hollywood**, commented on the traffic gridlock in the area because of the Trocadero and other clubs on Sunset.
- H. **Lana Sands, West Hollywood**, stated that the noise from music emanating from the Trocadero is interfering with the residents' quality of life.

**Action: To amend the agenda to hear item VII (Items from Staff) regarding the Trocadero out of order.**

Motion: Sonnenburg	Second: Stalford
Sonnenburg	Aye
Stalford	Aye
Forbes	Aye
R. Scott	No

Motion carries.

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IV. ITEMS FROM STAFF

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- A. Commission requested report on the Trocadero Restaurant's operating conditions, gross receipts, and operation status pursuant to the Commission's direction resulting from public comments and related petition submitted during the March 13, 2001 Business License Commission meeting.

Jeff Aubel presented the staff report.

Commissioner Sonnenburg asked Staff what options were available to the Commission regarding this item?

Staff responded that the Commission could request that staff acquire additional information regarding this matter or that this item could be agendized as a public hearing at an upcoming commission meeting.

Commissioner Forbes asked if this commission could amend conditions in the MCUP?

Staff responded that amending the MCUP would required that the matter be sent back to the body that approved the original MCUP which would be by means of a Director's hearing.

**Action: Motion to agendize a public hearing to consider modifying, suspending or revoking regulatory business licenses held by the Trocadero. .**

Motion: R. Scott      Second: Sonnenburg

Vote: All Ayes      Motion carries.

Commissioner Stalford requested that gross sales receipts for food and alcohol be presented to the Commission.

Staff confirmed that gross sales receipts for the Trocadero verify that food sales exceed 51% of total gross sales.

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V. PUBLIC HEARING

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- A. The Business License Commission shall conduct a public hearing to reconsider modifying, suspending, or revoking Public Eating license REG000384 and Valet parking license REG001154 for Le Colonial restaurant, located at 8783 Bonner Drive.

Wade Davenport presented the staff report.

Public Testimony

- A. **Alain Bally, Los Angeles**, spoke on behalf of Le Colonial and admitted that there were problems with the recent Grammy party held at Le Colonial but contended that this was an unusual occurrence. He continued that representatives of Le Colonial have met with staff and other city officials to address the problems that have occurred in the past. Mr. Bally asked the Commission not to suspend this business license but to set up a review schedule for this business, which would allow the restaurant to correct the violations that have occurred.
- B. **Sherie Stark, West Hollywood**, commented that the neighbors have all but given up their fight for neighborhood peace. She continued that noisy patrons and special parties occur frequently at Le Colonial.
- C. **Rick Forrest, West Hollywood**, stated that parties occur frequently at Le Colonial and that patrons leave the restaurant after 2:00 a.m. and disturb the neighborhood with their loud conversations.

The Commission posed Questions of representatives of Le Colonial

Commissioner Sonnenburg questioned Mr. Bally regarding the proposed construction at Le Colonial and its purpose and benefit, and regarding valet and limousine drop off at the restaurant and how they plan to address these associated problems?

Mr. Bally responded that the proposed construction would help to mitigate the noise emanating from the second floor balcony by enclosing this area. He also stated that in reference to the valet and limousine drop off on Beverly Blvd., the restaurant would like to possibly purchase the parking meters in front of the restaurant to serve as a valet drop off location. He also stated that various circulation plan improvements are being considered to alleviate the parking problems that currently exist.

Commissioner Forbes questioned Mr. Punnett, owner of Le Colonial, regarding the overcrowding at his restaurant the night of the academy awards.

Mr. Punnett replied that they were not expecting the number of people at the restaurant on this particular night that showed up for this event.

Commissioner Scott pursued the issue of overcrowding asking Mr. Punnett why he allowed his restaurant to exceed its occupancy by such a large number of people thus placing his employees and patrons in potential danger.

Mr. Punnett admitted that he was aware that the restaurant was over its allowable capacity but was trying to keep all of the restaurant's patrons happy.

Commissioner Stalford asked Mr. Punnett why he advertised for a DJ but failed to apply for an entertainment license, with the City.

#### Commission Discussion

##### **R. Scott**

- ◆ Concerned with the restaurant's occupancy load being five times what is legally allowed.
- ◆ Questioned why the restaurant continues to allow smoking on the balcony.
- ◆ Pointed out that per a letter sent to the City by Le Colonial, the restaurant was expecting 200 guests which is almost double the allowed occupancy load.

##### **Sonnenburg**

- ◆ Asked Staff if community meetings have been held between Le Colonial and the neighbors.

Staff responded that two community meetings have been held, one on March 8<sup>th</sup>, 2000 and the other on June 7<sup>th</sup>, 2000. There were representatives of the restaurant and neighborhood present as well as city staff including, the Code Compliance manager, the Community Development director, traffic engineers, and city council members and staff.

##### **Stalford**

- ◆ Expressed concern over Le Colonial's blatant disregard for the conditions imposed, on the restaurant, by this Commission.
- ◆ Very concerned with the disregard for the state of California's no smoking law.
- ◆ Believes that the most egregious violation is the occupancy violation, which was ignored and is a grave violation which poses a serious safety issue.

##### **Forbes**

- ◆ Feels that the recent problems and violations occurring at Le Colonial have resulted in part from the restaurant's success and its relaxing of City and State's laws and recommends that something more severe than a warning being imposed.

#### Recommended Solutions

##### **Sonnenburg**

- ◆ Suggested modifying the business' hours of operation requiring that they close at 11:00 p.m. nightly
- ◆ Asked Staff for other possible suggestions.

Staff responded that a modification of business hours is a viable option, as is suspension of the regulatory business license. Staff also noted that revocation of

the license is also an option. Staff noted that this Commission has already imposed several operating conditions on this business in the past and that a restriction effecting the entire business is the only option that has not yet been attempted.

**Stalford**

- ◆ Stated that Le Colonial has already been given warnings for previous violations and that something more severe must be considered to gain compliance.
- ◆ Sanctions should be put into place with the understanding that if additional violations occur the restaurant would be brought back before the Commission for a suspension or revocation hearing.

**R. Scott**

- ◆ Recommends that the restaurant be closed for a period of five (5) days.

**Forbes**

- ◆ Feels that an 11:00 closing is not a severe enough reprimand and recommends modifying the hours of operation permanently.

Staff interjected that a revocation of Le Colonial's MCUP, at the Director's level could also be considered. This would allow them to continue the restaurant's operation with food and beverage but would not allow them to serve any alcoholic beverages.

**Motion: Two weeks from today, 3 April 2001, Le Colonial shall close its doors Monday through Sunday at 11:00 p.m. for a period of 60 days. During this time all conditions and restrictions placed on the business shall remain in place. Also, it is the Commission's recommendation that Le Colonial meet with Staff and work with the neighbors to resolve all unresolved community issues. At the end of 60 days a public hearing shall be agendized to review this matter.**

Motion: Sonnenburg

Second: R. Scott

Vote:

R. Scott

Aye

Sonnenburg

Aye

Stalford

Aye

Forbes

Aye

Motion carries.

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VI. COMMISSION CHAIR'S REPORT

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VII. ITEMS FROM COMMISSIONERS

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**R. Scott**

- ◆ Asked Staff to return with information about the new business (current BLT and regulatory licenses held) operating at 7929 Santa Monica Blvd., (formerly Figs).
- ◆ Asked Staff for an update on the situation with Sky Sushi and patrons parking on the Whole Foods parking lot.
- ◆ Invited the Commission to attend CSW activities on June 16<sup>th</sup> & 17<sup>th</sup> as this event is now under new leadership.

**Sonnenburg**

- ◆ Asked for a brief update on what is going in at the old Scandia's location.

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VIII. ITEMS FROM STAFF

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- A. Staff will be arranging a special meeting of the Business License Commission to review the Brown Act and general meeting procedures. Assistant City attorney Christi Hogan will facilitate this meeting.

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IX. NEW BUSINESS

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X. OLD BUSINESS

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- A. Six-month review of Conditions of Approval of Resolution BL2000-04 for Public Eating license REG000551 for the Kass-Bah restaurant located at 9010 Melrose Avenue.

Lisa Chilton presented the staff report.

It was Staff's recommendation to review Resolution BL2000-04 and to remove any and all conditions wherein Staff has been able to verify compliance to the conditions imposed by this Commission.

**Forbes**

- ◆ Feels that if conditions placed on a business have proven to be effective that they should remain in place permanently.

**Stalford**

- ◆ Agrees with Staff's recommendation and feels that businesses should not be permanently reprimanded if they can show that they have complied with the City's requests and conditions.

**R. Scott**

◆ Concurs with Staff's recommendation.

**Motion: To move Staff's recommendation.**

Motion: R. Scott      Second: Sonnenburg

Vote: All Ayes      Motion carries.

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XI. ADJOURNMENT

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**Action: To adjourn to the next regularly scheduled meeting of the Business License Commission to be held on May 1, 2001 from 6:00 p.m. until completion at West Hollywood City Hall, 8300 Santa Monica Boulevard in the Community Conference Room.**

Motion: Sonnenburg      Second: Stalford

Votes: All Ayes      Motion carried.

PASSED, APPROVED AND ADOPTED THIS DAY OF 5/1/2001.

CHAIRPERSON: \_\_\_\_\_

**ATTEST:**  
BUSINESS LICENSE OFFICER: \_\_\_\_\_