

MINUTES
BUSINESS LICENSE COMMISSION

JULY 7, 1987

I. CALL TO ORDER

The regular meeting of the West Hollywood Business License Commission held on the above date in the City Council Chambers of West Hollywood City Hall, 8615 Santa Monica Blvd., West Hollywood, CA, was called to order at 7:05 p.m., by Commission Chair Lester Hirsch.

A. Pledge of Allegiance was led by Stephen Michaels.

B. Roll Call:

Commissioners Present: Crane, Ellis, Forbes, Hirsch, Smith

Commissioners Absent: None

Staff Present: John McKinney, Sr. Code Enforcement Officer; Debbie Trunkenbolz, Code Enforcement Officer, Mark Winogron, Director of Community Development; Early Lincoln, L.A. County Sheriff's Licensing Detail; Jan Plum, L.A. County Counsel; Michelle Beal Bagneris, Asst. City Attorney

C. Approval of Agenda

Action: To approve agenda as prepared by Staff.

(Motion: Smith, Second: Crane)

Roll Call: Crane: Aye
Ellis: Aye
Forbes: Aye
Smith: Aye
Hirsch: Aye

Motion Carried Unanimously.

D. Approval of Minutes

1. June 16, 1987

Action: To approve minutes of June 16, 1987 with the following corrections:

1. P.1, Item I.A., Pledge of Allegiance led by Howard Zelefsky.

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2. P.2, Item I.D.(2), Change minutes correction #2 to strike "portion of Motion" and insert "paragraph on page 3".
3. P.3, Item III.A., change Action of Commission to strike "the hearing" and insert "public testimony".
4. P.3, Item III.A., change Action of Commission to continue hearing to August 4, 1987.

(Motion: Forbes Second: Smith)

II. ITEMS FROM CITIZENS: None

III. PUBLIC HEARING

- A. BLC-87-019
American Red Cross/Los Angeles Chapter
Annual Garlic Festival, July 19, 1987
Pacific Design Center parking lot
Application for Exhibition business license

Staff report presented by McKinney.

Public Testimony

1. Testimony For:
 - a. Tina Johann & Lorraine Nakano, Los Angeles, representatives of American Red Cross/Los Angeles Chapter
 - b. Ron Shipton, West Hollywood
Asked if West Hollywood library would remain open and if in future, approval for event be granted by Public Facilities Board as well.
 - c. Budd Kops, West Hollywood
Addressed pre-event function at Le Bel Age Hotel
 - d. Jeanne Dobrin, West Hollywood
Addressed issue of parking for patrons of the event.

Public Testimony Closed at 7:45 p.m.

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Public Hearing Closed at 7:55 p.m.

Action: To approve Exhibition license to the American Red Cross/Los Angeles Chapter with the following conditions:

1. The applicant must possess a valid Information Card from the Social Services Department of the City of Los Angeles for charitable solicitation;
2. Recommendations for approval must be received by the County Health and Sheriff's Departments and the City's Building and Safety Department;
3. The City's Planning Division must approve the applicant's application for a Temporary Use Permit for the event;
4. The applicant must meet and comply with all of the requirements of the State's Alcoholic Beverage Control Board;
5. A summary of the gross funds raised, expenses, net funds raised, and monies raised to benefit the applicant must be submitted to the City's Business License Unit 45 days following the event.
6. All approvals must be received by Noon of July 17, 1987.

(Motion: Forbes Second: Smith)
Motion Carried Unanimously.

-- Commission Recessed for 2 minutes. --

Commissioner Ellis excused.

- B. BLC-87-005
Twentieth Century Travel Advisors, Inc.
dba Beverly Hills Massage Parlor
Accusation Hearing
(Continued from June 16, 1987)

Staff report presented by City Attorney Bagneris and McKinney.

Action:

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Count I

Moved that there is sufficient evidence to support an affirmative finding in Count I and that **Count I** be included in the Commission's findings.

(Motion: Smith Second: Crane)

Roll Call:

Crane: Aye
Forbes: Aye
Smith: Aye
Hirsch: Aye

Motion Carried unanimously.

Count II

Moved that there was not sufficient evidence to support the revocation of the license based on **Count II**, but that there are sufficient grounds in Count II to place conditions on the renewal of the existing license.

(Motion: Forbes Second: Hirsch)

Roll Call:

Crane: No
Forbes: Yes
Smith: No
Hirsch: No

Motion Fails.

Moved that there was sufficient evidence to support an affirmative finding in **Count II** and that Count II be included in the Commission's findings.

(Motion: Smith Second: Crane)

Crane: Aye
Forbes: No
Smith: Aye
Hirsch: Aye

Motion Carried.

Count III

Moved that there is not sufficient to support the revocation of the license based on **Count III**, but that there are sufficient grounds in Count III to place conditions on the renewal of existing license.

(Motion: Forbes)

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Motion Failed for lack of a second.

Moved that there is insufficient evidence contained in **Count III** to revoke the existing license but that the license be suspended until the Court reaches a decision.

(Motion: Crane Second: Hirsch)

Roll Call:

Crane: Aye
Forbes: No
Smith: Aye
Hirsch: Aye

Motion Carried.

Moved to reconsider vote on **Count III**.

(Motion: Smith Second: Crane)

Roll Call:

Crane: Aye
Forbes: Aye
Smith: Aye
Hirsch: Aye

Motion Carried unanimously.

Moved that there is sufficient evidence to support an affirmative finding in **Count III** and that **Count III** be included in the Commission's findings.

(Motion: Smith Second: Forbes)

Roll Call:

Crane: Aye
Forbes: Aye
Smith: Aye
Hirsch: Aye

Motion Carried unanimously.

Count IV

Moved that there is insufficient evidence to support an affirmative finding in **Count IV** and that **County IV** be dismissed.

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(Motion: Smith Second: Forbes)

Roll Call:

Crane: Aye
Forbes: Aye
Smith: Aye
Hirsch: Aye

Motion Carried unanimously.

Count V

Moved that there is insufficient evidence contained in **Count V** to revoke the existing license but that the license be suspended until a decision is reached by the Court and that the Count then be dismissed or included as grounds for revocation.

(Motion: Smith Second: Crane)
Motion withdrawn.

Moved that there is not sufficient evidence to support the revocation of the license based on **Count V**, but that the license be suspended until the Court adjudicates the matter and that if the Court finds the defendants guilty then the license be revoked and if the Court finds the defendants not guilty, then the Count be dismissed.

(Motion: Crane)
Motion Fails for lack of a second.

Moved that there is not sufficient evidence to support the revocation of the license based on Count V, but that there are sufficient grounds in Count V to place conditions on the renewal of the existing license.

(Motion: Smith Second: Forbes)

Roll Call:

Crane: Aye
Forbes: Aye
Smith: Aye
Hirsch: Aye

Motion Carried unanimously.

Count VI

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Moved that there is sufficient evidence to support an affirmative finding in Count VI and that Count VI be included in the Commission's findings.

(Motion: Smith Second: Hirsch)
Motion withdrawn.

Moved that there is sufficient evidence to support an affirmative finding in Count VI, with the exception of the reference to Count IV, and that Count VI be included in the Commission's findings.

(Motion: Crane Second: Smith)

Roll Call:

Crane: Aye
Forbes: No
Smith: Aye
Hirsch: Aye

Motion Carried.

Resolution

Moved that although certain Counts were grounds for revocation that the Commission not revoke the license at this time but to suspend the license for 90 days with conditions.

(Motion: Forbes)
Motion Failed for lack of a second.

Moved that the actions in Counts I, II, III, and VI, as amended, are grounds for revocation under Section 7.08.150 of the West Hollywood Business License Ordinance and that staff be directed to prepare a resolution supporting the revocation of the license based on these affirmative findings.

(Motion: Smith Second: Crane)

Roll Call:

Crane: Aye
Forbes: No
Smith: Aye
Hirsch: Aye

Motion Carried.

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V. ITEMS FROM COMMISSIONERS

Commission discussed appointment of commissioner to sit on Business License Ordinance Task Force. Commissioners Crane, Smith, and Forbes and possibly Ellis expressed an interest in serving on the Task Force.

Commission asked for an agenda item to be set for discussion of limits on the number of festivals which are held in the City which result in street closures.

VI. ITEMS FROM STAFF

McKinney addressed Commission on question raised by Commissioner Forbes on whether an application for an expansion of an establishment for entertainment would result in an expansion of the establishments use and an increase in required parking.

VII. ITEMS FROM CITIZENS

1. Budd Kops, West Hollywood
Addressed Commission on lack of hot water in West Hollywood Park and the lack of parking available for Commission attendees in the City Hall parking lot.

2. Jeanne Dobrin, West Hollywood
Addressed Commission on request to amend minutes from meeting of June 16.

Action: To reopen approval of the Minutes for June 16, 1987 to let the record state under Item III.D that Jeanne Dobrin requested to speak in the category of "Other Testimony", and was informed by the Secretary to the Commission that she could not, asked to speak in the category of "Testimony Against", and was informed she could not, and so spoke in the category of "Testimony For".

(Motion: Smith Second: Crane)

Roll Call:

Crane:	Aye
Forbes:	No
Smith:	Aye
Hirsch:	Aye

Motion Carried.

Addressed Commission on Business License Ordinance Task

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Force.

4. Stephen Michaels, West Hollywood

Addressed Commission on rules of order during the Commission.

VI. ADJOURNMENT

Commissioner Forbes noted that he and Commissioner Ellis would not be present for the Commission meeting of July 21.

Action: To adjourn to the next regular meeting of the Business License Commission on July 21, 1987, at 7:00 p.m., in the Council Chambers of City Hall.

Lester G. Hirsch

CHAIR

ATTEST:

Paul Kell

EXECUTIVE ASSISTANT

TRANSCRIPT OF MOTION TO GRANT TEMPORARY LICENSE
TO ROSE TATTOO

CRANE: May I make a motion then? I think I understand the problem.

HIRSCH: Yes.

CRANE: I move, that since the um, applicant has had since January to correct the fire situation and nothing's been done, I move that we give the applicant another 60-days, a temporary license for 60 days, um, within which to complete this compliance. At the end of 60 days another hearing with the provision that if the compliance has not been, uh, with the fire compliance has not been, uh, done as yet by that time then the license be revoked. And, as for the parking problem, since the Planning Commission hasn't come to a determination we cannot very well, I guess, hold the applicant responsible for the unsureness involved there. So, I would move to extend the parking requirement until the earliest moment when the Planning Commission has notified us of a decision in that regard.

HIRSCH: How's that sound to the Commission?

SMITH: Well, I would like to add the Fire Code standards for their interior sprinkler system...

SELF: Excuse me, there was no second on that motion.

HIRSCH: I second the motion.

SMITH: I was making a friendly amendment, Paul.

SELF: OK, I understand. It's just in order to amend the motion you have to second the original motion and then make an amendment and then that has to be OK'd by whoever made the motion.

SMITH: Sorry. OK, I w-would like to make an amendment because, um, in Mattie's....

CRANE: I left out that word.

SMITH: Because I would like to say the applicant must meet the Fire Code standards for their interior sprinkler system.

HIRSCH: Good.

CRANE: I accept the amendment, fine.

SELF: Just as a point of clarification in the motion, Commissioner Crane, regarding the parking, um, the Business License Commission does not make the determination on what their parking requirements would be. That's up to the Planning Commission and Planning Division to do. What I was indicating to explain is that the Planning Commission recently had a meeting where they acted to require a continued hearing for the properties at that location to determine whether a variance should be granted for less than required parking so the Planning Commission now has to find whether there are insufficient grounds to extend the variance and that hasn't happened yet. But that's not an issue before the Business License Commission.

CRANE: Well, if the, um, Planning Commission decides that there are insufficient grounds to extend the variance, then what happens?

SELF: Then the Planning Commission would determine what the parking requirements would be.

CRANE: And then it would be necessary for the Business License Commission to give the applicant a reasonable time within which to fulfill those particular requirements?

SELF: Well, uh, as far as the business activity, the Entertainment license, that really doesn't have anything to do with the parking requirements. This is an application for a General Entertainment license for the Rose Tattoo and if, in fact, they can't conduct their activity or they can't conduct their business at that location because of the lack of parking, that would be an issue with the Planning Division...

HIRSCH: Paul, why did you put it in the, uh, recommendation? What did you make the mention of the, uh, "review zoning requirements"? That's what's, uh, I think's bothering Commissioner Crane.

SELF: Right, because the original, uh, at the original hearing which I believe was held back in March, this was an issue that the Business License Commission had brought up about parking and they continued the hearing until further information was given about parking. So, it simply says that, "staff would review the license to review the zoning requirements". Because if, in fact-if, in fact, the Planning Division finds there is insufficient parking they could not approve the license because of the lack of zoning requirements.

CRANE: In which case, staff would admini...administratively be obligated to revoke the license, is that correct?

SELF: Right, or we could bring it back to the Commission and indicate that zoning approval was not granted or cannot be given because they don't have any parking.

CRANE: Well, my concern was about the fire sprinklers particularly. As for the parking, if staff would be obligated to revoke the license because of lack of adequate required parking then that I feel that our Commission no longer has any problem with it.

SELF: If, if the Planning Commission or the Planning Division found that there weren't enough park... there wasn't enough parking at the establishment, then we would indicate to the Business License Commission this information and then the Business License Commission could request the applicant to come up and address the Commission or could bring it back up for a hearing or it could be handled administratively. But, wh..what were saying is that they wouldn't be able to get zoning approval either upon renewal of the license or, er, uh, six months down the road.

CRANE: And how, would it be handled administratively?

SELF: Well, we would indicate to the applicant that they have insufficient parking. The Planning...the Planning Division would do that already because that's their responsibility.

CRANE: And then is it up to us to have to then revoke the license, or can that be done administratively on the basis of the lack of parking?

HIRSCH: I think either one.

SELF: Correct.

CRANE: I know either one but what I'm saying is if it's automatically required to revoke the license because of the lack of parking that why waste a Business License Commission hearing if Staff can do that if it has to be done?

SELF: Well, to revoke an existing license requires an Accusation hearing, as I think you're aware by now, and General Entertainment...an Entertainment license it's more difficult to revoke the existing license because it's an, uh, considered a license which, uh, is protected under free speech requirements. So, you can't revoke an Entertainment license because they don't have required parking but there are other administrative remedies through the Community

Development department that can be done to stop the business activity if, in fact, that's what's needed.

CRANE: Then you said . . .

HIRSCH: I think, that, what we're doing is going on with a Study Session portion and I think that...

CRANE: No, no...

HIRSCH: I think that, I think that those...those things may very well be...

CRANE: We have to clarify the issue because we have to know what we're doing! OK?

HIRSCH: Yeah.

CRANE: I don't understand why a violation of parking conditions represents a free speech issue. Our concern regarding the fire sprinkler system is a safety issue...

SELF: OK...

CRANE: If staff can administratively settle whatever has to be done with regard to lack of sufficient parking, then I see no real reason to have to bring that issue later on when the Planning Commission has decided before the Business License Commission.

SELF: M-Maybe I can explain it this way. Right now, the Planning Department, er, Planning Division has given conditional approval for the zoning, alright? And, what we've recommended to the Commission is after six months' time once more information has been gathered regarding the parking issue at those properties, that Staff can review the license application at that time and determine whether or not there's sufficient grounds to request the revocation of the license or, uh, whatever types of remedies are needed, or whether additional types of remedies are needed or whether additional conditions are required for the license or whatever.

HIRSCH: That sounds...

CRANE: That's a separate issue. Right now, we're making a motion to give them a sixty day temporary license, uh, to give them additional time to fulfill the Fire Department requirements with regard to the internal sprinklers.

HIRSCH: Yes.

SMITH: And we can do both.

CRANE: I, I don't...my question, Paul, is do we need to bring up the parking issue at this moment or can we follow what you've just said, that in six months you would check the parking issue?

SELF: I would say that the parking issue is moot within a sixty day period, that you don't really need to deal with that...

CRANE: Exactly...

SELF: What you seem to be concerned with is the fire sprinkler requirements...

CRANE: Exactly, exactly.

SMITH: Would you re-read the motion please?

SELF: Sure. To grant a 60-day temporary license on the condition that compliance be made with the Fire Prevention Bureau and that then that was amended to indicate compliance with the Fire Code standards.

SMITH: Um-hm, of the interior sprinkler system.

SELF: Of the interior sprinkler system.

HIRSCH: Um-hm.

SMITH: And then Mattie did mention in her motion, I thought, the parking.

CRANE: Well I only mentioned it because Paul had originally brought it up.

SMITH: No, but it was in your motion.

CRANE: Otherwise, I w..wouldn't, but Paul has now explained this...

SELF: Are you withdrawing that portion of your motion?

CRANE: Oh, uh, y-yes, very well.

(UNINTELLIGIBLE)

HIRSCH: Then, we-we're ready to discuss, the, discuss the motion.