



PLANNING COMMISSION MINUTES

February 3, 2000

West Hollywood Park Auditorium, 647 N. San Vicente Boulevard, West Hollywood, California 90069

1. CALL TO ORDER

The meeting of the Planning Commission was called to order at 6:30 p.m. by Chair Smith.

A. Pledge of Allegiance

The Pledge of Allegiance was led by

B. Roll Call

Commissioners Present:

Liz Anderson, Brad Crowe, Donald DeLuccio, Steve Smith, Bradly Torgan, John Altschul

Staff Present:

Ray Reynolds, Community Development Director; Lisa Heep, Planning Manager; Erika Fleming, Assistant City Attorney; John Chase, Urban Designer; Tim Foy, Senior Planner; Emmeline Elzin, Temporary Assistant Planner.

Others Present:

Sergeant Harms, LA County Sheriff's Department, West Hollywood Division and Sergeant Spear of Narcotics Bureau of the LA County Sheriff's Department

C. Approval of Agenda

Action: To approve the Agenda.

Motion: Altschul

Second: Crowe

Votes: All Ayes

Motion carried.

D. Posting of Agenda

This agenda was posted at City Hall, the Community Development Department counter, West Hollywood Library on San Vicente Boulevard, Plummer Park, and the West Hollywood Sheriff's station.

2. PUBLIC COMMENT

- a. **Jeanne Dobrin, West Hollywood**, Apologized to the Commission for her behavior at Monday's meeting and reaffirmed her commitment to citizen activism.

ITEM 3.A

3. CONSENT CALENDAR

A. Minutes – January 20, 2000

Torgan

- Change to the minutes on item 7A to insert the language so that occupancy tax applies to Urban Inns and B&Bs regardless of length of guest stay.

Action: To approve the Minutes of January 20, 2000 as amended.

Motion: Torgan Second: Altschul

Votes: All Ayes Motion carried.

4. COMMISSION CONSIDERATION

A. Creative Sign Permit 00-01: One Wall Sign, One Roof Sign and One Pole Sign.

Applicant: West Hollywood Picture Framing

Location: 8912 Sunset Boulevard

Planner: John Chase

Recommendation: Continue the item to another meeting to due to changes in the application for the Planning Commission public hearing on February 17, 2000.

B. Budget Priorities Exercise

Ms. Heep relayed the Finance Department's request for the Planning Commission's top 12 budget priorities and indicated that these should be completed by individual Commissioners and submitted individually to her.

5. PUBLIC HEARING

A. Conditional Use Permit 99-24 and Parking Use Permit 99-07: To legalize an existing bar and for off-site parking at 7501 Santa Monica Boulevard.

Applicant: Hunter's Bar

Location: 7509-11 Santa Monica Boulevard

Planner: Timothy Foy

Recommendation: To deny the request.

Mr. Foy presented the staff report.

Sergeant Harms, from the West Hollywood Division of Los Angeles County Sheriff's Department spoke about the alleged criminal activity including narcotics sales and prostitution occurring on an ongoing basis at Hunter's Bar. He indicated that Hunter's Bar has been known as the primary location in West Hollywood to purchase methamphetamine (meth). Sgt. Harms proceeded to answer questions from the Commissioners.

Crowe

- Questioned Sgt. Harms as to when patrols take place during the week and at what times.

Torgan

- Questioned the history of occurrences and management's actions regarding occurrences with meth sales.

Altschul

- Requested additional information regarding management's coordination efforts with law enforcement in deterring narcotics sales.
- Where specific measures suggested and, if so, has Hunter's Bar been receptive to, had meetings regarding, and/or instituted these measures?
- Requested whether conversations regarding the problems surrounding the business have occurred since June or August.

Sgt. Harms indicated that the management had recently been receptive to instituting changes to deter illegal activity including security gates and lighting, but no further meetings have been held since then (August of 1999).

Smith

- Requested that Commissioner Altschul relay experiences with Hunter's Bar when he was a member of the Public Safety Commission.

Altschul

- Related experiences that as a Public Safety Commissioner during 1987-89 similar narcotic sales occurred with little interaction by the owner, including no responses to letters and phone calls to rectify the situation.
- Asked Sgt. Harms whether there was cooperation from the property owner during that period.

Sgt. Harms indicated that cocaine use was a larger issue during that period, but that no direct coordination occurred with the business owner to rectify this issue.

Sergeant Spear from the Narcotics Bureau of the LA County Sheriff's Department relayed his history with the project site and indicated that undercover visits to Hunter's Bar for narcotics sales usually resulted in arrests.

Crowe

- Questioned whether arrests have also been made for alcohol.

Sgt. Spear indicated that his officers do not focus on these arrests.

Altschul

- Questioned Sgt. Spear as to their interaction with the ownership in solving these issues.

Sgt. Spear indicated that he and his undercover officers do not directly interact with business owners, however his captain does.

DeLuccio

- Questioned whether any employees were involved in meth sales.

Sgt. Harm indicated that there was one employee at one time who was involved who has since been dismissed. Sgt. Harms also indicated that other arrests besides narcotics sales have been made.

Barry Greenfield cited the Cathy Rebok report that discussed the surge of meth use and its effects in the gay community.

Mr. Foy read aloud from a letter from the property owner, Mr. Brown to Sheriff Odenthal that indicated the steps taken to deter illegal activity from Hunter's Bar including the installation of 1. bright lights to illuminate the front and back, 2. Fence and gate on the east side of the building., and 3. Posted parking lots. Mr. Foy indicated that these measures have shown little improvement in reducing the sale of meth and stated his recommendation that the Commission deny the application.

Applicant's report presented by Mark Lehman for owner Mr. Brown of Hunter's Bar.

Smith

- Questioned whether the ABC is also investigating this site.

Mr. Lehman indicated no knowledge of any ABC investigation.

Crowe

- Indicated his belief that the level of criminal activity indicates a real problem with this particular business and its ownership especially because two nearby bars do not suffer the same problems with narcotics sales.

Mr. Lehman indicated that he had met with the Sheriff's Dept. earlier in the application process and had no idea until very recently that the narcotics sales activity had continued to present time until the staff report was released. He felt "blind-sided."

Smith

- Requested clarification on "blind-siding" issue with staff.

Mr. Foy confirmed that Mr. Lehman had no prior incident report available to him prior to the issuance of the staff report due to difficulty in getting data from the Sheriff's Dept, but believed that the bar management was aware of the arrests.

Mr. Reynolds indicated that the narcotics issues at Hunter's came to the Community Development Department's attention last year through Mayor Heilman's office in a meeting with Sheriff Odenthal, Heilman, and the owner, Mr. Brown. CDD continued to monitor the situation and realized that Hunter's CUP had expired.

Altschul

- Inquired as to whether Mr. Brown appeared surprised by the narcotics sales activity.

Mr. Reynolds indicated that this was the case. Mr. Brown did not understand how this could occur without his knowledge.

Ms. Fleming reminded the Commission that this is not a revocation hearing, but an application for a new CUP. She discussed the appropriate conduct of Commissioners

in examining evidence for this application.

Altschul

- Questioned current parking arrangements and lease requirements.
- Questioned lease terms and suggested at least a long term lease.

Mr. Foy indicated that 5 parking spaces were required on site, but the applicant is also providing 5 spots off-site and that an addendum would be required for a PUP.

Mr. Lehman requested clarification regarding how the terms needed to be defined.

Altschul

- Requested clarification on security staff issues and hiring of security staff.
- Requested clarification on lights.

Mr. Lehman indicated that they were unaware of the persistence of the narcotics sales problem.

DeLuccio

- Requested clarification as to Mr. Brown's status as on-site manager.

Mr. Lehman indicated that the on-site manager was recently fired. There is currently no on-site manager.

Anderson

- When did staff inform owner of CUP expiration?

Ms. Heep indicated that a letter was sent in July with a meeting in August that followed.

Mr. Lehman confirmed that he became involved in August when the application was submitted which was deemed complete in November.

Public Comment

- Barbara Hamaker, West Hollywood**, as a member of the Redevelopment Project Area Committee commented on the elimination of blight and the problems at Hunter's Bar.
- Fred Zulo, West Hollywood**, lives next door to Hunter's Bar and feels Mr. Brown is a great neighbor. He has never experienced any problems with the bar and feels better about safety with the new security lights.
- Paul Glaser, Los Angeles**, commented that as a frequent customer of Hunter's Bar, he doesn't see the narcotics problems described.
- Walter Jacobs, West Hollywood**, commented that he's worked for Hunter's Bar for 14 years as a bartender and has not seen the narcotics activity as described by the Sheriffs.

Crowe

- Questioned whether the employee who was fired for dealing narcotics was common knowledge among staff at Hunter's.

Mr. Jacobs indicated that it was not known.

Smith and Crowe

- Requested clarification that Mr. Jacobs was not aware of meth sales activity at this location.

Mr. Jacobs indicated that he did not witness transactions, just conversations.

Altschul

- Inquired as to Mr. Jacobs' profession.

Mr. Jacobs indicated that he is a bartender at Hunter's and works at the flower shop next door.

- e. **Jeanne Dobrin, West Hollywood**, commented on Hunter's Bar, suggested that it has become a public nuisance, and suggested that the Planning Commission deny the application.
- f. **David Brown, Los Angeles**, owner of Hunter's indicated his concern with the narcotics sales issue, lack of knowledge of actually seeing this occur, and commented on efforts to counteract meth sales.

Smith

- Reiterated the repeated occurrence of narcotics sales activities for a 10-year period and requested clarification that the owner was unaware of such occurrences.

Mr. Brown reiterated that he was unaware of such occurrences and would cooperate in with any suggestions to mitigate the problems.

Altschul

- Expressed disbelief at the naivete of the owner at being unaware of such occurrences.

Mr. Brown indicated that he was surprised that the problem continues as he has removed bartenders and staff when he's found problems and also instituted additional safety measures.

Altschul

- Reiterated role in Public Safety Commission during which time they tried to contact the applicant to mitigate the issues that occurred during his term from 1986-96. Requested clarification as to whether the owner was aware of Public Safety efforts to contact him during this time period.

Mr. Brown indicated that he was unaware and assumed that his manager at the time did not supply him with the information that the Commission was attempting to contact him.

DeLuccio

- Requested clarification as to the hours that Mr. Brown is on the premises of Hunter's Bar as an acting manager.

Mr. Brown indicated that he is at the bar during the hours of 9 a.m. through 7 p.m.

during the week and lunchtimes on the weekend and leaves for the evening hours, at which time a manager is present.

DeLuccio

- Requested clarification from the Sheriff's representatives as to the procedure utilized during an arrest.

Sgt. Harms indicated that for an arrest that occurs physically outside of the bar, the owner is not notified. However during an arrest, the cars and arrest activity are located directly outside of the establishment and the patrons and the management can clearly see the activity outside when it occurs.

Mr. Foy indicated that he has heard different descriptions of arrest events.

Sgt. Harms indicated that he has never seen Mr. Brown during the peak evening hours when arrests occur between 10 p.m. and 2 a.m.

Crowe

- Questioned whether Sgt. Harms had ever met with Mr. Brown

Sgt. Harms indicated that he had met in the August meeting and another occasion and they have spoken via telephone.

Crowe

- Questioned what suggestions were made to Mr. Brown to deter meth sales.

Sgt. Harms indicated that he suggested lighting, gating, and uniformed private security. All suggestions were followed except uniformed security.

Crowe

- Requested Sgt. Harms' opinion as to whether the owner has really been "blind-sided" by the activity occurring.

Sgt. Harms indicated that his intention was to help Mr. Brown's business remain open.

- g. **Lynn McQuin, Long Beach**, Deputy Sheriff in West Hollywood during 1985-90, commented that she did not experience problems with Hunter's Bar during this time period. The owners contacted her when problems arose, she recommended potential measures to abate the problem, and to the best of her knowledge, the owner carried out most of these.

Altschul

- Clarified that one of these measures indicated hiring private security.

Ms. McQuin confirmed that private security was a suggested measure and that as far as she knew this had not yet been implemented.

Altschul

- Requested clarification as to the last time Ms. McQuin and Mr. Brown spoke about these measures and specifically about hiring private security.

