

STATEMENT OF THE CASE

On June 27, 2007, a temporary operating permit (Number 07016-10000-04490) was issued by the Police Commission to the owners / representatives of the Skin club for "Change in use from a warehouse to adult cabaret. Adult Cabaret: 3125 sq. ft."

Some time thereafter, an investigation was conducted by the Department of Building and Safety and on September 14, 2007, a letter (order to comply) was sent to 3388 S. Robertson Boulevard LLC, advising them that the proposed adult entertainment business may be located less than 1000 feet from an existing adult entertainment business and less than 500 feet from an existing school.

The letter ordered the owners to stop all construction on the site and comply with Los Angeles Municipal Code (LAMC) sections 91.104.2.3, 8902.1, 8902.8 and 8902.13.

The letter further advised the owners to comply with sections 1270 (c) and (d) of the LAMC and to have a licensed surveyor calculate the distances between the existing adult club and school and the proposed Skin club.

A survey was done which showed that the proposed Skin club was within 1000 feet of an existing adult club the Dominion. To comply with the 1000 foot restriction, the owners of the Skin club altered their building by removing 7 feet of the structure. No school was found to be within 500 feet of the building.

In July 2007, residents in the area became aware that an all nude club was being planned for the South Robertson area, on the Culver City/Los Angeles City border. In October 2007, the community held a town hall meeting and an informal organization was formed to deal with the issues of having an adult club in the neighborhood.

The next community meeting was held on December 11, 2007, the night the Skin club opened. By this time there was significant community opposition to the Skin club. Roger Jon Diamond, the owners attorney, was present at the meeting and it is thought the owners themselves were present but they did not identify themselves.

After this meeting, Los Angeles City councilman Herb Wesson, in whose district the Skin club lies, made his constituents' concerns known to the Police Commission. Also, by this time the Police Commission had received several hundred letters (eventually reaching over 650 letters) in opposition to granting a final permit to the Skin club. The Police Commission then scheduled a public protest hearing, pursuant to their authority under LAMC section 103.3 ("The Board may require a public hearing prior to taking action on an application for a permit or renewal thereof.")

PROTEST HEARING

On January 28, 2008, a public protest hearing was held at Alexander Hamilton High School before William M. Mac Neil, Hearing Examiner for the Board of Police Commissioners. Mr. Booker Ridgeway and Ms. Lorean Soo Hoo appeared as Commission advocates for the Police Commission. The applicant appeared through his attorney, Roger Jon Diamond.

PROTESTORS' PRESENTATION

Approximately 500 people attended the hearing including representatives from the following community organizations:

South Robertson Neighborhood Council
Palms Neighborhood Council
City of Culver City
Beverlywood Homeowners Association
California Country Club Homeowners Association
Raynier Village Homeowners Association
Castle Heights Homeowners Association
Cheviot Hills Homeowners Association
Harlow Avenue group
La Cienega Heights group
Regent Square Neighborhood Group

Fifty two people spoke against a permit being issued. Many people restated the complaints in the letters, but others mentioned specific incidents they had experienced since the opening of the club. They were :

1. Finding condoms on their front lawn in the vicinity of the club.
2. Observing a guy urinating on the sidewalk adjacent to the club.
3. Observing young kids walking by the club.
4. Increased traffic congestion in the vicinity of the club.
5. A father stating that his son had asked him what a Skin sign meant.

Other genuine concerns mentioned in the many opposition letters and addressed by the speakers were:

1. Increased traffic congestion.
2. Possible increased crime in the neighborhood.
3. Possible prostitution in the club and surrounding area.
4. Possible drug trafficking.
5. Loitering around the club.
6. Lewd behavior from patrons of the club.
7. Possible violent crimes around the club.
8. Club's proximity to the proposed MTA line.

9. Age of the patrons of the club.
10. Already too many clubs in the area.
11. Skin club and Silver Reign have the same ownership and look at the problems at the Silver Reign club.
12. Importance of protecting children from the club.
13. Students walking by the club.

Other speakers and letters also addressed the following concern about the club's operation.

1. Hours club will be operating.
2. Security of the neighborhood
3. Parking for patrons, entertainers and staff.
4. Number of employees.
5. Number of entertainers.
6. Maximum capacity of the club.
7. Kind of drinks served to patrons.
8. Identification of patrons entering the club.
9. Age requirement of patrons.
10. Entry fee for patrons.
11. Food served to patrons.
12. Other services -- e.g., lap-dancing, dancing, rubbing, etc.
13. Signage on the club.

Several speakers handed in notes, maps, and letters at the hearing, one of which was especially interesting in regard to the club location. A protest letter was received from Kevin S. Reed, General Counsel of the Los Angeles Unified School Board.

Mr. Reed pointed out that in order to have the Skin club where it is, the owners of the club altered the building to comply with the 1000 foot location restriction in LAMC12.70 (c). By their action, Mr. Reed seems to suggest that the Skin club now fits into a location that thwarts the intent of the code. So while deemed lawful, the location does seem to violate the spirit of the law.

There are 5 adult clubs located within approximately 5 miles of the Skin club. They are 1) the Dominion at 8875 Venice Boulevard, 2) the 4 Play at 2238 Cotner Avenue, 3) the Fantasy Island at 11434 Pico Blvd., 4) the Plan B at 11637 Pico Blvd., and 5) the Silver Reign at 11908 Mississippi Avenue.

APPLICANT'S PRESENTATION

Roger Jon Diamond, the applicant's attorney, made a technical protest stating that the Hearing Examiner was not an attorney and that since the issues were so complex and important, the proceedings should be heard by an attorney. He then objected to the

hearing on the grounds that no accusation of misconduct had been filed against the club and that no prospective speakers were under oath. Mr. Diamond then went on to make a presentation regarding free speech, the first amendment of the Constitution and his client's rights under the Constitution of the United States.

Mr. Diamond addressed the community concerns by essentially stating that none of these concerns would materialize as a danger to the community. Further, he said that the owners of the club had spent considerable time and effort to find a suitable lawful location and that the owners wanted to work with the community to resolve any problems that arose in the community as a result of the club being there.

Mr. Diamond closed his remarks by stating that the club had been issued Certificate of Occupancy, was situated in a lawful zone, and since no accusation had been filed, the City had no justification for not issuing a final permit, and that the City has no authority to impose additional conditions on the club.

Richard Russell, an employee of a local business, across the street, spoke stated he had not noticed any increase in crime, traffic congestion, taggers, etc. in the area since the club had been opened.

Mr. Diamond spoke again near the conclusion of the hearing and stressed that they (his clients) were "not going away," that they were decent people and wanted to work with the community.

DISCUSSION

In considering this case, two important interests conflict. The applicant's right to conduct a legal business confronts the communities right to peace and quiet, and to a community free from nuisance created by or unduly exacerbated by that business.

There is no common ground among the parties. There is no agreement on the Skin club's existence in this location. The Skin club has only been open since December of 2007 yet there are already nuisance complaints by nearby residents.

Los Angeles Municipal Code Section 103.31, provides in pertinent part, "if the Board determines that an application does not satisfy the requirements of this article, it shall deny the application." The board may also deny a permit on any of the following grounds: (a) (6). "The business for which the permit is sought has been or is a public nuisance."

The Silver Reign club, presumably owned by the same owners as the Skin club, reportedly has caused neighborhood problems and several cases of prostitution are now pending.

It is not mere speculation that causes residents to vehemently oppose the location of the Skin club. Their opposition is based upon observed and reported unsavory incidents

that have already occurred near the Skin club and can be related to other real incidents at adult clubs.

California Civil Code section 3479 addresses the definition of a nuisance and states in part "or indecent or offensive to the senses or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property."

California Civil Code section 3480 states that "A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal."

FINDINGS and RECOMMENDATIONS

Based upon the evidence presented to me in the letters and petitions and at the public protest hearing, I respectfully recommend that the Board deny the applicant's request for a final entertainment permit for the Skin club.

If the Board does not accept my recommendation, I respectfully request that the Board impose the conditions listed below on the owners of the Skin club.

LAMC section 103.40.1 (d) authorizes the Board to issue a conditional permit "[i]n any proceeding concerning the issuance, denial or revocation of a permit, if the Board finds the imposition of such limitations or conditions as necessary for the public welfare."

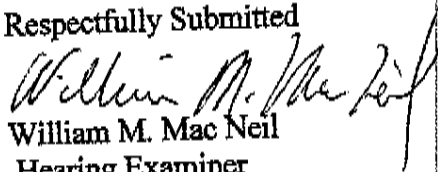
CONDITIONS

I recommend the following conditions be imposed upon the Skin club owners should a final permit be issued.

1. That the Skin club operating hours be from 7:00 p.m. to 12:00 p.m. on weekdays and from 4:00 p.m. to 1:00 a.m. on Saturdays and Sundays.
2. That the Skin club owners provide adequate parking for its Patrons.
3. That there be NO SIGN on the property indicating the Club usage.
4. That the Skin club install ID scanners with cameras to ensure no fake ID's.
5. That the Skin club classify entertainers as employees based upon the guidelines of the Internal Revenue Service.
6. That the Skin club police the surrounding area each morning to remove condoms and other paraphenelia.
7. That the Skin club hire a private security firm to provide regular security patrol of the area during regular business hours and up to 1 hour after the club closes.
8. That the minimum age for a patron be 19 years.
9. That the Skin club owners wall over with stucco, the front entrance of the club, so that entrance and exit to the club is made by the use of a side door.
10. That the Skin club owners immediately provide the Police Commission with the names and addresses of all owners of the Club.

11. That the name and phone number of the current manager of the Skin club be displayed in a prominent place in the club so that all in the club may see it.
12. That the Skin club provide a policy of insurance naming the City of Los Angeles as an additional insured together with its agents, servants and employees as a coinsured and or bond to cover any damage and or injury which may occur.
13. All Patrons and staff to be given Breathalyzer test (PAS Test) upon entry into the club.

Respectfully Submitted


William M. Mac Neil
Hearing Examiner
Los Angeles Police Commission

EXHIBITS

- A. Legal notice of January 28,2008 meeting
- B. Los Angeles Times article of October 12,2007
- C. Zoning map showing subject property
- D. Plat map subject property
- E. Zoning map of subject lot
- F. Assessor's map of subject lot
- G. Picture traffic congestion
- H. Picture traffic congestion
- I. Picture traffic congestion
- J. Recent Skin club photo

LOS ANGELES POLICE COMMISSION

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LOS ANGELES, CA

(213) 485-3531 PHONE
(213) 485-8861 FAX
(213) 485-9818 TTY

December 27, 2007

To: Concerned Citizen

LEGAL NOTICE

You have expressed your opposition to the following business establishment:

Applicant(s)	Westside Ventures, Inc	PC #:	135752
D.B.A.:	Skin Cabaret.	Permit(s):	Café Entertainment/Shows
Location:	3388 South Robertson Boulevard Los Angeles, CA 90034		

You are hereby notified that a public hearing will be held before a Police Commission Hearing Examiner to consider your protest in determining whether to issue this permit, on:

Monday, January 28, 2008 at 7:00 p.m.

*Hamilton High School
2955 South Robertson Boulevard
Los Angeles, California 90034*

You are not required to be present at the hearing to express your protest, as the letter or petition you signed will be submitted for the Hearing Examiner's consideration.

If you have any questions, contact Booker Ridgeway, Commission Advocate, at (213) 473-5173.

Very truly yours,
BOARD OF POLICE COMMISSIONERS


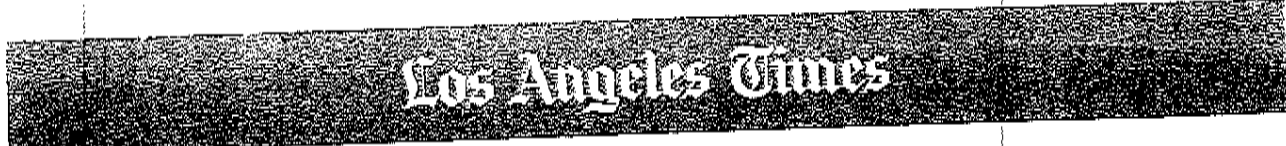

ANDRÉ DAWSON, Lieutenant
Commanding Officer
Commission Investigation Division

EXHIBIT A

APPENDIX B: LOS ANGELES TIMES CLUB ARTICLE



Strip club is planned near bondage parlor



Glenn Koenig / Los Angeles Times

A strip club is proposed in this building formerly occupied by Culver City Meat Co. The operator has decided to lop seven feet off the building to meet a requirement that adult businesses be at least 1,000 feet apart. It is 993 feet from a bondage parlor.

Despite opposition by L.A.'s Regent Square residents, it has received a temporary city business license.

By Martha Groves, Los Angeles Times Staff Writer

October 12, 2007

For residents of a tiny pocket of the South Robertson Boulevard area of Los Angeles known as Regent Square and for nearby business owners, the slogan of the moment appears to be: Better the X-rated business you know than the one you don't.

That could explain why the Rev. Howard Dotson, former pastor of nearby Palms Westminister Presbyterian Church, recently found himself testifying at a public hearing by the Los Angeles Department of Building and Safety that he preferred the existence of what city officials casually refer to as a bondage parlor in the neighborhood to the possible opening of a strip club featuring nude performers at the foot of the Robertson Boulevard offramp of the eastbound 10 Freeway.

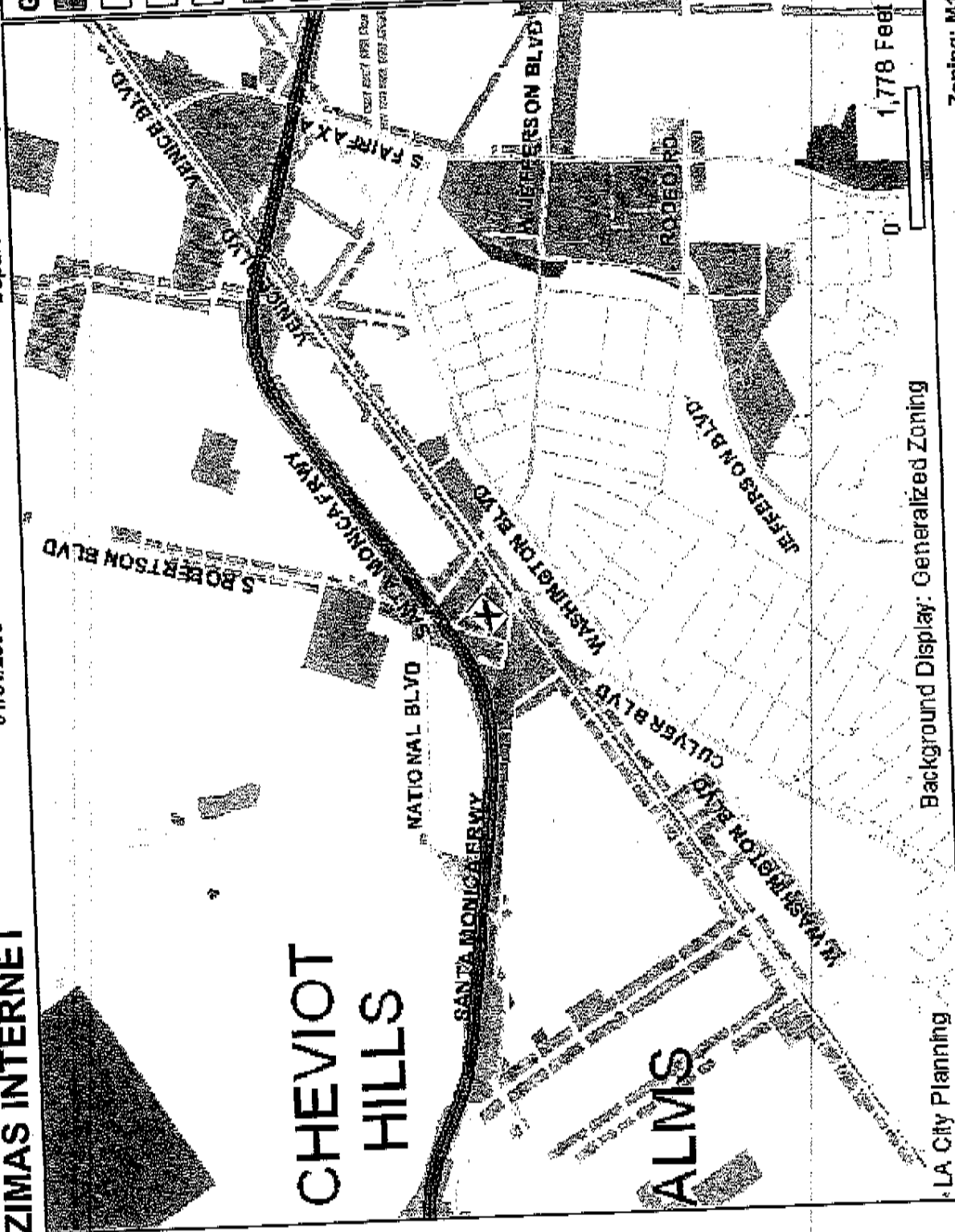
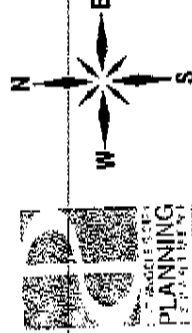
"The irony has not been missed," Dotson said of his seemingly unlikely position. But the fact is, he said, that the Dominion club on Venice Boulevard, run by a proprietor named Lady Hillary, has been "so quiet we didn't even know they were there." The proposed strip club, on the other hand, is "just way too close to a residential area and to Hamilton High School."

01/31/2008

ZIMAS INTERNET

Generalized Zoning

OS	RE, RS, R1, RU, RZ, RW1
A, RA	R2, RD, RMP, RW2, RS, RAS3, R4, RAS4, R5
ADP, C1, C1.5, C2, C4, C5, CR, CW, LASED, WC	CM, MR, CCS, M1, M2, LAX, M3, SL
P, PB	PF
HILLSIDE	



1,778 Feet

Background Display: Generalized Zoning

Zoning: M1-1
 General Plan: Light Manufacturing

Tract: TR 625
 Block: None
 Lot: 282
 Arb: None

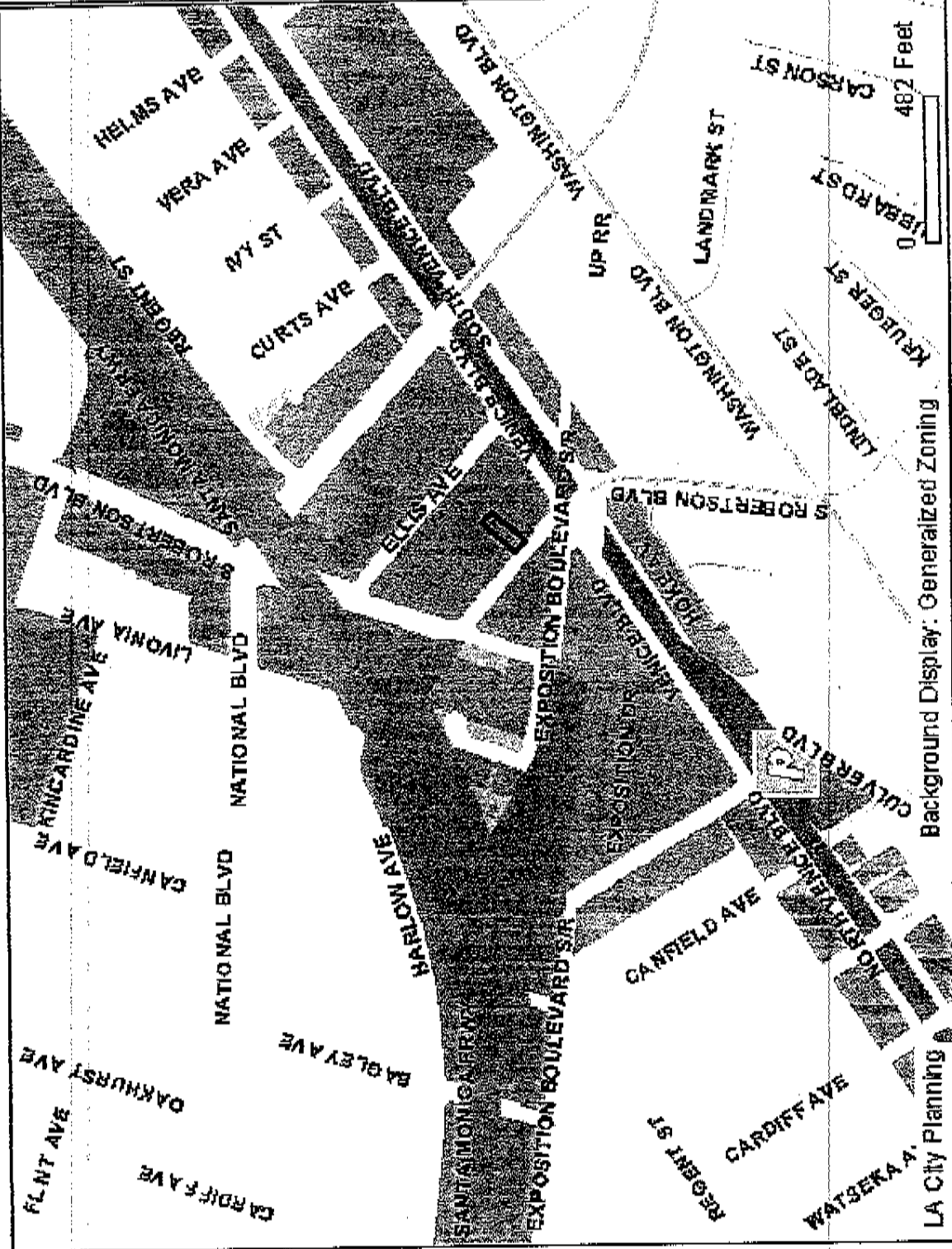
Address: 3384 S ROBERTSON BLVD
 APN: 4312012015
 PIN #: 1208169 24

EXHIBIT C

ZIMAS INTERNET

01/31/2008

City of Los Angeles
Department of City Planning



Generalized Zoning



482 Feet

Background Display: Generalized Zoning

Address: 3384 S ROBERTSON BLVD
 APN: 4312012015
 PIN #: 120B169 24

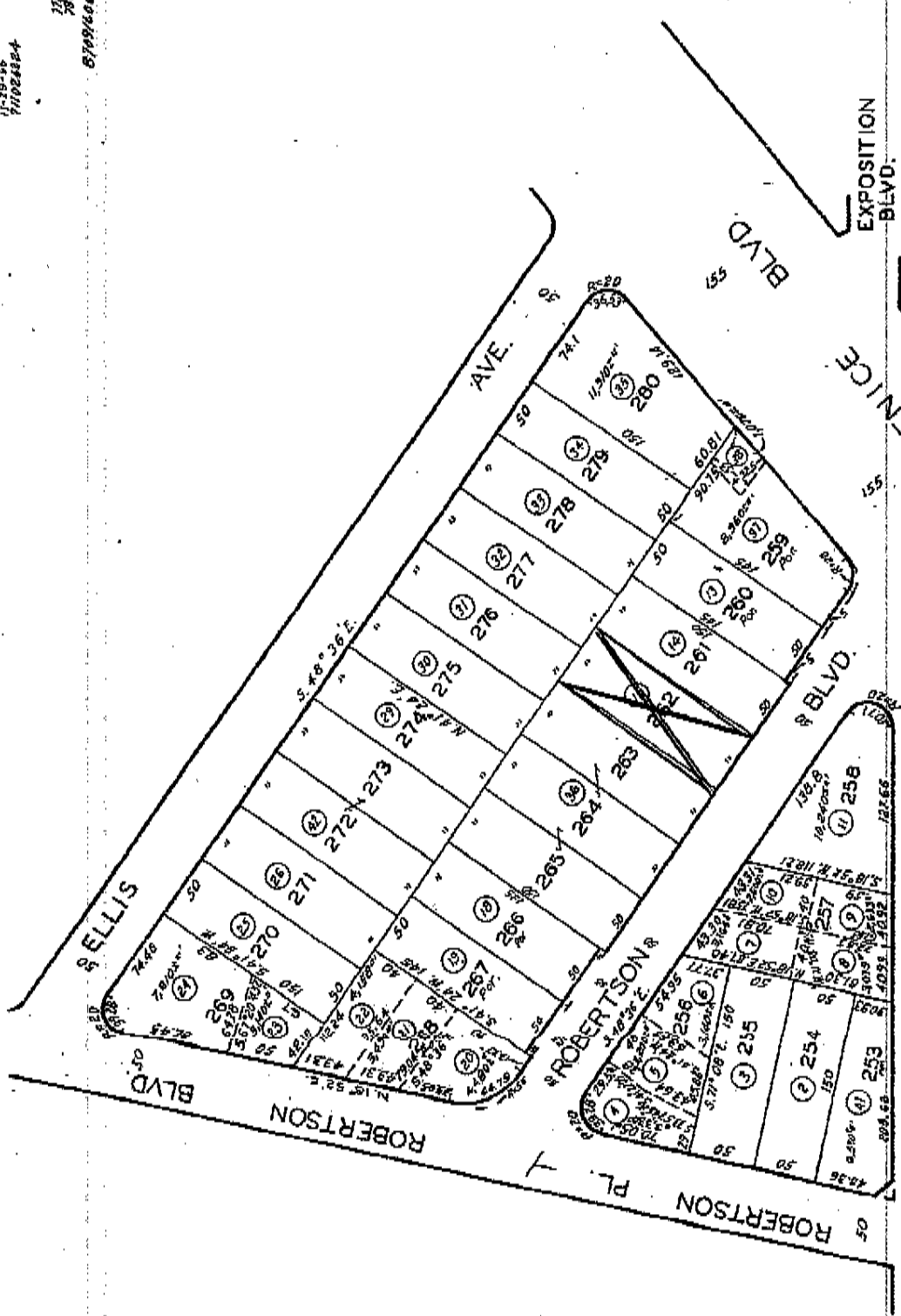
Tract: TR 625
 Block: None
 Lot: 262
 Arb: None

Zoning: M1-1
 General Plan: Light Manufacturing

EXHIBIT E

F 1988

11-29-55
7102424
11-20-61
10-18-62
12-27-62
9-19-63
3722808
7055005
8709/assessor



TRACT NO. 625

M.B. 18-125

EV. ASSMT. SEE 94-36

ASSESSOR'S MAP
ROBERTSON BLVD. COUNTY OF LOS ANGELES, CALIF.

EXHIBIT F

APPENDIX I: TRAFFIC PHOTOS

Figure I1: No Parking Available on Ellis Avenue



Figure I2: Off-Ramp U-Turn Merging with Robertson and On-Ramp Traffic

SKIN
CLUB



EXHIBIT G

SKIN CLUB

Figure I3: Crossing Lanes With On-Ramp Traffic



Figure I4: Crossing Lanes, Cont.

SKIN CLUB



Figure 15: Thru Traffic Crossing from On-Ramp to Northbound Robertson



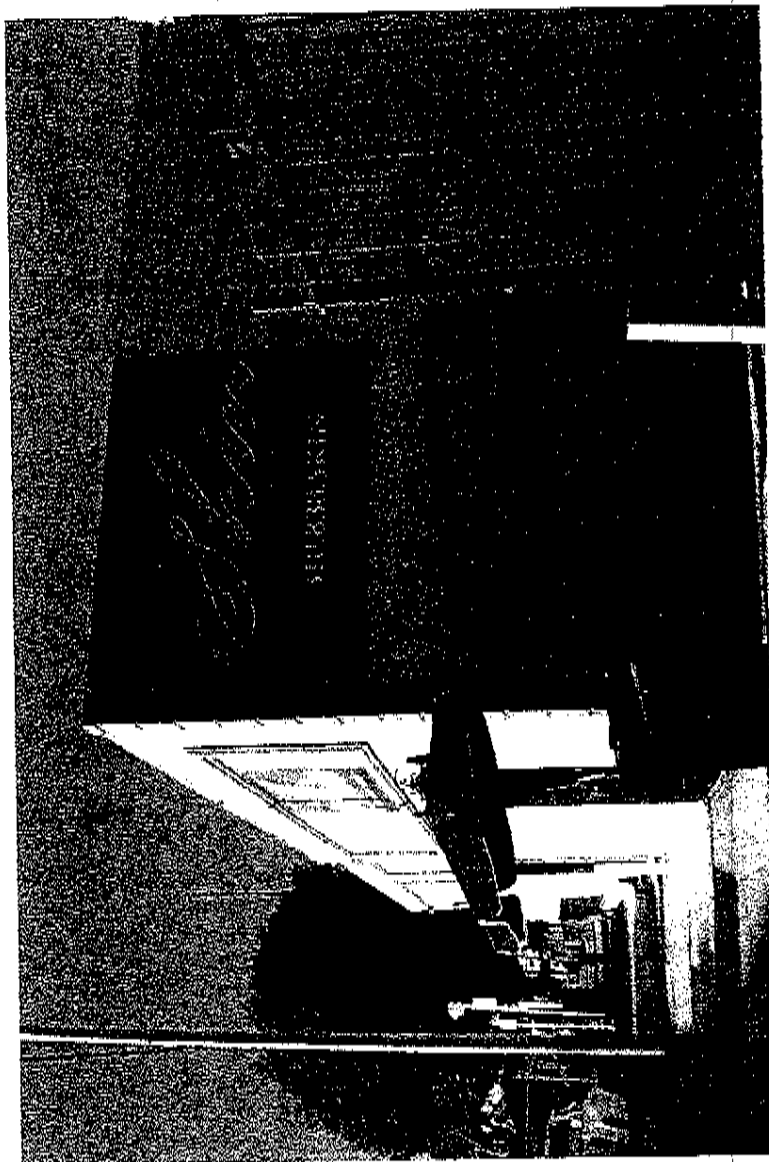


EXHIBIT J