

**BUSINESS LICENSE COMMISSION MEETING**  
**Study Session**  
**Tuesday, May 28, 2002**  
**City of West Hollywood**

**I. CALL TO ORDER**

Chair Sonnenburg called the meeting to order at 6:00 P.M.

**A. ROLL CALL:**  
**PRESENT:**

Commissioners – Maxine Sonnenburg, Eric Thompson, James Kazakos, Terry Morgan, Alexander Ponder, Sibyl Zaden and Joe Guardarrama.

**STAFF PRESENT:**

Wade Davenport, Code Compliance Manager; Mark Persico, Community Development Director; Lisa Chilton, Business License Officer; Bruce Robertson, Administrative Staff Assistant.

**OTHERS PRESENT:**

**B. THE PLEDGE OF ALLEGIANCE:** Commissioner Ponder led the pledge.

**C. APPROVAL OF AGENDA:**

**Action: To approve the agenda.**

Motion: Morgan

Second: Zaden

Votes: All Ayes

Motion carried.

**II. CONSENT CALENDAR - None**

**III. ITEMS FROM CITIZENS**

**A. Hillary Selvin, Executive Director Chamber of Commerce, Thanked Wade for meeting with members of the Chamber to review the rewrite of the Business License Ordinance. Ms. Selvin announced her goal as that of addressing business concerns and expressed her concern that the appropriate City body administrate issues brought to the City and that**

these matters not be duplicated. She also addressed issues in the new ordinance that she felt were land use matters and should be addressed as such. Ms. Selvin expressed a desire to define the role of the Business License Commission and to separate this role from that of the Planning Commission.

IV. PUBLIC HEARING - None

V. COMMISSION CHAIR'S REPORT

Commissioner Sonnenburg asked for a Code Compliance status report on the Argyle, Goodbar and Miyagis.

VI. ITEMS FROM COMMISSIONERS - None

VII. ITEMS FROM STAFF - None

VIII. NEW BUSINESS

A. *Review of Draft Business License Ordinance*

**Action: To dissolve as a formal commission and to become a Committee of the Whole, in order to have an informal discussion on the draft ordinance to allow free interchange and discussion between the meeting attendees.**

Motion: Morgan  
Votes: All Ayes

Second: Kazakos  
Motion carried.

Wade Davenport presented a brief overview of the ordinance and its layout. In his overview he stated that the role of the Business License Commission would set the tone for how the Commission would review this document. Mr. Davenport noted that at tonight's meeting they would be reviewing only Article 1 which contains the administrative portion of the ordinance including which business types require regulatory licensing, applications, review periods and appeals.

Mr. Davenport also asked the Commission to set up a future schedule of public hearings in which the public would be allowed to give input on the ordinance. He also asked that a schedule be made that would map out future commission meetings and what part, if any, the draft ordinance would play at each of these meetings.

In conclusion Mr. Davenport outlined sections of the Code that would not be reviewed by this body including Section 5.108, the section dealing with Taxis which he explained is administered by the Department of Transportation, Section

5.80 dealing with Motion Picture, Television, Radio and Photographic Production which is administered by the City's Public Information Office, and Article 3 (consumer protection) and Article 4 (Business Improvement Districts) would also not be address by this body.

Commissioner Zaden asked if the Code addresses limousines, as she did not see this addressed while reading the Code and expressed concern that limousines are the cause of many resident complaints and therefore should be addressed.

Mr. Davenport reported that limousines are considered a public utility and are therefore regulated by the State rather than by the City.

#### Role of the Business License Commission

Mr. Davenport posed three questions to spark discussion:

1. To what extent should the Commission place conditions on business licenses, which do not overlap into the area of land use?
2. Should the Commission's role be that of an adjudication and appellant function rather than a reviewing and issuance body?
3. At what point in the compliance process should the Commission become involved?

Commissioner Thompson voiced concern that if the Commission is to be an appellant body rather than an enforcement body that they would spend considerable time trying to fill agendas with enforcement matters.

He also commented that he believes this body should oversee public hearings for some business application types such as gun dealers, adult business etc., and that the public should have a say in these matters rather than leaving it to the discretion of the Community Development Director.

Commissioner Morgan expressed that the Business License Commission as it currently operates has been very successful and should continue this way. He elaborated stating that the Commission serves as a voice for the public which hears issues of public concern before they reach the City Council level and believes that this is an important function to fill for the Council.

Commissioner Morgan also stressed the importance of the Commission's role in the three-strike review plan that was initiated by the Commission several months prior and acknowledged that this should remain a priority role of this body.

Commissioner Thompson stressed his opinion that business license matters should be left under the jurisdiction of the Business License Commission and not passed on to the Planning Commission.

Commissioner Guardarrama voiced his opinion that Commissions' role should be brightly defined and that a business should not be brought before two separate commissions for the same matter.

He also express his opposition to the Commission's becoming an appellant body only and feels that this body should be, and has reason to be, active in the City's business activities.

Community Development Director Mark Persico explained that the Planning Commission has been vested with certain rights including overseeing CUP, variances and other entitlement rights. In addition the Planning Commission conducts hearings on adult businesses and other business types as well.

Mr. Persico also explained that conducting public meetings with businesses in violation of city codes is an appropriate role for this commission (the Business License Commission) and feels that this role would maintain a relatively full agenda for the Business License Commission.

Mr. Persico further explained the need for the role of the Business License Commission, as an appellant body, should be well known so that appropriate matters could be referred to this Commission when necessary.

Commissioner Sonnenburg stated that the Commission's role as an adjudicatory body is only one role but that an equally important role is that of acting in behalf of the City's residential neighborhoods in maintaining a reasonable quality of life for city residents.

Ms. Selvin protected the businesses stating that if the same conditions exist under a business' CUP and their regulatory business license that it could possibly be brought (under the current system) before both commissions for corrective hearings and expressed her concern with this possibility.

Mr. Persico interjected that if this body (the Business License Commission) desires to become an adjudicative body, changing the name of the Commission might be in order, which would also alert others to the Commission's function.

Donald DeLuccio, Chair of the Planning Commission, when asked by the Chair what he sees the role of the Planning Commission to be defined that role as anything having to do with land use.

Commissioner Thompson compromised stating that he would agree with the Business License Commission being largely appellant but not exclusively so.

Commissioner Guardarrama agreed that a definitive line should be drawn between Planning and Business License Commissions and that this line should be clearly delineated under each Commission's list of purviews. Commissioner Guardarrama added that it might be a good idea for the commissions to meet jointly and come to an agreement on their individual functions.

Mr. Persico also added that it would be a good idea to include the City Attorney on each group's discussion of this matter and to ask the City Attorney whether or not the Business License Commission can further restrict land use matters or if land use entitlements supercede business license issues.

Commissioner Thompson suggested that a list of conditions that can be imposed by the Business License Commission would be helpful in defining the Commission's role.

Commissioner Ponder emphasized that he would like to see clear expectations that the public can count on included in the code i.e., the public can expect a public hearing to be held if the following occurs...

**Action: To adjourn as the Committee of the Whole and reconvene as the Business License Commission.**

Motion: Morgan

Second:

Votes: All Ayes

Motion carried.

General Discussion

Commissioner Thompson also asked that the Standards of Review be spelled out in the code.

He also asked that something be inserted in the Code that when filing an application for a business license the applicant acknowledges that past conduct of other businesses may not be used to allow unpermitted behavior on the part of the new business.

IX. OLD BUSINESS - None

XI. ADJOURNMENT

**Action: To adjourn to the next scheduled meeting of the Business License Commission to be held on Tuesday, June 4, 2002, from 6:00 p.m. until completion at West Hollywood City Hall, 8300 Santa Monica Blvd., West Hollywood.**

Motion: Kazakos

Second: Zaden

Votes: All Ayes

Motion carried.

PASSED, APPROVED AND ADOPTED THIS DAY OF July 2, 2002.

CHAIRPERSON: [Signature]

ATTEST:  
BUSINESS LICENSE OFFICER: [Signature]