

**BUSINESS LICENSE COMMISSION  
CITY OF WEST HOLLYWOOD  
MINUTES  
TUESDAY, JUNE 28, 2021  
SPECIAL TELECONFERENCE MEETING**

1. **CALL TO ORDER**– Chair Saltzman called the meeting to order at 6:09 p.m.
2. **PLEDGE OF ALLEGIANCE**– Chair Saltzman led the Pledge of Allegiance.

**ROLL CALL**

PRESENT: Commissioner Alden  
Commissioner Eisenberg  
Commissioner Lo  
Commissioner Vulin  
Commissioner Yusupov  
Vice Chair Matos  
Chair Saltzman

ABSENT: None

ALSO PRESENT: Director of Public Works, Jackie Rocco  
Code Compliance Manager, Danny Rivas  
Code Compliance Supervisor, Yessica Benitez  
Code Compliance Supervisor, Dan Mick  
Code Enforcement Officer, Ana Hernandez  
Commission Secretary, Falyn Kingi  
Community and Legislative Affairs Manager, John Leonard  
City Attorney, Lauren Langer

3. **APPROVAL OF AGENDA**

*SUBJECT:* The West Hollywood Business License Commission is requested to approve the Agenda.

**ACTION:** Approve the agenda for Tuesday, June 28, 2021. **Motion by Commissioner Alden, seconded by Commissioner Vulin and approved.**

4. **APPROVAL OF MINUTES**

*SUBJECT:* The West Hollywood Business License Commission is requested to approve the Minutes of the previous Business License Commission Meeting on Tuesday, June 1, 2021.

**ACTION:** Approve the minutes of Tuesday, June 1, 2021. **Motion by Commissioner Alden, seconded by Commissioner Vulin and approved.**

5. **PUBLIC COMMENT**

None.

## 6. PUBLIC HEARING

### A. APPLICATION BY WHERE EAGLES FLY, LLC FOR A CANNABIS BUSINESS LICENSE FOR CONSUMPTION AREA (EDIBLES) FOR THE BUSINESS KNOWN AS FANTOM FLOWER, TO BE LOCATED AT 8811 SANTA MONICA BOULEVARD

*SUBJECT:* The West Hollywood Business License Commission shall conduct a public hearing to consider the application by Where Eagles Fly, LLC for a Cannabis Business License for a Consumption Area (Edibles), for the business known as Fantom Flower, to be located at 8811 Santa Monica Boulevard.

Chair Saltzman reminded the Commission of the purpose and importance of Commissioner disclosures and Commissioner comments. No disclosures were made.

Commission Secretary, Falyn Kingi, stated that the item was noticed as required by law.

Community and Legislative Affairs Manager, John Leonard, provided background information and explained the Cannabis sensitive use buffer map. He further informed the Commission that sensitive uses can change over time. City Attorney, Lauren Langer, concurred.

Code Compliance Supervisor, Yessica Benitez, presented the staff report dated June 28, 2021.

Commissioner Eisenberg requested to know when the City was made aware of the applicant's business location. Community and Legislative Affairs Manager, John Leonard, responded.

Commissioner Eisenberg requested a copy of the original Cannabis 600-foot buffer map which was provided by Code Compliance Supervisor, Yessica Benitez. Commissioner Eisenberg questioned the map and application process based on the 600-foot buffer zone and mentioned that the original Cannabis 600-foot buffer map continued to be displayed on the City's website. She also stated that she felt the applicant's business location is within a "sensitive use" area. This opened a detailed discussion between the Commission and City staff regarding the defined "sensitive use" and the impact of future uses at City parks.

Commissioner Vulin requested to know who determines if a location falls within a "sensitive use" area. Community and Legislative Affairs Manager, John Leonard, explained that the term is defined in the West Hollywood Municipal Code, and determination is made by City staff and City Attorney. Commissioner Vulin questioned the applicant's business location and expressed he thought it was within a "sensitive use" zone. Community and Legislative Affairs Manager, John Leonard, responded.

The Commission and City staff continued to have a discussion regarding the proposed location, the 600-foot sensitive use buffer map, and whether staff had the right to amend the map without City Council approval.

Commissioner Eisenberg inquired about a public comment received which pointed that the business location is part of historic preservation. The public comment raised concern regarding the applicant's proposed change to the exterior. Code Compliance Supervisor, Yessica Benitez, informed the Commission that the applicant is working with the Planning Division to make cosmetic changes to the exterior of the building.

KEVIN BRADY, APPLICANT, expressed his gratitude to City Staff for their efforts.

ALEX KARDOS, APPLICANT, KEVIN BRADY, APPLICANT, and CHARLES KIRCHEIMER, APPLICANT, provided an overview of the concept, design, daily operations, community engagement, security operations, and odor control of the proposed business.

The Commission posed questions and requested clarification regarding the proposed services provided by the applicant. ALEX KARDOS, APPLICANT, KEVIN BRADY, APPLICANT, and CHARLES KIRCHEIMER, APPLICANT, responded accordingly.

Commissioner Eisenberg inquired about the construction on the outside of the building that was referred to by a public comment. KEVIN BRADY, APPLICANT, confirmed that there will be no changes to the windows or physical structure of the building, and is working with Planning and the Historic Design Review to obtain all required permits/approvals for the changes to the exterior.

The Commission requested clarification regarding the separate uses of the first and second floor. ALEX KARDOS, APPLICANT, AND KEVIN BRADY, APPLICANT, explained that the first floor will be used as a restaurant and will be completely separate from the second-floor use with no shared entrances.

Commissioner Yusupov expressed concern about the potential use of cannabis consumption outside of its allowed space. ALEX KARDOS, APPLICANT, explained that the security guard will ensure that all products are consumed in the designated consumption area.

Commissioner Yusupov requested clarification regarding the business' logistics and operations. ALEX KARDOS, APPLICANT, responded.

Commissioner Lo requested to know if the applicant has provided its staff with education regarding overserving, overconsumption, and protocols taken to ensure the safety of patrons. ALEX KARDOS, APPLICANT, explained that education is highly important, and their staff is trained to speak with customers, educate, and detect certain characteristics of overconsumption.

Chair Saltzman asked for clarification on the operating hours. Community and Legislative Affairs Manager, John Leonard, responded with the recommended hours of 6:00 a.m. – 2:00 a.m., with no sales of cannabis after 10:00 p.m.

Commissioner Yusupov requested to know if the applicant was allowed to play music at 6:00 a.m. Code Compliance Manager, Danny Rivas, stated that the

applicant would need to obtain a Conditional Use Permit from the Planning Division and an Entertainment Business License from the Code Compliance Division in order to do so.

LARRY BLOCK, expressed concerns with item 7A.

JESSICA TANZER, spoke in support of item 7A.

JACKIE SUBECK, spoke in support of item 7A.

GENEVIEVE MORRILL, spoke in support of item 7A.

CLAUDINE STEVENS, spoke in opposition to item 7A.

VICTOR OMELCZENKO, expressed concerns with item 7A,

SHERRI FRANKLIN, spoke in support of item 7A.

STEPHANIE HARKER, expressed concerns with item 7A.

JAKE STEVENS, expressed concerns with item 7A.

JOANNA LAFORCE, spoke in support of item 7A.

DOMINIC BABINEAUX, spoke in support of item 7A.

JASON BECK, spoke in support of item 7A.

ALEX KARDOS, APPLICANT, and his team responded to comments and concerns made during the public comment.

After a lengthy discussion by the Commission, Vice Chair Matos motioned to continue the item until City Council provides clarification on the map and the “sensitive use” issues. Commissioner Eisenberg seconded the motion.

**ACTION:** Table the item until City Council can weigh in on the revised map and sensitive use determination. **Motion by Vice Chair Matos, seconded by - Commissioner Eisenberg and approved.**

*Chair Saltzman called for a recess at 8:37 p.m.*

*Commission resumed the meeting at 8:54 p.m.*

**B. APPLICATION BY GREEN CROSS SOCIETY OF SOUTHERN CALIFORNIA FOR A LEGACY MEDICAL CANNABIS BUSINESS LICENSE AND A VARIANCE REQUEST TO TRANSFER FIFTY PERCENT (50%) OWNERSHIP FOR THE BUSINESS KNOWN AS ALTERNATIVE HERBAL HEALTH SERVICES (AHHS), LOCATED AT 7828 SANTA MONICA BOULEVARD**

**SUBJECT:** The West Hollywood Business License Commission shall conduct a public hearing to consider the application by Green Cross Society of Southern California for a Legacy Medical Cannabis Business License and a variance request to transfer ownership in the total amount of fifty percent (50%) for the

business known as Alternative Herbal Health Services (AHHS), located at 7828 Santa Monica Boulevard.

Chair Saltzman reminded the Commission of the purpose and importance of Commissioner disclosures and Commissioner comments. No disclosures were made.

Commission Secretary, Falyn Kingi, stated that the item was noticed as required by law.

Code Compliance Supervisor, Yessica Benitez, provided background information as provided in the staff report dated June 28, 2021.

JASON BECK, APPLICANT, thanked the Commission and provided a brief history of the business, and shared his business' threefold plan of safety, compliance, and community outreach.

Commissioner Eisenberg requested to know more information regarding the minor criminal incident mentioned during the staff report. SCOTT LAMBERT, APPLICANT, responded and shared information on the incident that happened over thirty-two years ago.

Commissioner Yusupov referred to the staff report that mentioned a missing page and requested to know the status of the applicant's eviction process. Code Compliance Supervisor, Yessica Benitez, confirmed that the owner's affidavit was missing. JASON BECK, APPLICANT, informed the Commission that a settlement agreement had been reached with the landlord and no eviction would be taking place.

Commissioner Yusupov asked for clarification on the complaint mentioned during the staff report. Code Compliance Supervisor, Yessica Benitez, responded.

JACKIE SUBECK, spoke in support of item 7B.

GENEVIEVE MORRILL, spoke in support of item 7B.

JAKE STEVENS, spoke in support of item 7B.

DON DUNCAN, spoke in support of item 7B.

SHERRI FRANKLIN, spoke in support of item 7B.

VICTOR OMELCZENKO, expressed concerns with item 7A,

JASON BECK, APPLICANT, responded to the comments and concerns raised by public comment.

Commissioner Vulin made a motion to approve the staff's recommendation. Commissioner Eisenberg seconded the motion.

**ACTION:** Adopt Resolution No. BLC21-0010, “A RESOLUTION OF THE BUSINESS LICENSE COMMISSION OF THE CITY OF WEST HOLLYWOOD APPROVING LEGACY MEDICAL CANNABIS BUSINESS LICENSE #CLM-000004 AND A VARIANCE REQUEST TO TRANSFER FIFTY PERCENT (50%) OWNERSHIP FOR THE BUSINESS KNOWN AS ALTERNATIVE HERBAL HEALTH SERVICES (AHHS), LOCATED AT 7828 SANTA MONICA BOULEVARD” (Attachment A). **Motion by Commissioner Vulin, seconded by Commissioner Eisenberg and approved.**

**C. APPLICATION BY J&P CONSULTING TO RELOCATE THE CANNABIS DELIVERY SERVICE OPERATION (LICENSE CDW-000005) FROM 8335 SUNSET BOULEVARD TO 8271 SANTA MONICA BOULEVARD, AND TO ADD A SMOKING AREA TO THE APPROVED CANNABIS CONSUMPTION AREA (LICENSE CCA-000003) FOR THE BUSINESS KNOWN AS MONICA’S HOUSE, TO BE LOCATED AT 8271 SANTA MONICA BOULEVARD**

*SUBJECT:* The West Hollywood Business License Commission shall conduct a public hearing to consider the application by J&P Consulting to relocate the Cannabis Delivery Service operation from 8335 Sunset Boulevard to 8271 Santa Monica Boulevard, and to add a 931 square foot smoking area to the approved Cannabis Consumption Area for the business known as Monica’s House, to be located at 8271 Santa Monica Boulevard.

Chair Saltzman reminded the Commission of the purpose and importance of Commissioner disclosures and Commissioner comments. No disclosures were made.

Commission Secretary, Falyn Kingi, stated that the item was noticed as required by law.

Code Compliance Supervisor, Yessica Benitez, provided background information as provided in the staff report dated June 28, 2021.

PATRICK FOGARTY, APPLICANT, provided a presentation detailing the smoking area elements and its mitigation process.

JON LOCARNI, APPLICANT, provided a presentation regarding the delivery portion of the business and its operation location.

Commissioner Vulin expressed concern regarding the size of the enclosed smoking rooms. PATRICK FOGARTY, APPLICANT, responded.

Vice Chair Matos requested to know the proximity to the nearest residential neighborhood. JON LOCARNI, APPLICANT stated that the nearest resident is directly behind the business.

GENEVIEVE MORRILL, spoke in support of item 7C.

JAKE STEVENS, spoke in support of item 7C.

MARK DIMITROV, expressed concerns with item 7C.

VICTOR OMELCZENKO, expressed concerns with item 7A,

PATRICK FOGARTY, APPLICANT, responded to the concerns raised during public comment.

Commissioner Yusupov requested to know how noise complaints would be handled. PATRICK FOGARTY, APPLICANT, responded on how they plan to mitigate the noise concerns.

Vice Chair Matos made a motion to approve the staff's recommendation and Commissioner Yusupov seconded the motion.

Chair Matos inquired about the operating hours. PATRICK FOGARTY, APPLICANT, stated that cannabis sales would end at 10:00 p.m. and customers would be able to stay in the cabanas until 2:00 a.m.

After discussion, Chair Matos motioned to approve the staff's recommendation with the condition the applicant's operation be reviewed by the Commission in a year. Motion was seconded by Commissioner Yusupov.

City Attorney, Lauren Langer, provided verbiage to include a new condition #16 stating that the first annual renewal shall be reviewed by the Business License Commission.

**ACTION:** Adopt Resolution No. BLC21-0011, "A RESOLUTION OF THE BUSINESS LICENSE COMMISSION OF THE CITY OF WEST HOLLYWOOD APPROVING THE RELOCATION OF CANNABIS DELIVERY SERVICE (LICENSE #CDW-000005) FROM 8335 SUNSET BOULEVARD TO 8271 SANTA MONICA BOULEVARD, AND TO ADD A 931 SQUARE FOOT SMOKING AREA TO THE APPROVED CANNABIS CONSUMPTION AREA (LICENSE CCA-000003) FOR THE BUSINESS KNOWN AS MONICA'S HOUSE, TO BE LOCATED AT 8271 SANTA MONICA BOULEVARD" (Attachment A). **Motion by Chair Matos, seconded by Commissioner Yusupov and approved as amended.**

**D. APPLICATION BY OVEST, LLC FOR A CANNABIS BUSINESS LICENSE FOR ADULT-USE RETAIL AND MEDICAL USE DISPENSARY FOR THE BUSINESS KNOWN AS LOS ANGELES PATIENTS AND CAREGIVERS GROUP, LOCATED AT 7213 SANTA MONICA BOULEVARD**

**SUBJECT:** The West Hollywood Business License Commission shall conduct a public hearing to consider the application by Ovest, LLC for a Cannabis Business License for Adult-Use Retail and Medical Use Dispensary for the business known as Los Angeles Patients and Caregivers Group (LAPCG), located at 7213 Santa Monica Boulevard.

Commission Secretary, Falyn Kingi, stated that the item was noticed as required by law.

No disclosures were made by the Commissioners.

Chair Saltzman requested that the staff report be skipped.

DON DUNCAN, APPLICANT, provided history and background information regarding the business, its community relationships and outreach.

Chair Saltzman requested to know if the staff had any important information that the Commission should be aware of. Community and Legislative Affairs Manager, John Leonard, and Code Compliance Supervisor, Yessica Benitez, had nothing to add.

SARAH ARMSTRONG, spoke in support of item 7D.

ERIK HULTSTROM, spoke in support of item 7D.

GENEVIEVE MORRILL, spoke in support of item 7D.

JAKE STEVENS, spoke in support of item 7D.

VICTOR OMELCZENKO, expressed concern with item 7D.

CHELSEA LUCICH, spoke in support of item 7D.

JASON BECK, spoke in support of item 7D.

JACKIE SUBECK, spoke in support of item 7D.

DON DUNCAN, APPLICANT, thanked the Commission for their time and asked that they approve the item.

Commissioner Lo motioned to approve the staff's recommendation and was seconded by Vice Chair Matos.

**ACTION:** Adopt Resolution No. BLC21-0012, "A RESOLUTION OF THE BUSINESS LICENSE COMMISSION OF THE CITY OF WEST HOLLYWOOD APPROVING CANNABIS ADULT-USE RETAIL BUSINESS LICENSE #CAU-000009 AND CANNABIS MEDICAL USE DISPENSARY BUSINESS LICENSE #CMU-000006 FOR THE BUSINESS KNOWN AS LOS ANGELES PATIENTS AND CAREGIVERS GROUP LOCATED AT 7213 SANTA MONICA BOULEVARD" (Attachment A). **Motion by Commissioner Lo, seconded by Vice Chair Matos and approved.**

**7. SPECIAL ITEMS**

None.

**8. NEW BUSINESS**

**A. PROPOSED ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE REQUIREMENTS FOR MASSAGE ESTABLISHMENTS AND MASSAGE TECHNICIANS BY RENAMING AND AMENDING CHAPTER 5.72 (MASSAGE**



**PARLORS AND TECHNICIANS) IN TITLE 5 (BUSINESS LICENSES, REGULATIONS, AND PERMITS) OF THE WEST HOLLYWOOD MUNICIPAL CODE; ADDING RIGHT OF ENTRY REQUIREMENTS TO CHAPTER 5.04 (BUSINESS LICENSES - GENERALLY) BY ADDING SECTION 5.04.140 (RIGHT OF ENTRY); AND REMOVING RIGHT OF ENTRY LANGUAGE FROM SECTION 5.08.210.**

*SUBJECT:* The West Hollywood Business License Commission will consider amendments to Title 5 (Business Licenses) of the West Hollywood Municipal Code amending the requirements for Massage Parlors and Technicians and adding right of entry language to West Hollywood Municipal Code Chapter 5.04 (Business Licenses – Generally).

Code Compliance Supervisor, Dan Mick, provided background information as provided in the staff report dated June 28, 2021.

GENEVIEVE MORRILL, spoke regarding massage establishments, human trafficking and AB5 state law.

Vice Chair Matos requested clarification on what the right of entry would allow. Code Compliance Supervisor, Dan Mick, responded.

Commissioner Eisenberg inquired about past concerns with the West Hollywood Sheriff's Department conducting inspections and requested to know the enforcement procedure when there is an unlicensed establishment. Code Compliance Manager, Danny Rivas, confirmed that there was an incident but did not have any background information to provide. He then provided the enforcement process.

Commissioner Eisenberg motioned to approve the staff's recommendation and was seconded by Vice Chair Matos.

**ACTION:** Approved the amended draft ordinance to be presented to City Council.  
**Motion by Commissioner Eisenberg, seconded by Vice Chair Matos and approved.**

## **9. UNFINISHED BUSINESS**

### **A. ENHANCING COMPLIANCE DURING COVID-19 LOS ANGELES COUNTY PUBLIC HEALTH ORDERS AND CITY CODE ENFORCEMENT EFFORTS.**

*SUBJECT:* The West Hollywood Business License Commission will receive an update regarding COVID-19 Los Angeles County Public Health Orders to keep businesses, workers, and members of the public informed of relevant public health orders and local enforcement measures that will provide opportunities for workers and other members of the public to give public comment at Business License Commission meetings if there are concerns regarding businesses' compliance with public health orders.

Code Compliance Manager, Danny Rivas, provided background information as provided in the staff report dated June 28, 2021, and informed the Commission that this would be the last COVID-19 update.

Chair Saltzman motioned to have staff present a monthly report on the continued effort taken by City staff to support local businesses affected by the COVID-19 pandemic and the impact of those efforts on the businesses and was seconded by Vice Chair Matos. Code Compliance Manager, Danny Rivas, agreed and informed the Commission that the City Council approved the 2022 fiscal year operating budget, and part of that budget included support for local businesses, including extension payment deadlines for City business taxes, parking credit fees, encroachment permit fees, etc. until December 2021.

**ACTION:** Receive, file, and provide a monthly report on the continued effort taken by City staff to support local businesses affected by the COVID-19 pandemic and the impact of those efforts on businesses. **Motion by Chair Saltzman, seconded by Vice Chair Matos and approved.**

**10. ITEMS FROM STAFF**

Code Compliance Manager, Danny Rivas, informed the Commission that the amended Commission By-Laws will be emailed along with an email seeking the availability of each Commissioner for future meeting dates.

**11. PUBLIC COMMENT**

None.

**12. ITEMS FROM COMMISSIONERS**

None.

**13. ADJOURNMENT:** The West Hollywood Business License Commission adjourned at 11:15 p.m. to its next special meeting, to be determined by the Code Compliance Manager, at 6:00 p.m., and will be held via teleconference.

**PASSED, APPROVED, AND ADOPTED** by the Business License Commission of the City of West Hollywood at a meeting held this 18<sup>th</sup> day of August, 2021.

DocuSigned by:

*Robert M. Saltzman*

ROBERT SALTZMAN, CHAIRPERSON

ATTEST:

*Falyn Kingi*

FALYN KINGI, COMMISSION SECRETARY