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**WEST HOLLYWOOD  
BUSINESS LICENSE COMMISSION  
Regular Meeting  
Minutes  
Wednesday, December 8, 2009 @ 7:00 PM**

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**1. CALL TO ORDER:**

Chair Zaden called the meeting to order at 7:00 PM.

**2. PLEDGE OF ALLEGIANCE:** Commissioner Reichard led the pledge.

**3. ROLL CALL:**

Commissioners Present: Chair Sibyl Zaden, Vice-chair Erik Barker, Jim Kazakos, Neill Murchison, Gary Reichard and Michael Oh.

Commissioners Absent: Pat Rogers.

Staff Present: Oscar Delgado, Director of Public Works, Jeffrey Aubel, Commercial Code Compliance Manager; and Bruce Robertson, Acting Business License Officer.

Others Present: Lauren Feldman, City Attorney's Office

**4. APPROVAL OF AGENDA:**

A. Approve the agenda of December 8, 2009.

**ACTION:** Commissioner Kazakos moved approval of the agenda. The motion was seconded by Commissioner Reichard and carried unanimously.

**5. APPROVAL OF THE MINUTES:**

A. Approve the minutes of September 22<sup>nd</sup>, 2009.

**ACTION:** Kazakos moved approval of the Minutes. The motion was seconded by Commissioner Oh and carried unanimously.

**6. PUBLIC COMMENT:**

None.

**7. CONSENT CALENDAR:**

None.

**8. PUBLIC HEARINGS**

**A. Request by Restaurant Ten-Masa to remove a condition imposed pursuant to CC Resolution 08-3747, 9016 Sunset Blvd, West Hollywood, CA 90069.**

The Business License Commission will hold a public hearing to consider a request by Restaurant Ten-Masa to remove a condition imposed pursuant to CC Resolution 08-3747 requiring that the business employ a licensed security guard from 8:00 PM until closing Thursday through Sunday at 9016 Sunset Blvd, West Hollywood, CA 90069.

Commissioner Kazakos recused himself as his lives within 500' of 9016 Sunset Blvd.

Mr. Aubel presented the staff report.

Mr. Aubel reminded the Commission that in May of 2007, Restaurant Ten-Masa's alcohol license was suspended the by Alcohol Beverage Control (ABC) for sales/service of alcohol to minors. Subsequent investigations also found illegal marijuana at the location. At a public hearing held on May 7, 2007, the Business License Commission voted to suspend Ten-Masa's ability to serve alcohol for one year.

The Commission's decision was appealed to the City Council and heard on October 6, 2008. After hearing the public testimony the Council voted to amend the Commission's decision by prohibiting alcohol service for 15 days and imposing five (5) additional operating conditions upon the business and placing the business on probation for a period of one year.

The probationary period expired without further incident and Restaurant Ten-Masa is now requesting that the Commission consider removing the condition requiring a security guard be on-site. The business contends that this condition has become a financial hardship during very difficult financial times.

Mr. Aubel concluded that Staff supports Ten-Masa's request as the business has been fully compliant with all city code and conditions imposed under CC Resolution 3470.

*Public Testimony*

- A. Bruce Thabit, Honolulu, HI, spoke on behalf of the applicant commenting that Restaurant Ten-Masa has completed its probationary period without incident and asked that the Commission remove the condition requiring a security guard. Mr. Thabit stated that this condition has been expensive and is causing undue financial hardship on the business. He also commented that the business owners would like to utilize these monies to enhance and improve their business.

- B. Clair O'Connor, West Hollywood, commented that clubs along the Sunset Strip, in general, have been complacent in allowing after hour drinking in adjacent residential areas and commented that security of this type would help to alleviate similar impacts along the Sunset Strip.

The public testimony portion of the public hearing was closed by a consensus of the Commission.

Commissioner Comment

Commissioner Reichard asked what the specific role of the security guard had been.

Staff responded that his/her role was to ensure compliance with any/all approvals/permits, especially those conditions imposed under CC Resolution 08-3747.

Commissioner Reichard continued asking if the monitoring device used to determine the age of a customer would remain in force.

Staff confirmed that the utilization of the age monitoring device would continue to be an operating requirement of the business.

**ACTION:** Vice-Chair Barker moved the Staff recommendation. The motion was seconded by Commissioner Reichard.

Roll Call:

Oh	Yea
Murchison	Yea
Rogers	Yea
Vice-Chair Barker	Yea
Chair Zaden	Yea

**Motion carried, noting the recusal of Commissioner Kazakos and absence of Commissioner Rogers.**

**9. ITEMS FROM STAFF:**

None.

**10. NEW BUSINESS:**

None.

**11. UNFINISHED BUSINESS:**

None.

**12. PUBLIC COMMENT:**

None.

**13. ITEMS FROM COMMISSIONERS:**

Chair Zaden announced that she was serving on the City's General Plan Advisory Committee (GPAC) as a representative of the Business License Commission. She commented that the committee consisted on 43 members and would be meeting regularly to discuss recommendations for the City's new General Plan.

- 14. ADJOURNMENT:** The Business License Commission will adjourn to the next required meeting of this body, and to be held in West Hollywood Park Auditorium at 7:00 PM., 647 No. San Vicente Blvd., West Hollywood, CA.  
**Motion carried by a consensus of the Commission.**

  
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CHAIRPERSON

ATTEST:

  
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BUSINESS LICENSE OFFICER