

BUSINESS LICENSE COMMISSION

*Minutes
Regular Meeting
Tuesday, July 11th, 2006*

I. CALL TO ORDER

Chair Murchison called the meeting to order at 6:30P.M.

A. *ROLL CALL:
PRESENT:*

Commissioners: Erik Barker, Anne Marie Isleib, Pat Rogers, James Kazakos, Vice-Chair Sibyl Zaden, and Chair Neill Murchison.

Commissioner Reichard is excused.

STAFF PRESENT:

Susan Keene, Community Development Director, Tom Benedetti, Code Compliance Manager; Bruce Robertson, Administrative Staff Assistant.

OTHERS PRESENT:

Assistant City Attorney, Christi Hogin.

B. Vice-Chair Zaden led the Pledge.

II. APPROVAL OF AGENDA

A. *Approval of the Agenda.*

Vice-Chair Zaden moved the agenda. The motion was seconded by Commissioner Rogers and carried unanimously, noting Commissioner Reichard's absence.

III. CONSENT CALENDAR

A. *Approval of the minutes of September 13th, 2005.*

Commissioner Kazakos moved approval of the minutes, a second by Zaden and the motion carried unanimously, noting Commissioner Reichard's absence.

B. *Approval of the minutes of May 9th, 2006.*

Commissioner Kazakos moved approval of the minutes, a second by Zaden and the motion carried unanimously, noting Commissioner Reichard's absence.

IV. PUBLIC COMMENT

None.

V. PUBLIC HEARINGS

A. The Business License Commission will hold a public hearing to consider Conditions, Modification, Suspension or Revocation of Public Eating License for Pinkberry, located at 868 N. Huntley Drive, West Hollywood, California.

Susan Keene presented the Staff Report.

The following disclosures were made by the Commission:

<i>Rogers</i>	spoke with Sandy Hutchens, representative for the applicant.
<i>Zaden</i>	received a call from Mr. Hutchens, but did not have a conversation with him. Ms. Zaden was approached by a resident and listened to their concerns, but did not engage in conversation with this person.
<i>Kazakos</i>	spoke with Mr. Hutchens and made a site visit to Pinkberry.
<i>Isleib</i>	received a call from Mr. Hutchens, but did not have a conversation with him.
<i>Barker</i>	got a message from Mr. Hutchens and made a site visit to Pinkberry.

Assistant City Attorney Christi Hogin, administered an oath/affirmation to those members of the public wishing to address the Commission during public testimony.

Applicant's Presentation

Sandy Hutchens, representing the applicant made a brief presentation to the Commission.

In his remarks he outlined Pinkberry's desire and willingness to work with the City and neighbors in an effort to resolve current and future problems regarding this business. He continued by presenting, as evidence, a petition containing approximately 5000 signatures, in support of Pinkberry. Mr. Hutchens noted that Pinkberry has already implemented many of the conditions, included in the Staff recommendation and would continue to work with and mitigate subsequent issues brought to their attention.

- O. Eric Gazin, Los Angeles, comes to West Hollywood to eat and then enjoys going to Pinkberry for dessert. Mr. Gazin opposes restricting the hours of operation as he and others enjoy late dinners and then dessert afterwards.
- P. David Bonner, West Hollywood, commented on customers parking in the neighborhood, double parking etc., and also recommended that the security officer should be replaced by an off duty sheriffs deputy, who would have more authority to act resulting in more effective mitigation of current traffic, parking violation.
- Q. Lyn DeShields, Huntley Drive, commented on patrons taking needed parking from the residents, regardless of the permit parking designation in the area and asked that strict condition be imposed by the Commission.
- R. Alex Hemmet, Los Angeles, enjoys coming to West Hollywood from other areas to patronize West Hollywood businesses, including Pinkberry. Mr. Hemmet noted that Pinkberry will soon offer gift (debit) cards which should expedite customer service, thus lessening the time patrons spend in the area and area impacts.
- S. Mindy Bradish, Executive Director of the West Hollywood Chamber of Commerce, proposed a 90 day continuance, in order for Staff and the neighborhood to re-evaluate concerns, and ways of mitigating concerns, once additional Pinkberry locations have opened.
- T. Bruce Traub, Huntley Drive, spoke of frustrations with area parking and an ineffective security guard, hired by Pinkberry.
- U. Damian London, Huntley Drive, commented on traffic and safety concerns resulting from people disregarding red zones.
- V. Victor Omelczenko, West Hollywood, commented on neighborhood impacts and over the counter approvals which do not include public input.
- W. Steve Martin, Huntley Drive, commented on parking and concerns over emergency vehicle access, to the area, in the case of an emergency.
- X. Michael Delmont, Huntley Drive property owner, spoke about the neighborhood being unclean and stated that, as a property owner, tenants have moved because neighborhood impacts by Pinkberry. Mr. Delmont asked that hours of operation be restricted and commented on public safety.
- Y. Jeanne Dobrin, West Hollywood, stated that Pinkberry is a public nuisance.
- Z. Donald Elmlad, Huntley Drive, asked that a condition be added requiring that Pinkberry canvas the neighborhood for trash within 250 ' of the business, and suggested that the City change the egress in front of Pinkberry which would add needed parking to the area.

Rebuttal

The applicant presented a rebuttal, on behalf of Pinkberry, emphasizing that Pinkberry will continue to work with the neighborhood to resolve current and possible future resident concerns. Mr. Hutchins also reminded the Commission that Pinkberry has not been cited, for any Code violations, and asked that the Commission not impose those conditions recommended by Staff.

Public Testimony

- A. Kayley Kim, Burbank, Pinkberry GM, commented that, since opening, the applicant has added employees, trash pick up, a security guard as well as working with delivery companies, if an effort to mitigate impacts to the neighborhood.
- B. Brian Bleak, Los Angeles (property owner of 868 Huntley Dr., testified that, having worked with many business, owners in the past, Ms. Hwang is a very conscientious business person and that he has complete confidence that she will do her best to resolve this matter to the benefit of all interested parties.
- C. Patrick Cheh, Los Angeles, spoke in support of Pinkberry.
- D. Sunitha Anjilvel, West Hollywood, spoke as a resident of Huntley Drive in support of Pinkberry and expressing that, in her opinion, this business has worked well with the neighborhood.
- E. Joshua Brindle, Los Angeles, Pinkberry manager, commented that Pinkberry is trying to resolve neighborhood concerns.
- F. John Haskell, West Hollywood; owner of BIN 8945, teaches Entrepreneurial Business at UCLA commented that, in his opinion, Pinkberry is doing what is required of a successful business and asked the Commission not to impose additional conditions on their business license.
- G. Philip Hoskins, Huntley Drive, stated that Pinkberry is an attractive nuisance.
- H. Holly Businger, West Hollywood, supports Pinkberry and commented that their customers are well behaved.
- I. Joan Henehan, West Hollywood, member of the West Hollywood Chamber of Commerce, commented that Pinkberry is going above and beyond in working with the neighborhood. Ms. Henehan also suggested that pylons on Huntley might be means of mitigating traffic on Huntley, south of Pinkberry.
- J. Roslyn Krause, West Hollywood, spoke in support of Ms. Hwang and her business, Pinkberry.
- K. Mary Beth Dolan, West Hollywood, recounted her experience on Flores when Marix was a new business and commented that, although change takes time, that continued work and communication between the neighborhood and business finally resulted in a mutual understanding and cooperation between the business and its neighbors.
- L. Mark Lehman, West Hollywood, attorney representing the property owner of 868 Huntley Drive, commented that as other Pinkberry locations open throughout Los Angeles, that parking, congestion and other neighborhood concerns will begin to resolve themselves, not dismissing the measures already proactively taken on the part of Pinkberry.
- M. Joseph Clapsaddle, West Hollywood, board member of the West Hollywood Chamber of Commerce spoke in support of Pinkberry and opposes conditions being imposed.
- N. Duke Park, Northridge, spoke about coming to West Hollywood from his home in Northridge, for Pinkberry's yogurt and commented that he and his family often support other West Hollywood business while in the area.

Staff instructed the Commission that in order to place conditions on the business license that they must first make findings supporting the staff recommendation as listed under Section 5.08.210 of the WHMC.

Vice-Chair Zaden moved to adopt Resolution BL 06-001 amending Section three (3), of the Resolution, to read, the hours of operation be limited to 11:00 A.M. to 10:00 P.M., Monday – Thursday, and 11:00 A.M. to 11:00 P.M., Friday and Saturday. The motion was seconded by Commissioner Barker.

Discussion on the motion

Commissioner Isleib asked that the motion included a change in the Resolution extending the 60 review to 90 days so as to give the business and neighborhood sufficient to effectively implement any conditions the Commission might impose.

Commissioner Rogers asked that the motion also amend Section 4 of the Resolution to extend monitoring and cleaning of refuse south of Huntley to Sherwood Drive.

Commissioner Kazakos also asked that a sign be clearly posted at the business entrance stating that the area is restricted to permit parking only.

Vice-Chair Zaden, as a part of the motion, directed staff to look into making this preferential district a tow away.

Commissioner Rogers noted his opposition to restricting the business' hours of operation.

Roll Call Vote:

Yeas; Barker, Isleib, Kazakos, Zaden, Murdhison

Noes: Rogers

Absent: Reichard

Motion carried.

VI. NEW BUSINESS

VII. UNFINISHED BUSINESS

VIII. ITEMS FROM STAFF

IX. LEGISLATIVE

Commission Discussion

Commissioner Barker commented on the following:

- ✓ Ineffectiveness of the security guard
- ✓ Trash in the area
- ✓ Parking
- ✓ Second cash register was not in use at the time of his visit.
- ✓ Emphasized that Pinkberry must be held accountable as any other West Hollywood business.
- ✓ Suggested that the business license be conditioned to allow Pinkberry to operate Sunday – Thursday until 10:00 P.M., and Friday and Saturday until 11:00 P.M.

Commissioner Rogers

- ✓ Suggested replacing the security guard with additional Pinkberry employees who could be *ambassadors*, for the business, between Pinkberry patrons and the neighbors.
- ✓ Placing barriers which would direct customers towards Santa Monica Blvd., with information such as "Residential Permit Parking District".
- ✓ POS system to be implemented to help expedite and effect better order accuracy.
- ✓ Create and regularly meet with sub-committee of neighborhood and Pinkberry representatives to discuss and work towards solving problems.
- ✓ Opposes condition that would restrict hours of operation.
- ✓ Asked that Condition four (4) of the Resolution, regarding monitoring and cleaning refuse on the public right of way be changed from 250' from the property line to extend south on Huntley to Sherwood Drive.

Commissioner Kazakos

- ✓ Concurred with Commission Rogers in opposition to restricting operational hours.
- ✓ Recommended that a sign be posted clearly stating that Huntley Drive permit parking only.
- ✓ Recommends that the City research additional ways to address traffic and circulation in this area.

Vice-Chair Zaden

- ✓ Suggested that the City consider making this area tow away as in other areas, of the City, where parking has been determined to be problematic.
- ✓ Supports the Staff Recommendation.

Chair Murchison

- ✓ Advocated that the neighborhood participate with their neighborhood watch group and National Night Out, as a means of working together to solve this and other neighborhood concerns.

X. PUBLIC COMMENTS

A. Jeanne Dobrin, West Hollywood, voiced her opposition to Commissioner Roger's comments re: hours of operation.

XI. COMMISSION CHAIRS REPORT/ITEMS FROM COMMISSIONERS

XII. ADJOURNMENT

A motion was made to adjourn to the next scheduled meeting of the Business License Commission, to be scheduled as necessary upon the direction of the Director of Community Development, from 6:30 PM until completion at West Hollywood Park Auditorium, 647 No. San Vicente Blvd., West Hollywood. Motion carried.

Meeting adjourned.

PASSED, APPROVED AND ADOPTED THIS DAY OF

May 29, 2007

CHAIRPERSON: Sigyn Zaden

ATTEST:
BUSINESS LICENSE OFFICER:  Acting Manager