

MINUTES

**CITY COUNCIL MEETING
MARCH 30, 1987
WEST HOLLYWOOD PARK
647 N. SAN VICENTE BOULEVARD
7:00 P.M.**

CALL TO ORDER: Mayor Schulte called the meeting to order at 7:10 P.M.

PLEDGE OF ALLEGIANCE: Mayor Schulte led the Pledge of Allegiance.

ROLL CALL: **PRESENT:** Albert, Heilman, Land, Viterbi,
Mayor Schulte

ABSENT: None

ALSO PRESENT: City Manager Brotzman
City Attorney Jenkins

APPROVAL OF AGENDA: The Proclamation for National Library Week was held to the meeting of April 6, 1987. Items 2a, 2b and 2c were removed from the consent calendar for separate discussion. By consensus of the Council.

POSTING OF AGENDA - REPORT BY CITY CLERK: The agenda for this meeting of March 30, 1987, was posted at City Hall on March 24, 1987, in addition to the three (3) required places: Plummer Park, the Sheriff's Station and the San Vicente Library.

PROCLAMATIONS AND COMMENDATIONS: National Library Week (Tabled to the meeting of April 6, 1987)

1. CITY MANAGER'S REPORT: The City Manager held off on his report due to the size of the meeting's agenda.

2. CONSENT CALENDAR: The following routine matters were acted upon by one motion to approve with the majority consent of the City Council, or were removed by a Councilmember for separate discussion. **ACTION:** To approve Item 2d. Motion Heilman second Land. Hearing no objection it was so ordered.

a. CONTRACT WITH LOS ANGELES COMMUNITY DESIGN CENTER FOR THE OPERATION OF A COMMUNITY DEVELOPMENT CORPORATION: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. The Council has set aside \$100,000 from General Funds for the creation of the Community Development Corporation, which will work with city staff in providing housing services in the City of West Hollywood. **ACTION:** Approve the contract, as revised, between the City of West Hollywood and the Los Angeles Community Design Center. Motion Heilman second Albert. Hearing no objection it was so ordered.

b. **PREFERENTIAL PERMIT PARKING INSTRUCTIONS:** REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. Referencing City Ordinance No. 136, 137 (Preferential Parking District 1 addition), and 138 (Preferential Parking District 2), this instruction provides guides for administering preferential parking districts in the City.

At this point in time the following persons came forward to address the Council:

Joyce Hundal, 9002 Rangely Avenue; stated that she felt the City should change the entrance to the Community Gardens to San Vicente Boulevard.

Ralph Feeley, 812 Westbourne Drive, #8; requested that the hotels not be given encroachment permits.

Bruce Traub, 828 Huntley Drive; stated that commercial vehicles should be kept on commercial streets and busses should not be allowed in the residential zones.

ACTION: Approve the Permit Parking instructions as revised with the encroachment permits being deleted. Motion Albert second Viterbi. Hearing no objection it was so ordered.

c. **PERMIT PARKING - SHERMAN DISTRICT 2 - ORDINANCE NO. 138:** REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY.

At this point in time the following persons came forward to speak:

Budd Kops, 969 N. Larrabee Street; asked if a resident in a hotel for over 30 days could apply for a parking permit.

Stephen A. Weaver, 8063 Beverly Boulevard, Los Angeles; Representing the LePark Hotel, felt that the hotel should be eligible for parking permits and also spoke about a loading zone and limited time parking.

Don Levy, 8702 Santa Monica Boulevard; stated that there are yellow zones, green zone and an unmetered parking place that could be changed and made available for commercial and private vehicles.

Jeanne Dobrin, 9000 Cynthia; stated that the tour busses pull up at the hotel at 4:00 O'clock in the morning and sit there with their motors running.

ACTION: To waive further reading and introduce on first reading, Ordinance No. 138, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE PREFERENTIAL PARKING PROVISIONS OF THE TRAFFIC CODE, ESTABLISHING PREFERENTIAL PARKING DISTRICT NO. 2 AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Motion Land second Albert. Hearing no objection it was so ordered.

d. **A CITY HALL LEASE SUBORDINATION AGREEMENT:** The City's landlord, Yehuda Naftali, has requested that the City execute a Subordination Agreement. The agreement has been reviewed by the City Attorney. **ACTION:** To approve the Subordination Agreement. Approved as part of the consent calendar.

PUBLIC HEARINGS:

3. RENEWAL APPLICATION FOR PICTURE ARCADE - ADULT, AND BOOK-STORE - ADULT BUSINESS LICENSE (APPEAL): Paul Self announced that this is a hearing on appeal of the conditions of approval set forth by the West Hollywood Business License Commission in granting renewal of an Adult Picture Arcade and Adult Bookstore business license to Tap Movie Arcade, 7742 Santa Monica Boulevard in West Hollywood. The Commission voted to grant the renewal of the license with the following conditions:

1. There shall be a licensed manager on the premises at all times.

2. The employment of managers shall not be permitted until such time as they have licenses approved by the investigating agencies and have in their possession a valid license, not a receipt.

3. Managers shall have valid identification with them at all times.

4. There shall be at least one uniformed security guard patrolling the interior of the location at all times to discourage any lewd acts on the premises.

5. Licensee shall not permit any lewd activity, as defined in Penal Code Section 647(A) and 647(B), in the location.

6. Licensee shall post a sign in each booth warning customers that they may not engage in lewd activities on the premises.

7. A viewer within a booth shall be fully clothed at all times.

8. The booths shall be occupied by only one (1) person at a time.

9. All booths, including the interior of each booth, shall be visible with the human eye immediately upon entry into the premises. Such visibility does not include the use of closed circuit video cameras. If construction or remodeling is required, licensee shall not operate said business until compliance is met.

10. Licensee shall comply with all provisions of the City's Sign Ordinance under Article IX, Chapter 9440 of the West Hollywood Municipal Code.

Mayor Schulte opened the Public Hearing and announced that the Appellant would be granted 10 minutes to speak followed by 10 minutes for those in favor of the appeal, then 10 minutes for those opposed to the appeal and the appellant would then have 5 minutes for rebuttal. The City Clerk reported that this hearing had been published in the Post Newspaper, posted at City Hall and the 3 required places throughout the City.

W. Michael Mayock, 35 S. Raymond Avenue, 4th floor, Pasadena, 91105 spoke on behalf of the appellant. Mr. Mayock stated that the Sheriff's Department patrols this business constantly. The employees have kept a log on these visits and he submitted this log along with pictures to be made part of the record. The owner is concerned about liability in case of a fight that involves the security guard, when the TV monitors and the mirrors more than meet any need.

At this point in time the following persons came forward to address the Council in favor of the appeal:

John Dentinger, P. O. Box 692200, West Hollywood
Steve Michael, 7711 W. Norton
John Ryan, 1200 N. Gardner

At this point in time the following persons came forward to address the Council in opposition to the appeal:

Early Lincoln, 720 N. San Vicente Boulevard, Sheriff's Station
Nancy Taylor, 1047 N. Crescent Heights
Budd Kops, 969 N. Larrabee

Michael Mayock came forward for the rebuttal and stated that the arrests were made during the time that there were doors on the booths; these have been removed. The cost of the guards and the loss of business since they have been on the premises is working a hardship on the owner and he may be facing bankruptcy. The right of a person to view a film with some measure of privacy has been interfered with and could be seen as censorship and an attempt to legislate and zone out this business.

Paul Self stated that the owner was complying with the intent of the Ordinance with the concave mirrors and they should remain. As far as the guards are concerned, they are there now and we don't know what the effect would be if they were removed.

ACTION: To approve the renewal of the license with the 10 conditions imposed by the Business License Commission, with the following changes:

Condition No. 4, add: "This condition shall be deferred for a 3 month period and upon a hearing in front of the Business License Commission in respect to this condition, it is found that there are no problems during that period, the condition may then be deleted".

Condition No. 9: "The booths shall not have doors and should all be visible upon entry to the picture arcade area through the use of concave mirrors."

Also add: "The City reserves the right to require visibility of the booths upon entry into the premises, if, in the future, such condition is warranted".

Motion Land second Albert.

AYES: Albert, Heilman, Land, Viterbi

NOES: Mayor Schulte

Motion carried.

4. APPLICATION FOR DANCE BUSINESS LICENSE (APPEAL) CLUB L.A.:

This is a hearing on appeal of the decision of the West Hollywood Business License Commission in denying a Dance Business License to Club L.A., 8265 Santa Monica Boulevard, in West Hollywood. The staff report was given by Paul Self and Howard Zelefsky. The City Clerk reported that notice of this hearing was published in the Post Newspaper, posted at City Hall, Plummer Park, the Sheriff's Station and the Library at San Vicente. Mayor Schulte stated that the same rules would apply as for the previous hearing; 10 minutes for the appellant, 10 minutes in favor, 10 minutes opposed and 5 minutes rebuttal.

Arlen Andelson, 825 N. San Vicente, attorney representing the appellant presented background information to the Council, stating that it was only after the close of escrow that the owners were notified of the violations, which has resulted in the closure of the patio portion of the restaurant.

Stephen Lane, 1155 N. LaCienega Boulevard, representing the owner, answered questions about the delay in this application and reported on the progress being made to cure these violations.

At this point in time the following persons came forward to speak in favor of the appeal:

Dennis Graff, 2211 Meadow Valley Terrace, Manager of Cafe L.A., presented a petition bearing approximately 700 names in favor of the appeal, to the City Clerk.

Richard Lampblack, 8716 Bonner Drive, Manager of the restaurant part of the operation at Cafe L.A.

Steve Michael, 7711 W. Norton

At this point in time the following persons came forward to speak against the appeal:

Jeanne Dobrin, 9000 Cynthia

Budd Kops, 969 N. Larrabee

David Behr, 8127 W. Norton

Paul Berberian, 8262-8258 W. Norton Ave.

Nancy Taylor, 1047 N. Crescent Heights

Arlen Andelson and Stephen Lane then delivered the rebuttal and Mayor Schulte closed the Public Hearing and returned the discussion to the Council and staff.

Paul Self informed the Council that the Commission denied the license because the business was not in conformance with the regulations of Building and Safety, Fire and Planning. It was their decision that no license could be issued until the owner brought the Cafe L.A. into compliance with all regulations. They have taken some steps, but are still not in full compliance. In order to have the license approved they should also install soundproofing in the rear of the property and maybe change the rear windows to a double glaze that would keep some of the sound in the building, remove the outdoor slab and pave and restripe the parking lot, and remove the illegal storage shed. Also, Paul Self would like to check on the permits for the wall at the front door.

ACTION: For the Cafe L.A. to comply with all conditions as outlined by the Business License Commission.

That sound proofing be installed on the North side of each structure.

That the shed be removed.

That dancing be stopped until all conditions are met.

That the application for a dance license be heard by the Business License Commission at their meeting of April 21, 1987, and if all conditions are met before the April 21st hearing, the Planning staff may grant permission to resume dancing.

Motion Albert second Heilman.

AYES: Albert, Heilman, Land, Viterbi, Mayor Schulte

NOES: None

Motion carried.

Mayor Schulte called a recess at 9:40 P.M.

The Council reconvened at 10:05 P.M.

5. APPLICATION FOR HEALTH CLUB BUSINESS LICENSE (APPEAL) - ASHKENAZY ENTERPRISES, INC.: The staff report by Paul Self and Howard Zelefsky informed Council that this is a hearing on appeal filed by Ashkenazy Enterprises, Inc. of a decision made by the Interim Business License Commission to grant a temporary Health Club business license to Le Mondrian Hotel with conditions. The appeal contests the Commission's decision to restrict the use of the health club to registered hotel guests.

Mayor Schulte opened the Public Hearing, announced that the same rules would apply as to time for testimony, and the City Clerk reported that this hearing was advertised in the Post Newspaper and posted at City Hall, Plummer Park, the Sheriff's Station and the San Vicente Library.

Stephen A. Weaver, 8063 Beverly Boulevard, addressed the Council as the representative of the Le Mondrian Hotel, and requested that the Health Club be available to non-hotel guests.

With no one present who wished to speak in favor of the appeal, Mayor Schulte called on those opposed and the following persons came forward to speak:

Budd Kops, 969 N. Larrabee

Jeanne Dobrin, 9000 Cynthia

No one else wishing to speak, Mr. Stephen Weaver delivered the rebuttal. Mayor Schulte closed the Public Hearing and returned discussion to the Council.

ACTION: To uphold the Business License Commission in allowing hotel guests only, and deny the appeal. Motion Land second Albert.

AYES: Albert, Heilman, Land, Viterbi, Mayor Schulte

NOES: None

Motion carried.

6. APPLICATION FOR DANCING AND ENTERTAINMENT LICENSES (APPEAL) - ASHKENAZY ENTERPRISES: Paul Self reported that this is a hearing on appeal filed by Ashkenazy Enterprises, Inc., of a decision made by the West Hollywood Interim Business License Commission to grant Entertainment and Dance business licenses to Le Bel Age Hotel with the following conditions:

1. Applicant may not use any ballrooms or other facilities in the hotel as a nightclub, disco, theater, dance hall, cabaret or any other similar type of dance or entertainment facility regularly or periodically open to the public, or as a private club regularly or periodically open to members of the club.

2. In order to ensure that the ballroom facilities remain an accessory use to the hotel and do not take on the character of a nightclub, the applicant shall adhere to the following:

A. Evening use of the ballrooms is to be exclusively for private events. These events must be reserved in advance and be non-recurring (limited to no more than two events per year, for any one organization or individual).

B. Organizations or individuals using the ballroom facilities must be established organizations sponsoring organizationally related events or individuals hosting wedding receptions, family reunions, anniversary celebrations or similar events.

C. Entrance to these events shall be by advance invitation only and in no event shall the ballroom facilities be used for activities which allow, permit, encourage or are open to members of the general public not specifically invited by name to the event, or which invite guests by general advertisement, word of mouth or other similar, non-specific means.

3. Applicant must follow all of the conditions stated in County Conditional Use Permit 1728-(3), issued by the County Regional Planning Commission on October 23, 1981.

4. No dancing or entertainment, live or mechanical or public address systems or amplification, outside of the main building of the hotel, the roof of the hotel, or any other location except within the main building.

5. Dancing and entertainment is only to take place as an accessory use to the restaurant and ballroom facilities of the hotel.

Mayor Schulte opened the Public Hearing and the City Clerk reported that this hearing was advertised in the Post Newspaper and posted at City Hall, Plummer Park, the Sheriff's Station and the San Vicente Library.

Stephen A. Weaver, 8063 Beverly Boulevard, addressed the Council as the representative of the Le Bel Age Hotel.

No one wishing to speak in favor of the appeal, the following persons came forward to speak in opposition to the appeal:

Jeanne Dobrin, 9000 Cynthia

Budd Kops, 969 N. Larrabee

A letter in favor of the appeal was received from Steve Michael and a letter in opposition to the appeal was received from Ruth Williams and both are here entered into the record.

Stephen Weaver delivered the rebuttal and Mayor Schulte closed the Public Hearing and returned this item to the Council for discussion.

ACTION: That the Dance and Entertainment License shall be issued when the conditions of the CUP are met to the satisfaction of the Planning Commission and the Community Development Director, with the 5 conditions called for by the Business License Commission as modified below:

2. add: --"the applicant shall adhere to the following with respect to dance or entertainment activities.

A. Evening use of the ballrooms is to be exclusively for private events which must be reserved in advance.

C. Entrance to these events shall be by advance invitation or reservation only and in no event shall the ballroom facility be used for activities which allow, permit, encourage or are open to members of the general public not specifically invited by name to the event, or who do not register in advance.

Motion Land second Viterbi.

AYES: Albert, Heilman, Land, Viterbi, Mayor Schulte

NOES: None

Motion carried.

CITIZEN COMMENTS

Sybil Zaden, 1211 Horn, representating the Shoreham Heights Neighborhood Association, addressed the Council about the problems encountered by the residents this evening due to the event at Spago's following the Academy Awards. Mayor Schulte asked that this matter be referred to the City Manager.

CLOSED SESSION: Mayor Schulte adjourned the meeting to a closed session at 11:04 to discuss matters pertaining to litigation, potential litigation and/or personnel.

Mayor Schulte reconvened and adjourned the meeting at 11:22 P.M. to a regular scheduled meeting on April 6, 1987 at 7:00 P.M. at West Hollywood Park.