

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, OCTOBER 2, 1995
WEST HOLLYWOOD PARK
647 N. SAN VICENTE BOULEVARD
7:00 P.M. - Regular Meeting**

CALL TO ORDER: Mayor Heilman called the meeting to order at 7:10 p.m.

PLEDGE OF ALLEGIANCE: Marci Miller led the Pledge.

ROLL CALL:

PRESENT- Councilmembers-Guarriello, Land, Martin, Koretz and Mayor Heilman
ALSO PRESENT- City Manager Brotzman, City Attorney Jenkins, City Clerk Love, and
Assistant City Clerk Thompson

REPORT OF CLOSED SESSION AGENDA: City Attorney Jenkins stated that at approximately 6:00 p.m. the Mayor called the meeting to order at which time the City Council voted by a unanimous vote 3/3 to add two items to the Closed Session Agenda under Initiation of Litigation. At that time recessed into a Closed Session to discuss items on the Closed Session Agenda. A copy of the written report is on file with the City Clerk.

APPROVAL OF AGENDA: Councilmember Guarriello abstained from item 2.B. Moved to approve the agenda as presented. Motion Councilmember Land, seconded Mayor Pro Tem Koretz and unanimously carried.

PRESENTATIONS: Councilmember Land read a proclamation designating October as Disabilities Awareness Month which will be presented to the Disabilities Advisory Council at its organizational meeting on Thursday, October 5, 1995.

Jim Ballard from the West Hollywood Aquatics Group stated that Curtis Brown and Tyrone Makinley have contributed greatly to the expansion of the aquatics program. He acknowledged their outstanding job. He presented the staff with T-shirts. Mayor Heilman thanked him for the recognition. Tyrone also thanked West Hollywood Aquatics for the recognition.

Mayor Heilman presented a proclamation which designated October as Gay and Lesbian History month to Bob Riddle, from the Gay, Lesbian and Straight Teachers Network of Los Angeles. Mr. Riddle thanked the City Council for the proclamation.

Councilmember Land announced that on Wednesday October 11, 1995 at 7:00 p.m. Ramona Rupson , Executive Director of ACLU, will be addressing the Women's Advisory Council on Affirmative Action.

1. **CITIZEN COMMENTS:**

JOHN DUPONCE, WEST HOLLYWOOD, spoke in support of the appeal of the House of Blues.

BUDD KOPS, WEST HOLLYWOOD, reminded the City Council of the statements made by the developer. He suggested that three members of the Council should excuse themselves from this discussion.

HALEY POWERS, WEST HOLLYWOOD CONVENTION AND VISITORS BUREAU, she thanked the Council for all their support. She indicated her support for the ordinance on ancillary facilities within hotels and the House of Blues.

LONNIE HEINEMANN, WEST HOLLYWOOD, stated she does not like the City Council of West Hollywood or this country.

TAI PARRISH, WEST HOLLYWOOD, made a statement about the lack of help they have received in a lawsuit.

MARK HEINEMANN, WEST HOLLYWOOD, he complained about his lawsuit and presented all the papers that have been served on him by his landlord. He stated he has received no help from Rent Stabilization Department.

DAVID WEISSNER, WEST HOLLYWOOD, stated he was present at the Mark Heinemann trial and testified regarding the dog.

DAN BERGMANN, WEST HOLLYWOOD, stated his support of the appeal of the House of Blues.

SIBYL ZADEN, WEST HOLLYWOOD, stated there is a public meeting on October 30th on the area code split, she stated she is not in favor of an area code split.

CITY MANAGER'S REPORT: City Manager Brotzman stated he had two items to report on. The pleasant news is that very recently the Healthy Cities Program has been recognized as one of the outstanding healthy cities program and we have been asked to do a presentation in Kyoto, Japan in which Daphne Dennis will represent the City.

He announced a recent Supreme Court decision relative to Proposition 62 which was passed about 9 years ago. Portions of the proposition were declared unconstitutional. The Supreme Court last week upheld provisions of Proposition 62. This decision means that prospectively any tax increases will be required to be submitted to the vote of the people, and can only be implemented by a majority vote. If the decision is held retro-active this will have very serious consequences on the City's Budget as much as \$2 million out of balance for this year, and \$5.5

million of refunds to provide to business and guests in hotels in West Hollywood. Until we know the outcome of the decision, the City Manager will be recommending that the Council place a freeze on hiring and on expenditure for general fund capital projects. The one capital project that will not be stalled will be the Fire Station. It will impact some of our activities in the future.

FISCAL IMPACT ON CONSENT CALENDAR: Assistant City Clerk Thompson stated that the fiscal impact for the Consent Calendar of October 2, 1995 is \$332,400 in expenditures and zero dollars in potential revenue.

2. CONSENT CALENDAR:

ACTION: Approve items 2.A, B, C, D, E, F, G, H and I. Motion Councilmember Guarriello, and seconded by Councilmember Land and unanimously carried with Councilmember Guarriello abstaining on item 2.B.

A. POSTING OF AGENDA: The agenda for the meeting of Monday, October 2, 1995 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, September 28, 1995.

RECOMMENDATION: Receive and file. Approved as part of the Consent Calendar.

B. APPROVAL OF MINUTES:

RECOMMENDATION: Approve the minutes of the Special Meeting Monday, August 28, 1995 and the Regular Meeting of Monday, September 18, 1995. Approved as part of the Consent Calendar, noting the abstention of Councilmember Guarriello.

C. WAIVER OF FURTHER READING:

RECOMMENDATION: After the City Attorney has read the title of any ordinance on tonight's agenda, the further reading thereof shall be waived. Approved as part of the Consent Calendar.

D. CLAIMS ADMINISTRATION:

RECOMMENDATION: Deny the claims of John Wiker/Jill Price, Clare Frances Nelson Files S-85543SWK, and S-85542 SWK, Laurentia Visan, Raymond L. Murphy, Jr., Ronald Rinehart, Alexander & Christian Trosch Files S-82543 PRK, S-82652 PRK and S-82289 PRK, Helen Romm, and Adam Newman without comment and refer to the City's claims adjuster. Approved as part of the Consent Calendar.

E. DEMAND REGISTER NO. 303, RESOLUTION NO. 95-1495:

RECOMMENDATION: Approve Demand Register No. 303 and adopt Resolution No. 95-1495, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE

PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 303.” Approved as part of the Consent Calendar.

F. ORDINANCE NO. 95-448 (2nd Reading), PROPOSED ORDINANCE APPROVING ZONING TEXT AMENDMENT 94-06 -- ANCILLARY FACILITIES WITHIN HOTELS IN RESIDENTIAL ZONES:

RECOMMENDATION: Waive further reading and Adopt Ordinance No. 95-448, “AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADOPTING ZONING TEXT AMENDMENT 94-06, CONCERNING HOTELS IN RESIDENTIAL ZONES AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE.” Approved as part of the Consent Calendar.

G. AMENDMENT TO CONTRACT FOR PROFESSIONAL SERVICES WITH WALKER PARKING CONSULTANTS, INC.:

RECOMMENDATION: (1) Approve amendment to the professional services contract with Walker Parking Consultants, Inc. in an amount not to exceed \$265,000. for continued design and engineering services, construction administration services, retail space tenant improvement design and engineering services for the parking facility under construction located at 8383 Santa Monica Boulevard, West Hollywood; and (2) Authorize the City Manager to sign the agreement. Approved as part of the Consent Calendar.

H. NEW CLASSIFICATION SPECIFICATIONS - PARKING ANALYST:

RECOMMENDATION: (1) Approve classification specifications for Parking Analyst as presented; and (2) Approve classification grading of GE-13 Exempt. Approved as part of the Consent Calendar.

I. RESOLUTION SUPPORTING FUNDING OF THE LEGAL SERVICES CORPORATION TO PROVIDE LEGAL SERVICES TO THE POOR:

RECOMMENDATION: (1) Adopt Resolution No. 95-1496, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD SUPPORTING FUNDING OF THE LEGAL SERVICES CORPORATION TO PROVIDE LEGAL SERVICES TO THE POOR.” Approved as part of the Consent Calendar.

3. PUBLIC HEARINGS:

A. APPEAL OF PLANNING COMMISSIONS DECISION REGARDING VARIANCE REQUEST 95-02 AT 9009 ELEVADO, TO ALLOW A FRONT YARD SETBACK OF TEN (10) FEET INSTEAD OF NOT LESS THAN TWENTY (20) FEET IN ORDER TO CONSTRUCT A ROOM ADDITION:

Assistant City Clerk Thompson stated that a notice of public hearing was published in the *West Hollywood Independent* on September 20, 1995 and notices were also mailed to a 500' foot radius on September 20, 1995.

Hassan Haghani, Associate Planner, provided background information as outlined in the staff report dated October 2, 1995.

Mayor Heilman asked if this came before the Council as a planning text amendment would staff be opposed.

Mr. Haghani responded that personally he would not be opposed.

Lisa Heep, Planning Manager, added that the neighborhood has not come to any conclusion on the setback recommendation.

Mayor Heilman opened the public hearing.

MARCI MILLER, APPELLANT, stated she is requesting a low impact, minor improvement to her property and indicated that she is a little confused about the setbacks. She added that she read the zoning code and cannot find where Elevado is a special street, and did not know Elevado was different than other streets in the zone. A map was distributed. She indicated that 30% of the zone have setback variances. She has indicated that this is economically unjust and cannot find why Elevado is being treated differently from other homes in the area. She stated she has been singled out.

BERNARD GORY, ARCHITECT, provided some drawings to the City Council. He indicated that Marci Miller came to him as she needed more living space. He stated that of all the alternatives that she has been looking at, going out in front is the most viable. He stated that to build up would be the most intrusive to the neighborhood. He concluded that the setback requirements in this area are very restrictive. The lots are small, the houses are small and the setbacks are large.

FRANCES DIAZ, WEST HOLLYWOOD, thanked the Council for their time. She stated she is the Norma Avenue Captain of the Neighborhood Watch. She asked the people to stand that are in support of Marci Millers appeal. There were ten people who stood. She asked the Council to support Marci Millers appeal. She also submitted 57 signatures in support of Marci Miller.

JOANNA HEATHCOTE, WEST HOLLYWOOD, stated that the Planning Commission should be working with the residents instead of against them. She asked the Council to grant the appeal.

LOIS SIDNEY, WEST HOLLYWOOD, spoke on behalf of the Norma Triangle. She indicated they do not all agree all the time but on this issue they are in 100% agreement. She asked the Council to grant the appeal.

SYDNEY GUILAROFF, WEST HOLLYWOOD, stated he lives on Lloyd Place. He indicated he got a variance to improve his property and feels that Marci Miller should be granted the variance.

OWEN CRUMP, WEST HOLLYWOOD, stated they have lived on Elevado for 25 years. He asked the City Council to grant the appeal.

JOHN CARLYLE, WEST HOLLYWOOD, spoke in favor of Marci Miller's appeal and encouraged the Council to grant the appeal.

Mayor Heilman closed the public hearing.

Mayor Pro Tem Koretz stated that this proposal is very consistent with the neighborhood and part of what gives the neighborhood its charm, the unique improvements made to it. He stated approving this would be a win/win situation. He would like to see the variance approved and direct staff to move forward with the lower priority amendment.

Councilmember Land indicated she drove by this property a few times this week. She stated that this request is not as innocuous as it sounds. She is hesitant about moving forward unless there is some direction to look at the setbacks. She stated the Council should look at this area comprehensively not piecemeal.

Councilmember Martin stated that he agrees with Councilmember Land and that if this is agreed then there should be direction to come back and look at the setbacks. He indicated he has been through the neighborhood and the setbacks are inconsistent. He stated he would be willing to back the variance with the direction to staff to look at the setbacks comprehensively.

Councilmember Guarriello stated he does not see any problem with it.

Mayor Heilman stated that there are reasons for setback requirements. Both staff and the Planning Commission were doing the right thing as the zoning code and general plan do not allow for this. He stated he also went out to the property to look at the setbacks. The better approach is the way the staff is recommending. He indicated that he does have a concern about using the variance process for this.

RECOMMENDATION: (1) Grant the appeal; (2) direct staff to return to the City Council with a revised resolution approving the appeal at its next meeting; and (3) direct staff to bring to the City Council appropriate zoning changes within 6 months.

Motion Mayor Pro Tem Koretz , seconded Councilmember Guarriello and unanimously carried.

B. RESOLUTION ON COMPLIANCE WITH LOS ANGELES COUNTY TRANSPORTATION COMMISSION CONGESTION MANAGEMENT PLAN:

Assistant City Clerk Thompson stated a notice of public hearing was published in the West Hollywood Independent on September 20, 1995 and posted on September 18, 1995 pursuant to W.H.M.C. Section 2300.

Lucy Dyke, Transportation Manager provided background information as outlined in the staff report dated October 2, 1995.

Mayor Heilman opened the public hearing, no speakers coming forward the public hearing was closed.

RECOMMENDATION: Adopt Resolution No. 95-1497, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL IMPLEMENTATION REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089."

Motion Councilmember Guarriello, seconded Councilmember Land and unanimously carried.

C. APPEAL OF THE PLANNING COMMISSION'S DECISION TO MODIFY THE EXISTING CONDITIONAL USE PERMIT 92-10 FOR THE HOUSE OF BLUES RESTAURANT AND NIGHTCLUB LOCATED AT 8430 SUNSET BOULEVARD:

Assistant City Clerk Thompson stated a notice of public hearing was mailed to a 500' radius on September 18, 1995 and was published in the West Hollywood Independent on September 20, 1995.

Jennifer Davis, Associate Planner, provided background information as outlined in the staff report dated October 2, 1995.

Mayor Heilman opened the public hearing.

MARK LEHMAN, REPRESENTING HOUSE OF BLUES, he asked that the people in support of House of Blues to stand and demonstrate their support. He indicated that a petition was signed by both residents and businesses supporting the House of Blues. He indicated that the House of Blues largely supports the staff report. He indicated that they acknowledge there were some impacts on the neighborhood in the initial months of operation. Regarding parking the original condition was 285 parking spaces and now there are approximately 700 parking

spaces in the immediate vicinity and is more than adequate to accommodate the House of Blues. As far as outdoor deck enclosure is concerned the House of Blues recently surveyed the issue and completed the costly deck enclosure project. The House of Blues completed a traffic study as requested by the Planning Commission. Relative to valet parking they have vastly improved this area. They have worked very hard with the City and the community. Regarding additional parking they are willing to go along with the staff request in Section 10.2. They support the current draft resolution relative to occupancy. As far as required parking they are willing to work with staff requirement of 556 spaces. Their only issue is regarding long term written leases for those spaces. They can provide written evidence of parking but not long term recordable lease. Another issue is micro managing in Section 11.17 which tends to regulate the use of the facility and the time frame in between shows, and requests that requirement be eliminated. He also requests the requirements in Section 11.19 not be enacted.

JAMES CAPARELLI, DIRECTOR OF REAL ESTATE DEVELOPMENT, HOUSE OF BLUES, he indicated that they are here before the Council regarding an appeal of the Planning Commission action. He stated that they have been unfairly labeled as a nuisance which is impacting them in other parts of the country. He asked that no restriction be placed on occupancy and that should be set by the Building Manager and the Fire Department.

LAURA GROVER, WEST HOLLYWOOD, EMPLOYEE OF HOUSE OF BLUES, stated her support for the House of Blues.

GLENN GOLDBERG, WEST HOLLYWOOD, representing Hilltop Homeowners Association, stated he doesn't care about the occupancy of the facility as long as the parking and other requirements are being met, and those requirements are NOT being met. He stated the goal was to eliminate the use of the Peterson lot. He asked that the Peterson Building Lot be relieved. He responded to the comment made by Mark Lehman and stated that people just give up complaining.

MARK DELGADO, VENTURA, as a former gang member, stated his support for the House of Blues Foundation program.

JIM BERLAND, TOY FOODS, INC., indicated he was sold a bill of goods and got something very different. He compared what was indicated originally versus what is current reality. He stated that at the original hearing HOB staff indicated one show at 9:00 p.m., now its two shows. Occupancy would be 750 capacity. Changes in the parking lot. The fundamental problem is that if the House of Blues is allowed to continue the people still have to allow the passage of those cars before they go anywhere else.

CORIN KAHN, SHERMAN OAKS, ATTORNEY REPRESENTING TOY FOODS INC., the House of Blues is killing Butterfields, and the conditions that the Council are required to find are there are no substantial impact on existing land uses on the subject property, and that finding can no longer be made. He indicated he will submit evidence to the Council indicating that. He objected to comments made by Mark Lehman and Mr. Caparelli relative to if they are not allowed the occupancy of 1350 then they will move. The House of Blue have been given special privileges to operate the last 18 months without a Certificate of Occupancy, for 18 months the City has turned the other way to occupancy violations. The City's Municipal Code does not allow a nightclub at that location, cannot locate a nightclub within 500 feet of another nightclub and the Comedy Store is directly across the street from this location. There is no right for the House of Blues to be at the location it is currently in.

BARBARA GARCIA-WEED, STATE OF CALIFORNIA COMMISSION ON AGING, indicated that a letter had been submitted on October 2, 1995 from the Commission on Aging. She spoke about the House of Blues Foundation Program.

ELAINE MUTCHNIK, EXECUTIVE DIRECTOR OF CHAMBER OF COMMERCE, stated the House of Blues is a significant asset to the community. Secondly, the House of Blues has worked diligently with staff and the community. Finally, the Planning Commission resolution before you punishes the House of Blue for being successful. Let the Building and Safety Department and the Fire Department set the limits for occupancy. She stated her support for the House of Blues.

SUSAN MARKHEIM, stated that the noise of the House of Blues keeps her up at night at the Peterson Parking Lot. She indicated that the valet drivers are speeding at night.

LYNN HOOPINGARNER, PRESIDENT OF THE WHITE HOUSE HOMEOWNERS ASSOCIATION, she indicated that parking and traffic are the main issues. She asked the that the traffic study be revised to reflect the 1350. The noise continues to be a problem for the homeowners as well as crime and property value.

MARIA DE ANGELO, stated the House of Blues has been accommodating but the parking and valet has not been addressed.

BOB BRODSKY, supports the Planning Commission resolution.

JOE SHOOSHANI, WEST HOLLYWOOD, stated he has been working with the House of Blues in developing a parking structure.

SYBIL ZADEN, WEST HOLLYWOOD, stated she was part of the Planning Commission. She indicated that there are three issues of parking, occupancy and credibility. She supports the appeal.

LEE JAY BERMAN, MEDIATOR, indicated he has been facilitating regular meetings at the House of Blues. He indicated he is not taking a position on the issue which is before the City Council but just wanted to let all know of the concentrated effort being made by all parties involved.

RICHARD CERVERA, PRESIDENT OF THE HOUSE OF BLUES, stated we will have problems with our neighbors, and we are working on it. He states there has been progress. House of Blues is trying to build another lot and remove themselves from the Peterson lot.

TERRANCE BURTON, WEST HOLLYWOOD, stated he worked at the House of Blues since it opened. He indicated that he has been taught many positive things at the House of Blues. He added that traffic has always been a problem, violence has always been a problem. He stated he is in support of the House of Blues.

GARY HALL, WEST HOLLYWOOD, employee of the House of Blues and stated his support for the House of Blues.

LANCE STERLING, GENERAL MANAGER OF HOUSE OF BLUES, stated his support for the House of Blues. Any issues brought to them they deal with immediately.

KEVIN LYONS, ASSISTANT. GENERAL MANAGER, stated his support for the House of Blues, and wants to continue to work to resolve any problems.

MARLENE HANDLER, WEST HOLLYWOOD, stated that there are still some things that need to be worked out. She indicated the people need to be out of the Peterson lot. She asked the Council for some relief on La Cienega as the traffic is horrendous.

MARK LEHMAN, restated that since the Planning Commission meeting they have resolved many of the problems. He respectfully requested the resolution before the Council.

Mayor Heilman closed the public hearing.

The City Council recessed at 9:15 p.m.
The City Council reconvened at 9:30 p.m.

Councilmember Martin stated that this issue is frustrating because the Council is hearing two different stories. At this point the Council needs to focus on how to resolve the issues by the neighbors. He indicated that the Sheriff's tend to be at Sunset and Olive but not necessarily when some of the other complaints are taking place. He asked Mark Lehman if the House of Blues has a plan with the Sheriff's Department regarding patrols, and their policy with car alarms and valet parking.

Mr. Lehman responded that they hire off duty Sheriff's officers and they in a sense are working for the House of Blues but ultimately respond to the Department. He also stated they are very cognizant of the issues with the valet and it is their intent to resolve the issues. Mr. Lehman stated that the valet service has been working on the car alarm issue. He indicated that there were some additional issues which were brought to their attention tonight which the House of Blues was not aware of and will be addressed. He additionally stated they will avoid parking on the south side of the lot. He added that the House of Blues has entered into some self-parking agreements which has relieved some of the problem.

Councilmember Martin stated that although the Fire Department may have indicated that facility could hold a certain number, there still are parking concerns for those people.

Councilmember Guarriello stated that parking is the big problem. Infringement on residential areas is a great concern. He indicated that nobody is trying to put the House of Blues out of business.

Mr. Lehman responded that the City Council was provided with an outline of parking which provides over 700 parking spaces within 1 1/2 blocks of the House of Blues. They have provided copies of the agreements.

Mayor Pro Tem Koretz stated that he doesn't necessarily feel the House of Blues is a nuisance. He feels they have resolved many of the early problems. The House of Blues has continued to work with the community to resolve many of the concerns and the issues. They have taken a lot of steps to mitigate the problems and so has the City. Permit parking has alleviated some of the problem and he is not aware of any nightclub that has opened up which did not result in permit parking. He indicated the Council is still hearing some problems. The biggest remaining problem is the Peterson parking lot. Until the Peterson problem is mitigated there should be some kind of supervisor on site every night until the issue is resolved. He indicated there are also some ongoing problems with the Butterfield's site which needs to be resolved. There are clearly still a lot of problems with those two businesses. He indicated that a number of the problems that remain are not tied to the occupancy. He would like to see the Shooshani

project move forward. He asked if there is any possibility to eliminate the use of the Peterson surface lot.

Mr. Lehman responded that depending on the ultimate size of the Shooshani site it may relieve some of the pressure at Peterson lot. As soon as it is built they can more effectively use the surface lot and utilize the area primarily away from the south side of the site.

Mayor Pro Tem Koretz asked if the Peterson building is being used for employees.

Mr. Lehman responded the employees utilize the Peterson lot during the day otherwise they use the Raleigh site.

Councilmember Land stated that she lives right below the House of Blues. She added that the House of Blues has taken a number of steps to alleviate some of the problems. Permit parking has helped to relieve traffic and parking issues. She indicated that Councilmember Martin has brought forth the issue of placement of the Sheriff's. She also indicated that when you do call the staff has been very responsive. She indicated there are still some outstanding problems, in particular with the Peterson lot.

Mayor Heilman stated that the portion of the Planning Commissions decision which he had a problem with was the statement that the House of Blues is a nuisance. He indicated that it has had an adverse affect on the House of Blues. He doesn't feel it is a nuisance and he lives on La Cienega and Fountain. He is proud that it is part of this community. There are impacts on the neighborhood and the House of Blues has worked to mitigate the problems. He does not look at this as an adversarial role but a cooperative one. Relative to occupancy he doesn't feel this will have any impact on the traffic, noise, etc. Another condition which he feels will create difficulties in enforcement is the one hour between shows. He indicated there are some concerns which need to be addressed on an ongoing basis. If the Peterson lot is going to continue to be used then some sort of buffer needs to be installed.

Mayor Heilman indicated that the Council will look at each condition one by one and there may be additional conditions.

CONDITION 10.2 - Parking Deck

The condition, as recommended by staff, is that the House of Blues is obligated to provide additional parking at the Shooshani site. This condition was approved by consensus of the City Council.

CONDITION 10.3 - Incentives

The condition requires people to advise on the phone and to distribute flyers to make people aware of the parking. When the valet parking is full the valet service is required to distribute flyers with the self-parking site locations and cost.

Councilmember Land asked that the flyer be inserted with tickets that are mailed.

CONDITIONS 10.4 AND 10.11 - Parking requirement and Parking spaces in conveyance against the property.

Staff is recommending that 556 is the requirement for every night instead of the two nights recommended by the Planning Commission. For the 159 spaces, written agreements would be acceptable, by the Department of Transportation. There would be 397 parking spaces which would be covenanted.

Mr. Lehman responded that they fell comfortable with this condition.

CONDITION 10.12 - Driveway

The condition of keeping the driveway open at all times. The staff has proposed that vehicles cannot be left unattended and parked on the site no longer than three-hours. Mayor Heilman asked Mr. Lehman if House of Blues was comfortable with the condition.

Mr. Lehman responded that they fell comfortable with this condition.

CONDITION - 10.13 Traffic & Parking Study

Mayor Heilman asked the City Council if they would like to modify or leave in and indicated this condition has been met. By consensus of the City Council this condition has been met.

CONDITION 11.12 - Limited onsite Parking lot for Employee Vehicles

Ms. Davis indicated that the applicant wanted language "except for deliveries and loading and unloading of equipment" and that staff has modified to allow for that use. This condition was approved by consensus of the City Council.

CONDITION 11.14 - No "four wall events"

Mayor Heilman indicated that outside promoters are using the club. Mr. Lehman has indicated the House of Blues is in control of the event, and the current events they have at the club will not be in violation of this condition.

CONDITION 11.15 - Time of Shows

Staff modified the condition to allow one or two violations in the time frame would not be in violation of the CUP, however, 6 or more times would be in violation of the CUP.

Mayor Pro Tem Koretz indicated that if it is an ongoing problem and they were letting folks out after 2:00 p .m. then we would know.

Councilmember Martin stated that this would be problematic if we loosen this condition up.

Mr. Lehman indicated they have some concerns, however something could be worked out, perhaps if language was added indicating best effort or good faith etc.

Mayor Heilman suggested going along with the staff recommendation and if House of Blues knows in advance, for scheduling purposes, it is going to run late they can ask for permission in advance and these would not be counted in the six times per year.

CONDITION 11.16 - Occupancy of building

Staff recommendation is to allow for the establishment by the Building and Safety Department and the Fire Department of 1350. The Planning Commission recommended 999.

City Attorney Jenkins clarified that when this originally was approved there was no occupancy limit imposed. The occupancy of 750 was never made a condition of approval. Now the Planning Commission is recommending the 999, but staff is recommending no occupancy limit be established through the Fire and Building Departments like every establishment. He stated he is opposing a higher occupancy that the Fire or Building and Safety Department recommends.

By consensus of the City Council it was established that Building and Safety Department and the Fire Department set the occupancy and delete this condition.

CONDITION 11.18 - One hour between acts

By consensus of the City Council, staff was directed to eliminated this condition.

CONDITION 11.20 - Traffic Study.

The Council has already indicated that this condition has been satisfied.

ADDITIONAL ISSUES RAISED TONIGHT:

Mayor Pro Tem Koretz asked that the City Council impose these conditions without declaring the House of Blues a public nuisance.

By consensus of the City Council staff was directed to delete the reference to public nuisance.

CONDITION 11.19 - Participate in a District that would help develop parking.

This revised condition by Joan English, Director of Transportation, states that if the House of Blues did not provide the parking they would have to participate in a district that will provide parking.

Mr. Lehman indicated that House of Blues will be cooperative with the City to put together an district, however they have some concerns, they do not know what the district would be.

OTHER ADDED CONDITIONS:

Mayor Heilman asked that the security is actively trying to defer problems in the neighborhood. Possibly add some additional conditions on the valet.

Councilmember Land requested that the supervisors provide a report.

Councilmember Martin asked that some sort of physical buffer be implemented.

Mayor Heilman asked the House of Blues to work with the neighbors and the Peterson's to implement some sort of physical buffer or use of the site to alleviate the noise.

Mayor Pro Tem Koretz indicated that there should be some direction given regarding law enforcement on DeLongpre area with increase crime and auto theft.

ACTION: By consensus of the City Council direct staff to make the modifications to the resolution as outlined and return to the City Council at its November 6, 1995 meeting and direct the Public Safety Division to focus on the area surrounding House of Blues.

COUNCILMEMBER COMMENTS: None

4. UNFINISHED BUSINESS:

A. FINE ARTS ADVISORY BOARD APPOINTMENTS:

RECOMMENDATION: Appoint Florence Sinay to the Fine Arts Advisory Board, effective October 5, 1995 for a two year term ending May 31, 1997.

Motion Councilmember Martin, seconded Councilmember Land and unanimously carried.

B. PRESENTATION AND AWARD OF CONTRACT FOR DROUGHT TOLERANT DEMONSTRATION GARDEN AT CRESCENT HEIGHTS TRIANGLES:

David Hare, Environmental Services Manager, provided a chronological outline of the project as outlined in Attachment C.

Mayor Heilman asked if the planting area could be enlarged?

Mr. Hare responded that any alteration to the plans could potentially have fiscal impact due to the fact these plans were approved by the Federal government.

John Jakupcak, Environmental Programs Analyst, provided an overview of the plan, and submitted plans

Mayor Heilman asked if staff could be directed to enlarge the interior circles as large as possible.

RECOMMENDATION: 1) Accept the bid dated September 5, 1995 in the amount of \$49,074.00 from Belaire-West Landscape, Inc. for the Drought Tolerant Demonstration Garden Project (CIP #251), (2) Authorize the City Manager to execute the agreement; and (3) Direct staff to investigate enlarging the interior circles to increase planting area and return to the Council after the street paving portion is completed.

Motion Councilmember Guarriello, seconded Councilmember Land and carried on a carried on a roll call vote:

AYES - Guarriello, Koretz, Land, Martin
NOES - Heilman

5. NEW BUSINESS: None.

EXCLUDED CONSENT CALENDAR: None

CITIZEN COMMENTS: None

6. **LEGISLATIVE:** None.


COUNCILMEMBER COMMENTS:

Mayor Heilman announced the Annual Tom Proctor 5/10k is next Sunday at 8:00 a.m. and you can register the morning of the event. There is also a softball tournament on October 7th at the park organized by law students throughout Southern California and all money raised will be dedicated to legal services. In addition, there was a resolution of support of legal aid to the poor. He encouraged people to support legal aid. There will be a seminar on October 14, by Lawyers for Human Rights for persons with AIDS/HIV and the services they require. Lastly, October is Crime Prevention Month and encouraged people to get involved in their neighborhood watch group. There was also a very successful kids fair on Saturday.

Councilmember Martin stated that on September 21, 1995 President Clinton and Vice-President Gore was at the House of Blues.

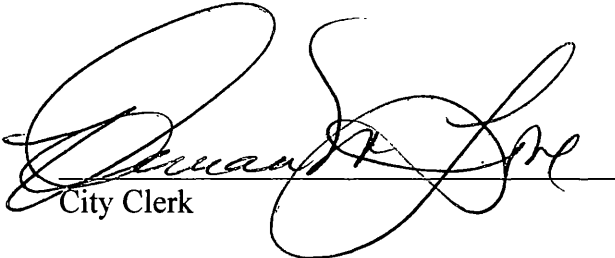
ADJOURNMENT: The City Council adjourned at 12:10 a.m. to a special meeting on Monday October 9, 1995 at 7:00 p.m. for the purpose of continued discussion on the Sunset Specific Plan. A Special Joint Meeting with the Rent Stabilization Commission will be held at 6:00 p.m., immediately prior to the next regular meeting which will be held on Monday October 16, 1995 at 7:30 p.m. at West Hollywood Park, 647 N. San Vicente Boulevard.

APPROVED BY MOTION OF THE CITY COUNCIL THIS 6TH DAY OF NOVEMBER, 1995.



MAYOR

ATTEST:



City Clerk