

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, SEPTEMBER 18, 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 7:00 p.m.

PLEDGE OF ALLEGIANCE: Commander Odenthal led the Pledge.

ROLL CALL:

PRESENT: Councilmembers - Land, Martin, Koretz and Mayor Heilman.

ABSENT: Councilmembers - Guarriello

ALSO PRESENT: Acting City Manager Long, 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 and the Council, by a 4/4 vote, added the following to the Closed Session Agenda under Government Code Section 54957.6 Conference with Labor Negotiator, City Negotiator Kevin Fridlington, Employee Organization: WeHoME, AFSCME, ACD, ACE, ACES, WHMA and Non-represented Employees. City Attorney Jenkins added that the City Council recessed into a Closed Session to discuss the items on the Closed Session Agenda, and there are two items of action to report (1) a revised agreement for 8743 Santa Monica Blvd. and (2) investigation of the acquisition of property adjacent to 1033 La Brea. He stated the agreement and report are available from the City Clerk for public inspection.

APPROVAL OF AGENDA: Mayor Heilman announced that there was a public hearing which was incorrectly noticed for an appeal by Marci Miller at 9009 Elevado. He stated this item will be on the October 2nd meeting and due to Brown Act restrictions the City Council cannot accept testimony on items not on the posted agenda. He apologized for any inconvenience. Mayor Heilman pulled item 2.F. for separate discussion.

The agenda was approved as amended by consensus of the Council.

PRESENTATIONS:

Councilmember Land announced the proclamation of September 25th through the 30th as "Banned Books Week in West Hollywood". Secondly, Councilmember Land presented a commendation to Garfield High School for its participation in Women's Equality Day on August 26, 1995. Michael Litvak, teacher at Garfield High School accepted the proclamation and

envelopes were presented to the students which contained the stamp which commemorated Women's Equality Day.

Mayor Heilman presented a commendation to Bella and Roman Koifman as a "Golden Anniversary Couple" who have been married 50 years and have been longtime residents of West Hollywood.

1. CITIZEN COMMENTS:

MARC YEBER, WEST HOLLYWOOD, commented on the new sculpture at the west end of Santa Monica Boulevard. He also noted that most Aids events in the City of West Hollywood are sponsored by alcohol producers and he wishes the Council would reconsider that strategy. He indicated there is a street light that doesn't work at 8262 Fountain Avenue and there is an open trench. He added, this condition has existed for six months and wondered how much longer it would be like this. He also commented on the signage for the drought tolerant garden and wondered how long those would be up.

MICHAEL LITVAK, PASADENA, introduced the students that worked on the Women's Equality Day. He indicated there were a total of 21 students that participated and thanked the City Council for the recognition.

JEANNE DOBRIN, WEST HOLLYWOOD, commented positively on the street tree and sidewalk program. She also brought some samples of paper signage which is a nuisance and was all over the City this weekend.

CITY MANAGER'S REPORT: None.

FISCAL IMPACT ON CONSENT CALENDAR: Assistant City Clerk Thompson stated that the Fiscal Impact for the Consent Calendar of September 18, 1995, as amended, is zero dollars in expenditures and zero dollars in potential revenues.

2. CONSENT CALENDAR:

ACTION: Approve items A, B, C, D, and E. Motion Land, seconded by Councilmember Martin and unanimously carried.

A. POSTING OF AGENDA: The agenda for the meeting of Monday, September 18, 1995 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, September 14, 1995.

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

B. APPROVAL OF MINUTES:

RECOMMENDATION: Approve the minutes of regular meeting Monday, August 21, 1995, and the regular meeting of September 5, 1995. Approved as part of the Consent Calendar.

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. DEMAND REGISTER NO. 302 , RESOLUTION NO. 95-1493:

RECOMMENDATION: Approve Demand Register No. 302 and adopt Resolution No. 95-1493, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 302." Approved as part of the Consent Calendar.

E. SALE OF FOREIGN COIN CURRENCY:

RECOMMENDATION: Authorize the Parking Division to solicit purchase proposals and sell its inventory of foreign coins, slugs and tokens to the highest bidder. Approved as part of the Consent Calendar.

F. AWARD OF CONTRACT FOR DROUGHT TOLERANT DEMONSTRATION GARDEN AT CRESCENT HEIGHTS TRIANGLES:

This item was removed for discussion and appears under the heading Excluded Consent Items.

3. PUBLIC HEARINGS:

A. CONTINUED PUBLIC HEARING FOR THE APPROVAL OF ZONING TEXT AMENDMENT 94-05 -- REVISED PARKING STANDARDS FOR NIGHTCLUBS:

Assistant City Clerk Thompson stated the Notice of Public Hearing was published in the *West Hollywood Independent* on August 9, 1995 and a notice of continuance was posted on September 6, 1995 as required by law.

Mayor Heilman asked if there was a pressing need to continue with this item in light of the Council direction given relative to the Sunset Specific Plan.

Gay Forbes, Community Development Director, responded there are no applications on hold and the City Council could decide to postpone action.

Mayor Pro Tem Koretz indicated that he felt there were some very good ideas presented, however, he doesn't feel there is anything pressing and would go along with continuing this item.

Councilmember Land stated that she concurs with both Mayor Pro Tem Koretz and Mayor Heilman and feels that this direction is a good one but doesn't feel there is any urgency in moving forward.

Councilmember Martin stated that he would like to hear from the public on this issue.

Mayor Heilman asked for the staff report.

Tim Foy, Associate Planner, provided background information as outlined in the staff report dated September 18, 1995.

Mayor Pro Tem Koretz asked what the typical requirements are regarding long time parking leases.

Ms. Janis Rhodes, Parking Manager, stated that usually they have to be recordable leases by the County Recorder. The Parking Management Companies will give short term leases, however the facilities are owned by a separate owner, that the owner will not tie up the property for a long term period. Most business owners will give a continuing lease with a 30-day or 60-day escape clause.

Gay Forbes stated that the zoning code is silent on that issue of the length of leases, but they do have to be recordable.

Michael Jenkins stated as a practical matter as long as the lease contains a termination clause, the length of the lease is irrelevant because the lease is only as good as the termination clause. He added if they can get out in 60 days, then it is a 60 day lease.

Mayor Heilman added that the City has experienced this problem finding off site parking for the employees.

Councilmember Martin suggested that if a triggering device could be implemented, the City could reduce the occupancy at the loss of parking.

Mayor Pro Tem Koretz stated the question at hand is how to deal with the "base level" of available parking.

ELAINE MUTCHNIK, EXECUTIVE DIRECTOR OF CHAMBER OF COMMERCE, indicated the Chamber has concern over several issues. She stated that the Chamber only received the staff report today and they would like additional time and asked the Council to continue the item so the Chamber and the Nightclub Council could address the issues.

MARK LEHMAN, WEST HOLLYWOOD, asked that this item be continued. Introduced his letter of August 9, 1995 to the Department of Community Development and the Planning Commission into the record. He stated that nightclubs which will be operating in the future will be "hybrids" and will have all types of uses such as bars, dancing, retail, etc. He agrees with staff regarding the issue of recordable lease agreements. He also agrees that staff should have some flexibility relative to occupancy. The issue of off site parking should be revisited and should include incentives. He stated that the parking survey included in the staff report is highly inaccurate.

JEANNE DOBRIN, WEST HOLLYWOOD, asked where the Chamber was during the Planning Commission process. She commented on various situations relative to parking on Sunset Boulevard, and that several nightclubs duplicate available spaces in one building, we have a lax situation with no reporting. She suggested looking at how the City of Beverly Hills handles nightclub parking and recordable leases. She concurred with Steve Smith's letter.

Councilmember Land requested that the Nightclub Council and the nightclub owners participate in this process. She stated her concern regarding a comment made by Mark Lehman relative to approval of a variety of uses as this makes it more difficult if the owner should want to change the configuration.

Mayor Heilman questioned the numbers in the survey. He feels the data is skewed by self reporting. He stated that perhaps the situation should be looked at as a number of cars in an particular area and study the potential of shared parking, and proposed an assessment district for club parking, and indicated this could solve some the existing problems and not put all the burden on new clubs.

Mayor Pro Tem Koretz stated that this item should be continued but staff should be given some direction. He stated that he supports some of the staff revisions which were minor: one space for three additional patrons concept is a good idea, and 10% or 15 patrons concept is too restrictive and not practical for staff. He suggests a proposal of random field checks, which would be effective at the start, but not practical for code enforcement in the long run. He suggested that perhaps there should be a probationary status for new nightclubs and nightclubs that are having difficulties. This would create a middle ground with the requirement that the notification process on occupancy be included. In terms of covenant versus a

one-month cancellation, he stated that perhaps there should be a "minimum" termination clause.

Mayor Heilman suggested that "restaurant use" should be included in the review.

Councilmember Martin stated that the Planning Commission recommendations are good and of sound basis and that fine tuning by the staff added to the recommendations. He added that there should be some type of monitoring.

Mayor Heilman stated he agrees with the approach, but not all of the details. He stated we need to modify the shared parking concepts and off site leases. He agrees with Mayor Pro Tem Koretz's ideas for floor plans, not practical for a business to come to the City every time to modify a floor plan for a one time event. The parking space issue, he stated he is not really sure about the 1:3, and states this is based on self reporting by the club owners, and he suspects it is overstated.

ACTION: This item was continued for approximately three months, date uncertain, by consensus of the City Council.

B. APPROVAL OF ZONING TEXT AMENDMENT 94-06 -- ANCILLARY FACILITIES WITHIN HOTELS IN RESIDENTIAL ZONES:

Assistant City Clerk Thompson stated the notice of public hearing was published in the *West Hollywood Independent* on August 23, 1995.

Tim Foy, Associate Planner, provided background information as outlined in the staff report dated September 18, 1995.

TERRY HUGHES, WEST HOLLYWOOD, REPRESENTING THE SUNSET MARQUIS, stated they are in favor of staff revisions of more flexibility but perhaps in some ways the staff proposal, is more restricting, and needs to be reworked.

JOYCE HUNDAL, WEST HOLLYWOOD, she stated that noise nuisance, vandalism and crime follow liquor licenses. She stated she was not in favor of this proposal.

LESTER HIRSCH, WEST HOLLYWOOD, stated as a member of the Business License Commission a number of years ago the issue of ancillary uses for hotels in residential areas came up, and the Commission devoted a lot of energy and resources to this. The Commission decided that the City must be very careful to opening services to other than registered guests.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke against this ordinance. She stated these commercial business are intrusive to the residents, and commented on Mayor Pro Tem Koretz' involvement with the Sunset Marquis.

Mayor Heilman indicated that he lives behind the Sunset Marquis, however the potential impact will not bias his decisions and he will be voting on this issue.

Mayor Pro Tem indicated he also lives near the Le Montrose, however the potential impact will not bias his decisions and he will be voting on this issue.

Mayor Pro Tem Koretz stated that originally he was not in favor of these hotels and uses. He stated he is in support of the staff recommendations but feels they should be thoroughly reviewed.

Mayor Heilman indicated that as he reads the staff report, it does not change the process of alcohol approval.

Mr. Foy responded affirmatively and indicated that if a hotel would like to serve to non-guests then they would have to go before the Planning Commission.

Mayor Heilman commented that he also supports the staff recommendation.

Councilmember Martin stated he has concerns about the intensification of use as outlined by the staff recommendation. He supports the Planning Commission recommendation. He feels there should be an exception for the Sunset Marquis since it is not completely surrounded by residential area. He suggested rezoning the property to completely commercial. He stated he would be willing to look at some intensification.

Councilmember Land stated she does not agree with Councilmember Martin regarding the exception for the Sunset Marquis. She indicated that the staff recommendation is good as it provides for the review on a case-by-case basis.

Mayor Heilman stated he agrees with the staff recommendation which allows a look on a case-by-case basis. Mayor Pro Tem Koretz stated he would follow up on a comment by Councilmember Martin relative to the Sunset Marquis and does agree that perhaps it should be designated commercial. He indicated that he has received comments about why residents cannot have breakfast at the hotel.

RECOMMENDATION: Approve the Planning Commission's recommendations as modified by staff (as contained in Exhibit B) and introduce on first reading proposed Ordinance No. 95-448, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADOPTING OF ZONING TEXT AMENDMENT 94-06,

CONCERNING HOTELS IN RESIDENTIAL ZONES AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE.”

Motion Koretz, seconded by Councilmember Land and carried on a roll call vote.

AYES: Councilmember - Land, Koretz, Heilman

NOES: Councilmember - Martin

ABSENT: Councilmember - Guarriello

COUNCILMEMBER COMMENTS:

Councilmember Martin congratulated the girls Drill Team under the direction of Bonnie Smith that just entered their first competition and received Second Place. He also asked that the meeting be adjourned in memory of Alfonso B. Rodriguez, a long time resident that died of cancer on September 5.

Councilmember Land commented on the tree near the Drought Tolerant Garden and stated that the tree had to be removed because of vandalism which occurred to the tree. She added it was not in the plans to remove the tree and the Sheriff's Department investigated the vandalism. In addition she acknowledged all those residents and Councilmembers who walked yesterday in the AIDS Walk.

Mayor Heilman commented on the AIDS Walk, and thanked all the residents and city staff who either walked or volunteered. He stated the Gay and Lesbian Community Services center had its annual dinner. The Mayor's Breakfast was held last week, sponsored by the West Side Urban Form. He announced the Cuervo Project and indicated that if anyone wants information about donating a tile to please call City Hall. There were a couple of forums regarding Rent Stabilization law for tenants and Russian speaking residents and indicated there will be a forum for property owners. There is a Kids Fair that is coming up on September 30 at West Hollywood Park. The Tom Proctor 5/10K will be October 8th and anyone interested in participating or volunteering please call City Hall. He also congratulated the Adult Day Care Center for their anniversary.

4. UNFINISHED BUSINESS:

A. ORDINANCE NO. 95-447 (2nd Reading), PROPOSED ORDINANCE CORRECTING ORDINANCE 95-433 WHICH AMENDS THE SOLID WASTE ORDINANCE:

RECOMMENDATION: Adopt Ordinance No. 95-447 “AN ORDINANCE OF THE CITY OF WEST REGARDING SOLID WASTE COLLECTION, AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE.”

Motion Councilmember Land, seconded by Mayor Pro Tem Koretz and carried, noting the no vote of Councilmember Martin.

5. NEW BUSINESS:

A. DESIGNATION OF VOTING DELEGATE AND VOTING ALTERNATE FOR THE ANNUAL CONGRESS OF CITIES, NOVEMBER 29 TO DECEMBER 2, 1995, PHOENIX ARIZONA:

RECOMMENDATION: (1) Designate Mayor John Heilman as Voting Delegate and Councilmember Abbe Land Alternate for the Annual Congress of Cities in Phoenix Arizona; and (2) Direct the City Clerk to send notification to both the National and State League Offices.

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

B. COMMITMENT TO IMPLEMENTATION OF HOLLYWOOD FAULT LOCATIONAL STUDY AND APPROVAL OF REQUIRED CONTRIBUTION PENDING APPROVAL OF HAZARD MITIGATION GRANT BY THE GOVERNOR'S OFFICE OF EMERGENCY SERVICES (OES):

Lisa Heep, Planning Manager, provided background information as outlined in the staff report dated September 18, 1995.

RECOMMENDATION: Adopt Resolution No. 95-1494, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AUTHORIZING THE DEPARTMENT OF COMMUNITY DEVELOPMENT TO SUBMIT APPLICATION TO THE GOVERNOR'S OFFICE OF EMERGENCY SERVICES (OES) FOR FUNDING THROUGH THE HAZARD MITIGATION GRANT PROGRAM FOR A PROJECT TO LOCATE THE PATH OF THE HOLLYWOOD FAULT IN THE CITY OF WEST HOLLYWOOD"

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

EXCLUDED CONSENT CALENDAR:

2. F. AWARD OF CONTRACT FOR DROUGHT TOLERANT DEMONSTRATION GARDEN AT CRESCENT HEIGHTS TRIANGLES:

John Jakupcak, Environmental Programs Analyst, provided background information as outlined in the staff report dated September 18, 1995 and added that the project was postponed to piggyback onto the street paving project to save costs.

Mayor Heilman inquired about the specific plans relative to this project. He stated that he did not get to review this project, nor had the City Council approved the plans. He stated his office had received comment relative to the amount of concrete, and that was brought up again tonight in citizen comments. He stated he knows this has been delayed, however, he cannot support it.

Councilmember Martin stated that he also is concerned about the concrete. Perhaps we could wait another budget cycle and add back in the benches.

Mayor Heilman stated that the entire Council seems to be concerned about too much concrete and the Council did not approve the plans in a formal manner. The Council should all be in agreement on how to fix this project in a correct manner.

ACTION: This item was continued to Monday, October 2, 1995 for a formal presentation, by consensus of the City Council.

CITIZEN COMMENTS: None

6. **LEGISLATIVE:** None.

COUNCILMEMBER COMMENTS: None.

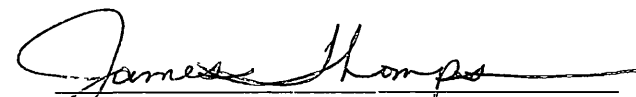
ADJOURNMENT: The City Council adjourned in memory of Alfonso Rodriguez at 9:10 p.m. to its next regular meeting on Monday, October 2, 1995 at 7:00 P.M., West Hollywood Park, 647 N. San Vicente Boulevard.

APPROVED BY MOTION OF THE CITY COUNCIL THIS 2ND DAY OF OCTOBER, 1995.



MAYOR

ATTEST:



City Clerk