

**MINUTES
CITY COUNCIL MEETING
DECEMBER 6, 1993
WEST HOLLYWOOD PARK
647 N. SAN VICENTE BOULEVARD**

6:00 P.M. - CLOSED SESSION: This time has been set aside for the City Council to meet in closed session to discuss matters pertaining to litigation (pursuant to Government Code Section 54956.9(a), potential litigation (pursuant to Government Code Section 54956.9(b), and (c)), personnel, and/or claims. The Mayor or the City Attorney will give an additional oral report of the closed session at the commencement of the public portion of the meeting.

7:00 P.M. - REGULAR MEETING

CALL TO ORDER: Mayor Guarriello called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE: The Pledge was led by Mrs. Wittenberg.

ROLL CALL:

PRESENT: Heilman, Lang, Land, Mayor Guarriello
ABSENT: Koretz (arrived 7:50 p.m.)
ALSO PRESENT: City Manager Brotzman and Assistant City Attorney Hogin.

Mayor Guarriello read an obituary for Mr. Frank Wittenberg and indicated the City Council will adjourn the meeting in his memory.

REPORT OF CLOSED SESSION: Assistant City Attorney Hogin reported that the meeting was called to order at 6:00 p.m. and the City Council recessed into a closed session and discussed a lawsuit involving the Bel Age receivership, approved the claim of Paul D. Ortega and Lisa Tucker, discussed instructions to the City's negotiators regarding the property located at 8383 Santa Monica Boulevard and the property located at 870 San Vicente, and discussed matters of personnel.

APPROVAL OF AGENDA: Mayor Guarriello removed Item 2.V., to be considered at a meeting on December 15, and continued Item 5.C. to the next meeting, January 3, 1994. Item 2.D.D. was removed by Councilmember Heilman for separate discussion. Mayor Guarriello removed Item 2.O. and 2.U. for separate discussion.

Motion to approve as amended by Councilmember Heilman, seconded by Councilmember Lang and unanimously carried.

PROCLAMATIONS AND COMMENDATIONS:

- 1. PRESENTATION TO CITY HALL SITE SELECTION COMMITTEE:**
Mayor Guarriello presented plaques to members of the City Hall Site Selection Committee in appreciation for their assistance

in finding a home for City Hall.

Conrad Corral
Thomas Crail
Andy Haenfler
Michaeljohn Horne
Jeanne Kinsel
Tom Larkin
A. Joan O'Brien
Donna Sauer
Ethel Shapiro
Margo Siegel
Steve Smith
Tim Taylor
David Welch

2. NATIONAL ORGANIZATION ON DISABILITY - A representative of the organization presented the City of West Hollywood with a check in the amount of \$1,000.

He stated that West Hollywood has been named the third place winner among communities of under 50,000 people for its programs for people with disabilities.

3. Councilmember Heilman presented commendations to the members of the committee who were responsible for the 5K/10K Run and Walkathon: Dr. John Liddy, Don Korotsky, Kevin Notre, Erik Lemons, Marty Freedman, Shawn Pleasants, and Sibyl Zaden. Councilmember Heilman presented a check for \$1,000 to the Partners Program which is this year's recipient of the race proceeds. A representative of Partners thanked the City for their support.
4. Mayor Guarriello introduced Bud Siegel, a person who had been very instrumental in the founding of the City of West Hollywood.
5. Mayor Pro Tem Land presented commendations to representatives of organizations who had actively opposed the use of Ward Valley as a nuclear waste dump site: Southern California Federation of Scientists, Bridge the Gap, David Thompson from Barbara Boxer's Office, Jerry Rubin for the Alliance for Survival, and Dr. Jimmy Hara for the Physicians' group. Mayor Pro Tem Land stated that she also has a commendation for the Mojave Indian Tribe for their activism, and would send it to them.
6. Mayor Guarriello presented a commendation to Derek and Roger Chasen for providing a Thanksgiving feast to 150 homeless, seniors, people with disabilities, homeless youth and people living with AIDS.
1. **CITIZEN COMMENTS:**

ROSLYN KRAUSE, WEST HOLLYWOOD, spoke regarding the limited hours of the library.

JOHN ALTSCHUL, WEST HOLLYWOOD, spoke regarding a political flyer which was distributed indicating that he endorsed Steve

Chapman and by innuendo was endorsing Mayor Guarriello.

Mayor Guarriello stated that the flyer indicated John Altshcul supported Steve Chapman not himself.

ED BUCK, WEST HOLLYWOOD, spoke regarding the smoking ordinance.

MICHAEL YATES, LOS ANGELES, presented an update on the parking project which the Chamber of Commerce is working on.

MICHAEL RADCLIFFE, WEST HOLLYWOOD COMMUNITY ALLIANCE, thanked the Sheriff's Department for their quick response to an incident at the Yukon Mining Company.

THOMAS CRAIL, WEST HOLLYWOOD, EXECUTIVE DIRECTOR, WEST HOLLYWOOD CHAMBER OF COMMERCE, reported that on Monday, December 20th, the Sunset Shuttle bus will have its premier.

TOM BARRINGTON, WEST HOLLYWOOD BUSINESS OWNER, expressed concern regarding security. He inquired about hiring private security.

KEVIN NOTRE, WEST HOLLYWOOD, spoke about the increase in bus pass fees. He asked Council to create a two-tier program similar to the Taxi coupons and urged the Council to reject the proposal for the increase.

NORMA KEMPER, WEST HOLLYWOOD, spoke about a random act of violence which happened to one of her neighbors and she indicated that the County lot is a blight in their neighborhood.

BOB PIERSON, WEST HOLLYWOOD, expressed his concern regarding the incident and the neighborhood put up a flyer. He also stated his anger at the policy regarding the solutions to the traffic problems experienced by neighborhoods in the West Hollywood West area.

BILL EDWARDS, WEST HOLLYWOOD, indicated that he wished to speak on two public hearing items and could not stay for the hearings. The first item is the Gazzari's renovation--there was a meeting with the developer and some of the neighbors, and a lot of positive things came out of the meeting. Secondly, regarding the Raleigh project, he is opposed as he feels the supplemental EIR does not address all the problems; there are also concerns about the notice.

BARRY MASON, OWNER OF CIRCUS OF BOOKS, expressed concern regarding the recent increase in crime in the area. He would like the City to work with the La Jolla Neighborhood Association to eliminate this problem.

EARL HOWARD, WEST HOLLYWOOD, asked Council what is going to be done regarding crime.

URSULA BOWER, WEST HOLLYWOOD, asked Council for help regarding crime; asked Council to include more Sheriff's deputies in the budget. Stated the public parking lot on La Jolla is a den of

crime.

ROSEMARIE ZAFFINA, WEST HOLLYWOOD, spoke on behalf of the fellow neighbors regarding the traffic problem relative to Ma Maison.

MARTIN STRUDLER, WEST HOLLYWOOD WEST ASSOCIATION, spoke regarding Item 2.Q.; urged Council to approve the recommendations as presented in the staff report.

(MR.) JAMAKE HIGHWATER, WEST HOLLYWOOD, stated that the Council has the courage to adopt a smoking ordinance but has not had the courage to enforce it.

CITY MANAGER'S REPORT: City Manager Brotzman stated that there is an item on the Consent Calendar which provides an update relative to the library.

Councilmember Koretz arrived at 7:50 p.m.

REPORT ON DOLLAR AMOUNTS ON CONSENT CALENDAR:

City Clerk Love stated that the fiscal impact of the Consent Calendar for December 6, 1993 is \$15,500 in savings of budgeted expenditures and \$350,000 potential future revenue.

2. CONSENT CALENDAR:

ACTION: Approve Consent Calendar items 2.A, B, C, D, E, F, G, H, I, J, K, L, M, N, P, Q, R, S, T, W, X, Y, Z, AA, BB, and CC. Motion Heilman, seconded by Guarriello and unanimously carried.

A. POSTING OF AGENDA: The agenda for the meeting of Monday, December 6, 1993, was posted at City Hall, Plummer Park, and the Sheriff's Station on Thursday, December 2, 1993, and at the West Hollywood Library on Friday, December 3, 1993.

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

B. DEMAND REGISTER NO. 259, RESOLUTION NO. 1227:

ACTION: Approve Demand Register No. 259 and adopt Resolution No. 1227. Approved as part of the Consent Calendar.

C. APPROVAL OF MINUTES: November 15, 1993

ACTION: Approve the minutes of the City Council meeting on November 15, 1993. Approved as part of the Consent Calendar.

D. WAIVER OF FURTHER READING:

ACTION: After the City Attorney has read the title of any Ordinance on the agenda, the further reading thereof, shall be waived. Approved as part of the Consent Calendar.

- E. CLAIMS: Marjorie Diaz
Ronald B. King
Paul D. Ortega
Lisa Tucker**
ACTION: Deny the claims of Marjorie Diaz and Ronald B. King without comment and refer to the City's claims adjustor. Take action on claims of Paul D. Ortega and Lisa Tucker as discussed in Closed Session on December 6, 1993. Approved as part of the Consent Calendar.
- F. ORDINANCE NO. 386 (2nd Reading) AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD EXPANDING PREFERENTIAL PARKING DISTRICT 5 TO INCLUDE THE EAST SIDE OF DOHENY DRIVE BETWEEN ELEVADO AVENUE AND LLOYD PLACE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE:**
ACTION: Adopt Ordinance No. 386, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD EXPANDING PREFERENTIAL PARKING DISTRICT 5 TO INCLUDE THE EAST SIDE OF DOHENY DRIVE BETWEEN ELEVADO AVENUE AND LLOYD PLACE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Approved as part of the Consent Calendar.
- G. ORDINANCE NO. 387 (2nd Reading) AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ESTABLISHING THE 'CITY OF WEST HOLLYWOOD SPECIAL REWARD FUND' AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE:**
ACTION: Adopt Ordinance No. 387, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ESTABLISHING THE 'CITY OF WEST HOLLYWOOD SPECIAL REWARD FUND' AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Approved as part of the Consent Calendar.
- H. ORDINANCE NO. 388 (2nd Reading) AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING ARTICLE III, CHAPTER IX, SECTIONS 3903 AND 3904 REGARDING PAY TELEPHONE REGULATION AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE: ACTION:** Adopt Ordinance No. 388, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING ARTICLE III, CHAPTER IX, SECTIONS 3903 AND 3904 REGARDING PAY TELEPHONE REGULATION AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Approved as part of the Consent Calendar.
- I. ORDINANCE NO. 389 (2nd Reading) AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING ARTICLE III, CHAPTER II, PART A, SECTION 3208.H OF THE WEST HOLLYWOOD MUNICIPAL CODE RELATIVE TO THE REVOCATION OF TAXICAB DRIVERS' PERMITS: ACTION:** Adopt Ordinance No. 389, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING ARTICLE III, CHAPTER II, PART A, SECTION 3208.H OF THE WEST HOLLYWOOD MUNICIPAL CODE RELATIVE TO THE REVOCATION OF TAXICAB DRIVERS' PERMITS." Approved as part of the Consent Calendar.
- J. RESIGNATION FROM FINE ARTS ADVISORY BOARD AND RESIGNATIONS FROM LESBIAN AND GAY ADVISORY COUNCIL:**
ACTION: Accept with regret the resignation of Gabor Kalman from the Fine Arts Advisory Board; accept with regret the resignations of JoAnn Clark and Randy Spicochi from the Lesbian and Gay Advisory Council, and direct the City Clerk's office to post an appropriate notice of the vacancies. Approved as part of the Consent Calendar.

- K. APPOINTMENT TO HUMAN SERVICES COMMISSION BY COUNCILMEMBER KORETZ:**
ACTION: Appoint Shirley Roberts to fill a vacancy on the Human Services Commission with a term ending May 31, 1996. Approved as part of the Consent Calendar.
- L. NATIONAL ORGANIZATION ON DISABILITY AWARD:**
ACTION: Accept an award of \$1000 for the specific purpose of providing services to people with disabilities or further developing disability programming. Approved as part of the Consent Calendar.
- M. APPROVAL OF THE STATE-LOCAL ENTITY MASTER AGREEMENT NO. SLTPP-5440 FOR CITY PARTICIPATION IN THE STATE-LOCAL PARTNERSHIP GRANT PROGRAM FOR HIGHWAY PROJECTS: ACTION:**
Adopt Resolution No. 1228, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING STATE-LOCAL ENTITY MASTER AGREEMENT NO. SLTPP-5440 COVERING STATE-LOCAL PARTNERSHIP GRANT FUNDED HIGHWAY PROJECTS FOR THE CITY OF WEST HOLLYWOOD." Approved as part of the Consent Calendar.
- N. APPROVAL OF PROGRAM SUPPLEMENT NO. 001 OF STATE-LOCAL AGENCY MASTER AGREEMENT FOR STATE SHARE FUNDS ON THE FY 92-93 OVERLAY PROGRAM:**
ACTION: Adopt Resolution No. 1229, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING PROGRAM SUPPLEMENT NO. 001 FOR STATE SHARE FUNDS ON PROJECT SB94-5440(184) FY 92-93 OVERLAY PROGRAM (CIP 9301)." Approved as part of the Consent Calendar.
- *O. APPROVAL OF AGREEMENT FOR CITY HALL PROJECT MANAGER:** Mayor Guarriello removed this item for comments and it appears under Excluded Consent Calendar.
- P. APPROVAL OF AGREEMENT WITH JL SERVICES FOR PARKING METER COLLECTION AND VERIFICATION SERVICES: ACTION:** Approve a one-year agreement, to commence January 1, 1993, between the City of West Hollywood and JL Services for the collection and verification of parking meter revenue and authorize the City Manager to sign. Approved as part of the Consent Calendar.
- Q. SOLUTIONS TO CAR TRAFFIC PROBLEMS EXPERIENCED BY NEIGHBORHOODS IN THE WEST HOLLYWOOD WEST AREA OF WEST HOLLYWOOD:**
ACTION: 1) Direct staff to work with neighborhood representatives, law enforcement, and the management of the Ma Maison Sofitel and tour bus companies to resolve the tour bus problem; 2) Direct staff to complete its investigation as soon as possible regarding whether the establishment of four-way stops meets traffic warrants criteria and whether four-way stops could be used to address the concerns of residents regarding safety issues and car traffic intrusion into their neighborhood. Approved as part of the Consent Calendar.
- R. DESIGNATION OF 1000-1012 1/2 LARRABEE STREET (ENGLISH VILLAGE) AS A LOCAL CULTURAL RESOURCE:**
ACTION: Adopt Resolution No. 1230, "A RESOLUTION OF THE

CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AFFIRMING THE RECOMMENDATION OF THE CULTURAL HERITAGE ADVISORY BOARD AND DESIGNATING 1000-1012 1/2 LARRABEE STREET (ENGLISH VILLAGE) AS A LOCAL CULTURAL RESOURCE OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA." Approved as part of the Consent Calendar.

- S. DESIGNATION OF 8341 DELONGPRE AVENUE (HART HOUSE) AS A LOCAL CULTURAL RESOURCE:**
ACTION: Adopt Resolution No. 1231, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AFFIRMING THE RECOMMENDATION OF THE CULTURAL HERITAGE ADVISORY BOARD AND DESIGNATING 8341 DELONGPRE AVENUE AS A LOCAL CULTURAL RESOURCE OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA".
Approved as part of the Consent Calendar.
- T. DESIGNATION OF 8439 SUNSET BOULEVARD (PIAZZA DEL SOL) AS A LOCAL CULTURAL RESOURCE:**
ACTION: Adopt Resolution No. 1232, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AFFIRMING THE RECOMMENDATION OF THE CULTURAL HERITAGE ADVISORY BOARD AND DESIGNATING 8439 SUNSET BOULEVARD (PIAZZA DEL SOL) AS A LOCAL CULTURAL RESOURCE OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA". Approved as part of the Consent Calendar.
- *U. DENIAL OF THE DESIGNATION OF 9023-39 BEVERLY BOULEVARD (CHASEN'S) AS A LOCAL CULTURAL RESOURCE:**
Mayor Guarriello removed this item for comments and it appears under Excluded Consent Calendar.
- *V. APPROVAL OF THE MASTER DEVELOPER AGREEMENT WITH RALEIGH REAL PROPERTIES FOR THE DEVELOPMENT OF A MIXED USE PROJECT TO INCLUDE A FIRE STATION, POST OFFICE, PUBLIC PARKING AND RETAIL SPACE: THIS ITEM WAS PULLED FROM THE AGENDA BY MAYOR GUARRIELLO, UNDER APPROVAL OF AGENDA AND SCHEDULED FOR DECEMBER 15.**
- W. POSITION CLASSIFICATION, PUBLIC INFORMATION/MANAGEMENT ANALYST, CITY MANAGER'S OFFICE:**
ACTION: Approve the change in job description of Public Information/Management Analyst to Management Analyst.
Approve Management Analyst job specification at ACE-12 Supervisory Unit, exempt. Approved as part of the Consent Calendar.
- X. APPROVAL OF FINAL PARCEL MAP NO. 20668 AT 824 WESTMOUNT DRIVE:**
ACTION: Approve Final Parcel Map No. 20668, a six-unit condominium development located at 824 Westmount Drive and instruct City Clerk to endorse the face of the map which embodies the approval. Approved as part of the Consent Calendar.
- Y. REQUEST FOR PROPOSALS FOR SOLID WASTE AND RECYCLING SERVICES:**
ACTION: Authorize staff to request proposals for solid waste and recycling services for the development of an exclusive franchise agreement. Approved as part of the Consent Calendar.

- Z. STATUS REPORT ON LIBRARY OPTIONS: ACTION:** 1) Direct staff to report back to the City Council with final recommendation at the first Council meeting in January; and, 2) receive and file. Approved as part of the Consent Calendar.
- AA. RESOLUTIONS OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD SUPPORTING SCR 11 REGARDING TELEPHONE CORPORATIONS AND AB 1658 REGARDING PUBLIC UTILITIES: ACTION:** 1) Adopt Resolution No. 1234, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF SCR 11 REGARDING TELEPHONE CORPORATIONS"; 2) Adopt Resolution No. 1235, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF AB 1658 WITH REGARD TO PUBLIC UTILITIES." 3) Direct staff to forward copies of the resolutions to appropriate State legislators. Approved as part of the Consent Calendar.
- BB. AUTHORIZATION TO EXTEND THE PERIOD TO REVIEW CENTURY COMMUNICATIONS CORPORATIONS'S F.C.C. 393 FORM: ACTION:** 1) Authorize an additional 90-day period (through March 18, 1994) to review Century Communications Corporation's 393 Form, and 2) Direct staff to notify Century Communications Corporation of the 90-day extension. Approved as part of the Consent Calendar.
- CC. TREASURER'S REPORT: OCTOBER, 1993 ACTION:** Receive and file. Approved as part of the Consent Calendar.
- *DD. APPROVAL PROCESS FOR THE CITY HALL ART COMPONENT:** Councilmember Heilman removed this item from the Consent Calendar for comment and it appears under Excluded Consent Calendar.

3. PUBLIC HEARINGS:

- A. PUBLIC HEARING TO RECONSIDER THE PROJECT AT 8580 SUNSET BOULEVARD; A MIXED USE RETAIL OFFICE DEVELOPMENT BY RALEIGH ENTERPRISES:**
Mayor Guarriello asked how this hearing was noticed.

City Clerk Love stated a notice of public hearing was published in the West Hollywood Independent on November 10, 1993 and was mailed to a 500 foot radius on November 23, 1993.

Jennifer Davis, Community Development Department, provided background information as outlined in the staff report dated December 6, 1993. She asked that Item 6.A. be considered at the same time as this Item.

Mayor Guarriello opened the public hearing.

CLAIRE BRONOWSKY, LOS ANGELES, stated she is representing Raleigh and is here to answer any questions. She asked for Council's affirmative vote.

KEVIN NOTRE, WEST HOLLYWOOD, stated his concern about the pollution and traffic. He also indicated his concern about the inconvenience while the project is being built. He

encouraged further outreach by Raleigh and the City relative to this project.

DOROTHY DORBEN, LOS ANGELES, speaking on behalf of the board of ROAR indicated their opposition to the project.

ALAN CANTOR, LOS ANGELES, spoke against the project and indicated that the Supplemental EIR does not reflect any mitigation measures.

Motion to close hearing Lang, seconded by Land and unanimously carried.

Mayor Pro Tem Land stated that she feels that the recommendation of staff is appropriate, the EIR was done properly and that construction is a concern for everyone and she supports an extended outreach effort. She suggested that Raleigh have a meeting with the neighbors when they are ready to construct.

Councilmember Heilman stated that there was a question raised regarding construction and asked staff to indicate some of the mitigation measures. He stated he recalled the other issue which was raised was the intersection of Sunset Plaza and Sunset Boulevard. He asked staff to describe the height of the building facing Sunset.

Ms. Davis indicated that there are two buildings with one two-story building facing Sunset and an adjacent four-story building.

Councilmember Heilman stated that he will support Mayor Pro Tem Land's motion. He indicated he lives on the corner of La Cienega and Fountain, but that he has no conflict of interest.

Councilmember Koretz stated his support.

Councilmember Lang indicated that there was a great deal of support at the initial hearings.

Mayor Guarriello stated that this developer has gone far beyond any other developer to let the neighborhood know what was proposed and how it was to be done.

ACTION: 1) Certify the Supplemental Environmental Impact Report and approve the project; 2) Adopt Resolution No. 1236, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING A COMPREHENSIVE DEVELOPMENT PLAN, DEVELOPMENT PERMIT 89-36, MINOR CONDITIONAL USE PERMITS 90-12, 90-13 AND 90-14; CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT AND FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT; AND APPROVING THE MITIGATION MONITORING PLAN FILED BY RALEIGH ENTERPRISES TO CONSTRUCT AN OFFICE/RETAIL DEVELOPMENT AT 8580 SUNSET BOULEVARD."

Motion to approve Land, seconded by Lang and unanimously carried.

6.A. PROPOSED ORDINANCE RATIFYING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF WEST HOLLYWOOD AND RALEIGH ENTERPRISES FOR THE PROPOSED PROJECT AT 8580 SUNSET BOULEVARD:

ACTION: Introduce for first reading Ordinance No. 390, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD APPROVING DEVELOPMENT AGREEMENT NO. 89-01 IN CONNECTION WITH RALEIGH ENTERPRISES DEVELOPMENT LOCATED AT 8580 SUNSET BOULEVARD."

Motion by Land, seconded by Guarriello and unanimously carried.

3.B. APPEAL OF DEVELOPMENT PERMIT 93-23, CONDITIONAL USE PERMIT 93-08 AND PARKING USE PERMIT 93-08 ON AN APPLICATION OF KEITH PRESSMAN FOR 9039 SUNSET BOULEVARD:

John Jakupcak provided background information as outlined in the staff report dated December 6, 1993.

The hearing notice was published in the West Hollywood Independent on November 10, 1993 and mailed to a 500' foot radius on November 24, 1993.

Councilmember Heilman asked, as a matter of clarification, whether the owners could have taken over the building from Gazzarri's and continued the nightclub, before they began to do anything.

Anne Browning replied that they could have.

Mayor Guarriello opened the public hearing.

MARK LEHMAN, WEST HOLLYWOOD, representing the applicant, Art Davis, thanked staff and Planning Commission for all the work to get to this evening. He gave some brief background relative to this issue. He addressed the sound concerns and security concerns. Relative to the concerns of the owner asked the Council to reconsider both the parking lease and valet parking plan requirement. They prefer that they not be required to have an agreement with the 9000 building specifically.

DAVID BISNO, LOS ANGELES, (Appellant) stated that there were some informal meetings with the applicants. They agreed to security and clean-up and these were very commendable. He addressed the parking problem and read a letter from the Bank of America stating the Bank of America has not signed an agreement with the applicant.

LESTER HIRSCH, WEST HOLLYWOOD, spoke against the project. He asked Council to review handbills which were posted which contained obscene language. He asked Council to deny Keith Pressman's appeal and uphold the conditions.

JIM KAZAKOS, WEST HOLLYWOOD, spoke against the project. He urged the Council to deny the appeal of Keith Pressman and uphold the appeal of David Bisno and Bill Edwards.

STANLEY BRENT, ARCHITECT, stated that he is just here to answer questions.

MICHAEL MONROE, WEST HOLLYWOOD, spoke against the project.

BRAD TREUSCH, WEST HOLLYWOOD, filed a petition with 47 signatures against this project.

ADAM DEVEJIAN, WEST HOLLYWOOD, spoke against the project. He also stated there are traffic and parking problems.

SCOTT FORBES, WEST HOLLYWOOD, addressed the parking requirements and stated the requirements should be sent before any applications are approved. He questioned what percentage of the club will be a food operation. Cleaning up in the neighborhood should be more than 500 feet.

STEVEN KAY, LOS ANGELES, indicated that there has been some relief to the neighborhood since Gazzarri's has been closed. He suggested that patrons have free parking and would like Gazzari's to police the adjoining neighborhoods.

MARK LEHMAN, WEST HOLLYWOOD, (rebuttal) stated that with regard to the parking leases, the conditions of approval are very specific in requiring them to produce leases that are approved by the City, and they are confident they will get the leases; on the issue of law enforcement, they are working diligently with the community to avoid problems; they are not intending to open a rock club; this will be a "supper club" not a "super club."

DAVID BISNO, provided a rebuttal and stated that the City Council should have signed leases before they give approval for the project.

Councilmember Koretz asked about the Bank of America parking issue.

Mr. Lehman responded that they have met with the Bank of America and it is his understanding they will get the approval.

Mayor Guarriello asked if there was any problem with the 9000 building.

Mr. Lehman stated that there is no problem and they have agreed to 100 spaces and he anticipates an agreement with the owners.

Councilmember Heilman asked for clarification of the staff recommendation with respect to the language regarding tables and chairs and litter removal,

Mayor Pro Tem Land asked what changes were the Planning Commission making that would they would ask for review of the agreements.

Mr. Jakupcak stated that there was some concern regarding the use of elevator and lobby of the building.

Councilmember Heilman suggested that staff be directed to

develop some sort of assessment district which would include all the clubs to contribute their fair share to cleaning up the problems associated with security, etc. He agreed with staff on review issue and tables and chairs and agreed with the Planning Commission on the clean-up of both sides of the street. If an assessment district is established then there could be a reconsideration.

Councilmember Lang stated that this area is the entertainment part of West Hollywood, and this club will be much better run than its predecessor. She stated her support.

Councilmember Koretz stated he is not comfortable with the requirement regarding incident logs, that residents go to the club for both viewing the logs and lodging a complaint, and indicated we are setting the stage for harassment of the club. He inquired whether there is overlap on the litter removal.

Anne Browning responded that the nightclub standards are going into effect for all nightclubs, and the deadline for applying for the substitute conditional use permit was last Thursday, and all the nightclubs have submitted.

Councilmember Koretz asked why the applicant is being required to utilize the 9000 Club.

Mr. Jakupcak stated that the Transportation Department has indicated that the 9000 building is a self-parking facility and would alleviate cars driving around looking for parking.

Councilmember Koretz stated that he feels there should be a smaller minimum (parking spaces), such as 60 spaces, and they should have the option to lease that parking at whatever the most appropriate location is.

Mayor Pro Tem Land stated that this is a supper club, and we'd like to see more establishments like this on the Sunset Strip. She agrees we can't hold this Club responsible for all the concerns about club activity on Sunset Strip; but we recognize that club activity comes with some impacts, and we look for all the clubs to mitigate, and hopefully when all the clubs begin addressing the nightclub standards there will be less problems. She goes along with some of Councilmember Heilman's recommendations. She feels the dialogue that has been established between the Club and residents is really important and urges them to continue it. The club has an opportunity to be a model. Agrees with Planning Commission regarding the number of spaces; likes the self-parking. She stated she would go along with staff recommendation.

Mayor Pro Tem Land also stated that it's important, because we have these new nightclub standards, to work in some kind of review period so we make sure there's not duplication in the litter pickup and we should review the parking requirements. Any conditions that overlap with the nightclub standards, we should review periodically. She

urges that staff be given that direction when this is adopted.

Councilmember Koretz stated he feels this will be a positive impact in the area and will change the character of the Strip.

Councilmember Heilman mentioned that for the record, he was at the site last night and reviewed the location.

ACTION: To approve the staff recommendation to deny the appeals of David Bisno and Bill Edwards and partially deny and partially grant the appeal by Art Davis; and adopt Resolution No. 1237, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENYING APPEALS BY DAVID BISNO AND OTHERS AND BILL EDWARDS AND OTHERS AND PARTIALLY DENYING AND PARTIALLY GRANTING AN APPEAL BY ART DAVIS APPROVING DEVELOPMENT PERMIT 93-23, CONDITIONAL USE PERMIT 93-07 PARKING USE PERMIT 93-08 AND A MITIGATION MONITORING PLAN ON AN APPLICATION FILED BY KEITH PRESSMAN TO REMODEL AND EXPAND THE STRUCTURE LOCATED AT 9039 SUNSET BOULEVARD BY ADDING OUTDOOR DINING, UPGRADING TO MEET NIGHTCLUB STANDARDS AND SECURING SHARED PARKING OFF-SITE," with the following modifications: delete the requirement that parking receipts be specially printed with the incentives on them; accept staff's recommendation to approve the substituted language from the applicant regarding the tables and chairs which clarifies the intent of the Planning Commission; keep in place the litter removal requirement set by the Planning Commission, but be willing to re-look at that issue in the event that an assessment district is created that includes all of the nightclubs; delete the requirement that the leases and valet plans go to commission for approval--those would go to staff for approval but with a report to the commission. The complaint logs should be submitted to the City and made available through the City, but do not need to be made available at the location. Also that the number of parking spaces remain the same as required by the Planning Commission (100) but not necessarily in one particular building. In addition they could come back and look at that issue if or when all nightclubs are required to comply with certain parking requirements. The resolution should specify that no building permits are issued until signed leases are approved by the staff.

Motion Heilman, second Land and unanimously carried.

In addition, direction was given to staff that they set up a meeting with all of the nightclub owners on the Strip to discuss and develop a plan and an assessment district that would deal with the parking and litter problems and public safety problems up there.

Council recessed at 9:29 p.m.
Council reconvened at 9:43 p.m.

- C. **APPEAL OF A DENIAL BY THE PLANNING COMMISSION ON THE CONVERSION OF A SINGLE-FAMILY RESIDENCE TO A SINGLE-TENANT OFFICE BUILDING AT 8760 SHOREHAM DRIVE; AND THE APPROVAL OF**

AN OFF-SITE PARKING AGREEMENT:

Timothy Foy, Community Development Department, provided background information as outlined in the staff report dated December 6, 1993.

The hearing notice was published in the West Hollywood Independent on November 24, 1993 and mailed to a 500' radius on November 22, 1993.

Mayor Guarriello opened the public hearing.

MICHAEL DONALDSON, REPRESENTATIVE OF NICO MASTORAKIS, spoke on behalf of the applicant and indicated that Omega is willing to comply with any parking requirements the Council may deem appropriate. They are also willing to agree to a requirement that the CUP is to be reviewed if another use should go into the building.

CHRISTY POKARNEY (RUNS OMEGA HOUSE) stated that any physical production is done off site and the facilities are used as corporate offices. All business is done through phone and fax.

NANCY DOLINGER, WEST HOLLYWOOD, stated that the comment in the staff report which indicated that 50% of the block is business is not true. She spoke against the project and indicated she is speaking on behalf of a number of residents. She stated that Omega has Los Angeles as their address on their letterhead.

WHITNEY SPRINGER, WEST HOLLYWOOD, spoke in support of the project.

JOHN ALTSCHUL, WEST HOLLYWOOD, President of Shoreham Towers Association, spoke in support of the project.

RODNEY MCDONALD, WEST HOLLYWOOD, Apartment Manager, spoke in support of Omega.

JOHN MICHAELS, BEVERLY HILLS, spoke in support of Omega House.

ANTHONY CHRISTOPHER, WEST HOLLYWOOD, spoke in support of Omega House.

CAROLE MISHKIND, LOS ANGELES, spoke in support of Omega.

MONA CHARLES, BRENTWOOD, former resident of Shoreham and is in support of Omega House.

DAVID FOSTER, STUDIO CITY, stated he is in support of Omega House.

ROBYN SANDS, STUDIO CITY, spoke in support of Omega House.

MS. JOHNSON, LOS ANGELES, spoke in support of Omega House.

CURTIS WILMOT, SHERMAN OAKS, former resident, spoke in support of Omega House.

ROBERT BROWN, HOLLYWOOD, WRITER/DIRECTOR, spoke in support of Omega House.

STEVEN MORRIS, WEST HOLLYWOOD, indicated that he lives across the street and spoke in support of the Omega House.

MARK SEIGLE, WEST HOLLYWOOD, said he lives across the street and spoke in support of the Omega House.

ANDREW SHAYNE, MALIBU, former resident and owns building across the street, spoke in support of Omega House.

PETE MARSHALL, LOS ANGELES, stated his support for Omega House.

There being no further speakers, Mayor Guarriello asked if there was any rebuttal.

MICHAEL DONALDSON said that all the letterhead and mailing information has been changed to reflect West Hollywood.

Councilmember Koretz indicated that he was surprised any business in a residential area would get this type of support. He stated his office has never heard any complaints and the property is very beautiful. He would support the project.

Mayor Pro Tem Land concurred with Councilmember Koretz and stated the letter Ms. Browning referred to in the staff report was from Ms. Golden who was in support of the Omega House.

Councilmember Lang inquired if Spago's leaves then what happens with regard to parking.

Ms. Browning replied that they could find parking in another location and amend their permit; they might propose shared parking; they might request a variance--there are a number of ways they could address that.

Councilmember Heilman asked for clarification, in response to one of the public speakers, of the requirement that 50 percent of the street be commercial.

Mr. Foy replied that the requirement is that 50 percent of the block on which the business is located is either zoned for commercial parking, or is used for commercial parking uses. He said that the block would be the area bounded by Shoreham, Sherbourne, Sunset and Horn, and more than 50 percent of the block is commercial. He feels the speaker was thinking of the two street frontages.

Councilmember Heilman indicated that ordinarily he doesn't like intrusion into a residential area, but he feels this business is an asset to the community.

Mayor Guarriello indicated that he must vote against it because four and a half years ago the building was remodeled without any permits, and the owner was never prosecuted.

ACTION: Adopt Resolution No. 1238, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD GRANTING THE APPEAL OF NICO MASTORAKIS AND APPROVING CONDITIONAL USE PERMIT 93-09 AND PARKING USE PERMIT 93-11 ON AN APPLICATION TO PERMIT THE CONVERSION OF A SINGLE-FAMILY RESIDENCE TO A SINGLE-TENANT OFFICE BUILDING AT 8760 SHOREHAM DRIVE, WEST HOLLYWOOD, AND APPROVAL OF AN OFF-SITE PARKING AGREEMENT FOR 8760 SHOREHAM DRIVE WITH SPAGO'S RESTAURANT AT 1114 N. HORN AVENUE."

Motion Land, seconded Koretz and carried on a roll call vote as follows:

AYES: Heilman, Koretz, Lang, Land
NOES: Guarriello

D. PROPOSED INCREASE FOR WEST HOLLYWOOD SENIOR AND DISABLED BUS PASSES:

Joan English provided background information as outlined in the staff report dated December 6, 1993. She indicated that out of a survey of 560 people who receive bus passes, 501 were in favor of raising the fee, and 59 people were opposed.

Mayor Guarriello read a statement asking the City Manager for a comprehensive report on all the City's transportation programs, including how much each costs the City and how each program benefits various classes of users. He would like to know if other programs are cost-effective, and whether we should concentrate on fewer programs that benefit more residents. He stated that this report can be generated by in-house staff. He feels the RTD senior bus pass program is the most cost-effective, because it allows seniors unlimited County-wide travel for \$5 per month. He supports the increase after identifying the source of funds without increasing taxes and after requesting the transportation report. He wishes to keep the \$5 per month pass for seniors only.

STEVE MARTIN, WEST HOLLYWOOD, spoke against the increase in fee from \$5.00 to \$7.00, as he felt it would be a hardship on seniors, and suggested sending it to the Human Services Commission for suggestions.

Councilmember Heilman questioned staff about what L.A. is charging, whether L.A. residents are buying from West Hollywood, and how many bus pass users are on a fixed income.

Joan English responded that L.A. charges \$10, but she feels West Hollywood residents were buying in L.A. when the passes were \$4 in L.A. She stated that we require proof of residency, but we do not have an income requirement, however she feels the vast majority are low-income.

Councilmember Heilman indicated he supports the Mayor's request for a comprehensive look at the City's transportation programs, but it would be best in the context of budget discussion.

Mayor Pro Tem Land stated that the community impresses her when they would rather pay a little more than see people do without. Indicated her support for a comprehensive report but mentioned that we have seen bits and pieces of the report over the last several months.

Councilmember Koretz asked the City Manager where we are with regard to the budget.

City Manager Brotzman replied that on the expenditure side we are ahead; but not on the revenue side.

ACTION: 1) Adopt Resolution No. 1239, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING RESOLUTION NO. 1147 FOR THE PURPOSE OF REVISING BUS PASS FEES"; 2) Appropriate \$68,000, the anticipated revenue to the account which pays for bus pass sales; 3) direct staff to prepare a comprehensive report on transportation services to be completed by February, 1994.

Motion Heilman, seconded Guarriello and unanimously carried.

COUNCILMEMBER COMMENTS:

Councilmember Heilman announced a free Self-Defense Seminar on December 11, 1993 from 12:00 to 4:00 p.m. at the Athletic Club, 8560 Santa Monica Blvd.

Mayor Guarriello commented on the Hanukkah festival that the Jewish community had--it was a great affair; small children did a fantastic dance routine.

Mayor Pro Tem Land responded to comments made by the La Jolla/Havenhurst neighborhood group. She directed that the Public Safety Commission look at the issues at La Jolla/Havenhurst--they might want to form a subcommittee--and look at the possibility of the City taking over the County lot, look at how to make that lot safer if the City did take it over, and work with our Transportation Department on other things that could be done on those streets to prevent people from circling the neighborhood, and look at how we could secure that County lot in the meantime. Mayor Guarriello suggested holding a meeting. Councilmember Land said it would be appropriate to have the Public Safety Commission take the lead and come back with recommendations.

Councilmember Heilman concurred with Mayor Pro Tem Land and suggested that perhaps staff could work on some solutions and organize a similar meeting as on the East Side.

Councilmember Koretz agreed that there is a need to deal with that lot and the problems in that area.

4. UNFINISHED BUSINESS: NONE.

5. NEW BUSINESS:

A. RESOLUTION URGING THE CALIFORNIA LEGISLATURE TO GRANT LOCAL GOVERNMENTS THE AUTHORITY TO REGULATE THE USE AND

SALE OF FIREARMS WITHIN THEIR JURISDICTIONS:

Mayor Pro Tem Land provided background information as outlined in the staff report dated December 6, 1993. She indicated other cities which will be considering this resolution within the next month.

SANDY SHIRE, WEST HOLLYWOOD, stated he does not know if he is in support or opposition of this resolution. He indicated he would like to know what the definition of regulation is and what each Councilmember thinks.

Councilmember Koretz stated that he is in support but feels the timing is unfortunate. He indicated that this is weaker than what he would like to see, which is a total ban on handguns.

Mayor Pro Tem Land indicated that she too is in support of a total ban; however, she feels we should do whatever we can that will put pressure on the legislature.

ACTION: 1) Adopt Resolution No. 1240, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD URGING THE CALIFORNIA LEGISLATURE TO GRANT LOCAL GOVERNMENTS THE AUTHORITY TO REGULATE THE USE AND SALE OF FIREARMS WITHIN THEIR JURISDICTIONS." 2) authorize the City to take the lead and to work with local and State elected officials, including the Women's Summit Against Violence, plus other cities that are very interested in this, and to provide information on City Channels 10 and 6 about the importance of gun control.

Motion Land, seconded Lang and unanimously carried.

- B. RESOLUTION IN SUPPORT OF THE LOS ANGELES TIMES PROPOSAL TO RESTRICT THE MANUFACTURE AND OWNERSHIP OF FIREARMS:** Councilmember Koretz provided background information as outlined in staff report dated December 6, 1993.

SANDY SHIRE, WEST HOLLYWOOD JEWELRY, commented that the L.A. Times printed six articles to support their position, but only four articles from the opposition. He stated that people who kill should be severely punished; however he feels a total ban on handguns would leave people helpless in the hands of criminals.

Councilmember Koretz responded that he knows of a person who tried to stop a robbery with a handgun, and was killed by two unarmed robbers with his own gun.

ACTION: 1) Adopt Resolution No. 1241, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE LOS ANGELES TIMES-SPONSORED PROPOSAL TO RESTRICT THE MANUFACTURE AND OWNERSHIP OF FIREARMS" and commend the Los Angeles Times for their willingness to take a leadership role on the issue of gun control. 2) Forward copies of this resolution to state, local and national legislators to encourage support of this proposal.

Motion Koretz, seconded Land and unanimously carried.

C. VARIANCE REQUEST PURSUANT TO SECTION 4608 OF THE MUNICIPAL CODE REGARDING SMOKING IN PUBLIC PLACES SUBMITTED BY HAL BODNER, ESQ. ON BEHALF OF YUKON MINING COMPANY AT 7328 SANTA MONICA BOULEVARD:

This item was continued to January 3, 1994 by request of Hal Bodner.

EXCLUDED CONSENT CALENDAR:

2.0. APPROVAL OF AGREEMENT FOR CITY HALL PROJECT MANAGER:

Mayor Guarriello asked if an RFP had gone out on this.

City Manager Brotzman replied that this was a directly negotiated contract which represents basically an extension of the work that they're doing. He stated it would be in the City's financial benefit to stay with people who have the knowledge and the history behind the agreement as opposed to bringing in a new firm at this point.

ACTION: Authorize the City Manager to enter into an agreement with Gilbert & Associates for City Hall Project Management Services in an amount not to exceed \$97,500.00.

Motion Guarriello, seconded Land and unanimously carried.

2.U. DENIAL OF THE DESIGNATION OF 9023-39 BEVERLY BOULEVARD (CHASEN'S) AS A LOCAL CULTURAL RESOURCE:

ACTION: Adopt Resolution No. 1233, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AFFIRMING THE RECOMMENDATION OF THE CULTURAL HERITAGE ADVISORY BOARD AND DENYING THE DESIGNATION OF 9023-39 BEVERLY BOULEVARD (CHASEN'S) AS A LOCAL CULTURAL RESOURCE OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA".

Motion Land, seconded by Heilman and unanimously carried.

2.D.D. APPROVAL PROCESS FOR THE CITY HALL ART COMPONENT:

Councilmember Heilman asked why we wouldn't go out to bid or solicit requests for qualifications rather than the process outlined.

Dottie Gibbons-White, Councilmember Lang's Deputy, responded that one reason was in the interest of time. The other reason has to do with the way projects are usually done for the one percent requirement. Usually the developer chooses the artist in consultation with the urban art subcommittee. This is a unique situation--the City is the developer, yet is working with the landlord. It's more like a development where the developer needs to choose the artist. The ordinance doesn't require doing an RFP.

Councilmember Heilman asked the City Manager if there was

any problem with Council approving the process as outlined.

City Manager Brotzman responded that the urban art subcommittee did in fact solicit ideas on potential artists, and did in fact screen it down. It is still possible to review additional artists and consider them. We are asking at least one additional artist to submit, if they are interested. In the final selection process we will bring the architect into the process with us.

Dottie added that the urban art subcommittee is still reviewing artists. She stated that the subcommittee members had gone out to galleries, and the galleries had made selections.

Councilmember Heilman and Mayor Pro Tem Land indicated that they would have liked a more open process.

Ms. White explained that an effort was made to find artists through other sources, such as the metro-rail project, although there was an emphasis on the galleries.

ACTION: Approve the selection process as outlined, with the understanding that other qualified people could still submit their resumes and work to the urban arts subcommittee.

Motion Heilman, seconded by Guarriello and unanimously carried.

CITIZEN COMMENTS:

MICHAEL EISENBERG, THUNDER ROAD HOUSE, spoke against the smoking ordinance. He asked that Council modify the ordinance to mirror Los Angeles and allow smoking at bars in restaurants.

6. LEGISLATIVE:

A. THIS ITEM WAS CONSIDERED AFTER PUBLIC HEARING ITEM 3.A.

B. AMENDMENT TO THE WEST HOLLYWOOD MUNICIPAL CODE RELATIVE TO RENT ADJUSTMENT CASES AND THE 115-DAY DEADLINE AND TENANT PERFORMANCE OF MAINTENANCE:

ACTION: Introduce for first reading Ordinance No. 391, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING SECTION 6411 AND 6412 OF THE WEST HOLLYWOOD MUNICIPAL CODE RELATIVE TO RENT ADJUSTMENT CASES AND THE 115-DAY DEADLINE AND TENANT PERFORMANCE OF MAINTENANCE."

Motion Land, seconded by Guarriello and unanimously carried.

C. PROPOSED ORDINANCE RELATING TO USE OF TARPAULINS:
Leah Archibald provided background information as outlined in the staff report dated December 6, 1993.

Councilmember Koretz commented on deaths which had occurred from methyl bromide; he had hoped to ban it completely, but this as far as the City can go, legally.

ACTION: Introduce for first reading Ordinance No. 392, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REQUIRING ADDITIONAL NOTIFICATION OF FUMIGATION AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."

Motion Heilman, seconded Lang and unanimously carried.

- D. PROPOSED AMENDMENT TO THE WEST HOLLYWOOD SMOKING ORDINANCE REMOVING THE PROVISIONS FOR A VARIANCE:**
Anne Browning provided background information as outlined in the staff report dated December 6, 1993.

There was brief discussion about the fact that a variance had been applied for. Councilmember Heilman suggested tabling this ordinance until Council could consider the application for a variance.

City Manager Brotzman stated that Council could either table this or go ahead and do first reading, since the ordinance would not be effective for 30 days after adoption.

Councilmember Koretz stated that this would be an appropriate time to deal with some other factors in the ordinance, particularly the area which was brought up by a speaker, where West Hollywood has a difference from the Los Angeles and Santa Monica ordinances, with regard to restaurants which have bars which are not fully enclosed. He suggested that West Hollywood amend its ordinance and adopt the same language as Santa Monica and Los Angeles, along with eliminating the variance.

Mayor Pro Tem Land stated that it is imperative that the ordinances should be the same, which is something that West Hollywood had committed to as part of the Westside Cities. She mentioned also that Santa Monica is going to be pushing to have a total ban on smoking in all bars and clubs, in a year. She stated that at the last Westside Cities Summit meeting, letters were sent to unincorporated County areas urging them to adopt the same ordinance as Los Angeles.

Councilmember Heilman clarified Councilmember Koretz's suggestion that staff be directed to look at bringing back an amendment to the ordinance that would allow smoking at the bar area.

Councilmember Koretz stated that the exact wording he was looking for (from the L.A. ordinance) is, "The prohibitions set forth in Paragraphs A and B above shall not apply to any portion of a restaurant which is utilized as a bar."

Councilmember Heilman stated that that amendment would address part of the concern of Thunder Road and Cafe D'Etoile, where they have a bar area.

Assistant City Attorney Hogin suggested the Council introduce the ordinance which is before them tonight for first reading and direct staff to bring back an ordinance and a staff report analyzing the language that Councilmember Koretz suggested, and direct the City Clerk to Agendize all three issues for January 3, 1994 under New Business.

MICHAEL EISENBERG, THUNDER ROAD HOUSE, said that if the ordinance is changed to mirror the Los Angeles ordinance, he would be satisfied; however, if it is not, he does not want to be precluded from applying for a variance. Talked about the issue of enforcing the ordinance.

HELEN PETROU, YUKON MINING COMPANY, spoke against the smoking ordinance and requested a variance.

NORMAN BLOSS, WEST HOLLYWOOD, spoke against the smoking ordinance.

MICHAEL RADCLIFFE, WEST HOLLYWOOD COMMUNITY ALLIANCE, will be filing for a variance from the smoking ordinance on behalf of 13 restaurants.

Councilmember Heilman commented that Yukon Mining Company had said that their business was down even before the ordinance went into effect. He has eaten at other restaurants which have not had a problem with the ordinance. He feels Council should certainly hear the request for the variance, but otherwise should go along with the recommendations of the City Attorney.

Mayor Guarriello asked about enforcement.

Ms. Browning replied that code enforcement currently is responding to complaints; once the ordinance is amended, it will be easier for code enforcement to determine a course of action.

ACTION: Introduce for first reading, Ordinance No. 393, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD DELETING THE PROVISION FOR A VARIANCE FROM THE SMOKING ORDINANCE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE," and as suggested by the Assistant City Attorney, direct staff to bring back an ordinance at the next meeting incorporating the language suggested by Councilmember Koretz regarding bars, with a staff report, and direct the City Clerk to agendize those two ordinances along with the application for a variance, for January 3, 1994, under New Business.

Motion Heilman, seconded Koretz and unanimously carried.

COUNCILMEMBER COMMENTS: None.


ADJOURNMENT: The City Council adjourned at 11:45 in memory of Frank Wittenberg to a meeting for a Closed Executive Session on December 15, 1993 at 5:00 p.m.

The next regular meeting of the City Council on December 20, 1993 is cancelled.

APPROVED BY MOTION OF THE CITY COUNCIL THIS 3RD DAY OF
JANUARY, 1994.


MAYOR

ATTEST:


CITY CLERK