



PLANNING COMMISSION MINUTES

April 6, 2000

West Hollywood Park Auditorium, 647 N. San Vicente Boulevard, West Hollywood, California 90069

1. CALL TO ORDER

The meeting of the Planning Commission was called to order at 6:30 p.m. by Chair Smith.

A. Pledge of Allegiance

The Pledge of Allegiance was led by Councilmember Sal Guarriello.

B. Roll Call

Commissioners Present:

John Altschul, Liz Anderson, David Behr, Brad Crowe, Donald DeLuccio, Steve Smith, and Bradly Torgan.

Commissioners Absent:

None.

Staff Present:

Ray Reynolds, Community Development Director; Lisa Heep, Planning Manager; Erika Fleming, Assistant City Attorney; Hassan Haghani, Senior Planner; John Keho, Senior Planner; Tim Foy, Senior Planner; and Jennifer Diaz, Administrative Staff Assistant.

C. Approval of Agenda

Action: To approve the Agenda as amended.

Motion: DeLuccio Second: Altschul

Votes: All Ayes Motion Carried

D. Posting of Agenda

This agenda was posted at City Hall, the Community Development Department counter, West Hollywood Library on San Vicente Boulevard, Plummer Park, and the West Hollywood Sheriff's station.

2. PUBLIC COMMENT

- a. **Jeanne Dobrin, West Hollywood**, stated that the City Council has been overturning many decisions of the Planning Commission; Re-iterated that there is not a restraining order against her from the La Montrose Hotel and gave her opinion on the recommendations from staff on the agendized items.

3. CONSENT CALENDAR - None

A. Minutes – March 16, 2000

Action: To approve Consent Item 3.A.
Motion: Altschul Second: Crowe
Votes: All Ayes Motion Carried

B. Development Permit 99-05, Conditional Use Permit 99-02, Demolition Permit 99-02, Major Conditional Use Permit 99-06: Conversion of existing suites and 4th floor facilities to add 22 new rooms/suites; addition of a new bar; 250 square-foot sidewalk dining area on Sunset Boulevard; alcohol service throughout hotel; 13 additional parking spaces and parking-in-lieu fee for 33 spaces.

Applicant: Park Sunset Hotel
Location: 8462 Sunset Boulevard
Planner: Hassan Haghani
Recommendation: Approve the revised Resolution.

Action: To approve Consent Item 3.B.
Motion: Crowe Second: DeLuccio
Vote: All Ayes Motion carried, noting the abstention of Altschul.

4. EXCLUDED CONSENT CALENDAR

5. COMMISSION CONSIDERATION

A. Commission recommendation to City Council regarding a Moratorium on certain types of off-site advertising permits.

Chair Smith stated that the Commission will take suggestions from staff to the City Council regarding a Moratorium.

Action: Discuss alternatives at the April 24th Study Session with the City Council.

Motion: DeLuccio Second: Crowe
Vote: All Ayes Motion Carried.

B. Request for joint meeting with Beverly Hills Planning Commission on May 11, 2000.

Mitchell Dawson, Chair of Beverly Hills Planning Commission, requested a joint meeting to share ideas in the form of a workshop to discuss ordinances and conducting hearings and meetings.

Chair Smith thanked Chair Dawson for the invitation.

6. PUBLIC HEARING

A. Conditional Use Permit 99-28, Development Permit 99-48, Development Permit 99-49, and Creative Sign Permit 2000-02: Amend the existing Conditional Use Permit and Development Permit for the Key Club to allow for the addition of a 1,000

square-foot outdoor dining area, entry vestibule, 150 square-foot storage building and two creative signs.

Applicant: Mark Lehman for the Key Club

Location: 9035-9039 Sunset Boulevard

Planner: John Keho

Recommendation: *Conditionally approve the request, except for the west facing creative sign.*

John Keho presented the staff report.

Discussion of Item 6.A included:

- ◆ Several issues of crowds and occupancy limitations were raised.
- ◆ Question whether proper security personnel were in force.
- ◆ The neighborhood meeting was scheduled before Christmas.
- ◆ Outdoor space treated as public space after the closure of the dining area.
- ◆ Access after midnight into the club or from the club out to the plaza.
- ◆ Report from Sheriff's Department on safety issue.
- ◆ Parking calculations.

Sergeant Bob Harms, Sheriff Deputy, reported on statistics of crimes reported in the area and what types of promotions cause more crowds than others. He stated that surrounding traffic and complaints are not considered to be from the Key Club directly, but from all of the surrounding clubs. He also stated that in terms of all the clubs on Sunset, the Key Club is on of the lessor problems. Depending on the popularity of a club depends on where the most traffic will occur. He wasn't aware of off duty Deputy's working as security guards and stated that the current security at the club needs to patrol equally around the club instead of at the front door.

Rich Ryan, Public Safety Division, did not have any statistics on problems received from the Los Angeles Police Department. The Public Safety Division has received direction from Councilmembers to review a cruising ordinance which would address many of the problems currently being discussed and have decided to come up with a much more comprehensive plan which will be called The Sunset Noise and Traffic Mitigation Plan. The plan will include a complete review of all valet plans from the major clubs on Sunset, a weekly report on all calls for service on Sunset, and will call for a meeting with the Los Angeles Police Department to rectify ongoing problems. The plan will be presented to the City Council in May. He also reported that the Sheriff's Department has increased it's efforts in controlling traffic and has started issuing more citations for various violations.

Mark Lehman, West Hollywood, presented the applicant's report.

Additional discussion of Item 6.A:

- ◆ Security should be at the exits and entrances of the club.
- ◆ A neighborhood meeting was suggested to be held by the Key Club before the Commission acts on the request.
- ◆ The numerous amount of letters from neighbors with specific complaints about patrons from the club.

Gary Pressman, Santa Monica, stated that the garbage bags located in front of the club are from a neighborhood clean up.

Eve White, Los Angeles, stated that the security was directed to patrol the neighborhood until 2:30 am and the perimeter of the club. She was unsure if the security is actually following directions. She also stated that she has made contact with a neighbor who had problems with the club and is trying to work on the problems and believes that other clubs should be involved in solving the traffic problem. She stated that the trash is being cleaned-up surrounding the club, although she has not witnessed the clean up.

Citizens Comments

- a. **Mark Gonzaga, West Hollywood**, spoke on the uncivilized creatures who frequent the Key Club. He also stated that there is a tremendous amount of noise and litter scattered around the neighborhood and spoke on the light from the club.
- b. **Harvey Leven, Los Angeles**, commented on the security stated in the resolution has not been complied with, the litter and glass thrown around the streets, stated that he tried to file a complaint with the club and was told that there were no provisions to handle such problems, and stated that he has spoken with the Los Angeles Police Department and they reported that they have received many disturbance calls from the community about the Key Club.
- c. **Morris Ring, West Hollywood**, spoke on the jumbotron on the west side and stated that he has called and complained about this issue as well as the noise from the club.
- d. **Scott Forbes, West Hollywood**, commented on the creative sign, the patio, and the parking lot. He also showed pictures to show his concern being stated. Stated the commission should not approve the request.
- e. **Henry Summerville, West Hollywood**, complained on the jumbotron and it's flashing, glaring lights, and the noise from the parking lots.
- f. **Sam Kaiser, Los Angeles**, spoke on the lack of security, the out of control crowds, and the amount of garbage in the street. He stated that the security of his family is jeopardized.
- g. **Clair O'connor, West Hollywood**, stated that the security, parking, noise, and traffic need to be addressed and worked on. She also stated that the fire department, police and ambulance cannot get through the traffic and into the neighborhood.
- h. **Seth Krugliak, Los Angeles**, stated that he has not seen any security officers from the club. He also spoke on the noise, litter, crowds and traffic is overwhelming and is decreasing the quality of life and decreasing the value of the homes in the neighborhood. Asked that the commission not approve the resolution.
- i. **Lance O'Connor, West Hollywood**, stated on the serious problems of the crowd from the key club and surrounding clubs, such as people using drugs, having sex, and urinating on their property. He also has been confronted and threatened by these patrons.

- j. **Lucy Web, West Hollywood**, spoke on the violence that has occurred from patrons, the lack of security, needles and crack pipes that have been found in the street and side walk. She also has been threatened by people wandering into her neighborhood. She stated that she would like to see the Key Club shut down.
- k. **Linda Shecter, West Hollywood**, stated that she lives more than 500 feet from the club and can hear the noise from her house. She stated that the quality of life is being affected.
- l. **Norma Lisa, West Hollywood**, spoke on the traffic, the people who park on the street and have sex in their cars and has been threatened by these people, and how the fire trucks cannot reach the neighborhood. Also stated that she has not seen any security patrols and has to pick up litter and glass from her driveway.
- m. **Harrison Holeman, West Hollywood**, spoke on the management's lack of knowledge of who is supposedly picking up trash and stated that there is trash everywhere not being picked up. He also stated that he has gone to the club to complain to the management about the noise and the security would not call the manager for him. He stated that the club has continually disregarded the environment.
- n. **Howard Gordon, Studio City**, customer of Key Club. Spoke in support of the expansion of the patio area.
- o. **Ruben Moreno, West Hollywood**, spoke in support of the club and the restaurant and stated that he is a customer and has not had a problem parking.
- p. **Dan Bean, Los Angeles**, stated that the commission should not approve the expansion. He stated that he has not seen any security patrolling the area, has called and complained to the club and the Sheriff's department on several occasions, has been threatened by patrons, and seen patrons urinating on private property.
- q. **Erik Whiteside, West Hollywood**, stated that he has grown up in the neighborhood and has not had any problems until the Key club opened.
- r. **Jeanne Dobrin, West Hollywood**, spoke in opposition of the club due to the traffic problems it is causing and the nuisances caused by the patrons from the club. Stated that Ms. White doesn't seem to know what the employees are doing and should check up on them since they are being paid.
- s. **Eve White, Los Angeles**, has tried to be responsive and responsible and is trying to improve the quality of traffic surrounding the club. She is trying to answer and address concerns brought to them. Ms. White also answered questions from the Commissioners regarding the shows at the club, the crowd that gathers in the plaza, parking lots being leased, security guards and other employees and commented on the complaints of the video sign and has tried to have the brightness of the sign lowered.

Continued Discussion of Item 6.A:

- ◆ A community meeting needs to be held before a decision can be made.
- ◆ A motion of revocation and declaration of nuisance should also be an option along with a revised resolution.
- ◆ Staff was advised to assess the conditions of the current CUP to see what is being upheld and which ones are not being upheld.
- ◆ Each condition will be analyzed and the Key Club will need to show how they

plan on enforcing each condition. If there is not a suitable plan brought forth to the Planning Commission, the club will face revocation.

- ◆ Issues for staff as to the conditional use permit applications, are there other applications for creative sign permits recommended for approval that are requesting more than 3,000 percent of what is allowed standard under the Code.
- ◆ In staff recommendations where a permit was approved with a request in reduction in the code requirement parking. The concern of violating the Sunset Specific Plan or the General Plan was raised.
- ◆ A look into the conduct of the business as a whole.
- ◆ A tickler file on the complaints received of all clubs on Sunset.
- ◆ Check with the Transportation Department in regards to the valets and how they are supposed to park cars.
- ◆ Check with the fire department on occupancy load and if there have been any citations within the past year, and include the information in the staff report of every club in the future.

Mark Lehman, stated that his clients will waive the Permit Streamlining Act and agrees to have any further hearings noticed with a radius of 1,000 feet and to all persons in attendance of the current hearing.

Action: Continue the hearing to June 15, 2000 following a neighborhood meeting. The hearing and neighborhood meeting will be noticed within a 1,000 foot radius, to all persons who testified at the public hearing, and to all persons with a letter on file. Revocation and/or Declaration of Nuisance will also be on the agenda.

Motion: DeLuccio Second: Anderson
Votes: All Ayes Motion carried

B. Demolition Permit 99-18, Development Permit 99-58, Conditional Use Permit 99-37, Request for Parking Reduction: Demolish a two story classroom building and construct a four story classroom building.
Applicant: Pacific Hills School
Location: 8628 Holloway Drive
Planner: Tim Foy
Recommendation: Continue to May 4, 2000.

ACTION: Continue the public hearing to May 4, 2000.
Motion passes by a consensus of the Commissioners.

C. Appeal of Director's Decision regarding Development Permit 98-45: Request concerns use of rooftop pool deck by persons other than hotel guests after 10:00 p.m.
Applicant: Hyatt Hotel
Location: 8401 Sunset Boulevard
Planner: Tim Foy
Recommendation: Conditionally approve the appeal.

Commissioner Altschul recused himself from the hearing.

Tim Foy presented the staff report.

Discussion of item 6.C:

- ◆ The resolution stated the conditions of a one year trial period for rooftop operation but renovations were completed only four months ago.
- ◆ Amplified music will not be played after 10:00 PM.
- ◆ Un-amplified music should be addressed in the staff report and CUP.
- ◆ Ambient music will be allowed during the day, and un-amplified music after 10:00 PM.
- ◆ 291 parking spaces are required in the original CUP.
- ◆ It was clarified that there is no lease agreement with the House of Blues.
- ◆ Commissioner's DeLuccio, Smith, Anderson and Torgan have met with the applicant on separate occasions.

Applicant's report presented by Rick Zbur.

Mr. Mark Bastis, General Manager of the Hyatt West Hollywood, commented on amplified music and stated there is a room with music inside the hotel. Due to keeping in compliance with the conditional use permit, the hotel has lost several bookings because potential customers cannot go outside and have music. He also answered questions regarding the amplified music, the leasing out of spaces, and stated that there is a complaint logbook on site.

Public Comment:

- a. **Dr. Charles Sophie, West Hollywood**, spoke on the noise that is heard from his bedroom, which comes from the rooftop of the hotel.
- b. **Paul Kellogg, Los Angeles**, spoke in opposition to the appeal and there should not be any rooftop activities.
- c. **Bruce Voss, Los Angeles**, spoke on the noise from people on the rooftop and is in opposition of the hotel.
- d. **Richard Feldman, Los Angeles**, spoke on the noise from people on the rooftop of the hotel and the problems it causes for neighbors.
- e. **Katherin Thulin, West Hollywood**, spoke on the issue of the noise coming from the rooftop of the Hotel. She also spoke on the mis-management of the surrounding establishments.
- f. **Christopher Hauck, West Hollywood**, spoke on the noise and traffic and the increase of the problem if the appeal is granted.
- g. **May Eatwell, Los Angeles**, stated that the quality of life has been affected by the noise coming from the hotel and surrounding businesses.
- h. **Patrick Richardson, Los Angeles**, spoke in support of the Hyatt Hotel.
- i. **Lynne Segall, Los Angeles**, spoke on the noise level that has been increasing from the surrounding business and traffic and is in opposition of the permit.
- j. **Elwood Hopkins, Los Angeles**, spoke in opposition of the proposed permit due to the noise that comes from the rooftop.
- k. **Bob Knotek, Los Angeles**, spoke in opposition of the Hyatt.
- l. **Hank McCann, Los Angeles**, spoke in opposition to the permit.
- m. **Jeane Mathison, West Hollywood**, spoke on the noise and in opposition of the

permit being approved.

- n. **Gigi Veron, West Hollywood**, reiterated the increasing noise from the businesses and urged the commission not to approve the hotels permit.
- o. **Panr Wishard, West Hollywood**, spoke on the noise and is in opposition of the permit.
- p. **Peter Shore, Los Angeles**, spoke on the noise and is in favor of the permit application.
- q. **Carla Chavez, Los Angeles**, represents the union and is in favor of the permit. She also stated that the hotel provides benefits to its employees.
- r. **Mark Krajewski, West Hollywood**, spoke in opposition of the permit due to the noise and is asking the commission to consider the quality of life.
- s. **Jeanne Dobrin, West Hollywood**, commented on items in the general plan, noise level, the economic validity claimed by the hotel, and is in opposition of the permit and asks the commission to uphold the decision of the Director of Community Development and deny the request.

Rebuttal of applicant.

Action: Close the public hearing

Motion: Torgan Second: Crowe

Votes: All Ayes Motion carries

Continued discussion of item 6.C:

- ◆ Noise after 10:00 PM is intolerable.
- ◆ The applicants are willing to give up all amplified music, but there is still the problem of the neighbors complaints about hearing people talking on the deck.
- ◆ The noise from people drinking will increase
- ◆ Ambient music is still too loud.
- ◆

Action: No alcohol use on the pool deck, No amplified sound at any time of the day on the pool deck, No music other than ambient music on the pool deck, Close the pool deck at 10:00 PM.

Motion: Withdrawn

Ms. Fleming advised the commission of their two options which is to 1) Approve or 2) Deny the request presented in the staff report, at which time the commission can agendize a modification to include items other than what the staff is recommending as a separate item. The items listed in the commissions motion would have to be noticed as a modification to the existing conditional use permit.

Action: Continue the public hearing to a date yet to be determined as well as agendize a modification/revocation hearing that will include items covered in the withdrawn motion.

Motion: Smith Second: Crowe

Votes: All Ayes Motion passes

7. PUBLIC COMMENT

8. ITEMS FROM COMMISSIONERS

9. ITEMS FROM STAFF

- A. Cancellation of the April 20th Planning Commission Meeting.**
- B. Study Session on April 24th with the City Council regarding off-site advertising.**

10. ADJOURNMENT

Action: To adjourn to the Signage Study Session with the City Council on Monday April 24, 2000, at the West Hollywood Park Auditorium, 647 N. San Vicente Boulevard.

Motion: Smith Second: DeLuccio
Motion carried by consensus of the Commission.

PASSED, APPROVED AND ADOPTED THIS DAY OF May 18th, 2000.

CHAIRPERSON: *Stephen H. Fine*

ATTEST:
COMMUNITY DEVELOPMENT DIRECTOR: *Roy Langness*