

CITY OF WEST HOLLYWOOD PLANNING COMMISSION

MINUTES

December 01, 1994

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

I. CALL TO ORDER

The regular meeting of the Planning Commission was called to order by Commissioner Litz at 7:00 p.m.

Commissioner Litz called Richard Settle to the podium who announced that it was World Aids Day and asked for a moment of silence as well as an adjournment of the meeting in honor of the day.

A. Pledge of Allegiance: The Pledge of Allegiance was led by Richard Settle.

Commissioners Present: Behr, Crowe, Fischer, Jones, Litz, Richmond, Smith

Others Present: Paul Brotzman, City Manager; Gay Forbes, Community Development Director; Lisa Heep, Planning Manager; Jennifer Davis, Associate Planner; Joan English, Transportation Director; Lucy Dyke, Transportation Manager; Brent Mullins, Building & Safety Manager; Sarah Lejeune, Sunset Specific Plan Project Planner; Kris Miller-Fisher, Urban Design Consultant; Jody Hidey, Staff Assistant.

C. Approval of Agenda:

Commissioner Behr voiced concerns about the Roxbury continuance and asked staff for a memo update on this issue for the next meeting.

Commissioner Richmond noted that at the last meeting it was requested that the House of Blues be scheduled under Items from Commissioners on the agenda for the meeting of December 1, 1994 when in fact it has been scheduled under Items from Staff. He pointed out that some additional time may be needed for this topic under Items from Commissioners.

Action: To approve the minutes of November 17, 1994 as prepared by staff.

Motion: Crowe **Second:** Smith

Vote: All Ayes **Motion carried.**

IV. ITEMS FROM STAFF

Memorandum regarding The House of Blues.

The following spoke against The House of Blues:

1. Bud Kopps, West Hollywood, also given time by Rita Guarriello
2. Glenn Goldberg, West Hollywood
3. Doug Whisewand, West Hollywood
4. Michael Trent, West Hollywood
5. Jonathan Siegel, West Hollywood
6. Lynn Hoopingarner, West Hollywood
7. Ina Coleman, West Hollywood, also given time by Joanne Dubin

The following commented on The House of Blues:

1. Candida McCollam, West Hollywood, also given time by Sidney Green
2. Jim Berland, Owner of Butterfield's, Culver City
3. Jeanne Dobrin, West Hollywood, also given time by Judith Brustman
4. Bob Brodsky, West Hollywood

Responses were made by staff as follows:

Paul Brotzman, City Manager outlined the issues that staff would address, including those presented at this meeting.

Joan English, Transportation Director, commented on parking issues and how they are being resolved.

Brent Mullins, Building & Safety Manager, responded to compliance complaints as well as handicapped requirements.

Commander Bill Mangan of the Sheriff's Department reported on public safety.

Lucy Dyke, Transportation Manager, discussed traffic flow and traffic noise issues.

Jennifer Davis, Associate Planner reported on the Zoning Ordinance that deals with design standards for "accessibility."

The following House of Blues representatives responded to issues of operation, traffic, parking, compliance, public safety, capacity, patio enclosure and responses to citizens.

1. Mark Lehman, West Hollywood
2. Steve Strauss, General Manager of House of Blues

Questions from Commissioners to Commander Mangan, staff and representatives of The House of Blues followed.

Commissioner Richmond inquired if there are codes in effect now that were not in effect during plan check for House of Blues and could that account for some of the items not being in compliance at this time. Brent Mullins advised yes with explanations.

Commissioner Behr asked Transportation to consider a pricing structure for parking based on the number of occupants in the vehicle. Commissioner Behr also voiced his concerns about how the parking was calculated since originally parking was calculated at 285 and is now calculated at 506. A discussion with Joan English and Jennifer Davis followed.

Commissioner Fischer asked Steve Strauss about tiered show schedules, number of repeat customers and if patrons drop off their cars at House of Blues. He advised they are allowing more time between shows, they are experimenting with shuttle service for special events and if both lots are full fliers are distributed directing patrons where to park.

Commissioner Smith asked Lucy Dyke whether or not it is the City that decides if a parking structure needs to be built. She advised that the Planning Commission makes the decision whether or not it should be built. A discussion of sites, ingress and egress followed.

Commissioner Jones raised the issue of occupancy and how it became 1000 instead of 750. It was explained by Paul Brotzman and further by Brent Mullins that it has to do with the interior configuration and it changes if, for example, there is seating on the dance floor when it is not a dance floor. Commissioner Jones was also

told that the enclosure of the second balcony would probably be completed by February. Commissioner Jones inquired how much change was made from the original plan. Brent Mullins responded that the footprint never changed but some ceilings were raised, some floors were elevated but the structure itself did not change. From Building & Safety's point of view, the changes were not substantial.

Commissioner Crowe asked Capt. Mangan to explain how the private entity agreement works, i.e. the ability to have two officers on site and call additional officers as needed. Commissioner Crowe asked Steve Strauss if he had seen the Planning Commission video tapes of the hearings relating to House of Blues. Commissioner also asked Mr. Strauss if he had been advised by his attorney of the Supreme Court rulings that representations made in a hearing must be upheld.

Commissioner Litz asked the following:

- .How much revenue is being generated from the House of Blues.
- .What is the 93rd condition not being met and what else is keeping them in the temporary Certificate of Occupancy stage.
- .How is the advertisement of live entertainment on the balcony being handled by staff.
- .When the second balcony is enclosed, will it become a non-smoking facility.
- .Is the signage on wheelchair routing now in place.

Commissioner Litz voiced concerns that there is a private club on the premises yet it was approved as a public business.

Paul Brotzman and Brent Mullins responded:

- .House of Blues is the fourth largest revenue producing source in the City with a net direct and indirect revenue of probably over \$200,000 per year.
- .The 93rd condition relates to 10.11, legal parking requirements, and its interpretation. Only two requirements remain incomplete relating to accessibility which are expected to be completed by morning.
- .Staff required them to stop the advertisement.
- .Staff will research the non-smoking issue as well as what disability access zoning ordinance was in effect at the time House of Blues filed.
- .In response to Commissioner Litz' question about the private club, Paul Brotzman replied that the City does not know the legal status of this and is consulting the City Attorney.

Commissioner Jones opened a discussion regarding when the permit was pulled and whether or not the Codes apply that day.

The subject of "accessibility" was discussed as it relates to Planning vs. Building & Safety.

Commissioner Litz asked Mark Lehman if House of Blues would consider both on-site parking as well as Peterson Building parking if it was found necessary. Mike Lehman advised they were open to discussing all options but more facts are needed. Commissioner Litz asked Mr. Strauss what kind of music was played since it was represented to the Commission that only blues would be played. A discussion followed.

Commissioner Litz asked staff to update the Commission on methods of taking away a Conditional Use Permit. Lisa Heep responded that in order to revoke a Conditional Use Permit a public hearing must be held with certain findings, for example, one of the uses not being substantially met; modification of conditions if the use is found to be creating a nuisance which also requires a public hearing and the third is to direct staff to continue working with them to ensure all conditions are met.

Commissioner Behr inquired if a separate traffic study will be conducted at the La Cienega site and stated that at the time they decide to build they must replace the 200 parking spaces at another location. The date being used for the parking timing is April 22nd.

Commissioner Jones asked when the Commission could expect some results from the parking study and was advised probably the end of the month.

Commissioner Smith asked for further clarification on the time frame for the study. He also asked Mr. Strauss how many customers there are on a slow night to which he replied, between 600 to 800 average.

Informational items to Commissioners from staff:

1. Crime statistics
2. Valet parking plan
3. Location of parking spaces, on-site and off-site.
4. How disability issues are being addressed.
5. Calculation used for determining parking requirements.

VI. PUBLIC HEARINGS

- A. Conditional Use Permit 94-02 - A request to permit billiard tables at the existing Roxbury Club. This public hearing was opened on May 19, 1994 and continued to the meeting of December 1, 1994.

Applicant: Alan Hajjar

Owner: E. T. Legg
Location: 8225 Sunset Boulevard
Recommended Action: Staff stated that this application had been withdrawn November 29, 1994.

- B. Sunset Specific Plan - Hearing to discuss the plan and receive public testimony. This is the third hearing in series of hearings before the Planning Commission to receive public input and to discuss the plan. This will focus on Geographic Areas 1, 2 and 3.

Applicant: City of West Hollywood
Owner: City of West Hollywood
Location: Sunset Boulevard
Recommended Action: Discuss Specific Plan issues and accept public testimony regarding the Plan.

Scheduling of geographic areas was discussed. Discussion of areas 1, 2 and 3 will continue to the meeting of December 15, 1994 and any items other than Sunset Specific Plan will be at the end of the Agenda.

Commissioner Litz reopened the Public Hearing.

The following spoke against the plan:

1. Alfred Coodley, MD, Los Angeles
2. Robert Knotek, Los Angeles
3. Bettie Wagner, Los Angeles

The following commented on the plan:

1. Candida McCollam, West Hollywood
2. Mike Woodward, Los Angeles
3. Jeanne Dobrin, West Hollywood
4. Paula Reddish Zinnemann, Beverly Hills, had to leave.
5. John Schuch, Los Angeles

Commissioner Behr asked staff to look into the actual size of Site 1B because there appears to be a large discrepancy in the size ranging from 59,000 square feet to 70,000 square feet and it appears to be 44,000 square feet.

It was decided that for all meetings henceforth, 7:15 P.M. to 10:00 P.M. would be devoted to the Sunset Specific Plan following Citizens Comments.

Also staff will maintain a running record of directions to staff in the staff report regarding the Plan.

VI. COMMISSION CONSIDERATION

None

VII. ITEMS FROM CITIZENS

- A. Jeanne Dobrin, West Hollywood, advised that she received a letter from attorney Olivia Bisset, representing the Rainbow Bar and Grill in which she said there would be monthly meetings with the neighbors in the first year and then quarterly meetings the second year. Ms. Dobrin called the Commissions attention to the fact that there was to be one and only one meeting.

VIII. ITEMS FROM COMMISSIONERS

- A. Commissioner Crowe expressed his concern that the House of Blues issues should be dealt with in the Commission and not in City Council. Commissioners Jones, Smith, Fischer and Behr all agreed to this line of reasoning.
- B. Commissioner Behr inquired of staff where we stand in determining parking requirements for nightclubs. Staff advised that a report should be completed in January.
- C. Commissioner Richmond stated that he and Commissioner Behr anticipated the problems that the House of Blues are now presenting to the City. Now that they are here, he suggested it might be a good idea to see where the the Commission could count on the City Council's support.
- D. Commissioner Smith set forth the possibility of seriously reviewing revocation of the House of Blues permit.
- E. Commissioner Behr would like to see staff bring to the Commission, on a hearing basis, a revision of the Conditional Use Permit based on at least the parking issue.

- F. Commissioner Litz commented that the administrative options regarding House of Blues revocation should be exhausted before we go to Council.
- G. Commissioner Richmond inquired if staff knew if the City is going to ask for compensation for vacating the easement at La Brea adjacent to Alpha Beta.
- H. Commissioner Litz asked staff to be sure the Sunset Specific Plan hotline is reflective of the Commission's new policy on hours as well as to be sure any new applicants are advised that they will not be heard until after 10:00 P.M. or whenever discussion of the Sunset Specific Plan is completed.
- I. Commissioner Litz asked staff to report on the Montrose Hotel letter advertising parties. Lisa Heep reported that both Code Enforcement and Planning contacted the Hotel and advised them that information in the letter was in violation of their Conditional Use Permit.

X. ITEMS FROM STAFF

- 1. Lisa Heep distributed maps and directions to the four Commissioners attending the West Area Planning Council meeting to be held December 8, 1994.

X. ADJOURNMENT

Action: To adjourn to the study session of the Planning Commission on Saturday, December 3, 1994 from 8:00 A.M. to 12:00 noon at the Werle Building at 626 North Robertson Boulevard. This will be a study session on transportation issues with members of the Transportation Commission.

Motion: Crowe

Second: Behr

Vote: All Ayes

Motion carried.



CHAIRPERSON

ATTEST:



DIRECTOR OF COMMUNITY DEVELOPMENT