



PLANNING COMMISSION MINUTES
Regular Meeting
August 15, 2013

West Hollywood Park Public Meeting Room – Council Chambers
625 N. San Vicente Boulevard, West Hollywood, California 90069

1. **CALL TO ORDER:** Chair DeLuccio called the meeting of the Planning Commission to order at 6:35 P.M.
2. **PLEDGE OF ALLEGIANCE:** Genevieve Morrill led the Pledge of Allegiance.
3. **ROLL CALL:**
Commissioners Present: Aghaei, Altschul, Buckner, Yeber, Vice-Chair Huebner, Chair DeLuccio.

Commissioners Absent: None.

Staff Present: Adrian Gallo, Associate Planner, David DeGrazia, Acting Current and Historic Preservation Planning Manager, Stephanie Reich, Urban Designer, Bob Cheung, Senior Transportation Planner, Stephanie DeWolfe, Community Development Director, Michael Jenkins, City Attorney, and David Gillig, Commission Secretary.
4. **APPROVAL OF AGENDA.**
Move New Business Item 11.A. (Planning Commission Subcommittee Appointments) before Public Hearing Items 10.

ACTION: Approve the Planning Commission Agenda of Thursday, August 15, 2013 as amended. **Moved by Commissioner Buckner, seconded by Commissioner Aghaei and unanimously carried.**
5. **APPROVAL OF MINUTES.**

A. **August 1, 2013**

ACTION: Approve the Planning Commission Minutes of Thursday, August 1, 2013 as presented. **Moved by Commissioner Aghaei, seconded by Commissioner Buckner and unanimously carried.**
6. **PUBLIC COMMENT.**
GENEVIEVE MORRILL, MARINA DEL REY, President/CEO, West Hollywood Chamber of Commerce, spoke regarding the “Eat, Shop Play, West Hollywood” program. She recommended visiting the website at www.eatshopplay.com. This program is in conjunction with the plastic bag ban which goes into effect citywide on August 20, 2013.

LYNN HOOPINGARNER, WEST HOLLYWOOD, Vice-President, West Hollywood North Resident's Association, spoke regarding the Los Angeles Times article on the Sunset Strip (Sunset Millennium Project). She had concerns regarding the renderings, scale and aesthetics of the buildings, and questioned what the process is for randomly changing items without noticing the neighborhoods.

7. DIRECTOR'S REPORT.

Stephanie DeWolfe, Community Development Director updated the commission on the actions taken at the last City Council meeting of Monday, August 5, 2013.

Under the Consent Calendar, City Council approved AECOM contract to begin a study of billboards on Sunset Boulevard. In addition, three billboards were approved. A contract was also approved for construction mitigation oversight, of the Sunset / La Cienega Project (formerly Sunset Millennium Mixed-Use Project).

Under Public Hearings there were two billboard items which were approved. An appeal of the Planning Commission's decision of the tall wall at 8730 Sunset Boulevard was continued.

Under New Business the City Council unanimously approved a contract with Page and Turnbull; to develop incentives for designated multi-family historic properties.

City Council also unanimously approved the West Hollywood Design District's Streetscape Master Plan.

Coming up at the City Council meeting on Monday, August 19, 2013 will be an amendment to the development agreement requesting an extension for the Palm Mixed-Use Project.

She spoke regarding issues surrounding noticing of the Planning Commission Design Review Subcommittee meetings. She stated these meetings are not formally noticed. This has been a long standing practice of the City of West Hollywood, for some very specific reasons. There was a recent project where this caused some concerns with the neighbors regarding Restoration Hardware. Staff will be reconsidering this practice, which will be brought back to the commission at a later date for further discussion.

She pointed out and encouraged reading of the Los Angeles Times Business Section regarding the article "Re-Igniting the Sunset Strip."

8. ITEMS FROM COMMISSIONERS. None.

9. CONSENT CALENDAR. None.

The following item was out of order as part of the amended agenda.

11. NEW BUSINESS.

A. Planning Commission Subcommittee Appointments:

1. **Appointments to Design Review Subcommittee for a term through June 30, 2014:**

ACTION: Appoint: 1) David Aghaei; 2) John Altschul; and 3) Roy Huebner. **Moved by Chair DeLuccio and unanimously carried.**

2. **Appointments to Long Range Planning Projects Subcommittee for a term through June 30, 2014:**

ACTION: Appoint: 1) Sue Buckner; 2) Donald DeLuccio; and 3) Marc Yeber. **Moved by Chair DeLuccio and unanimously carried.**

3. **Appointments to Business Signage Committee for a term through June 30, 2014:**

ACTION: Defer until needed. **Moved by Chair DeLuccio and unanimously carried.**

4. **Appointments to the Design Steering Committee for a term ending June 30, 2014:**

ACTION: Disbanded. **Moved by Chair DeLuccio and unanimously carried.**

5. **Appointments to 1343 Laurel Committee for a term through June 30, 2014:**

ACTION: Appoint: 1) Marc Yeber. **Moved by Chair DeLuccio unanimously carried.**

6. **Appointments to the Bicycle and Mobility Task Force:**

ACTION: Appoint: 1) Marc Yeber. **Moved by Chair DeLuccio unanimously carried.**

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 6:50 P.M. AND RECONVENED AT 7:00 P.M.

Chair DeLuccio recused himself from the remainder of the meeting at this time; noting his residence is within the 500 foot radius of the project site, located at 8564 Melrose Avenue, West Hollywood, California.

10. PUBLIC HEARINGS.

A. 8564 Melrose Avenue (Restoration Hardware):

Adrian Gallo, Associate Planner provided an oral and visual presentation and background information as presented in the staff report dated Thursday, August 15, 2013.

He detailed the history of the property and stated the applicant is requesting design changes to a previously approved commercial building.

On May 21, 2012, the City Council upheld the Planning Commission's approval of a two-story commercial building with retail and wholesale furniture showrooms. Proposed are design modifications to create a single tenant space for wholesale furniture showrooms.

He stated the original project had been designed to take advantage of the General Plan's Avenues bonus. The original project provides public benefits, including its high-quality design, open space courtyard feature, and pedestrian friendly streetscape.

The modified design includes all these elements, many of which have been enhanced. The project design continues to be of exceptional quality and will provide a visual focus on a prominent corner of Melrose in the Avenues District.

Stephanie Reich, Urban Designer, presented the design review report. She stated the modification to Restoration Hardware is primarily a design change. The previously approved project is composed of two tenant spaces. The modification takes the entire site and makes it into one space for Restoration Hardware, which is a showroom space, not a retail space. She detailed the courtyard space, second floor setback, pedestrian access, occupy-able rooftop (not for sales) and accessible to the general public, follies, elevator, landscaping, location of mechanical equipment, setbacks, ground floor footprint, second floor plan, patios, landscaping, and parapet height.

Commissioner Altschul stated the new design is absolutely wonderful and has an excellent curb appeal. He questioned the rooftop access.

Vice-Chair Huebner presented the Design Review Subcommittee report. He stated they took a long hard look at the design and stated it was vastly improved. He detailed the symmetry, setbacks, visual intrusions, height, site-lines, and acoustical issues.

Adrian Gallo, Associate Planner, stated staff is requesting an additional condition to address the rooftop; adding Section 11.18 to Resolution No. PC 13-1053: *“the furniture arrangement on the publicly accessed rooftop terrace shall remain uniform in appearance, free of price tags, and shall not be used as a retail sales or display area.”*

Staff believes the modified project represents an overall improvement in the design and staff is recommending approval of the request.

ANGELA MATT, SAN FRANCISCO, Architect of Records for Restoration Hardware and Development, applicant’s representative, presented the applicant’s report. She detailed the history of the project and stated the proposed changes results in an improved and superior design that better compliments the neighborhood fabric.

She stated this project falls within the Avenues District and abides by the Avenues Bonus Overlay with regards to height, size and parking. She stated this will be the premier flagship West Coast location of Restoration Hardware. She spoke on the proposed elevations, the cohesive design elements, window and door sizes, height, massing, neighborhood compatibility, front façade, size and proportion of the public courtyard, sizing of second floor patios, outdoor space, landscaping and rooftop garden, public courtyard, parapet height, planter beds, stair and elevator structures, and the metal trellis structures.

She detailed the noise mitigation concerns and stated they have proposed to add sound absorptive materials on the walls that surround the mechanical units. She stated the entire air conditioning system shuts down completely at the end of the work day. The units do not run throughout the night.

She reiterated Restoration Hardware is in the design business and is committed to a design aesthetic and construction standard of quality that is seldom found in the commercial world. She stated they are proud of this flagship development and want the city and the community to be proud as well.

Commissioner Yeber questioned the size of the second floor patio parapet railings, and if the structural integrity is present.

ANGELA MATT, SAN FRANCISCO, Architect of Records for Restoration Hardware and Development, stated the Juliet balconies are structurally sound.

Commissioner Yeber questioned if the rooftop planters are above the terrace, or if there is a roof plate depth to accommodate additional plant growth. He stated his concerns regarding small planter containers, for specific tree species.

ANGELA MATT, SAN FRANCISCO, Architect of Records for Restoration Hardware and Development, stated the perimeter planters are structurally integral to the building and are afforded thirty inches (30") of soil depth for root depth. The containers for the (olive) trees are five foot (5') boxes. They are not recessed down into the roof plate.

She further reiterated the rooftop garden is a public space. You can access it any time the store is open.

Commissioner Aghaei requested clarification regarding the decibel levels.

Commissioner Altschul questioned the inclusion of an environmental impact report from the City of Los Angeles, and requested further elucidation of the recent study.

ERIC A. YEE, SAN FRANCISCO, Principal Consultant, Charles M. Salter Associates, Inc. stated he wanted to find some context to understand what the noise level is going to be. A noise study was commissioned to compare the old approved design versus the new design. The [mechanical] units were switched out to a variable system, which allows them to run at lower operating speeds. They currently have the lowest noise levels on the market. The new proposed plan will reduce the noise five decibels over the previously approved plan.

He clarified these units are twenty decibels quieter than most units on the market today running at full capacity. Once the building has achieved its cooling load inside, the unit's ramp down, only to maintain the cooling load. They do not need to be run at one hundred percent. They can be run on a variable scale.

Commissioner Altschul questioned the noise impacts in regards to where they are proposed to be placed under this current plan. He also questioned if it is friendlier to the residents in the neighborhood, than the prior iteration of the design that was approved earlier.

ERIC A. YEE, SAN FRANCISCO, Principal Consultant, Charles M. Salter Associates, Inc. confirmed based on the equipment selection and choices, yes. The previously approved design has older units that run at a maximum of one hundred percent capacity.

Vice-Chair Huebner opened the public hearing for Item 10.A.:

RICHARD GIESBRETT, WEST HOLLYWOOD, President, West Hollywood West Residents Association, opposes staff recommendation of approval. He had concerns and spoke regarding neighborhood compatibility, urban context and design, height, massing, and pedestrian access. He stated the latest design, changes the fundamental nature of the project.

It appears to be about a roof deck improvement and its huge commercial potential. He alluded that it will be detrimental to the neighborhood. It is no longer a retail building. He stated his concerns with the proposed features of the deck, emergency exits, elevator access, restrooms, stairwell, additional space, and the trellises. It suggested further uses of this space beyond what's claimed by the applicant.

He spoke regarding over the counter approvals and lack of noticing. Further issues include noise from the auto ramp, mechanical equipment noise, side elevations, root top shrubbery, maintenance, lighting and accessibility, and exterior design and symmetry. He requested denial.

Commissioner Altschul requested clarification from Richard Giesbrett regarding his concerns with the rooftop lighting and questioned what time of the evening the overhead lighting should be considered turned-off or turned down.

RICHARD GIESBRETT, WEST HOLLYWOOD, President, West Hollywood West Residents Association, stated dusk, twilight.

Commissioner Altschul questioned if he was amicable to a possible condition imposed stating the lighting on the rooftop might be turned down to a certain point at dusk.

RICHARD GIESBRETT, WEST HOLLYWOOD, President, West Hollywood West Residents Association, stated that would be a sensible alternative.

TOM FLEMING, WEST HOLLYWOOD, opposes staff's recommendation of approval.

LAUREN MEISTER, WEST HOLLYWOOD, opposes staff's recommendation of approval.

RUTH CISLOWSKI, WEST HOLLYWOOD, opposes staff's recommendation of approval.

JAY JACOBSON, WEST HOLLYWOOD, opposes staff's recommendation of approval.

GENEVIEVE MORRILL, MARINA DEL REY, President/CEO, West Hollywood Chamber of Commerce, spoke in support of staff's recommendation of approval.

LAWRENCE CHAMBLEE, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding the environmental impacts and stated the project should be considered with those impacts in mind.

BRAD KEISTLER, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding the massing, design and pedestrian accessibility.

LYNN HOOPINGARNER, WEST HOLLYWOOD, opposes staff's recommendation of approval.

JIM PERKINS, WEST HOLLYWOOD, opposes staff's recommendation of approval.

KIMBERLY WINICK, WEST HOLLYWOOD, opposes staff's recommendation of approval.

The following public speakers did not speak, but are opposed to staff's recommendation of approval:

DEBBIE MEISTER, WEST HOLLYWOOD, opposes staff's recommendation of approval.

DOUGLAS WARD, WEST HOLLYWOOD, opposes staff's recommendation of approval.

MANNY RODRIGUEZ, WEST HOLLYWOOD, opposes staff's recommendation of approval.

ERIC D'ARBELOFF, WEST HOLLYWOOD, opposes staff's recommendation of approval.

ANGELA MATT, SAN FRANCISCO, Architect of Records for Restoration Hardware and Development, applicant's representative, presented the applicant's rebuttal. She presented a series of photos that demonstrate the design sensibility and attention to detail throughout the entire Restoration Hardware fleet. She detailed and spoke regarding parking issues and concerns. Dan Gershwin, President of King Valet, operating the parking service at Restoration Hardware at the Beverly Boulevard store, stated Monday through Friday, 68-75 vehicles are parked per day, and never more than seven vehicles at one time. Saturday and Sunday, 95-105 vehicles are parked per day, and never more than ten vehicles at a time. She is confident that the parking and the traffic will not be an issue on Melrose Avenue.

In regards to the mechanical equipment on the roof, she stated the noise levels have been verified lower than previously approved. They feel the design changes today result in a more cohesive and sophisticated addition to the neighborhood. They have enhanced and improved the originally approved project drastically. They are proud to offer their rooftop as a public space and they are confident that the plant choices will survive, given the planter sizes and depths of soil. She reiterated they are in the retail business. She encouraged approval.

Commissioner Buckner requested clarification if this business is in fact a retail operation or a wholesale operation.

DEMONTE PRICE, PORTLAND, Vice-President, Executive Level, Restoration Hardware, stated for the record essentially they run a design showroom. For a point of comparison, the Beverly Boulevard Restoration Hardware is approximately 3% cash and carry.

Commissioner Buckner requested clarification again if this business is in fact a retail operation or a wholesale operation.

DEMONTE PRICE, PORTLAND, Vice-President, Executive Level, Restoration Hardware, stated again for the record they run a design showroom. They are not a cash and carry business. He reiterated you cannot compare what Restoration Hardware does to Pottery Barn and Crate and Barrel. Those are retail businesses with a high traffic count with a large cash and carry business. That's not the business Restoration Hardware does. Restoration Hardware is a design showroom.

Commissioner Aghaei requested clarification regarding the cash and carry percentages versus the wholesale percentages.

Discussion and debate was held regarding cash and carry, retail operations, wholesale operations, resale licenses and sales taxes.

David DeGrazia, Acting Planning Manager, clarified for the record the original approval did allow for one of the tenant spaces to be retail operations. The other portion of the space was to be a wholesale design showroom. It was not one hundred percent of either. It was fifty-fifty. They are now proposing a one hundred percent wholesale design showroom.

Michael Jenkins, City Attorney, clarified this business concept was treated in the original approval as a wholesale design showroom. The West Hollywood Zoning Ordinance is not entirely clear about the wholesale/retail distinction. It was parked for this particular business concept as it has been described. The traffic studies were done with this business model in mind. When we talk about fifty percent wholesale versus fifty percent retail, in the originally approved project, approved by the City Council, the fifty percent wholesale was this business. The space that was not designated for any business in particular was the retail component. This was the wholesale component and was described in this exact fashion in front of the Planning Commission and the City Council when it was originally approved. He stated the original concept has now taken over the full amount of the space, eliminating what was previously allowed for retail.

Therefore, he reiterated, this has already been approved. It was challenged in a court of law and the challengers lost. It has not been appealed. This is not what is before the commission tonight. The entire question and issue is moot. The only question and issue before the Planning Commission tonight is the change in design.

Commissioner Yeber requested clarification regarding traffic models for wholesale versus retail, and parking.

Bob Cheung, Senior Transportation Planner, stated what staff looked at which most closely resembled that business model was a furniture store. However, it wasn't treated as either retail or wholesale.

Adrian Gallo, Associate Planner stated for parking the difference is a 3.5 per thousand for retail and wholesale is 1.6 per thousand.

Commissioner Yeber stated he understands the original concept was approved at a fifty percent ratio and now it's being expanded to a one hundred percent ratio. The problem is that it is not operating under those constraints. He voiced his concerns since that information was not available at the original meeting and now there is a change and we have an opportunity to further analyze this.

Commissioner Altschul stated this is not a change in the use. There is only a change in the design. He reiterated what the City Attorney stated; everything is moot. The design is what is in question at this hearing.

Commissioner Aghaei confirmed that issue has already been decided by the courts and we are only here to decide on the design.

Commissioner Yeber questioned the square-footage of the rooftop terrace and the two patios combined.

ANGELA MATT, SAN FRANCISCO, Architect of Records for Restoration Hardware and Development, applicant's representative, stated it is 6,000 square-feet combined.

Commissioner Altschul questioned if the applicant has filed a parking operations plan.

ANGELA MATT, SAN FRANCISCO, Architect of Records for Restoration Hardware and Development, stated she has not personally filed a parking operations plan. It may have been filed with the previous permitting.

Adrian Gallo, Associate Planner, confirmed a parking operations plan has not been filed at this time.

Commissioner Altschul questioned if the applicant is willing to accept a condition that the trellis lighting and any of the rooftop lighting that is obtrusive to the neighbors, be turned off with the hours of operation, but no later than 8:00 p.m.

ANGELA MATT, SAN FRANCISCO, Architect of Records for Restoration Hardware and Development, applicant's representative, agreed to this, and also stated the lights would go off at the end of each specially permitted event.

Commissioner Altschul requested staff to provide a five-hundred foot radius notice to the neighbors when a parking operation's plan has been filed.

ACTION: Close public hearing for Item 10.A: **Motion carried by consensus of the Commission.**

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 8:25 P.M. AND RECONVENED AT 8:30 P.M.

Commissioner Aghaei stated the previous design was pleasant, but didn't think it was a game changer. However, this is a big improvement over the previous design. He stated setting back the second floor and adding the rooftop element is a big bonus to the urban design of the project and how it interacts with other projects on Melrose Avenue. He had concerns regarding the possibility of noise emanating from the mechanical equipment. Given that the applicant has taken steps to use different equipment that operates at a lower noise level, and that the applicant is adding other sound absorbing materials that abates the effects of the noise, it seems the noise level(s) have decreased from the previous iteration of this project. He stated his support of the proposed changes.

Commissioner Aghaei moved to: 1) approve staff's recommendation as presented in the staff report; with the added condition: 2) rooftop lighting shall be operational during hours of operation, but no later than 8:00 p.m.; exempting the four special events per year.

Seconded by Commissioner Altschul.

Commissioner Yeber stated he was moderately satisfied with the previous design. It wasn't great, but it did have some aspects to it that fit the neighborhood. He had concerns with the rooftop garden and stated the vastness of the rooftop deck cannot possibly support anything close to what was represented in the photos and presentation. The amount of outdoor space combined with the patio, seems really extraordinary for a commercial space. He stated there is absolutely no connection to the public realm regarding the rooftop accessibility.

He stated he does not find this better suited than the original proposal in regards to massing. In fact the massing setbacks, which seem extreme on the Melrose side, are contrary to the urban design strategies that are talked about when we want to create that living space on a commercial corridor.

He suggested the applicant has done the opposite; by putting the wall towards the residents. With its strict rigid symmetry, it becomes incredibly institutionalized from an architectural design standpoint. It actually moves further from that small scale individualized charming building that residents and community members have come to expect along Melrose Avenue. He cannot support the current design.

Commissioner Buckner had concerns with the size of the rooftop deck and design as a public area and questioned the accessibility of this space to the general public. She stated her support of the original design, where there was more accessibility to the public. She is supportive in the sense that Restoration Hardware will be using high quality materials that will make this space beautiful.

Commissioner Altschul confirmed he stated in design review that the design is wonderful and magnificent. Design is subjective. He stated this may create a whole new area in the Melrose community, where people will come to have some kind of respite from the day. He does not think it's anything drastic and that it is something that is quite good. He stated his support of this change.

Commissioner Altschul added a condition: 1) a six or nine month review by the Director, regarding the positioning of the rooftop mechanical equipment in regards to the noise situation, with respect to the neighbors.

Vice-Chair Huebner stated he looked at this in the context of what had been previously approved. The design review subcommittee thought it was greatly improved, they were supportive of the setbacks, and enjoyed the symmetry. They are using the highest quality materials. He had concerns about the mechanical equipment on the rooftop and asked them to get an acoustical engineer. They are doing everything they can to mitigate the sound concerns. Conditioning the roof deck is reasonable. He hopes it will engage the neighborhood. He stated his support of staff's recommendation.

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 13-1053 as amended: a) *add Section 11.18: "the furniture arrangement on the publicly accessed rooftop terrace shall remain uniform in appearance, free of price tags, and shall not be used as a retail sales or display area;"* b) *rooftop lighting shall be operational during hours of operation, but no later than 8:00 p.m.; exempting the four special events per year;*

c) a five-hundred foot radius notice shall be mailed to the residents when a parking operation's plan has been filed; and d) a six or nine month review by the Director of Community Development regarding the positioning of the rooftop mechanical equipment in regards to the noise; "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING AMENDMENTS TO THE DEVELOPMENT PERMIT REGARDING THE APPROVED TWO-STORY, 27,553 SQUARE-FOOT COMMERCIAL BUILDING, LOCATED AT 8564 MELROSE AVENUE, WEST HOLLYWOOD, CALIFORNIA;" and 3) Close Public Hearing Item 10.A. **Moved by Commissioner Aghaei, seconded by Commissioner Altschul and passes on a Roll Call Vote:**

AYES: Aghaei, Altschul, Buckner, Vice-Chair Huebner.
NOES: Yeber.
ABSENT: None.
RECUSED: Chair DeLuccio.

11. NEW BUSINESS.

A. Planning Commission Subcommittee Appointments:

The Planning Commission will review the following subcommittees for appointments: 1) Design Review Subcommittee; 2) Long-Range Planning Projects Subcommittee; 3) Business Signage Subcommittee; 4) Design Steering Committee (Automated Parking Garage Project); 5) 1343 Laurel Committee; and 6) Pedestrian and Bicycle Mobility Plan.

ACTION: 1) This item was moved before Item 10. (Public Hearings) as part of the amended agenda. **Moved by Commissioner Buckner, seconded by Commissioner Aghaei and unanimously carried.**

12. UNFINISHED BUSINESS. None.

13. EXCLUDED CONSENT CALENDAR. None.

14. ITEMS FROM STAFF.

A. Planning Manager's Update. None.

15. PUBLIC COMMENT. None.

16. ITEMS FROM COMMISSIONERS. None.

17. ADJOURNMENT: Notating the cancellation of the regular Planning Commission meeting on Thursday, September 5, 2013, the Planning Commission adjourned at 8:45 P.M. to the next regularly scheduled meeting which will be on Thursday, September 19, 2013 beginning at 6:30 P.M. until completion at West Hollywood Park Public Meeting Room – Council Chambers, 625 N. San Vicente Boulevard, West Hollywood, California. **Motion carried by consensus of the Commission.**

APPROVED BY A MOTION OF THE PLANNING COMMISSION OF THE CITY OF
WEST HOLLYWOOD ON THIS 19TH DAY OF AUGUST, 2013.


DONALD DELUCCIO, CHAIRPERSON

ATTEST:


DAVID K. GILLIG, COMMISSION SECRETARY