



**CITY OF BEVERLY HILLS
SPECIAL MEETING
CITY COUNCIL**

March 27, 2008

The Special Meeting of the City Council of Beverly Hills was held in the Council Chambers at 5:00 p.m.

PLEDGE OF ALLEGIANCE

A. ROLL CALL

Present: Councilmember Fenton, Councilmember Briskman, Vice Mayor
Brucker, and Mayor Delshad
Absent: Councilmember Krasne

B. ORAL COMMUNICATIONS

1. TELEPHONE CALL-IN (310.285.1020) (Members of the public are invited to place telephone calls to comment on issues that do not appear on the evening's agenda. The City Council will take up to three telephone calls per meeting. Comments on the evening's agenda must be made in person as the item comes before the City Council.)

None

2. AUDIENCE COMMENTS. Any person wishing to address the City Council on any matter not on the agenda may do so at this time. However, the State open meetings law (Government Code Section 54950 et seq.) prohibits the City Council from providing a detailed response or acting upon any item not contained on the agenda posted 72 hours before a regular meeting and 24 hours before a special meeting. If you wish to address the City Council at this time, please complete a speaker's card and give it to the City Clerk prior to the commencement of the meeting. Please use the microphone provided, clearly stating your name for the official record and courteously limiting your remarks to three (3) minutes so others may have the opportunity to speak as well.

1. Myra Gabbay spoke about future development in the City in general.

C. PUBLIC HEARING

TO SET:

None

TO CONSIDER:

This being the time and place set, a continued public hearing was held to consider:

1. CONSIDERATION OF PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A GENERAL PLAN AMENDMENT, ZONE CHANGE, ZONE TEXT AMENDMENT, SPECIFIC PLAN, DEVELOPMENT AGREEMENT AND ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED CONDOMINIUM PROJECT WITH ANCILLARY COMMERCIAL USES AT 9900 WILSHIRE (ROBINSONS-MAY SITE). Comment: The proposed project, located on an approximate 8-acre site at the intersection of Wilshire and Santa Monica Boulevards, would include the demolition of the existing vacant Robinsons-May Department store and the construction of 235 residential units in two separate buildings with maximum heights of 185 feet in 15 stories, and 161 feet in 13 stories. Approximately 16,000 square feet of retail space is also proposed, which includes a 4,800 square foot restaurant. Parking would be provided in a subterranean garage with 803 spaces. This hearing is continued from the Thursday, March 20, 2008 Special Meeting.

Councilmember Krasne arrived at 5:15 p.m.

The notice of this hearing was given as required by law and an affidavit to this effect is on file with the City Clerk.

The report of the Director of Community Development and the records of the Community Development Department in this matter are made a part of the record of this hearing.

Community Development Director Vince Bertoni outlined the format for this evening's meeting. Mr. Bertoni referred to a handout given to the Council of written responses to the questions they have raised both at previous meetings and in writing. He provided an update on what staff has been working on in terms of mitigation measures and conditions regarding construction impacts of the project. Director Bertoni noted staff is recommending adding sixteen additional project conditions and highlighted some of the major changes in the conditions which affect the school site.

City Building Official George Chavez discussed the construction management plan in terms of implementing the mitigation measures.

Director Bertoni stated staff's presentation is concluded and will be recommending to Council to close the public hearing and give staff direction to return on April 3 with a resolution to certify the Final Environmental Impact Report and first reading of the ordinances regarding the zoning amendment

and the Development Agreement. In addition, the recommendation is to return on April 9 with second reading of the ordinances along with a resolution approving the Specific Plan.

Michael Palladino, representing the applicant, provided an additional PowerPoint presentation which addressed questions and comments from the previous City Council Meeting.

Speaking:

1. Dr. Brian David Goldberg, School Board Member, representing the Board, spoke about the School Board's concerns regarding the project in terms of the students and staff and stated it is the position of the Board that the Certification of the EIR and approval of the project should not occur without formally responding to the District's concerns in writing. Dr. Goldberg listed their mitigation requests.
2. Nooshin Meshkaty, School Board Vice President, also spoke about the School Board's concerns.
3. Superintendent Kari McVeigh answered the question from the Council regarding closing the school during their own recent construction projects.
4. Franny Rennie, Beverly Hills PTA Council Co-President, asked the Council to support the request of the School Board to protect the health and safety of the children and residents living in the El Rodeo district.
5. Cindy Dubin, Beverly Hills PTA Co-President, raised specific questions regarding the additional mitigation measures presented.
6. Councilmember Briskman read a letter into the record from Marc Saleh.

There were no other persons in the Council Chambers wishing to speak, and Mayor Brucker closed the public hearing.

The Councilmembers asked questions of staff and the consultants regarding such matters as overall square footage, plans, parking and construction mitigations.

The Mayor asked for comments from the Council regarding reaching consensus on moving forward with the General Plan Amendment, Zone Change, Specific Plan, Development Agreement and the Environmental Impact Report, and provide direction to staff to return on April 3rd and the 9th with the respective documents for approval.

Councilmember Delshad expressed concern regarding square footage, origin of the investors, changing the zoning from commercial to residential and a financial benefit for the zone change.

Councilmember Briskman addressed the school benefit fee and stated the school deserves a nuisance benefit fee that could be worked out between the School District and the developer.

Councilmember Fenton stated all his questions and concerns have been addressed.

Councilmember Krasne stated it is appropriate that the schools work out their issues with the developer and expressed concern about two projects being considered simultaneously.

Mayor Brucker noted the modulation of the project presented meets the needs of the community and the Council, and noted that detailed mitigation measures with the school regarding health and safety concerns have been established. The Mayor asked the City Manager to provide additional information on the school benefits fee.

City Manager Roderick Wood provided additional comments regarding concerns for noise and other concerns of the School Board. Mr. Wood also discussed the additional nuisance mitigation fees discussed with the developer for the School District.

Allan Alexander, speaking on behalf of the applicant, thanked the Council, Planning Commission and City staff for their efforts.

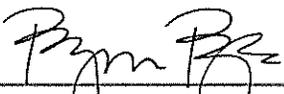
D. OTHER BUSINESS

None

E. ADJOURNMENT

There being no further business, Mayor Brucker, with the consent of Council, adjourned the meeting at 7:15 p.m. and continued this matter to Thursday, April 3, 2008 at 7:00 p.m.

PASSED. Approved and Adopted
this 20th day of May, 2008.



BYRON ROPE, City Clerk

BARRY BRUCKER, MAYOR

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This meeting was broadcast on live television, on City of Beverly Hills municipal government television access Channel BHN/10 Time Warner Cable.