



**CITY OF BEVERLY HILLS
CITY COUNCIL
SPECIAL MEETING
April 03, 2008**

The Special Meeting of the City Council of Beverly Hills was held in the Council Chambers at 7:00 p.m.

PLEDGE OF ALLEGIANCE

A. ROLL CALL

Present: Councilmember Delshad, Councilmember Krasne,
Councilmember Briskman, Vice Mayor Fenton, and Mayor
Brucker
Absent: None

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. John Mirisch wished Councilmember Krasne a happy wedding anniversary, spoke about the number of City Council meetings being held

and development/condominiums in the City in general.

2. Donna Flade spoke about the number of City Council meetings being held.

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 near the intersection of Wilshire and Santa Monica Boulevards, would include the demolition of the existing vacant Robinsons-May Department store and the construction of more than 200 residential units in at least two separate buildings with maximum heights of up to 185 feet. 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. In addition to discussing the project as a whole, at this meeting the City Council will specifically consider a draft resolution certifying the Environmental Impact Report prepared for the project, and introduction of ordinances approving a development agreement for the project and approving a zone change and text amendment for the project. This meeting is a continuation from the Special City Council Meetings held on Tuesday March 11, 2008, Thursday March 20, 2008 and Thursday March 27, 2008.

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 Department of Community Development in this matter are made a part of the record of this hearing.

Community Development Director Vince Bertoni provided the staff report. He reviewed what has transpired in the previous meetings and then spoke about the resolution and two ordinances before the Council tonight for consideration. Mr. Bertoni reviewed a supplemental shade and shadow study provided by the staff, some clean-up changes to the California Environmental Quality Act (CEQA) resolution and clean-up changes to

Appendix D of the Final Environmental Impact Report (EIR) along with staff's recommended revisions to Appendix D of the Final Environmental Impact Report (EIR) regarding the analysis of the revised project.

Joyce Parker-Bozylinski, Planning Consultant, clarified the size of the project in square footage before the Council for consideration vs. the original project submitted to the Planning Commission.

City Attorney Laurence Wiener explained the corrections (clerical errors) to the environmental findings previously submitted to the Council and noted it does not change the substance of what had been provided. In addition, Mr. Wiener mentioned a change to the Development Agreement that the developer is requesting in regard to an easement regarding a subway portal and distributed it to the City Council.

Allan Alexander, representing the developer, spoke about a provision they would like added to the Development Agreement regarding the Gateway Statement on Santa Monica Boulevard and Wilshire Boulevard for the project, and requested a financial cap on the aggregate cost of the Gateway Statement.

Michael Palladino, representing the applicant, discussed the new articulation of the south building and the garden residences, not-to-exceed 9000 square feet, or landscape element to be added to the east side of the site along Merv Griffin Way.

It was the consensus of the Council to add only a landscaping element at the east side of the property (Councilmembers Krasne, Briskman and Delshad). Mayor Brucker and Vice Mayor Fenton preferred to leave the decision to the applicant.

The Council raised questions regarding the EIR in terms of shade and shadow, parking limousines at the property, adequate parking for staff, School District correspondence, limitation on parking per condominium/penthouse unit and valet vs. self-park, and NOX mitigation measures.

The consultants, staff, and the representative from the applicant responded to the questions raised.

MOVED by Councilmember Briskman, seconded by Vice Mayor Fenton to adopt the following resolution with the clean up language that was provided by the City Attorney as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE 9900 WILSHIRE PROJECT CONSISTING OF LUXURY RESIDENTIAL CONDOMINIUMS, PUBLIC GARDENS,

AND ANCILLARY COMMERCIAL USES; MAKING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM; (THE FORMER ROBINSONS-MAY DEPARTMENT STORE SITE).

Ayes: Councilmember Delshad, Councilmember Briskman, Vice Mayor Fenton, and Mayor Brucker
Noes: Councilmember Krasne

CARRIED

ADOPTED RES#08-R-12497

The Mayor noted the next item of business is the zoning ordinance amendment. Director Bertoni pointed out this is to amend the text and the zoning map of the City of Beverly Hills to signify that there will be a Specific Plan placed upon this site which will have the site specific development regulations. City Attorney Wiener clarified questions asked by the Council.

MOVED by Councilmember Delshad, seconded by Councilmember Briskman to waive full reading and advance the ordinance to Wednesday, April 9, 2008 as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS ADDING THE 9900 WILSHIRE SPECIFIC PLAN ZONING TO THE CITY OF BEVERLY HILLS MUNICIPAL CODE, AND ADDING THE 9900 WILSHIRE SPECIFIC PLAN ZONING IN CONJUNCTION WITH THE PROPOSAL TO DEVELOP LUXURY RESIDENTIAL CONDOMINIUMS, PUBLIC GARDENS, AND ANCILLARY COMMERCIAL USES, FOR THE PROPERTY LOCATED AT 9900 WILSHIRE BOULEVARD (THE FORMER ROBINSONS-MAY DEPARTMENT STORE SITE).

Ayes: Councilmember Delshad, Councilmember Briskman, Vice Mayor Fenton, and Mayor Brucker
Noes: Councilmember Krasne

CARRIED

WAIVE FULL READING AND ADVANCE TO THE MEETING OF APRIL 9, 2008 FOR ADOPTION

The Mayor noted the next item of business is the Development Agreement. Director Bertoni pointed out this is to conduct first reading of the ordinance which would adopt the Development Agreement between the City of Beverly Hills and the project applicant. Mr. Bertoni mentioned the City Attorney had proposed some clean up items and the applicant had proposed some

recommended changes to the Development Agreement.

Mr. Wiener mentioned a letter received today for the Council from the School District requesting additional changes to the proposed conditions for the Specific Plan and indicated staff is working on those with the School District and will be brought back to the Council with the Specific Plan next week.

Mr. Wiener brought up for discussion another item in the letter regarding the Development Agreement in that the District is requesting that the recommended School Benefit Fee (payment to the School District) be paid in advance of the commencement of any construction activity and that it be clarified that the fee is to be utilized at the sole discretion of the School District.

City Manager Roderick Wood mentioned he spoke with representatives from the School District before the meeting and they thought it would be satisfactory to receive the fees in conjunction with the issuance of the building permits and they also requested a clerical change from School Benefit Fee to Beverly Hills Unified School District Benefit fee. In response to a question raised by Mayor Brucker, Mr. Wood stated all other terms have been discussed with the School District and agreement has been reached on how to address them.

Councilmember Krasne raised a question regarding the EMS fee, suggested it be investigated further and asked that the pace on this project be slowed down. Ms. Krasne explained why she cannot support the project.

Councilmember Delshad raised questions which were answered by staff and the consultants and mentioned his preference for the project would have been more commercial and less residential, but the way the project is designed will contribute to less traffic.

Councilmember Briskman addressed how she came to the conclusion that an additional amount of money upfront was more important than a percentage.

Mayor Brucker commended the Planning Commission for their hard work and noted the Council has modulated the project for a better look and the massing and has reduced the size.

Speaking: ..

Nooshin Meshkaty, speaking on behalf of the School Board, noted that the Board has not decided on the amount of the BHUSD Fee to her knowledge.

City Manager Wood explained the School District will have the City's entitlement and they will also have the entitlement as a District to meet and work it out with the property owner.

Mayor Brucker commented that an agreement had been agreed to by the

School Board and has been drafted in the Development Agreement and he has not seen any evidence to support the speaker's comment.

MOVED by Mayor Brucker, seconded by Vice Mayor Fenton to waive full reading and advance to the meeting of Wednesday, April 9, 2008 for adoption as amended (clarification regarding the impact on structural integrity from the subway portal, the request on the Gateway statements be an aggregate of \$250,000 for construction and development, and the change in the title of the benefit fee to the Beverly Hills Unified School District Benefit Fee) as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND PROJECT LOTUS, LLC FOR CONSTRUCTION OF LUXURY RESIDENTIAL CONDOMINIUMS, PUBLIC GARDENS AND ANCILLARY COMMERCIAL USES, IN ACCORDANCE WITH THE 9900 WILSHIRE SPECIFIC PLAN FOR PROPERTY AT 9900 WILSHIRE BOULEVARD (THE FORMER ROBINSONS-MAY DEPARTMENT STORE SITE).

Ayes: Councilmember Delshad, Councilmember Briskman, Vice Mayor Fenton, and Mayor Brucker
Noes: Councilmember Krasne.

CARRIED

WAIVE FULL READING AND ADVANCE AS AMENDED TO THE MEETING OF APRIL 9, 2008 FOR ADOPTION

Mayor Brucker noted this matter will be continued to Tuesday, April 9 for consideration of resolutions approving a General Plan Amendment and Specific Plan and for consideration of the second reading and adoption of the ordinances introduced at tonight's meeting.

D. OTHER BUSINESS

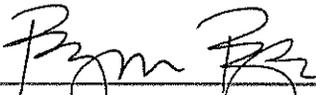
None

E. ADJOURNMENT

There being no further business, Mayor Brucker with the consent of Council, adjourned the meeting at 9:05 p.m. and continued the matter to Wednesday, April 9, 2008 at 7:00 p.m.

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



BYRON POPE, City Clerk

BARRY BRUCKER, MAYOR

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