



**CITY OF BEVERLY HILLS
CITY COUNCIL SPECIAL MEETING
MINUTES
May 03, 2011**

The Special Meeting of the City Council of the City of Beverly Hills was held in the Council Chambers at 2:30 pm.

PLEDGE OF ALLEGIANCE

Police Chief Dave Snowden, at the request of the Mayor, spoke briefly about the Police Flagpole dedication held this morning in front of the Police Station Headquarters.

A. ROLL CALL

Present: Councilmember Gold, Councilmember Bosse, Councilmember Mirisch, Vice Mayor Brien, 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.

None

C. PUBLIC HEARING

TO SET:

None

TO CONSIDER:

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

AN APPEAL OF THE COMMUNITY DEVELOPMENT DIRECTOR'S DECISION APPROVING A MINOR ACCOMMODATION TO ALLOW THE EXTENSION OF A LEGALLY NONCONFORMING SIDE SETBACK ON THE PROPERTY LOCATED AT 716 ALTA DRIVE. Comment: This is an appeal of the Community Development Director's January 31, 2011 decision approving a Minor Accommodation to allow the extension of a legally nonconforming side setback. The appellant is requesting that the Minor Accommodation granted by the Community Development Director be overturned due to privacy concerns.

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

The records and files of the Community Development Department and the report of the Director of Community Development concerning this matter shall be entered into the record.

Councilmembers Bosse, Mirisch and Gold advised of their separate interactions with the appellant prior to the hearing.

Speaking:

Community Development Director Keene presented a PowerPoint presentation and oral report on this matter. She showed renderings of the existing and proposed south elevation and rear elevation of the property, and renderings of various views from the appellant's property. She spoke about several points in the appellant's appeal, and the four findings made in support of the project.

Councilmembers Bosse and Mirisch asked questions pertaining to the applicant's drawings, landscaping and setback.

The applicant's representative, Attorney Joseph Shabani, responded to questions posed earlier by the Councilmembers. He also spoke about the applicant's efforts to accommodate the appellant's privacy concerns.

Attorney Laurence Hummer, representing the appellant, spoke about a sliding glass door that is missing in the staff report and notice. He further detailed the chain of events that have occurred between the appellant and City staff between January and today.

Appellant Linda Ostrowski spoke about her privacy being compromised with the applicant's remodel.

Councilmember Mirisch noted he would not be able to support Finding #3. Vice Mayor Brien indicated support of all four findings. Councilmember Bosse explained her reason for not being able to support Finding #3, and would support two alternative suggestions regarding privacy which include losing the additional balcony and frosting the windows, or adding additional privacy foliage or screening. Councilmember Gold agreed with all four findings. Mayor Brucker likewise spoke in support of all four findings.

For the record, Vice Mayor Brien clarified his earlier statement regarding the depth of the balcony which does not change his decision.

MOVED by Vice Mayor Brien, seconded by Councilmember Gold that the City Attorney be directed to prepare a resolution of findings conditionally approving the minor accommodation for the property located at 716 Alta Drive.

Ayes: Councilmember Gold, Vice Mayor Brien, and Mayor Brucker.
Noes: Councilmember Bosse, and Councilmember Mirisch.

CARRIED

ITEM C-1: APPEAL DENIED

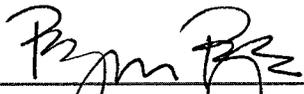
D. OTHER BUSINESS

None

E. ADJOURNMENT

There being no further business, Mayor Brucker, with the consent of Council, adjourned the meeting at 4:18 pm.

PASSED, Approved and Adopted
this 17th day of May, 2011.


BYRON POPE, City Clerk

BARRY BRUCKER, MAYOR

This meeting was broadcast on live television, on City of Beverly Hills municipal government television access Channel BHTV10 Time Warner Cable.