Attachment 2

Ordinance for Zoning Text and Map Amendment

ORDINANCE NO. 08-O-_____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS ADDING THE 9900 WILSHIRE SPECIFIC PLAN ZONING TO THE CITY OF BEVERLY HILLS MUNICIPAL CODE, AND APPLYING 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)

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY ORDAINS AS FOLLOWS:

Section 1. Formal applications were submitted by Project Lotus, LLC, a Limited Liability Company (the "Applicant"), to allow construction of a residential condominium project with commercial space, public and private gardens and subterranean parking for the property located at 9900 Wilshire Boulevard (the "Project"). The Project includes requests for a general plan amendment, zone text amendment, zone change, specific plan, and development agreement for the subject property.

Section 2. Legislative Findings. Due to special circumstances surrounding the property at 9900 Wilshire Boulevard, the City Council finds that the property is unique in size and location and therefore is appropriate for development of a mixed-use project consisting of multi-story residential condominium buildings, commercial and restaurant uses and open space. The 9900 Wilshire Specific Plan has been prepared for the subject property and creation of the 9900 Wilshire Specific Plan zoning designation and application of that zoning designation to the property is necessary and appropriate for adoption and implementation of the 9900 Wilshire Specific Plan.

Section 3. The Planning Commission considered the zone text amendment and zone change set forth in this Ordinance at duly noticed public hearings on August 20, 2007, September 5, 2007, September 24, 2007, October 29, 2007, November 8, 2007, November 28, 2007, January 10, 2008, January 24, 2008 and February 7, 2008. Evidence both written and oral was presented during the hearings. After considering the evidence, the Planning Commission recommended that the City Council adopt this Ordinance.

Section 4. The City Council considered this Ordinance at duly noticed public hearings on March 11, 2008, March 20, 2008 and March 27, 2008. Evidence, both written and oral, was presented during the hearings.

Section 5. The Project, including this Ordinance, has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.* ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*), and the City's Local CEQA Guidelines. The City prepared an initial study and, based on the information contained in the initial study, concluded that there was substantial evidence that the Project might have a significant environmental impact on several specifically identified environmental resources. Pursuant to CEQA Guidelines Sections 15064 and 15081, and based upon the information contained in the Initial Study, the City ordered the preparation of an Environmental Impact Report ("EIR") for the Project to analyze the Project's potential impacts on the environment. The City Council, by Resolution No. 08-R-_____ adopted on April 3, 2008, (a) made certain CEQA findings and determinations, (b) certified the Final Environmental Impact Report ("FEIR") (c) adopted a Statement of Overriding Considerations and (d) adopted a Mitigation Monitoring and Reporting Program. Resolution No. 08-R-_____is incorporated herein by

reference, and made a part hereof as if fully set forth herein. The documents and other material that constitute the record on which this decision is based are located in the Department of Community Development and are in the custody of the Director of Community Development. Further, the mitigation measures set forth therein are made applicable to the Project at 9900 Wilshire Boulevard.

Section 6. The City Council hereby adds a new Article 15.7 regarding the 9900 Wilshire Specific Plan to Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

"Article 15.7. 9900 Wilshire Specific Plan.

10-3.1570. Uses Permitted.

No lot, premises, roadway, open space, building or portion thereof within the area of the 9900 Wilshire Specific Plan shall be erected, constructed, built, altered, enlarged, built upon, used or occupied except as authorized by and in conformance with the 9900 Wilshire Specific Plan.

Sec. 10-3.1571. Development Restrictions.

Notwithstanding any other provisions of this Chapter and Chapter 4 of this Title, development in accordance with the 9900 Wilshire Specific Plan shall not be governed by any other regulations of this Chapter or Chapter 4 of this Title governing development, including, without limitation, those regulations governing development in commercial zones, unless otherwise provided in the Specific Plan.

Sec. 10-3.1572. Conditions Ensuring Implementation of 9900 Wilshire Specific Plan.

All development within the 9900 Wilshire Specific Plan shall be reviewed pursuant to the provisions of the 9900 Wilshire Specific Plan."

Section 7. The City Council hereby changes the zoning on that certain property commonly known as 9900 Wilshire Boulevard and more particularly and legally described in the legal description attached hereto as Exhibit A, from C-3 to "9900 Wilshire Specific Plan."

Section 8. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 9. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:
Effective:

_____
BARRY BRUCKER
Mayor of the City of Beverly Hills, California

ATTEST:

_____(SEAL)
BYRON POPE
City Clerk

[signatures continued on next page]

APPROVED AS TO FORM:

LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

RODERICK J. WOOD
City Manager

VINCENT P. BERTONI, AICP
Director of Community Development

EXHIBIT A

Legal description of the Project Site

9900 WILSHIRE LEGAL DESCRIPTION

That certain real property located in the State of California, County of Los Angeles described as follows:

PARCEL 1:

THAT PORTION OF BLOCK 33 OF BEVERLY, SHEET 2, IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGES 62 AND 63 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF LOT 4 OF SAID BLOCK 33; THENCE ALONG THE NORTHERLY LINE OF LOT 4 AND A PORTION OF LOT 3 OF SAID BLOCK 33, NORTH 89° 55' 00" EAST 300.00 FEET TO A POINT ON THE NORTHERLY LINE OF LOT 3 OF SAID BLOCK 33; THENCE SOUTH 0° 05' 00" EAST 177.00 FEET; THENCE SOUTHEASTERLY SOUTH 38° 46' 45" EAST 583.79 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF LOT 7 OF SAID BLOCK 33, DISTANT 431.22 FEET FROM THE MOST SOUTHERLY CORNER OF LOT 6 OF SAID BLOCK 33; THENCE SOUTH 50° 19' 15" WEST 431.22 FEET TO THE MOST SOUTHERLY CORNER OF LOT 6 OF SAID BLOCK 33; THENCE ALONG THE SOUTHWESTERLY LINE OF LOTS 6 AND 4 OF SAID BLOCK 33, NORTH 30° 58' 05" WEST 798.43 FEET TO THE MOST SOUTHERLY CORNER OF LOT 5 OF SAID BLOCK 33; THENCE ALONG THE SOUTHEASTERLY LINE OF LOT 5 NORTH 19° 03' 30" EAST 235.27 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

AN EASEMENT FOR PRIVATE ROAD PURPOSES OVER THE EASTERLY 20 FEET OF THOSE PORTIONS OF LOTS 3 AND 7 IN BLOCK 33 OF BEVERLY, IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13 PAGES 62 AND 63 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, INCLUDED WITHIN A STRIP OF LAND, 40 FEET WIDE, THE CENTER LINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERLY LINE OF SAID LOT 3, DISTANT NORTH 89° 55' 00" EAST 300 FEET MEASURED ALONG THE NORTHERLY LINE OF SAID BLOCK 33 FROM THE NORTHWEST CORNER OF LOT 4 OF SAID BLOCK 33; THENCE SOUTH 0° 05' 00" EAST 177.00 FEET; THENCE SOUTHEASTERLY SOUTH 38° 46' 45" EAST 583.79 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF LOT 7 OF SAID BLOCK 33, DISTANT 431.22 FEET FROM THE MOST SOUTHERLY CORNER OF LOT 6 OF SAID BLOCK 33, AS GRANTED BY DEED AND AGREEMENT DATED DECEMBER 20, 1950, AND RECORDED DECEMBER 22, 1950, IN BOOK 35141, PAGE 331, OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.