



CITY OF BEVERLY HILLS

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MEMORANDUM

TO: The Honorable Mayor and Members of the City Council
FROM: Laurence S. Wiener, City Attorney
DATE: April 2, 2008
SUBJECT: Revised Materials concerning 9900 Wilshire Project

Enclosed please find materials in connection with the 9900 Project. The materials consist of:

1. *A supplemental shade and shadow study.* The issue of shade and shadow has been discussed extensively with the Planning Commission and City Council. Appendix B of the Final EIR was to include a supplemental shade and shadow study of variations on alternatives considered by the Planning Commission, but when the Final EIR was distributed to the City Council, Appendix B was inadvertently left out of the document. This appendix does not analyze the original Project or the Project as ultimately revised and approved by the City Council.

2. *Clean up changes to the CEQA resolution and environmental findings document.* The resolution and findings documents are provided in redline form to show the changes that have been made to the documents distributed last Friday. The changes are not substantive and do not change the conclusions regarding any of the proposed findings. You will find the changes to the findings document on pages 52-56, 66, 68, 83, and 87.

3. *Clean up changes to Appendix D of the Final EIR* (which was Attachment 6 to the Monday City Council packet). We have provided a redline showing these changes so that City Council members can quickly locate the changes. As you will see, the revisions do not change the conclusions in the document.

Normally, we would not provide a special delivery to the City Council for these types of documents and would present clean up changes to documents at the dais on the night of the meeting. However, we understand that the Council has had a tremendous volume of material to read and we do not wish to burden the City Council with documents at the meeting if we can avoid that. Therefore, we are providing these documents to the City Council this evening in order to provide the Council with an opportunity to look over these documents before tomorrow's meeting. We do not believe that you will find anything surprising or new in the documents.

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For your further information, the Developer did provide to the City Attorney's office this morning several suggested changes to the Development Agreement. These primarily centered around the language of the easements set forth as appendices to the Development Agreement. However, we have not had a chance to fully review these suggested revisions from the Developer and will need to report to you regarding these suggested changes at tomorrow's meeting.