ATTACHMENT 2

ORDINANCE FOR ZONING TEXT AND MAP AMENDMENT

ORDINANCE NO. 08-O-____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS ADOPTING THE BEVERLY HILTON SPECIFIC PLAN ZONE TO ENABLE THE REVITALIZATION OF THE BEVERLY HILTON HOTEL SITE WITH A NEW LUXURY HOTEL, CONDOMINIUMS, AND OPEN SPACE

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

Section 1. Formal applications were submitted by Oasis West Realty LLC, a Delaware Limited Liability Company (the "Applicant"), to redevelop the Beverly Hilton Hotel site with a new luxury hotel, condominiums and open space (the "Project"). The Beverly Hilton Hotel site is located at 9876 Wilshire Boulevard and is legally described in Exhibit A, attached hereto and incorporated herein by reference (the "Property").

Section 2. Legislative Findings. The City Council finds that the Property is unique in size and location and therefore is appropriate for a gateway development of a mixed-use project consisting of a multi-story luxury hotel building, multi-story residential condominium buildings, restaurant uses, ancillary commercial uses, and open space, while retaining portions of the existing development on the site. The Beverly Hilton Specific Plan has been prepared for the Property and creation of the Beverly Hilton Specific Plan zoning designation and application of that zoning designation to the Property is necessary and appropriate for adoption and implementation of the Beverly Hilton 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 22, 2007, September 10, 2007, September 24, 2007, October 3, 2007, November 1, 2007,

November 8, 2007, December 13, 2007, January 31, 2008, February 7, 2008 and February 20, 2008. Evidence both written and oral was presented during the hearings. After considering the evidence, the Planning Commission recommended that the City Council adopt an Ordinance amending the zoning code text and zone and applying it to the Project site.

Section 4. The City Council considered this Ordinance at duly noticed public hearings on March 25, 2008, March 27, 2008, April 1, 2008, April 8, 2008, and April 15, 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 21, 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-_____, attached hereto as Exhibit B, is incorporated herein by reference, and made a part hereof as if fully set forth herein. The Final EIR, attached hereto as Exhibit C, is incorporated by reference and

made a part hereof as if fully set forth herein. The documents and other materials 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 9876 Wilshire Boulevard.

Section 6. The City Council hereby adds a new Article 15.8 regarding the Beverly Hilton Specific Plan to Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

"Article 15.8. Beverly Hilton Specific Plan.

10-3.1580. Uses Permitted.

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

Sec. 10-3.1581. Development Restrictions.

Notwithstanding any other provisions of this Chapter and Chapter 4 of this Title, development in accordance with the Beverly Hilton 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. 10-3.1582. Conditions Ensuring Implementation of the Beverly Hilton Specific Plan.

All development within the Beverly Hilton Specific Plan shall be reviewed pursuant to the provisions of the Beverly Hilton Specific Plan."

Section 7. The City Council hereby changes the zoning on that certain property commonly known as 9876 Wilshire Boulevard and more particularly and legally described in the legal description attached hereto as Exhibit A, from C-3 to "Beverly Hilton Specific Plan."

Section 8. Publication. The City Clerk shall cause a summary of 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

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

All that certain real property situated in the County of Los Angeles, State of California, described as follows:

PARCEL 1:

Lots 1, 2 and 8 and 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, lying Easterly of the following described line:

Beginning at a point in the Northerly line of said block 33 distant South 89° 55' 00" East 335 feet from the Northeast corner of lot 5 of said block 33; thence South 0° 05' 00" West 177 feet; thence Southeasterly to a point in the Northwesterly line of Santa Monica Boulevard 85 feet wide, distant North 50° 28' 30" East 485 feet from the most Southerly corner of block 33.

PARCEL 2:

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, lying Easterly of the following described line:

Beginning at a point in the Northerly line of said block 33, distant South 89° 55' 00" East 300 feet from the Northeast corner of lot 5 of said block 33; thence South 0° 05' 00" West 177 feet; thence Southeasterly to a point in the Northwesterly line of Santa Monica Boulevard 85 feet wide distant North 50° 28' 30" East 431.22 feet from the most Southerly corner of said block 33.

EXCEPT those portions lying within Parcel 1 above described.

PARCEL 3:

An easement for private road purposes over the West 20 feet of the following described property.

Those portions of lots 3, 4 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.

Assessor's Parcel Number: **4327-028-001**

EXHIBIT B

CEQA Resolution – Resolution No. 08-R-_____

Exhibit B is on file in the City Clerk's office

EXHIBIT C

Final Environmental Impact Report

The Final EIR has been previously distributed to the City Council

and is on file in the City Clerk's office