



**CITY OF BEVERLY HILLS  
CITY COUNCIL  
SPECIAL COUNCIL MEETING  
April 21, 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

Mayor Brucker explained the Public Hearing on this matter was closed at the last meeting and all public comment regarding the Hilton Revitalization Plan will be taken during Oral Communications.

**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. Lorraine Eastman spoke about how the Joint Powers Agreement (JPA) benefits the schools and asked that the Council support increasing the amount of the funding.
2. Rick Brucker spoke of his family's commitment to the schools and urged the Council to provide additional resources.
3. Frannie Renny introduced her son attending El Rodeo and asked the Council to increase the JPA.
4. Lisa Korbachov expressed the need to increase the support to the School District.
5. Collette Hebert stated that additional funding to the schools would be a legacy issue.
6. Andrea Grossman stated it is a crucial time to show belief in the future of Beverly Hills and support the schools by expanding the funding.
7. Cindy Dubin stated she would like her children to have the stellar experience she had while attending school in Beverly Hills.
8. Alan Kaye offered the reasons the Council should consider increasing the JPA.
9. Mayor Brucker read a comment into the record from Dana Gilbert stating she moved into Beverly Hills so her children could attend the schools and urged support of an increase to the JPA.

Mayor Brucker provided a status report on a recent meeting with the liaison from Council, the School Board, City Manager and senior staff from the City, and noted the meetings will be continued in the short-term.

Councilmember Delshad commented on the commitment of the City in providing funding to the School District over the years.

Councilmember Krasne mentioned the action taken on Propositions 98 and 99 and asked that additional discussion take place at a future study session.

10. Paul Lesserman, member of the North Homeowner's Association, called attention to the fact that there is opposition to development in the City and requested these projects be taken to a vote in the community.
11. Nancy Barth, Beverly Hills North Homeowners Association, spoke in response to an article by Lou Milkowski in the Beverly Hills Courier.

12. Janet Morris stated she is in favor of revitalization of the City, in general, and as a neighbor to the proposed project, asked what the plan is for overflow parking for employees and limos.

13. Ruth Kraft stated she lives on Trenton and is concerned about parking from the Hilton on her street.

14. Victor Bardack, board member of Beverly Hills North Homeowners Association, suggested postponing moving forward until the homeowners associations can meet with the developers and try to find a solution all can agree on.

15. Red Richmond said she has a lot of unanswered questions for the Council and the School District.

16. Joy Shefter read quotes from famous leaders.

17. Larry Larson spoke to the process that has taken place to-date and stated there will be a referendum on this project.

Councilmember Delshad addressed some of Mr. Larson's comments.

18. Milton Shefter spoke about the quality of life in Beverly Hills, rent development projects and raised several questions regarding current projects.

19. Joe Safier congratulated the Council on their decision regarding this project and encouraged the Council to maximize the revenue.

20. Thomas White expressed the reasons this project should not be approved and stated the decision should be deferred to the voters of the community.

### **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 TEXT

AMENDMENT, ZONE CHANGE, SPECIFIC PLAN, DEVELOPMENT AGREEMENT AND ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED MIXED USE PROJECT AT 9876 WILSHIRE BOULEVARD (THE BEVERLY HILTON REVITALIZATION PROJECT). Comment: The proposed project is located on an approximate 8.9-acre site at the intersection of Wilshire and Santa Monica Boulevards and is currently developed with the Beverly Hilton Hotel and ancillary facilities. The proposed project would include redevelopment and reconfiguration of the site by adding retail, and office facilities, a conference room, outdoor landscaped areas, a new five-star Waldorf Astoria Hotel and two separate condominium buildings. 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 the ordinances approving a development agreement for the project and approving a zone change and text amendment for the project. This item has been continued from the City Council Meetings held on Tuesday March 25, 2008, Thursday March 27, 2008, Tuesday April 1, 2008, Tuesday April 8, 2008 and Tuesday April 15, 2008.

The report of the Director of Community Development and the records of the Community Development Department in this matter are made a part of the record of this hearing.

Mayor Brucker mentioned there are three decisions slated for this evening and each of the elements will be taken separately. They include the resolution certifying the Environmental Impact Report (EIR) and to conduct first reading of ordinances amending the Zoning Code and approving a Development Agreement between the City and the project developer.

Director of Community Development Vince Bertoni made a presentation which included the project history, the project summary, with Residences A and B, the Waldorf-Astoria, and the existing Beverly Hilton Hotel. He also mentioned some minor changes proposed in Appendix C of the Final EIR.

Mayor Brucker asked for questions on the EIR.

In response to Councilmember Briskman's questions regarding number of rooms and parking spaces, it was confirmed that even though the project changed in its original configuration, it did not change the boundaries and the limits of the original EIR.

In response to Councilmember Briskman's question, City Attorney Wiener responded while there are changes to the General Plan that go along with this project, there are no violations of the General Plan in granting the entitlements.

Councilmember Briskman confirmed with Director of Public Works, Transportation and Engineering David Gustavson that as part of the

entitlement, the City is requiring some intersection improvements at Santa Monica and Wilshire Boulevards.

Councilmember Krasne had questions regarding the poolside cabanas, mixed-use amenities to mitigate traffic, height of the floor plate, size of freight elevators, limo staging areas, and parking counts.

Councilmember Delshad asked for clarification on the amount of rooms, open space, the FAR for the Hilton, mitigation measures for the school, and improvements to the intersection at Wilshire and Santa Monica Boulevards.

Mayor Brucker asked for comments on the EIR.

Councilmember Briskman stated she is satisfied that the EIR did cover this use in all its iterations, there is not an intensification of use on this property and the intersection improvements will provide much needed circulation.

Councilmember Krasne spoke to the current congestion at Wilshire and Santa Monica Boulevards.

Mayor Brucker expressed his concerns regarding the visual characteristic and the significant impact on Wilshire Boulevard.

MOVED by Vice Mayor Fenton, seconded by Councilmember Briskman to adopt the:

RESOLUTION OF THE CITY OF BEVERLY HILLS CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE BEVERLY HILTON SPECIFIC PLAN MAKING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM.

Ayes: Councilmember Delshad, Councilmember Briskman, and Vice Mayor Fenton

Noes: Councilmember Krasne and Mayor Brucker

CARRIED

**ADOPTED RES#08-R-12600**

MOVED by Councilmember Briskman, seconded by Vice Mayor Fenton to waive full reading and advance the ordinance to May 6, 2008 for adoption as follows:

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.

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

CARRIED

***WAIVE FULL READING AND ADVANCE TO THE MEETING OF MAY 6,  
2008 FOR ADOPTION***

Assistant City Manager Katie Lichtig reviewed the major terms and conditions of the Development Agreement and the Specific Plan. Ms. Lichtig also referred to a matrix that compared the Planning Commission's recommended Development Agreement, the instructions that staff received from the Ad Hoc Committee, the proposed Development Agreement distributed on April 19, as well as the alternate proposed Development Agreement that was distributed under the same cover.

Mayor Brucker explained why the Ad Hoc Committee (he and Councilmember Briskman) would like to change the designation under the "municipal surcharge in hotel rooms" to "hotel revitalization contribution".

Mayor Brucker and Councilmember Briskman, as the Ad Hoc Committee, were not unified in supporting the terms and conditions of the Development Agreement and each made a presentation on the Development Agreement and Specific Plan Negotiations Matrix which included the municipal surcharge, public benefit contribution, employee parking, etc.

The Councilmembers made comments and asked for clarification on the terms and conditions of the Development Agreement and thanked the Ad Hoc Committee for their efforts.

Ted Kahan, President of Oasis West Realty, responded to the questions raised by Council regarding municipal surcharge and diplomatic exemption.

Chief Financial Officer Dr. Scott Miller reviewed the financial analysis of the proposed project which included the net new revenues versus the existing Hilton revenues.

Mayor Brucker noted the School Benefits Fee needs to be included in the agreement.

School Board members Myra Lurie and Nooshin Meshkaty made comments regarding the School Benefits Fee and how it impacts the entire School District.

Mr. Milstein, representing the applicant, mentioned the agreement reached with the School District and stated they would like language written in the agreement that money will be earmarked for El Rodeo.

MOVED by Mayor Brucker, seconded by Councilmember Krasne to waive full reading and advance to May 6, 2008 for adoption an ordinance as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND OASIS WEST REALTY, LLC TO ENABLE THE REVITALIZATION OF THE BEVERLY HILTON HOTEL SITE WITH A NEW LUXURY HOTEL, CONDOMINIUMS AND OPEN SPACE AS PROPOSED IN COLUMN THREE WITH THE STAFF'S RECOMMENDATION WITH THE FOLLOWING CHANGES: THE PUBLIC BENEFIT CONTRIBUTION IS INCREASED TO \$15 MILLION, THE MUNICIPAL SURCHARGE APPLIES TO ALL HOTEL STAYS REGARDLESS OF DIPLOMATIC EXEMPTION TO THE EXTENT ALLOWED UNDER FEDERAL LAW, ON-SITE EMPLOYEE PARKING IS FREE OF CHARGE WHEN THE DEVELOPER RECEIVES THE CERTIFICATE OF OCCUPANCY OF THE WALDORF-ASTORIA, AND THE SCHOOL BENEFITS FEE IS \$1.66 MILLION.

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

FAILED

MOVED by Councilmember Briskman, seconded by Councilmember Delshad to waive full reading and advance to May 6, 2008 for adoption an ordinance with amendments (to Development Agreement only) as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND OASIS WEST REALTY, LLC TO ENABLE THE REVITALIZATION OF THE BEVERLY HILTON HOTEL SITE WITH A NEW LUXURY HOTEL, CONDOMINIUMS AND OPEN SPACE WITH THE FOLLOWING CRITERIA: THE SCHOOL BENEFIT FEE OF \$1.66 MILLION AT THE DISCRETION OF THE SCHOOL BOARD WITH A STRONG EMPHASIS FOR A BEAUTIFICATION PLAN FOR EL RODEO, FREE EMPLOYEE PARKING, THE PUBLIC BENEFIT FEE WILL BE KNOWN AS A HOTEL REVITALIZATION CONTRIBUTION, DIPLOMATIC EXEMPTION WILL REMAIN THE SAME, AND THE AGREEMENT READS THERE IS A HOTEL REVITALIZATION AND PUBLIC BENEFIT CONTRIBUTION OF \$10.2 MILLION.

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

CARRIED

***WAIVE FULL READING AND ADVANCE TO MAY 6, 2008 FOR ADOPTION.***

Mayor Brucker, with the consent of Council, directed the City Attorney to prepare a summary of both ordinances for publication pursuant to Government Code Section 36933.

It was noted this meeting will be continued to Tuesday, April 29, 2008 at 7:00 p.m. to consider the resolutions adopting the Specific Plan and the General Plan Amendment.

**D. OTHER BUSINESS**

None

**E. ADJOURNMENT**

There being no further business, Mayor Brucker with the consent of Council adjourned the meeting at 10:55 p.m. and continued the matter to Tuesday, April 29, 2008 at 7:00 p.m.

PASSED, Approved and Adopted  
this 15th day of July, 2008.

  
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**BYRON POPE, City Clerk**

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**BARRY BRUCKER, MAYOR**

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