



## AGENDA REPORT

**Meeting Date:** January 11, 2011  
**Item Number:** G-4  
**To:** Honorable Mayor & City Council  
**From:** City Attorney  
**Subject:** AN ORDINANCE OF THE CITY OF BEVERLY HILLS EXTENDING THE TERM OF PLANNING COMMISSIONER NOAH FURIE FOR THE LIMITED PURPOSE OF PARTICIPATING IN REVIEW OF A PROPOSED PROJECT  
**Attachments:** 1. Ordinance

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### RECOMMENDATION

It is recommended that the proposed ordinance be adopted.

### INTRODUCTION

This ordinance extends Commissioner Furie's term of service as a Planning Commissioner, for the limited purpose of reviewing the Lexus Project because newly appointed Planning Commissioner Brian Rosenstein has indicated his intent to recuse himself from consideration of the Lexus Project to avoid the appearance of a conflict of interest.

### DISCUSSION

At the meeting of December 21, 2010 the City Council conducted a first reading of this ordinance. Once adopted, this ordinance will become effective on February 11, 2011 in time to allow Commissioner Furie to participate in the next hearing on the Lexus project scheduled for the Planning Commission meeting on March 10, 2011.

### FISCAL IMPACT

This ordinance will have no financial impact on the City.

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Laurence S. Wiener, City Attorney

# **Attachment 1**

ORDINANCE NO. \_\_\_\_\_

ORDINANCE OF THE CITY OF BEVERLY HILLS  
EXTENDING THE TERM OF PLANNING COMMISSIONER  
NOAH FURIE FOR THE LIMITED PURPOSE OF  
PARTICIPATING IN REVIEW OF A PROPOSED PROJECT

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

Section 1. The City Council finds:

1.1 In accordance with the provisions of the Beverly Hills Municipal Code, the City Council duly appointed Noah Furie to the City of Beverly Hills Planning Commission (“Planning Commission”) on December 18, 2004 to serve an initial term of two (2) years.

1.2 In accordance with the provisions of the Beverly Hills Municipal Code, the City Council reappointed Commissioner Furie to a second term on December 18, 2006 to serve for an additional four (4) years. Commissioner Furie’s term is set to expire on December 17, 2010.

1.3 Pursuant to Section 2-2.105(B), Planning Commissioners who serve two (2) successive terms are not eligible for reappointment to the Planning Commission. Accordingly, Commissioner Furie may not be reappointed to serve on the Planning Commission.

1.4 The Commissioner appointed to replace Commissioner Furie, expressed his intent to recuse himself from the Commission’s review of the pending Lexus Project at 9230 Wilshire Boulevard (“Lexus Project”) because a family member recently acquired real property in the vicinity of the Lexus Project site. The City Council desires a full Planning Commission of five members to consider this important project. In addition, the City Council believes the City would benefit from having continuity among the Commissioners in considering this complicated project. Therefore, notwithstanding any other provision in the Municipal Code to the contrary, the City Council hereby extends Commissioner Furie’s term as a Planning Commissioner for the sole and limited purpose of reviewing the Lexus Project. Commissioner Furie’s extended term as described herein shall expire immediately after the Planning Commission takes final action on the pending Lexus Project.

Section 2. The City Council duly considered this matter at a public meeting and concludes that it would be in the best interest of the City to extend the term of Commissioner Furie on the Planning Commission as set forth in Section 1.4 above.

Section 3. To the extent necessary, this Ordinance amends the provisions of Beverly Hills Municipal Code, Title 2, Chapter 2, Article 1 to allow the City Council to grant an extension of the terms of Planning Commissioners under the circumstances described in this Ordinance.

Section 4. 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 5. 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:

CITY OF BEVERLY HILLS  
A Municipal Corporation

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JIMMY DELSHAD  
Mayor of the City of Beverly Hills

ATTEST:

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(SEAL)  
BYRON POPE  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:

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JEFFREY KOLIN  
City Manager