

Attachment 2

Resolution Amending the General Plan

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE GENERAL PLAN TO ESTABLISH A GATEWAY COMMERCIAL/MIXED USE/TRANSPORTATION LAND USE DESIGNATION FOR THREE PARCELS OF FORMER RAILROAD RIGHT-OF-WAY PROPERTY LOCATED AT 9900 SANTA MONICA BOULEVARD, 9848 WILSHIRE BOULEVARD AND 9817 WILSHIRE BOULEVARD CURRENTLY ZONED TRANSPORTATION T-1 AND ALL IMMEDIATELY ADJACENT PARCELS CURRENTLY ZONED COMMERCIAL (C-3)

The City Council of the City of Beverly Hills hereby finds, resolves and determines as follows:

Section 1. Mr. Maynard Brittan on behalf of Roxbury Managers, LTD, Mr. Jeffery Wilson on behalf of Wilco LLC, and Mr. Jeffery Mirkin on behalf of McB2 , LLC (collectively, "The Applicants") applied for a General Plan Amendment from Railroad to Low Density Commercial Use, and a Zone Change from Transportation (T-1) to Commercial (C-3) on three T-1 zoned properties located at 9900 Santa Monica Boulevard, 9848 Wilshire Boulevard, and 9817 Wilshire Boulevard in 2008. These requests have been in the processing stages for several years and the required environmental impact report (EIR) has been completed. After numerous public hearings and subcommittee meetings, it was determined that applying an overlay zone with specific objectives and standards would be the most appropriate way to guide future development of the subject properties and the abutting parcels on South Santa Monica Boulevard, which are currently zoned commercial (C-3). Development under the proposed overlay zone would be consistent with the objectives and development standards associated with the proposed overlay zone, and with the General Plan upon amendment as recommended herein. The primary objectives are intended to encourage projects that combine T-1 and C-3 Zoned

properties and allow design flexibility for each future development project within the project area.

Section 2. The Planning Commission considered the proposed general plan amendment in conjunction with a proposed overlay zone ordinance, which would amend the City of Beverly Hills Municipal Code, as more fully described below (the “Project”), and recommended that the City Council adopt the proposed General Plan Amendment.

Section 3. The Draft Environmental Impact Report (DEIR) for the Beverly Hills Gateway Project was released for public review on November 3, 2008. The Planning Commission held its first duly noticed public hearing on November 20, 2008 and held subsequent public hearings on March 24, 2011, November 22, 2011, December 19, 2011, January 26, 2012, February 9, 2012, March 8, 2012, March 22, 2012, and May 24, 2012 to allow the Planning Commission, the Applicants, and the public to discuss the proposed overlay zone objectives and developments standards and associated environmental issues. In addition, the Commission conducted site visits on January 26, 2012 and March 8, 2012. A Final EIR was prepared in March 2011, but the project was subsequently revised to include an overlay zone that could be applied to the three parcels previously proposed for development and analyzed in the EIR, and all immediately adjacent parcels currently zoned Commercial (C-3). A supplemental environmental analysis was prepared to consider the effects of the application of the proposed overlay zone and its objectives and development standards to the three T-1 Zoned properties and all immediately adjacent parcels C-3 Zoned properties. The supplemental environmental analysis describes the revised project, evaluates the associated potential environmental impacts, and is part of the Final EIR. The revised project and its potential impacts were compared to the

project evaluated in the March 2011 Final EIR. The evidence, both written and oral, was presented at said hearings.

Section 4. The City Council held a duly notice public hearing on June 19, 2012, at which time it took public testimony regarding the Project and the environmental analysis.

Section 5. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (CEQA), and the State CEQA Guidelines (Title 14 of the California Code of Regulations Sections 15000 *et seq.*, and the City's environmental guidelines, (hereafter the "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 identified resources. Pursuant to CEQA Guidelines Section 15064 and 15081, and based upon the information contained in the Initial Study, the City ordered the preparation of an EIR for the Project to analyze the Project's potential impacts on the environment. The City Council, by separate resolution: (a) made certain CEQA findings and determinations; (b) certified the EIR; (c) adopted a Statement of Overriding Considerations; and (d) adopted a Mitigation Monitoring and Reporting Program. The documents and other materials that constitute the record on which these decisions are based are located in the Department of Community Development and are in the custody of the Director of Community Development.

Section 6. Section 10-3-3908 of the City of Beverly Hills Municipal Code provides that the Planning Commission may recommend General Plan Amendments and zone

changes to the City Council if it determines that the public interest, health, safety, morals, peace, comfort, convenience, or general welfare warrants the reclassification of the subject properties.

Section 7. Based upon the evidence presented, the City Council hereby finds that the Project proposes amending the General Plan Land Use Map to establish a new land use category of Gateway Commercial/Mixed Use/Transportation. This designation would allow for development of the Project site with commercial, retail, restaurant, hotels, offices, mixed use projects that incorporate residential uses (rental), and transportation uses as contemplated under the current zoning. The proposed designation would allow a maximum Floor Area Ratio (FAR) of 0.0:1 to 2.0:1, and a maximum height of 18 to 60 feet depending on the current zoning designation of the property and whether it is developed in conjunction with other properties.

Section 8. Based on the foregoing, the General Plan Land Use Designation Map is hereby amended as follows:

The area in the map for the subject properties, including the T-1 properties at Parcel 1 (9900 Santa Monica Boulevard), Parcel 2 (9848 Santa Wilshire Boulevard) and Parcel 3 (9817 Wilshire Boulevard) and the adjacent C-3 zoned properties between the subject T-1 zoned properties and South Santa Monica Boulevard, shall be designated as Gateway Commercial/Mixed Use/Transportation with a maximum floor area ratio (FAR) of 0.0:1 to 2.0:1, and a maximum height of 18 to 60 feet for Parcel 1 (9900 Santa Monica Boulevard) and Parcel 2 (9848 Wilshire Boulevard) and a maximum height of 18 to 45 feet for Parcel 3 (9817 Wilshire Boulevard).

Section 9. The City Clerk shall certify to the adoption of this Resolution, and shall cause this Resolution and his Certification to be entered in the Book of Resolutions of the City Council of the City.

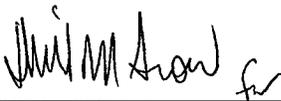
Adopted:

WILLIAM W. BRIEN, M.D.
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:

JEFFREY C. KOLIN
City Manager



SUSAN HEALY KEENE
Director of Community Development