



**CITY OF BEVERLY HILLS  
REGULAR CITY COUNCIL MEETING  
MINUTES  
February 5, 2013**

The Regular City Council meeting was held in the Council Chambers at 7:00 pm.

***PLEDGE OF ALLEGIANCE***

**A. *ROLL CALL***

Present: Councilmember Gold, Councilmember Bosse, Councilmember Brucker, Vice Mayor Mirisch, and Mayor Brien  
Absent: None

**B. *PRESENTATIONS***

**1. CERTIFICATE OF APPOINTMENT - Planning Commission - Alan Robert Block**

Mayor Brien, along with Councilmember Bosse, presented a Certificate and City pin to newly appointed Planning Commissioner Alan Robert Block.

**2. CENTENNIAL COUNTDOWN CLOCK**

Mayor Brien, along with Councilmembers Bosse and Brucker, announced the City's celebration of its 100<sup>th</sup> year anniversary of incorporation on January 28, 2014, and the creation of a Centennial Countdown Clock on the City's website along with upcoming events.

**C. *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. Adriel Ghadoushi

3. **REPORT FROM THE CITY MANAGER** \* Public Works Compressed Natural Gas (CNG) Fueling Station - Fred Simonson, Maintenance Operations Manager

Maintenance Operations Manager Fred Simonson presented a PowerPoint report about the Public Works Natural Gas Facility. He noted that the facility is fully operational with 20 slow fill stations, and acknowledged all of the participants of the CNG project.

4. **CITY COUNCILMEMBER AND COMMITTEE REPORTS**

None

**D. PUBLIC HEARING**

**TO SET:**

None

**TO CONSIDER:**

This being the time and place set, a public hearing was held to consider:

1. **AN APPEAL OF THE PLANNING COMMISSION'S DECISION DENYING A CONDITIONAL USE PERMIT AND EXTENDED HOURS PERMIT TO ALLOW THE ESTABLISHMENT OF A 7-ELEVEN CONVENIENCE STORE AT 401 SOUTH ROBERTSON BOULEVARD.** Comment: This is an appeal of the Planning Commission's November 8, 2012 decision denying a Conditional Use Permit and Extended Hours Permit to allow the establishment of a 7-Eleven convenience store. The appellant is requesting that the Conditional Use Permit and Extended Hours Permit denied by the Planning Commission be overturned based on inadequate findings.

Vice Mayor Mirisch recused from the item and left the Council Chamber at 7:43pm.

The notice of the hearing was published as required by law and an affidavit to this effect is on file with the City Clerk.

The records and files of the Department of Community Development and the report of the Assistant Director of Community Development concerning this matter shall be entered into the record.

Assistant Director of Community Development/City Planner Jonathan Lait presented a PowerPoint and oral report. He provided a project description, noted a conditional use permit and extended hours permit are needed for the project, the Planning Commission review of the project on November 8, 2012, the Planning Commission conclusions, and recommendation from staff.

Fran Cohen, consultant, introduced the members of the project team and presented the appellant's case. Walter Meyer from Meyer Architects, architect, presented the design details. Robert Kahn from RK Engineering presented the traffic study report. Paul Hercho, representing the 7-Eleven Company provided details about store operations. Planning Commission Chair Craig Corman answered question regarding the Planning Commission's findings and recommendations.

Speaking:

1. Hasti Merabi
2. David Robbins
3. Andrea Grossman
4. Tanaz Nabati
5. Kaveh Torkan
7. Ellie Soleimani
8. Maryam Ghods
9. Kayt Akhavan

Council asked questions and commented on the traffic study, egress/ingress and parking, store operations and business model, location challenges, building's aesthetic value and design, branding, crime in the neighborhood, and how the project fits in with the Southeast Area Taskforce's recommendations on use of the area.

MOVED by Councilmember Gold, seconded by Councilmember Bosse to direct the City Attorney to prepare a resolution denying a Conditional Use Permit and Extended Hours Permit to allow establishment of a 7-Eleven Convenience Store at 401 South Robertson Boulevard

Ayes: Councilmember Gold, Councilmember Bosse, and Mayor Brien.  
Noes: Councilmember Brucker.  
Recuse: Vice Mayor Mirisch.

CARRIED

**ITEM D-1: APPEAL DENIED**

**E. CONTINUED AND NEW BUSINESS**

1. APPROPRIATION OF FUNDS IN THE AMOUNT OF \$7,740,000 FROM UNRESTRICTED FUND BALANCE. Comment: Approval of the appropriations resolution.

Acting Director of Administrative Services Noel Marquis presented the staff report.

MOVED by Councilmember Gold, seconded by Councilmember Bosse to approve Item E-1 as follows:

APPROPRIATION OF FUNDS IN THE AMOUNT OF \$7,740,000 FROM UNRESTRICTED FUND BALANCE

Ayes: Councilmember Gold, Councilmember Bosse, Brucker, Mirisch, and Brien.  
Noes: None.

CARRIED

**ITEM E-1: APPROVED**

**F. CITY COUNCIL CONSENT CALENDAR**

MOVED by Gold, seconded by Bosse to table Item F-6 to a subsequent City Council meeting date, approve the remaining items on the consent calendar, and direct that the appropriate accounts be charged on Items F-2 and F-3

**Minutes**

1. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Adjourned Regular Meeting of January 24, 2013.

**Demands Paid**

2. REVIEW OF BUDGETED DEMANDS PAID, report dated January 12 - January 25, 2013.
3. PAYROLL DISBURSEMENT REPORT, report dated February 5, 2013.

**Other Business**

**ORDINANCE OF THE CITY OF BEVERLY HILLS:**

None

**RESOLUTIONS APPROVING:**

None

**APPROVAL OF:**

4. REAPPOINTING A MEMBER TO THE TRAFFIC AND PARKING COMMISSION (LESTER FRIEDMAN). Comment: Reappoints Lester Friedman to the Traffic and Parking Commission for a four-year term.

**ITEM F-4: APPROVED**

5. AGREEMENT WITH DYETT & BHATIA, URBAN AND REGIONAL PLANNERS TO REORGANIZE THE CITY'S ZONING CODE, AND PROPOSE REVISIONS TO THE DEVELOPMENT STANDARDS FOR BULK AND MASS OF HOMES IN THE CENTRAL AREA OF THE CITY APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$250,000 TO DYETT AND BHATIA, URBAN AND REGIONAL PLANNERS FOR THE CONTRACT WORK. Comment: Staff recommends that the City Council move to approve an agreement between the City of Beverly Hills and Dyett and Bhatia, Urban and Regional Planners to reorganize the City's zoning code and assist in the completion of associated minor zoning text amendments, and provide a study of scale and mass and along with proposed revisions to the development standards for homes in the Central Area of the City in the amount of \$225,000; approve a contingency of \$25,000; and approve a purchase order in the amount of \$250,000.

**ITEM F-5: APPROVED AG# 38-13**

6. AGREEMENT WITH ONE RODEO, LLC AND LOUIS VUITTON TO SATISFY FINE ART OBLIGATION AT 201 N. RODEO. Comment: Based on discussion at the study session, staff seeks Council's approval of an agreement with Louis Vuitton and One Rodeo LLC, owner of 201 N. Rodeo Dr., to allow the dome atop the building to be destroyed as part of a proposed renovation of the site. The dome originally met the fine art obligation for the building. The owners propose to provide a security in the amount of one hundred fifty thousand dollars (\$150,000) to guarantee the fulfillment of the fine art obligation for the building.

**ITEM F-6: TABLED TO A SUBSEQUENT CITY COUNCIL MEETING DATE**

**Vote on the Consent Calendar:**

Ayes: Councilmember Gold, Councilmember Bosse, Councilmember Brucker, Vice Mayor Mirisch, and Mayor Brien.

Noes: None.

CARRIED

**G. COMMISSION SYNOPSIS  
NO ACTION TAKEN ON "G" ITEMS**

1. HEALTH AND SAFETY COMMISSION - Regular Meeting of December 17, 2012  
ARCHITECTURAL COMMISSION - Regular Meeting of January 16, 2013  
FINE ART COMMISSION - Regular Meeting of January 17, 2013  
HUMAN RELATIONS COMMISSION - Regular Meeting of January 17, 2013

**H. OTHER BUSINESS**

None

**I. ADJOURNMENT**

There being no further business, Mayor Brien, with the consent of the Council, adjourned the meeting at 10:26pm.

PASSED, Approved and Adopted  
this 19<sup>th</sup> day of February, 2013

  
BYRON POPE, City Clerk

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WILLIAM W. BRIEN, MD, MAYOR

**This meeting was broadcast on live television, on City of Beverly Hills municipal government television access Channel BHTV10 Time Warner Cable.**