



## AGENDA REPORT

**Meeting Date:** February 18, 2014  
**Item Number:** E-6  
**To:** Honorable Mayor & City Council  
**From:** City Attorney  
**Subject:** AN ORDINANCE OF THE CITY OF BEVERLY HILLS APPLYING THE CITY'S MEDICAL USE OVERLAY ZONE TO THE PROPERTY LOCATED AT 8767 WILSHIRE BOULEVARD.  
**Attachments:** 1. Ordinance

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### **RECOMMENDATION**

Staff recommends that the City Council move to waive the full reading and adopt the ordinance entitled "AN ORDINANCE OF THE CITY OF BEVERLY HILLS APPLYING THE CITY'S MEDICAL USE OVERLAY ZONE TO THE PROPERTY LOCATED AT 8767 WILSHIRE BOULEVARD."

### **INTRODUCTION**

This ordinance memorializes the City Council's January 21, 2014 decision to apply the City's medical use overlay zone to the property located at 8767 Wilshire Boulevard. With adoption of the overlay zone, the subject property will be allowed to contain a maximum of 33,802 square feet (45% of the building's total floor area) of medical office space. The ordinance includes the adoption of an addendum to a previously adopted mitigated negative declaration pursuant to the California Environmental Quality Act.

### **DISCUSSION**

At the City Council meetings of January 7, January 21, 2014, the City council considered the above entitlements for the commercial building located at 8767 Wilshire Boulevard. On February 4, 2014, the City Council conducted a first reading and introduced this ordinance.

### **FISCAL IMPACT**

The ordinance will not result in a significant financial impact on the City; however, approval of the overall project of which this ordinance is a part is expected to lead to the dismissal of a pending lawsuit.

A handwritten signature in black ink, appearing to read "David M. Snow".

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David M. Snow,  
Assistant City Attorney

# **Attachment 1**

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

AN ORDINANCE OF THE CITY OF BEVERLY HILLS  
APPLYING THE CITY'S MEDICAL USE OVERLAY ZONE  
TO THE PROPERTY LOCATED AT 8767 WILSHIRE  
BOULEVARD.

WHEREAS, on November 21, 2013, the Planning Commission conducted a duly noticed public hearing to consider a proposed Zoning Amendment to apply the City's Medical Use Overlay Zone to the property located at 8767 Wilshire Boulevard and recommended that the City Council disapprove the proposed amendment.

WHEREAS, on January 7, 2014 and January 21, 2014, the City Council conducted a duly noticed public hearing to consider proposed Zoning Amendment and related applications. Thereafter, on February 4, 2014, the City Council introduced the Ordinance.

WHEREAS, the City Council finds that the Project 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 environmental regulations of the City. A Mitigated Negative Declaration (MND) was previously adopted by the City Council on January 30, 2007 for the existing commercial building on the subject site. Pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, a lead agency (the City of Beverly Hills in this case) may prepare an addendum to a previously adopted MND if some changes or additions to the MND are necessary but none of the conditions described in Section 15162 calling for the preparation of a subsequent MND have occurred. Pursuant to CEQA Guidelines Section 15162, no subsequent MND or Environmental Impact Report shall be

prepared for the Project unless, on the basis of substantial evidence in the light of the whole record, one or more of the following is determined:

- (1) Substantial changes are proposed in the project that will require major revisions of the previous MND due to the involvement of new, significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance identifies one or more significant effects not discussed in the previous MND, significant effects previously examined will be substantially more severe than shown in the previous MND, mitigation measures or alternatives previously found not to be feasible or not analyzed in the MND would be feasible and would substantially reduce one or more significant effects but the project proponents decline to adopt the measure or alternative.

The above criteria have been assessed in accordance with the State CEQA Guidelines, and the Project, in the independent judgment of the City, has been determined to be eligible for an addendum to the previously adopted MND because it does not result in any new or substantially increased environmental impacts. Therefore, an addendum to the MND has been prepared and is incorporated herein by reference.

The City Council has considered the MND and addendum, finds that the project will not have any significant impacts on the environment, as mitigated, and hereby adopts the addendum.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF BEVERLY HILLS DOES ORDAIN AS FOLLOWS:

Section 1. The City's Medical Use Overlay Zone, as set forth in Article 18.5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code, is hereby applied to the property located at 8767 Wilshire Boulevard, and more specifically described in Exhibit A of this Ordinance.

Section 2. The City Council hereby approves this Ordinance and authorizes the Mayor to execute the Ordinance on behalf of the City.

Section 3. Publication. 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 4.     Effective Date. 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:

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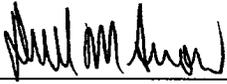
JOHN A. MIRISCH  
Mayor of the City of Beverly Hills,  
California

ATTEST:

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(SEAL)  
BYRON POPE  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
DAVID M. SNOW  
Assistant City Attorney

APPROVED AS TO CONTENT:

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JEFFREY C. KOLIN  
City Manager

  
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SUSAN HEALY KEENE  
Director of Community Development

# EXHIBIT A

8767 Wilshire Blvd.  
Beverly Hills

Legal Description

Lots 15, 16, 19 and 20 of Tract No. 4988, in the City of Beverly Hills, County of Los Angeles, State of California, as per the Map recorded in Book 54, Pages 98 and 99 of Maps, in the Office of the County Recorder of said County.