



**CITY OF BEVERLY HILLS
CITY COUNCIL REGULAR MEETING
MINUTES
February 4, 2014**

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

PLEDGE OF ALLEGIANCE led by former Mayor Vicki Reynolds

A. ROLL CALL

Present: Councilmember Krasne, Councilmember Gold, Councilmember Brien, Vice Mayor Bosse, and Mayor Mirisch

Absent: None

Mayor Mirisch held a moment of silence in honor of former City employee Edna Holmes who passed away on January 31, 2014. Ms. Holmes retired from the City on March 30, 2010 after 42 years of service.

B. PRESENTATIONS

1. PRESENTATION to the Wallis Annenberg Center for the Performing Arts for their contributions to the successful completion of the Performing Arts Center

Mayor Mirisch, along with Vice-Mayor Bosse presented a proclamation to the Wallis Annenberg Center for the Performing Arts for the successful completion of the Center and in appreciation for all they bring to the community.

2. PROCLAMATION for Jon Gluck, President of 90H20

Mayor Mirisch, along with Vice Mayor Bosse, presented a proclamation to Jon Gluck, President of 90H20, and the Beverly Hills Drink Company, for successfully launching 90H20, a bottled water product crafted to the highest Beverly Hills standards.

3. PROCLAMATION for Marilyn Gallup

Mayor Mirisch, along with Vice Mayor Bosse, presented a proclamation to Marilyn Gallup, a resident for more than five decades, for being an outstanding, involved, and caring citizen.

4. CERTIFICATE OF APPOINTMENT - Health and Safety Commission - Gary B. Ross

Mayor Mirisch presented a certificate of appointment and City pin to newly appointed Health and Safety Commissioner Gary B. Ross.

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. Sunny D.
2. Ilona Sherman
3. Frances Shloss

3. REPORT FROM THE CITY MANAGER
* Stormwater Program Status - Trish Rhay, Utilities Manager

Utilities Manager Trish Rhay provided a report on the City's Storm Water Program. She provided an overview of the storm water line of business and discussed the NPDES requirements, regional requirements, Beverly Hills' accomplishments, gaps/risks, and actions to be taken going forward.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

Councilmember Gold reported that he attended the Independent Cities Association (ICA) conference this past weekend in Santa Barbara.

Mayor Mirisch reported on his trip to the U.S. Conference of Mayors Winter Meeting in Washington D.C. on January 22-24, 2014.

D. CITY COUNCIL CONSENT CALENDAR

MOVED by Councilmember Gold, seconded by Councilmember Krasne to remove Item D-5 for discussion and separate vote, approve the remaining items on the City Council consent calendar, and direct that the appropriate accounts be charged on Items D-3 and D-4

Minutes

1. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Study Session of January 21, 2014.
2. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Regular Meeting of January 21, 2014.

Demands Paid

3. REVIEW OF BUDGETED DEMANDS PAID, report dated January 11 - January 24, 2014.
4. PAYROLL DISBURSEMENT REPORT, report dated February 4, 2014.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

5. AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ALLOW COMMISSION CHAIRS TO SERVE FOR TWO COMPLETE YEARS. First Reading - For Introduction. Comment is: Amends the municipal code to clarify that Commissioners can serve as Chair for up to two nonconsecutive years.

Senior Management Analyst Daniel Cartagena and City Attorney Larry Wiener explained the modification to the language of the ordinance being proposed. Council agreed to the amendment and to include a sunset date of October 1, 2014.

MOVED by Councilmember Gold, seconded by Vice Mayor Bosse to waive full reading, introduce and read by title only with amended language, to include a sunset date of October 1, 2014, and advance to the meeting of February 18, 2014 for adoption Ordinance D-5 as follows:

AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ALLOW COMMISSION CHAIRS TO SERVE FOR TWO COMPLETE YEARS

Ayes: Councilmember Krasne, Councilmember Gold, Councilmember Brien, Vice Mayor Bosse, and Mayor Mirisch.
Noes: None.

CARRIED

ITEM D-5: WAIVED FULL READING, INTRODUCED AND READ BY TITLE ONLY WITH AMENDED LANGUAGE AND TO INCLUDE A SUNSET DATE OF OCTOBER 1, 2014; ADVANCE TO THE MEETING OF FEBRUARY 18, 2014 FOR ADOPTION

RESOLUTIONS APPROVING:

6. ACCEPTING AND APPROPRIATING SPONSORSHIP DONATIONS TOTALING \$340,000 FROM ROLEX WATCH USA, GEARYS, AND MERCEDES-BENZ OF BEVERLY HILLS FOR CENTENNIAL CELEBRATION ACTIVITIES. Comment: It is recommended that the Council adopt the resolution authorizing the acceptance of sponsorship donations totaling \$340,000 from Rolex Watch USA, GEARYs and Mercedes-Benz of Beverly Hills for Centennial Celebration activities.

ITEM D-6: ADOPTED RES# 14-R-12966

APPROVAL OF:

7. REAPPOINTING A MEMBER TO THE PLANNING COMMISSION (HOWARD S. FISHER). Comment: Reappoints Howard S. Fisher to the Planning Commission for a four-year term.

ITEM D-7: APPROVED

8. ACCEPTING CITY OF BEVERLY HILLS COMMUNITY CHARITABLE FOUNDATION DONATIONS FOR THE BEVERLY GARDENS PARK RENOVATION PROJECT IN THE TOTAL AMOUNT OF \$18,745 AND APPROPRIATING FUNDS THEREFOR. Comment: Accepts City of Beverly Hills Community Charitable Foundation donations that have been specifically designated for the Beverly Gardens Park Renovation project, and appropriates the funds to the project account.

ITEM D-8: APPROVED

Vote on the City Council Consent Calendar:

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

Noes: None.

CARRIED

E. PUBLIC HEARING

TO SET:

None

TO CONSIDER:

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

1. CITY COUNCIL CONSIDERATION OF A REQUEST FOR A MINOR ACCOMMODATION AND SECOND UNIT USE PERMIT TO ALLOW CONSTRUCTION OF A TWO-STORY ACCESSORY STRUCTURE THAT WOULD CONTAIN INDEPENDENT LIVING FACILITIES ON THE PROPERTY LOCATED AT 700 NORTH LINDEN DRIVE. Comment: On December 17, 2013, the City Council voted to call up for review the Planning Commission's December 12, 2013 decision approving a Minor Accommodation and Second Unit Use Permit approving a two-story accessory structure that contains independent living facilities on the property located at 700 North Linden Drive. This will be a de novo hearing before the City Council. The City Council will also consider adoption of a Categorical Exemption pursuant to the provisions set forth in the California Environmental Quality Act.

The notice of the hearing is on file with the City Clerk and the Community Development Department.

Vice Mayor Bosse recused from this item, and left the Council Chambers at 8:36pm.

Mayor Mirisch invited the Councilmembers to report any ex parte communications or evidence that are not already on file. The Councilmembers did not have anything to report.

Assistant Director of Community Development/City Planner Jonathan Lait presented a PowerPoint report providing a project description and staff recommendations.

Speaking:

1. Beverly Houwing
2. Harvey Alpert
3. Massey Hakimianpour
4. Matt Pouratian
5. Hersel Nourmand
6. Mona Pouratian
7. Councilmember Gold read a letter into the record from Bert and Robin Jacobson
8. Councilmember Gold read a letter into the record from Isabelle Grahm
9. Councilmember Krasne read a letter into the record from Ruth Grahm
10. Councilmember Krasne read a second letter into the record from Ruth Grahm
11. Councilmember Brien read a letter into the record from Kamyar and Natasha Shabani
12. Mayor Mirisch read a letter into the record from Myra Gabbay

There were no other members of the audience who wished to comment. Mayor Mirisch closed the public hearing.

Mr. Lait, Beverly Hills resident Michael Libow and Planning Commission Chair Brian Rosenstein answered Council questions.

Council discussed and asked questions pertaining to height, fireplace/chimney, setback, visibility from Elevado, low income/affordable housing, if property is for sale, square footages, privacy, Planning Commission findings and recommendation, public benefit/impact on neighborhood, and the garden-like quality of the City.

There were no further questions or comments from Councilmembers.

MOVED by Councilmember Brien, seconded by Councilmember Gold to direct City Attorney to prepare Resolution E-1 as amended as follows:

APPROVING A MINOR ACCOMMODATION AND SECOND UNIT USE PERMIT TO ALLOW CONSTRUCTION OF A TWO-STORY ACCESSORY STRUCTURE THAT WOULD CONTAIN INDEPENDENT LIVING FACILITIES ON THE PROPERTY LOCATED AT 700 NORTH LINDEN DRIVE

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

CARRIED

ITEM E-1: DIRECTED CITY ATTORNEY TO PREPARE A RESOLUTION APPROVING THE MINOR ACCOMMODATION AND SECOND UNIT USE PERMIT TO ALLOW THE CONSTRUCTION OF A TWO-STORY ACCESSORY STRUCTURE THAT WOULD CONTAIN INDEPENDENT LIVING FACILITIES ON THE PROPERTY LOCATED AT 700 NORTH LINDEN DRIVE WITH THE CONDITION TO REMOVE THE CHIMNEY ON THE SECOND STRUCTURE

Vice Mayor Bosse returned to the dais at 10:08pm.

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

2. CITY COUNCIL CONSIDERATION OF A REQUEST FOR ZONE AMENDMENTS TO ALLOW SERVICED RESIDENCES AND RESTAURANT USES WITHIN THE M-PD-2 ZONE, MODIFICATIONS TO A PREVIOUSLY GRANTED PLANNED DEVELOPMENT PERMIT, AND A DEVELOPMENT AGREEMENT BETWEEN METROPOLITAN CRESCENT ASSOCIATES, LLC AND THE CITY OF BEVERLY HILLS FOR THE PROPERTY LOCATED AT 9355 WILSHIRE BOULEVARD AND 155 NORTH CRESCENT DRIVE. IN ADDITION, STAFF PROPOSES ZONE TEXT AMENDMENTS TO ADDRESS TRANSIENT USES IN SINGLE- AND MULTI-FAMILY RESIDENTIAL ZONES. Comment: This is a request by AKA Serviced Residences to allow stays of less than 30 days within the existing apartments located at 9355 Wilshire Boulevard and 155 North Crescent Drive, and to allow a restaurant use within the property. Additionally, staff has included recommendations to more clearly regulate transient uses in single- and multi-family residential zones. Pursuant to the provisions set forth in the California Environmental Quality Act, in considering the above entitlements the City Council will also consider adoption of an addendum to a previously certified Environmental Impact Report for the subject project.

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 report of the Senior Planner and the record of the Community Development Department in this matter are made a part of the record of this hearing.

Senior Planner Ryan Gohlich presented a PowerPoint and oral report providing background information on the proposed project and the associated entitlements, items for Council discussion, summary of potential pros and cons, and recommendations.

Speaking:

1. Stanley Stafford, AKA representative
2. Larry Korman, AKA President
3. Noel Hernandez, AKA Beverly Hills General Manager
4. Andy Sywak, Beverly Hills Chamber of Commerce Director of Economic Development and Government Affairs
5. Fiona Chalom, Fine Art Commission Chair

There were no other members of the audience who wished to comment. Mayor Mirisch closed the public hearing.

Mr. Gohlich, Planning Commission Chair Brian Rosenstein, City Attorney Wiener, City Manager Kolin, and AKA's Mr. Stafford and Mr. Korman answered Council questions on the following: parking, outreach to surrounding hotels, transfer of the development agreement, transient occupancy tax, impact and state assessment, enforcement of 7-day stay, transient stays, surcharge, public benefits, multi-family zone regulations, length of lease, occupancy rate, room rates, restaurant and dining, story of the AKA name, condos and time share, revenue, periodic review upon transfer of project, and annual evaluation and report to the Council.

There were no further questions or comments from Councilmembers.

Council directed staff to make sure that the standards in the agreement are upheld if there is a transfer of ownership, and evaluate after one year.

MOVED by Councilmember Brien, seconded by Vice Mayor Bosse to waive full reading, introduce and read by title only, and advance to the meeting of February 18, 2014 for adoption, Ordinance E-2 as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE MUNICIPAL CODE REGARDING RESTAURANT USES IN THE MIXED USE PLANNED DEVELOPMENT OVERLAY ZONE, AND TRANSIENT RESIDENTIAL USES IN THE MIXED USE PLANNED DEVELOPMENT OVERLAY ZONE, SINGLE-FAMILY RESIDENTIAL ZONES, AND MULTI-FAMILY RESIDENTIAL ZONES

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

Noes: None.

CARRIED

ITEM E-2 (ZONING AMENDMENTS): WAIVED FULL READING, INTRODUCED AND READ BY TITLE ONLY, ADVANCE TO THE MEETING OF FEBRUARY 18, 2014 FOR ADOPTION

MOVED by Councilmember Brien, seconded by Councilmember Krasne to waive full reading, introduce and read by title only, and advance to the meeting of February 18, 2014 for adoption, Ordinance E-2 as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND METROPOLITAN CRESCENT ASSOCIATES, LLC, FOR DEVELOPMENT AND USE OF THE PROPERTIES AT 155 NORTH CRESCENT DRIVE AND 9355 WILSHIRE BOULEVARD FOR A MIXED USE PROJECT INCLUDING SERVICED RESIDENCES AND RESTAURANT USES

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

Noes: None.

CARRIED

ITEM E-2 (DEVELOPMENT AGREEMENT): WAIVED FULL READING, INTRODUCED AND READ BY TITLE ONLY, ADVANCE TO THE MEETING OF FEBRUARY 18, 2014 FOR ADOPTION

F. CONTINUED AND NEW BUSINESS

1. A. AN ORDINANCE OF THE CITY OF BEVERLY HILLS APPLYING THE CITY'S MEDICAL USE OVERLAY ZONE TO THE PROPERTY LOCATED AT 8767 WILSHIRE BOULEVARD. First Reading - For Introduction. Comment: This is an ordinance that 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, and an addendum to a previously adopted mitigated negative declaration will be adopted pursuant to CEQA. B. A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A DEVELOPMENT PLAN REVIEW, PLANNED DEVELOPMENT PERMIT, AND CONDITIONAL USE PERMIT ASSOCIATED WITH MODIFICATIONS TO CONDITIONS OF APPROVAL AND THE TYPES OF LAND USES ALLOWED WITHIN A PREVIOUSLY APPROVED COMMERCIAL BUILDING ON THE PROPERTY LOCATED AT 8767 WILSHIRE BOULEVARD. Comment: This is a resolution that memorializes the City Council's January 21, 2014 decision to allow medical offices, a pharmacy, an expanded restaurant, a luxury vehicle showroom, and modified conditions of approval pertaining to allowed uses and public parking within the building located at 8767 Wilshire

Boulevard. The resolution includes adoption of an addendum to a previously adopted mitigated negative declaration pursuant to CEQA.

Speaking:

1. Tom Levyn

Assistant City Attorney David Snow and Senior Planner Ryan Gohlich clarified the modification comments made by Mr. Levyn.

Vice Mayor Bosse stated for the record that she would be able to make the findings for the CUP.

MOVED by Councilmember Brien, seconded by Councilmember Krasne to waive full reading, introduce and read by title only and advance to the meeting of February 18, 2014, Ordinance F-1A as follows:

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

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

CARRIED

ITEM F-1A: WAIVED FULL READING, INTRODUCED AND READ BY TITLE ONLY, ADVANCE TO THE MEETING OF FEBRUARY 18, 2014 FOR ADOPTION

MOVED by Councilmember Brien, seconded by Councilmember Krasne to adopt Resolution F-1B as amended as follows:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A DEVELOPMENT PLAN REVIEW, PLANNED DEVELOPMENT PERMIT, AND CONDITIONAL USE PERMIT ASSOCIATED WITH MODIFICATIONS TO CONDITIONS OF APPROVAL AND THE TYPES OF LAND USES ALLOWED WITHIN A PREVIOUSLY APPROVED COMMERCIAL BUILDING ON THE PROPERTY LOCATED AT 8767 WILSHIRE BOULEVARD

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

CARRIED

ITEM F-1B: ADOPTED AS AMENDED RES# 14-R-12967

G. COMMISSION SYNOPSIS

1. PLANNING COMMISSION - Regular Meeting of December 12, 2013
CULTURAL HERITAGE COMMISSION - Special Meeting of December 17, 2013
ARCHITECTURAL COMMISSION - Regular Meeting of December 18, 2013
DESIGN REVIEW COMMISSION - Special Meeting of January 6, 2014
CULTURAL HERITAGE COMMISSION - Regular Meeting of January 8, 2014
TRAFFIC & PARKING COMMISSION - Special Meeting of January 9, 2014
ARCHITECTURAL COMMISSION - Regular Meeting of January 15, 2014
CHARITABLE SOLICITATIONS COMMISSION - Regular Meeting of January 15, 2014

ITEM G-1: NO ACTION TAKEN

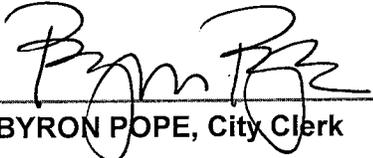
H. OTHER BUSINESS

None

I. ADJOURNMENT

There being no further business, Mayor Mirisch, with the consent of the Council, adjourned the meeting at 12:29am on February 5, 2014.

PASSED, Approved and Adopted
this 18th day of February, 2014


BYRON POPE, City Clerk

JOHN A. MIRISCH, MAYOR

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