



AGENDA REPORT

Meeting Date: October 2, 2007

Item Number: D-1

To: Honorable Mayor & City Council

From: Vincent P. Bertoni, AICP, Community Development Director
Donna Jerex, Senior Planner

Subject: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED MIXED USE PROJECT GENEREALLY LOCATED AT 8600 WILSHIRE BOULEVARD; MAKING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND ADOPTING A MITIGATION MONITORING PROGRAM

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS GENERAL PLAN BY CHANGING THE LAND USE MAP DESIGNATIONS, MAXIMUM DENSITY AND MAXIMUM HEIGHT FOR THOSE REAL PROPERTIES LOCATED AT 8600 WILSHIRE BOULEVARD AND 9200 WILSHIRE BOULEVARD

AN APPLICATION FOR A PLANNED DEVELOPMENT APPROVAL AND VESTING TENTATIVE TRACT MAP FOR A MIXED USE PROJECT AT 8600 WILSHIRE BOULEVARD

AN ORDINANCE ESTABLISHING A MIXED-USE PLANNED DEVELOPMENT OVERLAY ZONE AND REGULATIONS PERTAINING THERETO

AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND THE PROJECT APPLICANT FOR DEVELOPMENT OF A MIXED-USE PROJECT

(Continued from July 24, 2007)

Attachments: Binders with attachments were provided to the City Council at the July 24, 2007 City Council meeting. Minutes of the July 24, 2007 City Council meeting are attached to this staff report.

Attachments in Binder (provided July 24, 2007)

1. Resolution Certifying EIR (proposed)
 2. Resolution Adopting General Plan Amendment (proposed under separate hearing item)
 3. City Council Staff Report – June 19, 2007
 4. City Council Staff Report – September 19, 2006
 5. Planning Commission Staff Reports and Minutes
 - November 30, 2006
 - January 26, 2007
 - March 8, 2007
 6. Public Hearing Notice
 7. Planning Commission Resolutions
 8. Environmental Impact Report
 9. Applicant's Revised Plans - July 24, 2007 (booklet)
 10. Plans from June 19, 2007 hearing (full set)
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RECOMMENDATION

Staff recommends that the City Council:

1. Adopt a Resolution certifying the Environmental Impact Report (EIR) for the project.
2. Adopt a Resolution approving a General Plan Amendment for an Overlay Zone to allow the mixed-use (commercial and residential) zoning for the project.
3. Provide direction to staff regarding whether the revised project plans are consistent with the City Council's direction provided at the June 19, 2007 and July 24, 2007 hearings.
4. Direct the applicant to prepare a model and updated renderings of the project as seen from Wilshire Boulevard, Stanley Drive, and Charleville Boulevard to assist and expedite the Architectural Commission's review and final approval of the project.
5. Direct Staff to prepare a Development Agreement, Ordinance for the Mixed-Use Overlay Zone, and Resolution for project approvals for an upcoming City Council Meeting.

INTRODUCTION

Staff did not receive revised plans from the applicant in a timely manner and deal points for the Development Agreement have not yet been agreed upon. As a result, this item was originally removed from the October 2, 2007 meeting agenda; however, in the interest of moving the project forward, the item was returned to the agenda. Due to the late submittal by the applicant, staff has been unable to thoroughly review the revised project plans for this report. At the July 24, 2007 meeting, it was the consensus of the Council that the project should have two affordable housing units with two parking spaces reducing the extra parking spaces from 11 to 9 and the Council requested a landscape plan for the townhouses on Charleville and Stanley and at the pedestrian street level on Wilshire. Staff can only confirm that the revised plans contain

Meeting Date: October 2, 2007

new landscape plans. The applicant has been requested to provide supplemental information regarding the project at the meeting.

The City Council had the following requests and questions regarding the project to which staff will respond at the meeting:

- Discuss the visual differences between the 30-foot flat roof and the 33-foot pitched roof
- Address additional parking being used for public parking purposes
- Respond to any questions regarding Beverly Hills Unified School District concerns about the Environmental Impact Report prepared for the project.

The report that follows is the same report reviewed by the City Council at the July 24, 2007 City Council meeting.

This Staff Report is organized by the following headings:

- Project Description
- City Council Direction at June 19, 2007 Public Hearing
- Staff's Analysis of Revised Plans
- Project Chronology
- Adequacy of the Environmental Impact Report (EIR)
- General Plan Amendment
- Development Agreement
- Public Hearing Notice
- Fiscal Impact
- Next Steps

Project Description

The Applicant, Wilshire Colonial Partners, LLC, has proposed to develop a five-story, maximum 61-foot high (including rooftop uses), mixed-use project on the vacant lot at 8600 Wilshire Boulevard. The project would include:

- A maximum of 25 residential condominium units
- 6,383 square feet of ground-floor commercial space
- Up to 97 parking spaces located in a multi-level subterranean garage
- Access to the project site would be from Stanley Drive
- Loading facilities would be located on the site off of, and accessed from Stanley Drive

Approval of the project would be dependent upon approval of a general plan amendment and an overlay zone for this location because the current C-3 zoning does not allow residential use; the current R-1 portion of the site would not allow multiple dwelling units; and the Project would exceed the existing three-story/45-foot height limit and FAR (Floor Area Ratio) allowed in the C-3 and/or R-1 Zone. In addition, approval of the project requires City Council approval of a planned development permit, a vesting tentative tract map, and a development agreement for this mixed use project.

City Council Direction at June 19, 2007 Public Hearing

At the June 19, 2007 meeting, the City Council received an overview of the project including the environmental review, and discussed the physical aspects of the projects including building design, height and landscaping per the direction previously given to the Planning Commission last year. The following chart illustrates the recommendations of the Planning Commission and direction from City Council to staff and the applicant.

Commission's Request March 2007	Applicant's Response	Council Direction June 19, 2007
<u>Density:</u> Reduce number of townhomes from 4 to 2	Townhomes reduced from 4 to 3. Additional 2 affordable units proposed for Wilshire building.	Return with plans showing options for 2 or 3 units including option for one fronting on Stanley Drive
<u>Height:</u> Reduce Height to 55 feet for Wilshire Building Maximum Height for Townhomes 30 feet with flat roof	Proposed height is 61 feet Proposed height is 30 feet with flat roof	61 feet 33 feet with pitched roof might be appropriate if affordable housing units are included. The Council requested the applicant to provide proposed floor plans showing the affordable units, and options for two and three townhome units with pitched rooflines.
<u>Modulation:</u> Wilshire and Stanley elevations need additional modulation	Wilshire: 5th floor set back 12 feet from property line along Wilshire, and 5th floor set back 13 feet from line between underlying commercial & residential zones.	OK
<u>Driveway Locations:</u> Charleville driveway not ideal for multi-family project in single-family zone	Charleville driveway was removed. All access is from Stanley Drive.	OK
<u>Landscaping:</u> Requested landscape planter areas along Wilshire elevation; remove wall and add greenspace on Stanley	No changes made.	Remove garden wall on Stanley Drive. Show landscaping at pedestrian/street level on Wilshire.

Staff's Analysis of Revised Plans

The applicant's proposal for the townhomes and affordable housing unit floorplans are provided under Attachment 9.

Staff believes the Planning Commission and City Council recommendations provided in the chart above were very carefully crafted to create a transition between the commercial and

residential neighborhoods at this location. The revised plans are very general in nature; however they do provide an idea of what two townhome and three townhome options would look like.

In staff's opinion, the 33-foot height for the townhomes can be supported as it helps to ease the transition between the residences to the south of the projects and the 61-foot high Wilshire building. Staff retains the following concerns which it believes can be resolved at the Architectural Commission level as long as the applicant is directed to provide sufficient information for the Commission to clearly understand the project's design in making its decision.

- Overall Design: Given that this is a large project by Beverly Hills standards, the applicant should provide a model with its submission to the Architectural Commission. Although the elevations and site plan presented by the applicant for this staff report are adequate to the massing of the buildings and proposed setback areas, they do not provide much in the way of other details such as landscaping or three-dimensional views of the project, which makes it difficult to determine how the built project would actually look.
- Landscaping: The revised plans do not include landscaping. This detail is critical to the project's success. When plans return to the Architectural Commission, they should include a list of plant materials and sizes, as well as drawings of each elevation that show: a) the initial completed design and b) drawings showing the project after five years of plant growth. This is a standard requirement in terms of how landscape plans are assessed and critiqued.
- Model: For larger projects, the Architectural Commission has been requesting a model as it is the only way to really view the three-dimensional qualities of projects. Staff is particularly concerned about the way the building would look from pedestrians along Charleville, Stanley and Carson south of the project. Creative solutions from the applicant team are encouraged to ensure that a high quality aesthetic is achieved, and this should be demonstrated on the model.

Project Chronology

The following illustrates the project's history.

- April 27, 2006:* Initial public hearing to discuss Draft Environmental Impact Report (DEIR) during the 45-day comment period of March 17-June 1, 2006.
- June 22, 2006:* Planning Commission public hearing to review project specifics (General Plan Amendment, Zoning Amendments, Planned Development and Tentative Tract Map review). The Planning Commission voted 3-2 to deny the project on the basis that the use was not appropriate for this site.
- July 27, 2006:* Planning Commission adopts resolution formalizing the June 22 action.
- July 28, 2006:* An appeal of the Planning Commission's decision is filed by the applicant.
- September 19, 2006:* City Council public hearing on appeal – City Council overturned the Planning Commission's denial on appeal, and directed the Commission

Meeting Date: October 2, 2007

to consider the specific issues of the project such as allowed uses, height, density, landscape and design issues.

November 30, 2006: Planning Commission Hearing regarding project modifications. The Commission did not feel that the plans sufficiently addressed the Council's concerns and directed the applicant to return with revised plans on January 11, 2007.

January 11, 2007: Revised plans were not provided to staff and the hearing was continued to January 25, 2007.

January 25, 2007: Planning Commission Hearing resulting in the following direction to the applicant to comply with the City Council's direction:

Uses: No high traffic retail should be permitted in the retail space. Allowable uses should be consistent with the recently approved Wilshire/ Robertson project. Medical uses would be prohibited.

Parking: No compact spaces.

Height: Wilshire building should not exceed 55 feet. Townhomes should not exceed 30 feet in height, with a pitched roof (3" in 12" pitch).

Density: Reduce number of townhomes from three to two.

Modulation: Stanley side - Increase the modulation on the building and remove the garden wall to open the greenspace to the streetside, and increase the amount of landscaping.

Wilshire side – Provide landscaping either through niches in the façade or potted plants or planters. Move balcony railings back 3 feet toward façade and include landscaped screening.

Design: Modify so that it looks more like a residential rather than an office building. Soften the south side of the Wilshire building so that it is more attractive for the neighboring residential views.

The Commission directed staff to prepare a draft development agreement and resolution for consideration at the meeting on March 8, 2007.

March 8, 2007: The Planning Commission adopted resolutions with the following conditions:

Table: A table delineating specific conditions in relation to the City Council recommendations and whether they have been met (see Table on page 3 of this Agenda Report).

Density: The project is limited to a maximum 21 market rate and 2 affordable units in the Wilshire building, within the existing 32,075 square foot building footprint.

Parking All code-required parking must be met for market and affordable units. The additional 14 spaces may not be used to meet this requirement

The additional subterranean parking is approved unless the environmental impact study shows there are impacts that cannot be mitigated and any modifications required to mitigate any additional impacts is incorporated in the conditions

Include free parking for employees and patrons of the building

Residents and commercial occupants and employees may not participate in any preferential parking program

Parking may be rented at night for commercial use

Height: Height on Wilshire at 55 feet;
Height for the two townhomes on Charleville shall be a maximum 30 foot with pitched rooflines. The townhomes should exhibit individual styling and details

Setbacks: Minimum 12 foot setback on the 4th floor of the Wilshire frontage. The additional modulation on Wilshire Boulevard, "additional" should be clearly defined

Townhomes minimum setback 30-foot, 3-inches on West side; 10-foot, 3 and 3/4 inches on the Charleville side; and 9-foot, 11 and 7/8-inches on the Stanley side.

Landscaping: A landscape plan which designates where the planters added along the Wilshire Boulevard frontage would be, delineate the 232 square foot garden area on Stanley, and require greenery to be maintained at all times

Uses: The List all uses, including medical uses, to be consistent with the project approved at 8767 Wilshire Boulevard

Miscellaneous:

1. A construction barrier to block the view from the R-1 side. The barrier be permanent during the course of construction. It should also include a telephone number of the contractor and a City contact person;
2. The City retains authority to impose additional conditions to address loading, delivery problems and parking issues that may arise, including requiring a valet in the case that any future

commercial use requires additional parking management due to an increase in business (customer activity)

Adequacy of the Environmental Impact Report (EIR)

The Draft Environmental Impact Report (DEIR) circulated between April 17, 2006 and June 1, 2006 concluded that the project impacts could be reduced to an insignificant level with mitigation. Although the City Council overturned the Planning Commission’s denial of the project, the Council shared concerns raised by the Commission with regard to issues discussed at the September 19, 2006 appeal hearing including height, density, landscaping and modulation. Therefore, the Council remanded the project back to the Commission to address the project’s physical development standards.

The revisions resulting from this direction included removing a driveway along Charleville and directing all traffic to and from the site to the driveway on Stanley Drive. The applicant’s redesign included an additional level of subterranean parking. Since this change had potential for creating new and significant environmental impacts, the EIR was updated to analyze the revised project. This Supplemental EIR (SEIR) concluded that the revision would not result in unavoidable significant adverse impacts after mitigation.

These impacts requiring mitigation, which are fully discussed in the attached SEIR are summarized as follows:

Significant Impacts That Can Be Mitigated To a Less-Than-Significant Level	
Impact	Mitigation (Summarized)
<p><i>Aesthetics</i> (shadows, lighting and visual character)</p>	<p>Spillover lighting – exterior lighting shall be directed onto the building and away from adjacent residences</p> <p>Visual character including scale/massing – design features shall lessen the fiscal contrast with adjacent commercial structures on Wilshire such as stepbacks on upper floors.</p> <p>Shade/shadows onto the rear yards of adjacent residences – the perimeter wall and first floor of the condominiums shall be set back a minimum of ten feet from the western property line.</p>
<p><i>Air Quality</i> (construction impacts)</p>	<p>Construction emission impacts shall be reduced through measures including watering of surfaces to prevent dust, covering haul trucks with tarps, reducing traffic speeds, and watering stockpiles of debris and dirt.</p>
<p><i>Geology, Seismicity and Hydrology</i></p>	<p>Grading plans, geotechnical studies and</p>

(geologic materials and soils, liquefaction and groundwater)	compliance with seismic building code standards would be required.
Land Use (General Plan consistency, land use compatibility, zoning)	The General Plan would be amended to reflect the mixed-use development zoning for the site to include measures that render the project compatible with surrounding uses.
Noise (Construction-related noise)	Construction equipment shall be equipped with mufflers; a temporary noise barrier would be placed along the perimeter of the construction site, construction hours would be limited, and a noise disturbance coordinator would be established to address neighbors' concerns.
Traffic and Parking (construction-related traffic)	A construction staging and traffic management plan would be required; and truck haul routes, queuing areas and deliveries would be established; a construction fence would be installed around the site perimeter to ensure pedestrian safety before excavation begins; and construction worker parking would be limited and controlled.

General Plan Amendment

Approval of the ordinances and resolutions associated with the project, other than certification of the EIR, is dependent on approval of the resolution adopting a proposed General Plan amendment that would allow a mix of uses, additional height and density on the project site.

The Beverly Hills General Plan is comprised of nine elements, each of which specifically addresses issue areas dictated by the California Planning and Zoning Law. Development in a City must be consistent with its general plan and planning agencies may periodically revise, as necessary, the general plan.

The City's current General Plan recommends the City explore standards for mixed-use development in certain locations including the south side of Wilshire Boulevard east of Beverly Drive which includes the project site. The Land Use Element recommends that in commercial areas, "[t]he feasibility of allowing mixed commercial/residential uses should be analyzed in order to expand the variety of housing types available and in certain areas, to improve commercial/residential transitions." (Land Use Element, Section 2.2)

Consistent with the Land Use Element, the Housing Element states as an objective, "[d]evelop standards for mixed commercial and residential uses...with and without low-income housing components, including additional height, in areas currently zoned for commercial use ... such as: South side of Wilshire Blvd., east of Beverly Drive."

In late 2003 and early 2004, the City's General Plan Update Topic Committees made their final recommendations to the City Council which included support of mixed-use for certain areas, including the areas already recommended in the current General Plan.

While the Land Use and Housing Elements of the General Plan mention exploring mixed-use development, the "Land Use Plan" in the City's Land Use Element shows existing uses, density and height that reflect the current Zoning Code. As such, the Land Use Plan shows the subject

Meeting Date: October 2, 2007

site as a commercial use with a maximum height of 45 feet and a maximum FAR (density) of 2.0. The Land Use Element of the General Plan will have to be amended to allow residential uses on the site and to allow height greater than 45 feet with a density of 2.0.

DEVELOPMENT AGREEMENT

Final approval of the project is contingent upon the execution of a Development Agreement between the City and the developer to address infrastructure needs, fiscal impacts, and affordable housing needs. State law requires a public hearing before the Planning Commission to assess the terms of this agreement prior to the Commission's recommendation on the project to the City Council. Staff will return at a future date with the specifics of the Development Agreement at a public hearing, and will bring back a proposed Ordinance for the Council's consideration.

Option for On-Site Units

The developer has proposed that, in lieu of the affordable housing fee, two affordable units be provided on-site. This option was included in the Planning Commission's March 2007 Resolution for the Council's consideration.

PUBLIC NOTICE

Notice of this meeting was published in the *Beverly Hills Courier* and mailed on Friday July 13, 2007 to the appellant and all property owners and residential tenants within a 300-foot radius of the subject property, and all owners of single-family zoned properties within 500 feet from the exterior boundaries of the property, as required by Code. Notices were also mailed to parties who expressed an interest in the project by attending meetings or otherwise providing the City with comments. Notice of this hearing was also published in the *Beverly Hills Weekly* on July 19, 2007. As of the date this staff report was written, no letters had been received regarding the hearing notice.

FISCAL IMPACT

The finalized Development Agreement will assess the potential fiscal impacts resulting from a change in zoning from commercial and residential uses to mixed-use.

There is still an outstanding balance due of \$5,000 from the applicant for a fiscal study prepared by Keyser Marston Associates for the fiscal study to be discussed with the Development Agreement. Any unused portions of this fee will be returned to the applicant once a decision on the project has been rendered.

NEXT STEPS

Tentative hearing dates for the additional hearing items on the project are as follows:

September 18, 2007: Public Hearing for Development Agreement

Meeting Date: October 2, 2007

Review and Approval of Project (Planned Development Permit,
Tentative Tract Map)
Introduction of Ordinances Approving Mixed-Use Overlay Zone
and Development Agreement

October 2, 2007:

Second Reading of Ordinances Approving Mixed-Use Overlay
Zone and Development Agreement
Adoption of Resolution Approving Project (Planned Development
Permit, Tentative Tract Map)


FOR Vincent P. Barton, AICP
Director of Community Development

Approved By



ITEM D-1 (8600 Wilshire Blvd.)
Attachment to Agenda Report
Minutes of July 24, 2007 CC Mtg
(Go to next page for Item)

**CITY OF BEVERLY HILLS
CITY COUNCIL
ADJOURNED REGULAR MEETING
July 24, 2007**

The Adjourned Regular Meeting of the City Council of the City of Beverly Hills was held in the Council Chambers at 7:30 p.m.

PLEDGE OF ALLEGIANCE

A. ROLL CALL

Present: Councilmember Krasne, Councilmember Fenton, Councilmember Briskman, Vice Mayor Brucker, and Mayor Delshad
Absent: None

B. PRESENTATIONS

1. "MEET THE STAFF" - Fire Department
- Fire Inspector Chris Heyer

Assistant Fire Chief Timothy Scranton introduced newly hired Fire Inspector Chris Heyer. Mr. Heyer mentioned his previous experience working with the City of Burbank and the County of Los Angeles and the responsibilities of his position with the City of Beverly Hills. He also spoke about his personal background and family.

2. CASE STUDY PRESENTATION - City of Beverly Hills presentation at 2007 Innovation5 Group Annual Conference

Director of Communications Robin Chancellor explained the role of the Alliance for Innovation (formerly the Innovations Group) and introduced the team of City staff who participated in the Annual Transforming Local Government Conference in Bellevue, Washington. Ms. Chancellor and Recreation Services Manager Brad Meyerowitz spoke about the experience which highlighted the City of Beverly Hills' organizational transformation over the last three years.

C. ORAL COMMUNICATIONS

- 1B. AN APPLICATION FOR A PLANNED DEVELOPMENT APPROVAL AND VESTING TENTATIVE TRACT MAP FOR A MIXED USE PROJECT AT 8600 WILSHIRE BOULEVARD.
- 1C. A GENERAL PLAN AMENDMENT TO ACCOMMODATE MIXED USE DEVELOPMENT AT THE HEIGHT AND DENSITY PROPOSED FOR THIS PROJECT.
- 1D. AN ORDINANCE OF THE CITY OF BEVERLY HILLS ESTABLISHING A MIXED-USE PLANNED DEVELOPMENT OVERLAY ZONE AND REGULATIONS PERTAINING THERETO. For Introduction.
- 1E. AN ORDINANCE OF THE CITY OF BEVERLY HILLS APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND THE PROJECT APPLICANT FOR DEVELOPMENT OF A MIXED-USE PROJECT. For Introduction. Comment: Comment: At its meeting of September 19, 2006, the City Council considered an appeal of the Planning Commission's denial of this proposed mixed-use project and remanded it to the Planning Commission to refine the specific development standards for the proposal. On June 19, 2007, the City Council reviewed the revised project and directed the applicant to further refine the proposed affordable housing floorplans within the 5-story building and the proposal for the townhomes on the parcel that is currently zoned R-1 which fronts on Charleville Boulevard. At the July 24, 2007 meeting, the Council will review the revised plans and consider certification of the Environmental Impact Report and a General Plan Amendment for the project. In addition, the project also requires approval of a planned development permit, a vesting tentative tract map, and a development agreement. If so directed by the City Council, these items would be returned for Council action at a future meeting. This item was continued from the Council meeting of June 19, 2007 and was renoticed. At its meeting of September 19, 2006, the City Council considered an appeal of the Planning Commission's denial of this proposed mixed-use project and remanded it to the Planning Commission to refine the specific development standards for the proposal. On June 19, 2007, the City Council reviewed the revised project and directed the applicant to further refine the proposed affordable housing floorplans within the 5-story building and the proposal for the townhomes on the parcel that is currently zoned R-1 which fronts on Charleville Boulevard. At the July 24, 2007 meeting, the Council will review the revised plans as well as a General Plan Amendment to allow additional height and density on the site. The project requires an overlay zone ordinance allowing the residential use as well as additional height and density for the project. The ordinances for the General Plan Amendment and the overlay zone require second readings at a future City Council meeting before becoming effective. This item was continued from the Council meeting of June 19, 2007.

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

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

City Attorney Laurence Wiener noted he lives just outside the required radius for recusal and to avoid any appearance of conflict of interest recused himself from discussion on this matter. Mr. Wiener left the Chambers at 8:35 p.m.

Chief Assistant City Attorney Roxanne Diaz provided legal counsel and advised the Council on the areas of tonight's hearing that Councilmember Krasne may and may not participate in.

Community Development Director Vince Bertoni mentioned late this afternoon a letter was received from the Beverly Hills Unified School District regarding the Environmental Impact Report (EIR) and that staff would like to review the letter in detail and provide a response and information to the City Council prior to their taking action on the EIR for the proposed 8600 project. Mr. Bertoni stated staff is recommending no action is taken this evening on the EIR or the General Plan amendment and for the Council to provide direction on some of the project changes and to direct staff to return to the October 2, 2007 City Council meeting with various resolutions and ordinances for approval.

Director Bertoni provided the staff report which included staff's analysis of the revised changes to the project regarding density, height, modulation, driveway locations and landscaping. Staff is recommending the Council provide direction to staff on whether the revisions to the project meet the Council's approval and direct the applicant to prepare a model and landscape plan and updated renderings of the project to help assist the Architectural Commission in their review of the project.

Discussion took place on density regarding the number of townhouses. Councilmember Krasne supported two townhouses with a maximum of 3,000 sq. feet. The remainder of the Council supported three units at 2,800 sq. feet with one facing Stanley and two facing Charleville, each with a different facade.

It was the consensus of the Council to move forward with two affordable units with two parking spaces reducing the extra parking spaces from 11 to 9.

Staff was directed to calculate the 30 foot flat roof versus the 33 foot pitched roof and to address additional parking being used by utilizing the rights-of-way available to become public parking.

Councilmember Krasne recused herself from the remaining discussion and left the Chambers at 10:55 p.m.

Council requested a landscape plan for the townhouses on Charleville and Stanley and at the pedestrian street level on Wilshire.

Speaking:

1. Mitchell Dawson, attorney representing the applicant, spoke about how this project is an environmentally superior alternative as backed up by the various studies that were done. He also mentioned the benefits of the project to the City versus a commercial business.
2. Edward Levin, Wilshire Colonial Partners, LLC (applicant) spoke about the townhouses and affordable units and addressed issues in the EIR regarding height and mass.
3. Ruby Margo, resident on Carson, spoke about impacts involving light and privacy.
4. Amy Simon, resident on Carson, commented on the impacts to her residence.
5. Joy Shefter, resident, asked the Council to reconsider this project.
6. Bob Weiss, representing the Southeast Homeowners Association, spoke about the details of the project.
7. Paul Frankel posed questions and asked for clarity on the project.
8. Betty Globe, resident on Carson, mentioned traffic conditions in her area and expressed opposition to the proposed project.
9. Ferd Salcedo, resident on Stanley, expressed his opposition to the project.
10. David Kamran spoke in support of the project and urged the Council to approve it.
11. Florence Rhodes, resident on Carson, asked the Council to base their decision on the welfare of the residents in the area.
12. Teresā Frazer raised issues regarding the specifics of the project.
13. Anitra Eskovitz commented on enforcement issues regarding traffic and parking.
14. Christopher Bushee spoke in favor of the affordable housing element of this project.
15. Eileen Finizza asked the Council to consider the residents when making their decision.
16. Malcolm Orland spoke about the types of businesses that may become

tenants in the project and the amount of available parking.

17. Dr. Lisa Wolfe stated her concerns with the project and asked for the Council's support.

18. Jeff Wolfe's letter was submitted for the record.

19. Ruth Kraft questioned the development projects coming before the Council and their impacts on the City.

20. Milt Shefter shared his concerns for this project and other project affecting residential neighborhoods.

Councilmember Briskman summarized a letter from AJ Wilmer into the record in support of this project.

Vice Mayor Brucker read a letter from Connie Valencourt into the record stating her opposition to the project.

Vice Mayor Brucker and Councilmember Briskman directed staff to clarify who at the School District/School Board authorized the letter that was received today questioning the validity of the EIR prepared for the project.

Director Bertoni and Planners Larry Sakurai and Donna Jerex responded to various questions raised by the Council. At the request of the Council, Mr. Bertoni clarified the action before the City Council this evening is to review the proposed changes the applicant has made to the project and to let staff know if they accept those changes and modifications, and then direct staff to return to the October 2, 2007 Council meeting with resolutions to certify the draft EIR, to adopt the General Plan amendment, conduct first reading of an ordinance to adopt the Development Agreement, first reading of an ordinance to adopt the zone change and a resolution that approves the remainder of the job entitlements.

MOVED by Councilmember Fenton, seconded by Councilmember Briskman to continue the hearing to October 2, 2007 and bring back the resolution certifying the EIR, the resolution amending the General Plan, the resolution approving a planned development and vesting tentative tract map, an ordinance approving the development agreement and an ordinance establishing a mixed-use planned development overlay zone.

Ayes: Councilmember Fenton, Councilmember Briskman, Vice Mayor Brucker, and Mayor Delshad.

Noes: None.

Recuse: Councilmember Krasne.

CARRIED

City Attorney Wiener returned to the dais at 11:00 p.m.

ITEM D-1A THROUGH D-1E: COUNCIL CONTINUED THIS MATTER TO TUESDAY, OCTOBER 2, 2007

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

- 2A.** A GENERAL PLAN AMENDMENT TO ACCOMMODATE MIXED USE DEVELOPMENT AT THE HEIGHT AND DENSITY PROPOSED FOR THIS PROJECT.

- 2B.** AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND LEGACY PARTNERS SSR 9200 WILSHIRE, LLC FOR DEVELOPMENT OF A MIXED-USE PROJECT. Comment: At its meetings of September 5, and October 9, 2006, the City Council discussed and approved in concept a mixed use development project on this site. At its meeting of April 26, 2007, the City Council held a public hearing on the project and certified the Final Environmental Impact Report. At the July 24, 2007 meeting, the City Council will consider introduction of an ordinance approving a Development Agreement between the City and Legacy Partners SSR 9200 Wilshire, LLC for development for a mixed-use project at 9200 Wilshire Boulevard. In addition, the City Council will consider a proposed General Plan Amendment for this project as well as review the project revisions it recommended at its April 26, 2007 meeting. The other items related to this Project will be considered at a future meeting. Comment: At its meetings of September 5, and October 9, 2006, the City Council discussed and approved in concept a mixed use development project on this site. At its meeting of April 26, 2007, the City Council held a public hearing on the project and certified the final Environmental Impact Report. At this meeting the Council will review a General Plan Amendment to allow additional height and density on the site and a development agreement requiring the developer to pay fees to the City. The project requires an overlay zone ordinance allowing the residential use as well as additional height and density for the project. The ordinances for the General Plan Amendment and the overlay zone require second readings at a future City Council meeting before becoming effective. This item was continued from the Council meeting of April 26, 2007.

Mayor Delshad noted Items D2-A, D2-B and E-1 would be heard together.

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

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

Director of Community Development Vince Bertoni outlined what it is the