



**CITY OF BEVERLY HILLS  
CITY COUNCIL SPECIAL MEETING  
MINUTES  
February 12, 2015**

The Special City Council meeting was held in the Council Chambers at 5:00 pm.

**PLEDGE OF ALLEGIANCE** led by Dr. Woodrow W. Clark

**A. ROLL CALL**

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

Vice Mayor Gold announced that Mayor Bosse's mother, Rose Toren, passed away last week and thus the Mayor will not be able to attend the meeting today. On behalf of the City Council, he conveyed condolences to Mayor Bosse and her family, and held a moment of silence for Ms. Toren.

**B. 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.

None

**C. CONTINUED AND NEW BUSINESS**

1. REQUEST OF THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS TO CONSIDER FILING AN APPEAL OF THE CITY OF LOS ANGELES ADVISORY AGENCY APPROVAL OF A VESTING TENTATIVE TRACT MAP AND ADOPTION OF A MITIGATED NEGATIVE DECLARATION TO ALLOW CONSTRUCTION OF A 31-UNIT CONDOMINIUM PROJECT LOCATED AT 332-336 NORTH OAKHURST DRIVE. Comment: The subject approvals were granted on February 3, 2015, and the appeal period ends on Friday, February 13, 2015. A Special Meeting is required to allow Council consideration of an appeal of these approvals. This project is split between Beverly Hills and Los Angeles, with 28% of the property in Beverly Hills and 72% of the property in Los Angeles. Although Beverly Hills staff communicated with Los Angeles and the developer over the past several years regarding potential historic issues, several days ago staff learned that Los Angeles had further analyzed the properties, made a determination that there is no potential historic significance associated with the properties, and moved forward with its approval of the Vesting Tentative Tract Map and adoption of the Mitigated Negative Declaration.

Senior Planner Ryan Gohlich provided a brief background on the request from Councilmember Mirisch. He showed a site plan image and rendering of the proposed project, and discussed the issues considered when City of Beverly Hills was reviewing the project with the City of Los Angeles, the appeal period, and the consequences if there is an appeal or not.

Speaking:

1. Noah Muhlstein
2. Robert Block
3. Dr. Woodrow W. Clark
4. Susan Marfleet
5. Elie Benaron
6. Yumin Yu
7. Maria T. Landeros
8. Ethan Drosin
9. Terry Moore
10. Peter Wilson

Vice Mayor Gold clarified that the discussion this afternoon is not about the building's design, impacts, or whether it is historic or not, but based on whether or not the City will consider filing an appeal.

Mr. Gohlich, City Attorney Larry Wiener, Community Development Director Susan Healy Keene, and Interim City Manager Mahdi Aluzri responded to Council questions.

Councilmember Krasne asked whether the building is within the Beverly Hills Unified School District boundaries, and whether there is low income housing in the project.

Mr. Wiener clarified Mr. Gohlich's earlier response that since a portion of the project in Los Angeles would affect the City of Beverly Hills and would influence the findings of the

Planning Commission, if and when the project goes before the Planning Commission, then it would be in the jurisdiction of the Planning Commission to address the issue.

Councilmember Mirisch asked questions regarding standards used in determining the historic significance of the building, and how staff found out about the Los Angeles decision.

Councilmember Brien asked whether the architect who performed the historic review is on the City of Beverly Hills list of approved consultants, whether the building architects are on the City of Beverly Hills list of master architects, and whether there were any applications for historic designation received from the owner over the past three years. He requested staff to forward the City's architectural/historic consultant report to the entire Council. He commented that he is having difficulty understanding what the City is trying to appeal and the basis for it. He indicated that he is not supporting the appeal.

Mr. Wiener clarified that the City needs to use the Los Angeles mitigated negative declaration if the City does not appeal. However, the project must go through the City of Beverly Hills discretionary review process whether the City appeals or not.

Mr. Muhlstein responded to Councilmember Brien's question regarding the process for a Los Angeles City Councilmember to question, challenge, or call up a Planning Commission decision.

Vice Mayor Gold commented on two issues: (1) the process was flawed which disadvantaged the City of Beverly Hills and its residents; and (2) sovereignty – the City of Los Angeles findings are different from that of the City of Beverly Hills and thus, it is not fair for the City of Beverly Hills and its residents to be subject to the findings without having its own independent review. He indicated his support for an appeal.

Councilmember Mirisch explained that he requested to bring the item before City Council for historic reasons but agreed with Vice Mayor Gold that the process is flawed. He indicated his support for an appeal.

Councilmember Krasne commented that the owners fulfilled all the requirements and it is not their fault that the process is flawed. She weighed the pros and cons of the project, and explained that she is not supporting the appeal at this time but would rather let it go through and wait for the project to come before the City's Planning and Architectural Commissions.

**ITEM C-1: CONSIDER FILING AN APPEAL OF THE CITY OF LOS ANGELES ADVISORY AGENCY APPROVAL OF A VESTING TENTATIVE TRACT MAP AND ADOPTION OF A MITIGATED NEGATIVE DECLARATION TO ALLOW CONSTRUCTION OF A 31-UNIT CONDOMINIUM PROJECT LOCATED AT 332-336 NORTH OAKHURST DRIVE: KRASNE-NO; MIRISCH-YES; BRIEN-NO; GOLD-YES**

**NO ACTION TAKEN**

**D. OTHER BUSINESS**

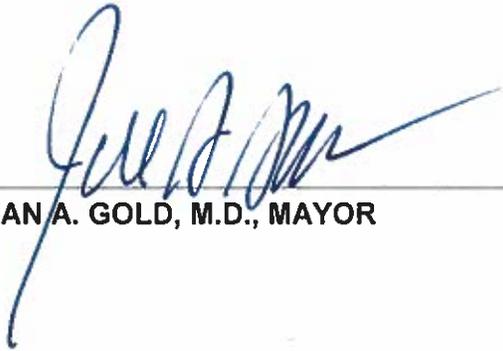
None

**E. ADJOURNMENT**

There being no further business, Vice Mayor Gold, with the consent of the Council, adjourned the meeting at 6:20pm.

PASSED, Approved and Adopted  
this 7<sup>th</sup> day of April, 2015

  
\_\_\_\_\_  
BYRON POPE, City Clerk

  
\_\_\_\_\_  
JULIAN A. GOLD, M.D., MAYOR

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