



The Beverly Hills City Council Liaison / Sunshine Task Force Committee will conduct a Special Meeting, at the following time and place, and will address the agenda listed below:

**CITY HALL**  
455 North Rexford Drive  
Beverly Hills, CA 90210

**Teleconference/Video Conference**

**Meeting**

**Beverly Hills Liaison Meeting**

<https://www.gotomeet.me/BHLiaison>

You can also dial in by phone:

**United States (Toll Free): 1-866-899-4679 or United States: +1 646-749-3117**

**Access Code: 660-810-077**

**Monday, July 27, 2020**

**5:00 PM**

Pursuant to Executive Order N-25-20 members of the Beverly Hills City Council and staff may participate in this meeting via a teleconference. In the interest of maintaining appropriate social distancing, members of the public can participate in the teleconference/video conference by using this link: <https://www.gotomeet.me/BHLiaison> or by phone at 1-866-899-4679 or 1-646-749-3117, Access Code: 660-810-077. Written comments may be emailed by 12:00pm on the date of the meeting to [CityClerk@beverlyhills.org](mailto:CityClerk@beverlyhills.org) and will be read at the meeting.

## **AGENDA**

- 1) Public Comment  
Members of the public will be given the opportunity to directly address the Committee on any item listed on the agenda.  
**Video:** <https://www.gotomeet.me/BHLiaison>  
**Phone:** 1-866-899-4679 or 1-646-749-3117  
**Access Code:** 660-810-077
- 2) Approval of June 22, 2020 Highlights – Attachment 1
- 3) Prioritization of Initiatives
- 4) Yom Kippur (and other holiday) Moratorium for Construction (City Attorney) – Approved by City Council at 7/14/20 Meeting
- 5) Draft revision to legislative advocate ordinance (City Attorney)  
First agendized 11/25/19. Continued to next meeting.
- 6) Wording and appearance of notices envelopes & registered mailing (Community Development) – Attachment will be provided at the meeting.  
First agendized 10/28/19
- 7) Extend email retention schedule to 5 years (Information Technology)  
First agendized 10/28/19

- 8) Ad Hoc Committees - Attachment 2  
First agendized 7/27/20
- 9) Air Bnb Enforcement – Pilot Program – Attachment 3 & Attachment 4  
Newly requested 7/27/20, First agendized 1/27/20
- 10) Report on Planning Staff Time Tracking, with Publicly Posted Examples  
Third Request, Newly requested 7/27/20, First agendized 11/25/19
- 11) Request for Related Public Records to Accompany Closed Session Agenda Items  
Newly requested 7/27/20
- 12) Provide ability to follow pending subject matter scheduling known to staff and/or Council, but withheld from public until imminent close of minimum disclosure window required under the Brown Act  
Newly requested 7/27/20
- 13) Ongoing inadequacy of document searching results on City website  
Newly requested 7/27/20
- 14) Legislative Action from Last Term – this item requests to revise ordinances as follows: - Attachment 5  
First agendized 1/27/20
  - o Additional definitions for the Legislative Advocacy Ordinance (addressed in legislative advocate ordinance)
  - o Principal/Applicant Sanctions for the Legislative Advocacy Ordinance (addressed in legislative advocate ordinance)
  - o Community Pre-Construction meeting for the Administrative Code for Building Standards
  - o Revocation/Reconsideration of Permit for the Public Notice Requirements
- 15) Reporting of permit fees at appropriate value (STF Committee)  
First agendized 11/25/19
- 16) Tracking system for STF initiatives (City Manager) – Attachment 6  
First agendized 10/28/19
- 17) Quarterly Library Board of Trustees report (City Manager)  
First agendized 11/25/19
- 18) Resolution regarding limiting the influence of money in politics and promoting free and fair Elections and setting limits for campaign contributions from developers (City Manager) – Attachment 7  
First agendized 1/27/20
- 19) Lack of hyperlinks in Commission/Committee reports – Attachment 8  
First agendized 2/24/20
- 20) Modification of the BHMC 7-3-307 (Preferred Parking District) – Attachment 9  
First agendized 2/24/20

- 21) Commissioner recusal – Advocacy – Attachment 10  
First agendized 11/25/19
- 22) Staff report recommendations to list pro's and con's  
First agendized 1/27/20
- 23) Adjournment



**George Chavez, City Manager**

**Posted: July 24, 2020**

**A DETAILED LIAISON AGENDA PACKET IS AVAILABLE FOR REVIEW AT [WWW.BEVERLYHILLS.ORG](http://WWW.BEVERLYHILLS.ORG)**



Pursuant to the Americans with Disabilities Act, the City of Beverly Hills will make reasonable efforts to accommodate persons with disabilities. If you require special assistance, please call (310) 285-1014 (voice) or (310) 285-6881 (TTY). Providing at least forty-eight (48) hours advance notice will help to ensure availability of services.



**CITY OF BEVERLY HILLS**  
455 N. Rexford Drive  
Beverly Hills, CA 90210  
Telephonic/Video Conference

**Sunshine Task Force Committee**

**SPECIAL MEETING HIGHLIGHTS**

**June 22, 2020**

Pursuant to Executive Order N-25-20 members of the Beverly Hills City Council and staff may participate in this meeting via teleconference/video conference. In the interest of maintaining appropriate social distancing, members of the public can participate by listening to the Meeting at (916) 235-1420 (participant code 872120) and offer comment through email at [CityClerk@beverlyhills.org](mailto:CityClerk@beverlyhills.org).

Meeting called to order by Councilmember Bosse at 4:00 p.m.  
Date / Time: June 22, 2020 / 4:00 p.m.

In Attendance: Councilmember Lili Bosse, Councilmember Julian A. Gold, MD, Magali Bergher, Sonia Berman, Fred A. Fenster, Myra Lurie, Steve Mayer, Ronald Richards, Debbie Weiss, and Thomas White

City Staff: City Attorney Laurence Wiener, City Auditor Eduardo Luna, City Clerk Huma Ahmed, Assistant City Manager Nancy Hunt-Coffey, Director of Community Development Susan Healy Keene, Chief Information Officer David Schirmer, and Assistant City Clerk Lourdes Sy-Rodriguez

**1) Public Comment**

Members of the public were given an opportunity to directly address the Committee on items not listed on the agenda.

Thomas White suggested that the agenda and agenda item attachments be sent to members in advance so that members will have an opportunity to add items for discussion. Steve Mayer asked why agenda items were carried over from the previous meeting.

➤ **Staff Response:** Assistant City Manager Nancy Hunt-Coffey explained the reasons why items were carried over from the February meeting.

**2) Approval of February 24, 2020 Highlights – 1 Attachment**

Moved by Steve Mayer, seconded by Sonia Berman, to approve the meeting highlights by show of vote from those in attendance. Highlights approved.

**3) Draft revision to legislative advocate ordinance (City Attorney) – 2 Attachments**

City Attorney Laurence Wiener went over the changes to the ordinance and responded to various questions and suggestions. He will present the revised ordinance at the next meeting.

➤ **Committee Action:** Members agreed to have the item brought forward again at the next meeting for discussion.

4) Yom Kippur Moratorium for Construction (City Attorney) – 3 Attachments

- **Committee Action:** Members approved the document provided by the City Attorney. Next, it will move forward to a future City Council review and approval.

5) Wording and appearance of notices envelopes & registered mailing (Community Development) – 1 Attachment

Director of Community Development Susan Healy Keene presented the options for the envelopes and received comments and suggestions from members.

- **Committee Action:** Members agreed to have this item brought back at the next meeting.

6) Improvements to Ask Bev (Comcate) (Information Technology)

- **Public Comments:**  
City Clerk Huma Ahmed read a comment from Mark Elliot into the record.

Steve Mayer commented about Comcate.

- **Committee Action:** Members agreed to continue the item to the next meeting.

7) Demo of closed captioning and transcripts of public meetings (Information Technology)

- **Committee Action:** Item was not discussed.

8) Extend email retention schedule to 5 years (Information Technology)

- **Committee Action:** Item was not discussed.

Councilmember Bosse directed staff to send the agenda and attachments in advance of the next meeting on July 27, 2020 to give members a chance to review them.

Council liaisons Bosse and Gold agreed for the next meeting on July 27, 2020 to be 1-1/2 hours long, from 5:00-6:30pm.

9) Adjournment

Date/Time: June 22, 2020 / 4:58 p.m.

**TO: SUNSHINE TASK FORCE COMMITTEE MEMBERS**  
**FROM: STEVE MAYER**  
**DATE: JULY 20, 2020**  
**RE: AD HOC COMMITTEES**

There have been a number of Ad Hoc Committees being created during the COVID-19 crisis at both the Council level and Commission level.

Some may, or may not, be exempt under the Brown Act.

For those that are exempt, there is no transparency.

It is proposed, at the least, when there is a reference in Agenda / Staff Reports to Ad Hoc Committees, there should be links to each Ad Hoc Committee meeting:

- (1) Agendas
- (2) Highlights – including who was present, how long the meeting lasted, what was discussed, and what was decided.

**TO: SUNSHINE TASK FORCE COMMITTEE MEMBERS**

**FROM: STEVE MAYER**

**DATE: JULY 20, 2020**

**RE: AirBNB ENFORCEMENT – PILOT PROGRAM**

At last week's City Council meeting, a resident complained that the City was deficient in addressing illegal AirBNB activity in multi-residential units.

What she exposed was a complete bureaucratic mess. It is clear that is the main reason why AirBNB continues to proliferate in Beverly Hills.

From a Friday to the following Tuesday, she had to engage in multiple phone call and emails for a Code Enforcement Officer to be sent, including assistance from myself.

All which was needed for a Code Enforcement Officer to be sent when the AirBNB guests were present, and confirm the illegal activity. That is the greatest prevention.

Sounds simple, but apparently Community Preservation cannot be bothered to streamline a process.

AirBNB during COVID-19 is a potential killer. AirBNB goes against everything that Beverly Hills stands for when trying to present itself as a safe city in a pandemic. Hotels have protocols to prevent and contain spread. AirBNB hosts do not.

In this particular incident, the guests were from a hot spot city, were smoking marijuana in their unit, and did not wear face coverings.

Contrastingly, in the Triangle, according to the Business Recovery Task Force subcommittee, roving inspectors are available for enforcement on individuals not wearing face coverings, with just a phone call.

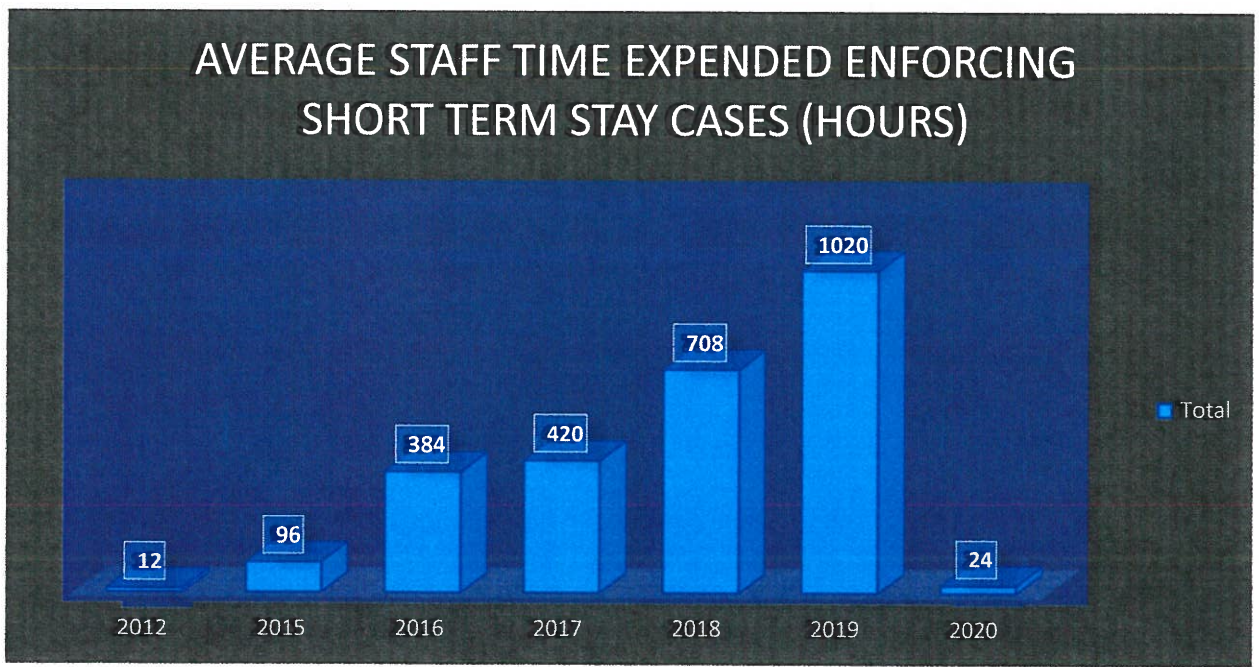
It is being proposed that half-page advertisements be placed in the City's three newspapers stating that Code Enforcement is available on a call-in basis, to a hotline, from 8 to 10 in the morning for AirBNB violations. The advertisements would extend for, say, the next two months of the pandemic.

The already roving inspectors, who can specifically initiate action, could be used for this pilot program.

# COMMUNITY DEVELOPMENT

## COMMUNITY PRESERVATION

### SHORT TERM STAY PROACTIVE ENFORCEMENT CASE SUMMARY & RESOURCE TIME





**TO: SUNSHINE TASK FORCE COMMITTEE MEMBERS**  
**FROM: STEVE MAYER**  
**DATE: JANUARY 21, 2020**  
**RE: LEGISLATIVE ACTION – THIS TERM**

In previous meetings, the Sunshine Task Force Committee has approved recommended changes to the Beverly Hills Municipal Code (BHMC).

This agenda item submits the proposed language changes to the BHMC

These proposed changes have been reviewed by the Municipal League president, Thomas White, STF committee member Fred Fenster, and the individual proponents.

The summary of the proposed changes to the BHMC are:

- (1) *Legislative Advocacy Ordinance:*  
Additional Definitions [BHMC 1-9-102]
- (2) *Legislative Advocacy Ordinance:*  
Principal Applicant Sanction [BHMC 1-9-108]
- (3) *Specific Noise Source and Regulation:*  
Yom Kippur Moratorium [BHMC 5-1-105(A)]
- (4) *Administrative Code For Building Standards:*  
Community Pre-Construction Meeting [BHMC 9-1-1111(O)(1)]
- (5) *Public Notice Requirements:*  
Revocation Reconsideration of Permit [BHMC 10-3-258]

Items 3-5, may need to be reviewed by the Planning Commission. If so, it is recommended that they be presented to the Planning Commission at its February 27th meeting.

Then, Items 1-5, should be presented to the City Council for first reading on March 17th.

The specifics of the proposed changes are highlighted in yellow and underlined. The sources of most of the changes are from other municipalities or government agencies.

**Sunshine Task Force Committee Members  
Legislative Action – This Term  
January 21, 2020  
Page 2.**

***Legislative Advocacy Ordinance:***

**Additional Definitions [BHMC 1-9-102]**

## **Article 1. Compensated Legislative Advocates** (Excerpt with Additions)

### **1-9-108: DEFINITIONS:**

The following terms used in this article shall have the meanings set forth below. For any term not specifically defined herein, the definitions shall be as set forth in the California Political Reform Act of 1974, as amended, and in the regulations of the California Fair Political Practices Commission, if defined therein.

**ATTEMPTING TO INFLUENCE:** Promoting, supporting, opposing, seeking to modify, or seeking to delay Municipal legislation by any means, including, without limitation, providing or generating political contacts, presenting information, statistical analyses or studies.

**CITY OFFICIAL:** The Mayor, any member of the City Council, any member of a City of Beverly Hills commission, and any City employee who participates in the consideration of any Municipal legislation other than in a purely clerical or secretarial capacity.

**CLIENT:** Any person who provides compensation to a legislative advocate for legislative advocacy, whether the compensation is provided directly, indirectly or through an intermediary.

**COMPENSATION:** Monetary or in-kind payment or remuneration in an amount in excess of fifty dollars (\$50.00), or the expectation of such remuneration, for engaging in the legislative advocacy. Compensation does not include the salary of an employee who devotes less than twenty percent (20%) of that employee's work time to legislative advocacy during any one year and who engages in legislative advocacy only on behalf of a single employer. Compensation also does not include reimbursement of or payments for reasonable travel or business expenses, such as copying, telephone charges and meals.

**CONTRACTOR:** A person that agrees to construct, or constructs, a building or other structure, or who provides or installs specialized portions of the construction. A contractor shall not include any person who prepares the plans or designs of a building or other structure.

**DIRECT COMMUNICATION:** Appearing as a witness before, talking to (either in person or by telephone), corresponding with, or answering questions or inquiries from, any City official either personally or through an agent who acts under one's direct supervision or control.

**ENGAGEMENT LETTER:** An Engagement Letter is the written agreement between the client and legislative advocate that includes one or more of the following:

- a) scope of work,
- b) the responsibilities and obligations of each of the respective parties, or
- c) fee estimates or quotes.

**EXPENDITURE LOBBYIST:** Any person, other than any government entity, or officer or employee of a government entity acting in an official capacity, who advises regarding, or makes, payments or incurs expenditures of five thousand dollars (\$5,000.00) or more during any calendar year for directing or guiding public relations, media relations, advertising, public outreach, research, investigation, reports, analyses, or studies with the intent of soliciting, requesting or urging, directly or indirectly, other persons to communicate directly with a City official in order to influence Municipal legislation. Expenditure lobbyist shall not include:

- a) a person who pays compensation to a legislative advocate or who pays compensation to another representative who appears at a hearing on Municipal legislation,
- b) a person who pays dues to a membership organization that is ongoing in nature and whose membership services do not consist exclusively of legislative advocacy,
- c) an organization who makes payments to distribute communications to its members, and
- d) a person engaged in publication or broadcasting of news items, editorials, or commentary, provided that the person is not compensated to take a specific position.

**FINANCIER:** Actual legal name of any person(s) whose cumulative contributions, whether cash or in kind, to a Ballot Measure Committee as defined in section 1-8-2 of this title, or otherwise, to support or oppose an initiative or referendum, total ten thousand dollars (\$10,000.00) or more. There may be more than one financier.

**INDIRECT COMMUNICATION:** Directing, advising or counseling another regarding direct communication. Indirect communication includes, without

limitation, communication through an agent who acts under one's supervision or control or communication through a client.

**LEGISLATIVE ADVOCACY:** Includes the following and similar conduct for compensation when the conduct is related to attempting to influence Municipal legislation:

- A. Engaging in, either personally or through an agent, written, electronic, or oral direct communication with a City official;
- B. Drafting ordinances, resolutions, or regulations;
- C. Attempting to influence the position of any third party on Municipal legislation or an issue relating to Municipal legislation by any means, including, but not limited to, engaging in community or media relations activities;
- D. Advising clients regarding strategy for legislative advocacy.

**LEGISLATIVE ADVOCATE:** Any individual who is compensated or who is hired, directed, retained or otherwise becomes entitled to be compensated for engaging in legislative advocacy and makes a direct or indirect communication with a City official or who is an expenditure lobbyist or financier. For example, a legislative advocate may include attorneys, permit expeditors, and architects or designers. However, notwithstanding the definition, a legislative advocate shall not include contractors.

**LOBBYING ENTITY:** An Expenditure Lobbyist, Client, Financier, Legislative Advocate, or Lobbying Firm, as defined in this article.

**LOBBYING FIRM:** Any legal entity, including but not limited to an individual Expenditure Lobbyist or an individual Legislative Advocate which receives, or becomes entitled to, receive compensation in any form whether monetary or otherwise for engaging in legislative advocacy activities (either personally or through its agents and / or representatives) during any one year period, for the purpose of engaging in any effort or attempting to influence Municipal legislation on behalf of any other legal entity, provided any partner, owner, shareholder, officer, director, employee and /or associates of the entity qualifies as a legislative advocate. A legal entity receives compensation within the meaning of this definition whether or not such compensation consists of money or other form of consideration and is received solely for the activities regulated by this article or is received for other activities as well which involves seeking influence; however, only that portion of compensation received for the

legislative advocacy shall count toward the qualification threshold. An entity "becomes entitled to receive compensation" when the entity agrees to provide services regulated by this Article, or performs those services, whether or not payment is received or is contingent on the accomplishment of the client's purposes

**MUNICIPAL LEGISLATION:** Any legislative, quasi-judicial, or administrative matter proposed by or pending before the City Council or any City commission, or any discretionary matter proposed or pending before the City Manager or any department head, or any action that involves a development project. "Municipal legislation" includes, without limitation, those matters involving the granting, denial, amendment, revocation, or restriction of any license, permit or entitlement for use (including all land use permits); the consideration, adoption, amendment or repeal of all Municipal ordinances; and the consideration and award of bids and proposals for City contracts. "Municipal legislation" does not include purely ministerial actions. A development application shall be considered to be pending before the City Council or City commission or City staff once any preliminary material, including an application for concept review, has been filed with the City.

*(Ord. 14-O-2656, eff. 4-4-2014; amd. Ord. 18-O-2749, eff. 2-9-2018; Ord. 19-O-2787, eff. 10-18-2019)*

**Sunshine Task Force Committee Members**  
**Legislative Action – This Term**  
**January 21, 2020**  
**Page 7.**

***Legislative Advocacy Ordinance:***

**Principal / Applicant Sanction [BHMC 1-9-108]**

## **Article 1. Compensated Legislative Advocates** (Excerpt with Additions)

### **1-9-108: REMEDIES FOR VIOLATIONS:**

Pursuant to the administrative remedies and procedures set forth in chapter 3 of this title, any person who knowingly and willfully violates any provision of this article, may be assessed an administrative penalty not to exceed five hundred dollars (\$500.00) per violation.

Additionally, the City Prosecutor is delegated the authority to investigate any charge that a person has knowingly and willfully violated this article. If the City Prosecutor determines that there is probable cause to believe that a legislative advocate has knowingly, willfully and materially violated the provisions of this article, the City Prosecutor may request that the City conduct an administrative hearing to determine whether such a violation has occurred and, if so, whether the legislative advocate and/or any person should be prohibited from engaging in legislative advocacy for a period of time.

Upon the request of the City Prosecutor, a Hearing Officer shall be retained and an administrative hearing shall be conducted substantially in accordance with the procedures set forth in chapter 3 of this title for conducting hearings on administrative citations.

If, after conducting a hearing pursuant to this section, a Hearing Officer determines that the legislative advocate has knowingly, willfully and materially violated the provisions of this article, then for the first violation of this article, the Hearing Officer shall prohibit the legislative advocate and/or any person from engaging in legislative advocacy for a minimum period of six (6) months, for a second violation, the Hearing Officer shall prohibit the legislative advocate and/or any person from engaging in legislative advocacy for a minimum period of one year, and for a third or subsequent violation, the Hearing Officer shall prohibit the legislative advocate and/or any person from engaging in legislative advocacy for a minimum period of four (4) years. The Hearing Officer may issue an order prohibiting the legislative advocate and/or any person from engaging in legislative advocacy for a period of less than the maximum period set forth in this paragraph if the Hearing Officer determines that mitigating circumstances justify a lesser period of prohibition.

If the Hearing Officer determines that the legislative advocate and/or any person has knowingly, willfully and materially violated the provisions of this article, or if the legislative advocate accepts the allegation of knowing, willful and material violation and waives the opportunity for a hearing, then the City's website shall identify the legislative advocate and indicate that the legislative advocate and/or



any person has violated the City's regulations governing legislative advocacy. The website identification shall remain posted on the website for one year.

In the event the legislative advocate and/or any person who works with, or is employed by, a Lobbying Entity is determined to have violated this Ordinance or admits to any violation thereunder, a Hearing Officer shall schedule an order to show cause hearing directed to the owners, principals and/or officers as the case may be of the Lobbying Entity as to why the same or lesser fine or penalty should not be applied thereto.

Notwithstanding the provisions of chapter 3 of this title, any decision by a Hearing Officer pursuant to this section shall be a final decision and not subject to appeal or review by the City Council.

*(Ord. 18-O-2749, eff. 2-9-2018)*

**Sunshine Task Force Committee Members  
Legislative Action – This Term  
January 21, 2020  
Page 10.**

***Specific Noise Source and Regulation:***

**Yom Kippur Moratorium [BHMC 5-1-105(A)]**

## ARTICLE 2. SPECIFIC NOISE SOURCES AND REGULATION (Excerpt with Additions & Deletions)

### 5-1-205: RESTRICTIONS ON CONSTRUCTION ACTIVITY:

A. No person shall engage in construction, maintenance or repair work which requires a city permit between the hours of six o'clock (6:00) P.M. and eight o'clock (8:00) A.M. of any day, or at any time on a Sunday or public holiday moratorium unless such person has been issued an after hours construction permit issued pursuant to subsection C of this section. In addition, no person shall engage in such work within a residential zone, or within five hundred feet (500') of a residential zone, at any time on a Saturday unless such person has been issued an after hours construction permit issued pursuant to subsection C of this section. For the purpose of this section, "public holiday moratorium" shall mean:

1. New Year's Day.
2. Memorial Day.
3. Independence Day.
4. Labor Day.
5. Yom Kippur
5. ~~6.~~ Thanksgiving Day.
6. ~~7.~~ Christmas Day.

Nothing in this section shall restrict the performance of "emergency work" as that term is defined in section 5-1-102 of this chapter.

- B. No person employed for the purposes of construction, maintenance, or repair work which requires a City permit shall enter a site on which such work will be done prior to eight o'clock (8:00) A.M. Any violation of this subsection shall be deemed to be an infraction.
- C. The City building official, after consultation with appropriate City officials, may issue an after hours construction permit authorizing work and/or entrance to a work site otherwise prohibited by this section if the City building official determines that the public interest will be served by such a permit. Situations in which the public interest may be served by the issuance of such an after hours construction permit includes, but are not

limited to, construction near school grounds, and construction that may interfere with vehicular or pedestrian traffic in heavily traveled public rights-of-way.

- D. Applications for an after hours construction permit issued pursuant to subsection C of this section shall be in writing and shall set forth how the public interest will be served by issuing the permit. An after hours construction permit may be revoked or suspended by the City building official if the City building official determines that activity conducted pursuant to the permit detrimentally affects the public health, safety or welfare.

(Ord. 11-O-2613, eff. 10-31-2011)

**Sunshine Task Force Committee Members  
Legislative Action – This Term  
January 21, 2020  
Page 13.**

***Administrative Code For Building Standards:***

**Community Pre-Construction Meeting [BHMC 9-1-1111(O)(1)]**

# Administrative Code For Building Standards

(Excerpt with Additions & Deletions)

[BHMC 9-1-111(O)(1)]

## O. Additional Required Inspections And Tests:

1. A preconstruction meeting with the city, and the project personnel, and any homeowner, property owner, business owner, interested party, and/or resident of the proposed project within the Notification Radius as defined in 10-3-252(B)(3) will be required prior to beginning any new building or when required by the city.

In addition to the forgoing, the Applicant shall provide notice in accordance with Notification Methods as defined in 10-3-252, with at least 10 days notice to the potential affected parties as defined in Notification Radius as defined in 10-3-252(B)(3) as well as at least 10 days notice for any subsequent meetings, as well as an On Site Posted Notice as defined in 10-3-252(A).

**Sunshine Task Force Committee Members  
Legislative Action – This Term  
January 21, 2020  
Page 15.**

***Public Notice Requirements:***

**Revocation / Reconsideration of Permit [BHMC 10-3-258]**

## Article 2.5. Public Notice Requirements

(Excerpt with Additions)

### **10-3-258: REVOCATION AND MODIFICATION OF PERMITS:**

Public notice for hearings for the revocation or modification of permits shall be completed in accordance with the standards set forth in section 10-3-253 of this chapter for the permit in question. (Ord. 14-O-2661, eff. 6-20-2014)

#### **A. Grounds for Revocation / Reconsideration.**

Grounds for revocation of the issuance of a permit and / or application or the reconsideration of its issuance shall be:

- (1) Intentional, willful, deliberate, inclusion or the disregard of inaccurate, erroneous or incomplete information in connection with a permit application, a development plan review, and/or any other application where the Planning Commission finds that accurate and complete information would have caused the commission to require additional or different conditions on a permit or deny an application;  
or
- (2) Failure to comply with the notice provisions of 10-3-253 of this article where the views of the person(s) not notified were not otherwise made known to the Planning Commission and could have caused the Planning Commission to require additional or different conditions on a permit or deny an application.

#### **(B) Initiation of Proceedings.**

Any person who did not have an opportunity to fully participate in the original permit proceeding by reason of the permittee and / or applicant's intentional, willful, deliberate, inclusion or the disregard of inaccurate information or failure to provide adequate public notice as specified in 10-3-253 of this article may request revocation of a permit, development plan review, or any other application or reconsideration of its issuance by application to the Director of Community Development specifying, with particularity, the grounds for revocation and / or reconsideration of its issuance. The Director of Community Development shall review the stated grounds for revocation of a permit, development plan review, or any



other application and / or reconsideration of its issuance, unless the request is patently frivolous and without merit, shall initiate revocation and/or reconsideration proceedings. The Director of Community Development may initiate revocation and / or reconsideration proceedings on his or her own motion when the grounds for revocation and/or reconsideration have been established pursuant to the provisions of 10-3-258(A) or 10-3-258(B) of this article.

**(C) Suspension of Permit.**

Where the Director of Community Development determines in accord with 10-3-258 (A) and/or 10-3-258 (B) of this article, that grounds exist for revocation of a permit, development plan review, and /or other applications and / or the reconsideration of its issuance , the operation of the permit shall be automatically suspended until the Planning Commission votes to deny the request for revocation and/or reconsideration. The Director of Community Development shall notify the permittee and/or applicant by mailing or transmitting by other reasonable means a copy of the request for revocation and/or reconsideration and a summary of the procedures set forth in this article, to the address shown in the permit application. The Director of Community Development shall also advise the applicant in writing that any development undertaken during suspension of the permit may be in violation of the Beverly Hills Municipal Code.

**(D) Hearing on Revocation / Reconsideration.**

- (1) At the next regularly scheduled meeting, and after notice to the permittee and/or applicant and any persons the Director of Community Development has reason to know would be interested in the permit or revocation / reconsideration, the Director of Community Development shall report the request for revocation and/or reconsideration to the Planning Commission with a preliminary recommendation on the merits of the request.
- (2) The person requesting the revocation and/or reconsideration shall be afforded a reasonable time to present the request and the permittee and/or applicant shall be afforded a like time for rebuttal.

- (3) The Planning Commission shall ordinarily vote on the request at the same meeting, but the vote may be postponed to a subsequent meeting if the Planning Commission wishes the Director of Community Development or the City Attorney to perform further investigation.
- (4) A permit and/or approval may be revoked by a majority vote of the members of the Planning Commission present if it finds that any of the grounds specified in 10-3-258 (a) and/or 10-3-258 (b) of this article exist. If the Planning Commission finds that the request for revocation and/or reconsideration was not filed with due diligence, it shall deny the request.

<b>SUNSHINE TASK FORCE</b>									
<i>Date Item Proposed</i>	<i>Description</i>	<i>Status</i>	<i>Policy, Action or Information</i>	<i>Department Assigned</i>	<i>Date of 1st Draft Staff Presentation</i>	<i>Date of STF Final Approval</i>	<i>Date of Commission Approval (If necessary)</i>	<i>Date of Council Approval</i>	<i>Date of Implementation</i>
03/15/18	Add Attestation Declaration to All Development Applications		Policy	CD					
06/24/19	Additions to commissioner handbook and training	New Commissioner handbook complete. Commissioner training held on 1/21/20	Policy	PM					
07/29/19	Add Attestation Section to Planning Commission Agenda Reports	Memo prepared regarding this item in November. Deferred to January meeting. Deferred to February meeting.	Policy	CD					
07/29/19	Revisions to the Legislative Advocate Ordinance	Draft of ordinance complete. Feedback gathered at STF in Nov., Dec. & Jan. Tentatively scheduled to go to City Council in April.	Policy	CA	11/25/2019-2/24/2020				
07/29/19	Legislative Advocate Form Modifications: Add Property Address & APN; identify responsible party.	Technical additions complete, waiting for Council approval of revisions to ordinance	Action	CC & IT	09/12/19				
07/29/19	Highlights from STF to be shared at each meeting	COMPLETE	Information	CC	11/25/19				
07/29/19	Add closed captioning for and transcript of public meetings	Closed captioning in testing phase, transcripts coming soon.	Action	IT	??			11/19/2019	
07/29/19	Pre-Construction Community Meeting	COMPLETE	Policy	CD					

09/12/19	Transparency in the Legislative Advocate Administrative Hearing Process	List of FAQs created and posted on the website. CA following up with City Prosecutor	Policy	CC & CA	??				
09/12/19	Enforcement regarding AirBnB	Report prepared for January meeting, not heard. Carried over to February meeting. Carried over to the June meeting.	Policy	CD					
09/12/19	Noticing: Revision to public notice envelopes/ mailing practices	Example envelopes shared with STF at the Nov and Dec meetings. Final decision not heard at Jan meeting. Carried over to February meeting. Carried over to the June meeting.		CD	11/25/2019	12/23/2019			
10/28/19	Revisions to the Legislative Advocate Email language	Complete	Action	IT	early Dec. 2019				
10/28/19	Moratorium on construction in residential during Yom Kippur	Memo prepared regarding this item in November. Deferred to January meeting. Deferred to February meeting. Next step to bring to Council.	Policy	CA					
10/28/19	Extend email retention period to 5 years	Costs developed in November. Need taskforce recommendation. Not discussed at the February meeting.	Policy	PM & IT					
10/28/19	Develop tracking system for STF initiatives	Draft developed. Need taskforce recommendation. Not discussed at the February meeting.	PM		12/23/2019				

10/28/19	Initiate quarterly Library Board of Trustees reports	Quarterly C items will be given to City Council	CS						
	Tracking Planning staff time related to projects		PM						
12/23/19	Commissioners as advocates	Deferred to January meeting. Deferred to February meeting. Deferred to June meeting.							
12/23/19	Sanctioning of applicants	Deferred to January meeting. Deferred to February meeting. Deferred to June meeting.							
12/23/19	"Concept Preview" advocate registration	Complete							
12/23/19	Resident participation in "stop work" meetings	Deferred to January meeting. Deferred to February meeting. Deferred to June meeting.							
12/23/19	Contesting a permit if misrepresentations made	Deferred to February meeting. Deferred to June meeting							
12/23/19	Value of permit fees	Deferred to February meeting. Deff							
12/23/19	Codification of Planning Commission deliberations	Complete. Documented in Commissioner handbook.	PM						
12/23/19	AskBev Updates	Deferred to February meeting. Staff analyzing feedback. Deferred to June meeting.	IT						
01/27/20	Reso Limiting Influence of Money in Politics	Staff is researching.							
01/27/20	Recommendations in staff reports	Deferred to February meeting. Deferred to June meeting							
01/27/20	Time limits for public comments	Deferred to February meeting. Deferred to June meeting							
02/24/20	Construction impacts federal holidays	Deferred to June meeting							

2/24/2020	Hyperlinks in commission/committee reports	Deferred to June meeting							
2/24/2020	Code modifications related to preferred parking district	Deferred to June meeting							
<i>CA = City Attorney; CC = City Clerk; CD = Community Development; CS = Community Services; IT = Information Technology; PM = Policy &amp; Management</i>									

SAMPLE RESOLUTION

Resolution authored by Represent US Supporting State and Federal Legislation to Limit the Influence of Money in Politics and Promote Free and Fair Elections

WHEREAS, the unregulated influence of money has degraded the fairness and efficacy of our elections at every government level;

and WHEREAS, free and fair elections are essential to the health of our democracy and demand our efforts to protect them;

NOW, THEREFORE, BE IT RESOLVED by the citizens of the Town of New Salem, Massachusetts that we support legislation that will forestall the influence of money in our elections through measures such as limiting the access of lobbyists, mandating full transparency in campaign financing, adopting public campaign financing, instituting automatic voter registration, ending gerrymandering, and instituting ranked choice voting, to encourage civic participation and ensure fair representation in this most vital of our democratic institutions. BE IF FURTHER RESOLVED that the citizens of the Town of New Salem implore our elected representatives in Boston, State Senator Jo Comerford and Representative Susannah Whipps, and in Washington, Senator Edward Markey and Senator Elizabeth Warren, and Representative James McGovern (or their successors) to lead this effort to enact these initiatives in Massachusetts and in

BE IT FURTHER RESOLVED that the Clerk of the Town of New Salem is hereby directed to give notice to the above representatives by sending a certified copy of this resolution to each of them.

**TO: SUNSHINE TASK FORCE COMMITTEE MEMBERS**

**FROM: STEVE MAYER**

**DATE: FEBRUARY 20, 2020**

**RE: LACK OF HYPERLINKS IN COMMISSION / COMMITTEE REPORTS**

During a recent Public Works Commission, an Agenda Report made reference to six preceding events that led to the agenda item.<sup>(1)</sup>

It took inordinate amounts of time to find just some of the documents, much less the links to the videos of archived meetings.

This problem has been the bane of transparency for virtually all Commissions and Committees.

Since Staff has to review both the documents and videos of preceding events when preparing the agenda Report, it is suggested that there be hyperlinks to the referenced documents and the meeting videos.

One solution proposed by Staff was to print-out all documents as attachments to the Agenda Report. In this particular case, it would have resulted in over 200 pages. For a Public Works Commission meeting, that could result in a 1000 page agenda book. That is completely unreasonable for a Commissioner to digest.

To simply the definition of a hyperlink in this instance, the referenced document and/or meeting video can be footnoted in the text, and the hyperlink be in the footnote.

It is proposed that a Commission “beta-test” be conducted by July, with full adoption in September.

(1) Agenda Report: Item 4 – Robertson Street Tree Replacement  
[https://www.beverlyhills.com/egov/etaViewer.do?view\\_id=4682&meta\\_id=422321](https://www.beverlyhills.com/egov/etaViewer.do?view_id=4682&meta_id=422321)



TO: SUNSHINE TASK FORCE COMMITTEE MEMBERS  
FROM: STEVE MAYER  
DATE: FEBRUARY 20, 2020  
RE: PREFERRED PARKING ZONE  
*Proposed Addition To "Modification Of Existing District"*

At the last Traffic & Parking Commission meeting, residents petitioned for a modification of an existing Preferred Parking Zone ("Zone").

During Commission deliberations, it was discovered there was **no criteria** to evaluate the request for a *Modification* of a Zone. Criteria does, however, exist for the *Establishment* of a Zone.

In 1993, the current procedure to "Establish" a Zone was adopted by the Council. In 2009, the procedure to "Modify" a Zone was adopted by the Council.

It is proposed that changes be made to the Beverly Hills Municipal Code (BHMC) so that the criteria (as well as the process) is the same for the *Establishment* as well as *Modification* of a Zone.

Specifically, it is proposed to copy 7-3-206 (B)–(D) ("from Standard Criteria For Establishment Of Preferential Parking Zones") to 7-3-207 (C)-(E) "Modification Of An Existing Zone").

These proposed changes have been reviewed by the Municipal League president Thomas White, STF committee member Fred Fenster, and some members of the Traffic & Parking Commission.

The changes are highlighted in yellow and underlined.

The Traffic & Parking Commission will be asked to evaluate the proposed changes.

**7-3-206: STANDARD CRITERIA FOR ESTABLISHMENT OF PREFERENTIAL PARKING ZONES:**

- A. A preferential parking zone may be established by either of the following two (2) methods:
  - 1) a petition signed by more than fifty percent (50%) of the residents residing on property abutting a street within the proposed zone requesting the creation of the zone; or
  - 2) a director of transportation initiated proposal with notice sent to abutting residents if not more than forty percent (40%) of such residents have sent to the city a return form objecting to the creation of the zone.
  
- B. Whether initiated by petition or by the director of transportation, in order to establish a preferential parking zone, the director of transportation shall do the following:
  - 1) prepare a study on the need for preferential parking restrictions, and
  - 2) make a recommendation to the traffic and parking commission as to whether a preferential parking zone should be established and the maximum parking restriction that may be imposed for vehicles parking in a preferential parking zone.
  
- C. Whether initiated by petition or by the director of transportation, in order to establish a preferential parking zone, the traffic and parking commission shall, based on the criteria set forth in subsection D of this section, make a recommendation to the city council as to whether a preferential parking zone should be established and the maximum parking restriction that may be imposed for vehicles parking in a preferential parking zone.
  
- D. Whether initiated by petition or by the director of transportation, in order to establish a preferential parking zone, the city council must find that there is sufficient evidence to conclude that the following criteria are satisfied:
  - 1. Commuter vehicles regularly interfere with the available public street parking adjacent to residential property within the proposed zone and cause or are the source of unreasonable noise, traffic hazards, environmental pollution, or other similar interference with the residential environment.

2. There is no reasonable alternative which is feasible or practical to reduce the identified street parking problem to acceptable levels, and
3. Displaced commuter vehicles will not unduly impact surrounding residential areas.

The city council shall determine the maximum parking restriction that may be imposed for vehicles parking in a preferential parking zone as it deems appropriate.

*(1962 Code § 3-6.2205; amd. Ord. 93-O-2169, eff. 7-2-1993; Ord. 98-O-2311, eff. 10-23-1998)*

### **7-3-207: MODIFICATION OF AN EXISTING ZONE:**

A preferential parking zone once established may be modified as follows:

- A. The director of community development, at the request of the traffic and parking commission or the city council, may initiate a modification to an existing preferential permit zone. If a request is initiated by the city council, the modification shall be heard by the city council and approved by resolution. If the request is initiated by the traffic and parking commission, the traffic and parking commission shall provide a recommendation to the city council and the modification shall be approved by resolution of the city council.
- B. Sixty percent (60%) of the residents within the existing zone sign a petition requesting a modification to the parking restrictions in that zone. The traffic and parking commission shall provide a recommendation to the city council. The modification shall be approved by resolution of the city council.

C. Whether initiated by petition or by the director of transportation, in order to modify a preferential parking zone, the director of transportation shall do the following:

- 1) prepare a study on the need for modification of preferential parking restrictions, and
- 2) make a recommendation to the traffic and parking commission as to whether a preferential parking zone should be modified and the maximum parking restriction that may

be imposed for vehicles parking in a preferential parking zone.

D. Whether initiated by petition or by the director of transportation, in order to modify a preferential parking zone, the traffic and parking commission shall, based on the criteria set forth in subsection E of this section, make a recommendation to the city council as to whether a preferential parking zone should be modified and the maximum parking restriction that may be imposed for vehicles parking in a preferential parking zone.

E. Whether initiated by petition or by the director of transportation, in order to modify a preferential parking zone, the city council must find that there is sufficient evidence to conclude that the following criteria are satisfied:

1. Commuter vehicles regularly interfere with the available public street parking adjacent to residential property within the proposed zone and cause or are the source of unreasonable noise, traffic hazards, environmental pollution, or other similar interference with the residential environment.

2. There is no reasonable alternative which is feasible or practical to reduce the identified street parking problem to acceptable levels.

3. Displaced commuter vehicles will not unduly impact surrounding residential areas.

The city council shall determine the maximum parking restriction that may be imposed for vehicles parking in a preferential parking zone as it deems appropriate.

*(Ord. 09-O-2571, eff. 12-6-2009; amd. Ord. 13-O-2647, eff. 10-11-2013)*

TO: SUNSHINE TASK FORCE COMMITTEE MEMBERS  
FROM: STEVE MAYER  
DATE: JANUARY 20, 2020  
RE: COMMISSIONER RECUSAL / “ADVOCACY”

Should the City follow the state code when a Commissioner must be recused?

As an aligned issue, at what point does Council wish to draw a line between a Commissioner’s “passion” for a particular subject versus “advocacy”?

**Background**

During a recent Traffic & Parking Commission meeting, the Assistant City Attorney recommended that a Commissioner be recused for a specific agenda item. <sup>(1)</sup>

The Commissioner, from the dais, expressed dissatisfaction with the recommendation, and then proceeded to articulate support for passage of the agenda item.

The Commissioner acceded to the deputy City Attorney’s recommendation for recusal, but then sat in the audience. The Commissioner never left the room.

Further, 21 of 23 public written comments were emailed directly to the recused Commissioner and not the Commission secretary.

Lastly, the majority of people present in the audience seemed to have a personal connection to the Commissioner.

**Issues**

There are clearly potential Fair Political Practices Commission (FPCC) issues at play:

- (1) *Should a recused Commissioner leave the room?*

When a City Councilmember and/or Planning Commission recuses themselves, they are traditionally sequestered in a Room 280A.

*(1) The Commissioner lived within the 500’ statutory threshold; the evaluation for potential conflict of interest is governed by the Fair Political Practices Commission (FPCC). The FPCC requires a month to issue a ruling.*

The recused Councilmember and/or Commissioner can then watch the proceedings.

Per 18707(a)(1)(c) a public official must leave the room. The exception is whether the public official wishes to provide oral public comment. That did not occur in this situation.

- (2) *Did the Commissioner solicit the public written comment from a City email account or a personal account?*

In this case, from a practical standpoint it is comparatively irrelevant, but using a City email account could be a violation of FPCC and/or City rules.

- (3) *Did the recused Commissioner directly solicit members of the audience to attend?*

If yes, is that a disclosable issue, from the dais, in explaining the recusal?

- (4) *Did the Commissioner lead (and/or participate) in the applause for the speakers?*

Please understand, criticism is not meant to be leveled at the Commissioner. The Commissioner in question is a distinguished member of the community, and has contributed mightily.

The current Commissioner Handbook (as well as the draft prepared for the City Council meeting of January 7th) is mute on some of the issues and inaccurate in others.

Nonetheless, standards should be defined to distinguish when a Commissioner is acting in an advisory role versus becoming an advocate.

**Attachment**

- § 18707. Disqualification Requirements.

2 CCR § 18707

Title 2. Administration

Division 6. Fair Political Practices Commission

Chapter 7. Conflicts of Interest

Article 1. Conflicts of Interest; General Prohibition (Refs & Annos)

**§ 18707. Disqualification Requirements.**

- (a) **Public Officials under Section 87200.** For recusal under Section 87105, all of the following apply when a public official who holds an office specified in Section 87200 has a financial interest in a decision within the meaning of Section 87100, and the governmental decision relates to an agenda item that is noticed for a meeting subject to the provisions of the Bagley-Keene Act (Section 11120 et seq.) or the Brown Act (Section 54950 et seq.):
- (1) **Content and Timing of Identification.** Following the announcement of the agenda item to be discussed or voted upon but before either the discussion or vote commences, the public official must do all of the following:
- (A) **The public official must publicly identify** each type of financial interest held by the official that is involved in the decision and gives rise to the disqualifying conflict of interest (i.e. investment, business position, interest in real property, personal financial effect, or the receipt or promise of income or gifts), and the following details identifying each financial interest:
- (i) If an investment, the name of the business entity in which each investment is held;
  - (ii) If a business position, a general description of the business activity in which the business entity is engaged as well as the name of the business entity;
  - (iii) If real property, the address or another indication of the location of the property, unless the property is the public official's principal or personal residence, in which case, identification that the property is a residence;
  - (iv) If income or gifts, the identification of the source; and
  - (v) If personal financial effect, the identification of the expense, liability, asset or income affected.

- (B) **Form of Identification.** If the governmental decision will be made during an open session of a public meeting, the public identification must be made orally and be made part of the official public record.
  - (C) **Recusal and Leaving the Room.** The public official must recuse himself or herself and leave the room after the identification required by this regulation is made. He or she will not be counted toward achieving a quorum while the item is discussed.
- (2) **Special Rules for Closed Session.** If the governmental decision is made during a closed session of a public meeting, the public identification must be made orally during the open session before the body goes into closed session and may be limited to a declaration that his or her recusal is because of a conflict of interest under Section 87100. The declaration will be made part of the official public record. The public official must not be present when the decision is considered in closed session or knowingly obtain or review a recording or any other non-public information regarding the governmental decision.
- (3) **Exceptions:**
  - (A) **Uncontested Matters.** The exception from leaving the room granted in Section 87105(a)(3) for a “matter [that] has been placed on the portion of the agenda reserved for uncontested matters” means agenda items on the consent calendar. If the public official has a financial interest in a matter that is on the consent calendar, the public official must comply with subdivisions (a)(1)(A) and (a)(1)(B) of this regulation, and recuse himself or herself from discussing or voting on that matter, but the public official is not required to leave the room during the consent calendar.
  - (B) **Absence.** If the public official is absent when the agenda item subject to subdivision (a) of this regulation is considered, there are no public identification duties on the public official for that item at that meeting.
  - (C) **Speaking as a Member of the Public Regarding an Applicable Personal Interest.** When a personal interest found in Regulation 18704(d)(2) is present, a public official may speak as a member of the general public if he or she complies with subdivisions (a)(1)(A) and (a)(1)(B) of this regulation, recuses himself or herself from voting on the matter and leaves the dais to speak from the same area as the members of the public. He or she may listen to the public discussion and deliberations of the matter with the members of the public.



- (b) **For All Other Public Officials.** For recusal from any decision other than a decision under subdivision (a), all of the following apply:
- (1) If a public official determines not to act because of his or her financial interest, the official's determination may be accompanied by an oral or written disclosure of the financial interest.
  - (2) When an official with a disqualifying conflict of interest abstains from making a governmental decision in an open session of the agency and the official remains on the dais or in his or her designated seat during deliberations of the governmental decision in which he or she is disqualified, his or her presence will not be counted toward achieving a quorum.
  - (3) During a closed meeting of the agency, a disqualified official must not be present when the decision is considered or knowingly obtain or review a recording or any other nonpublic information regarding the governmental decision.
  - (4) An agency may adopt a local rule requiring a disqualified official to step down from the dais or leave the chambers.
- (c) **Confidential Information.** Nothing in the provisions of this regulation is intended to cause an agency or public official to make any disclosure that would reveal the confidences of a closed session or any other privileged information as contemplated by law including but not limited to the recognized privileges found in Regulation 18740.

*Note: Authority cited: Section 83112, Government Code. Reference: Sections 87100, 87101, 87105 and 87200, Government Code.*

#### HISTORY

1. New section filed 6-22-2015; operative 7-22-2015. Submitted to OAL for filing and printing only pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2015, No. 26). For prior history, see Register 2015, No. 21.

This database is current through 10/25/19 Register 2019, No. 43 2 CCR § 18707, 2 CA ADC § 18707

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## OPTION #5B

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