



AGENDA REPORT

Meeting Date: September 21, 2010
Item Number: F-6
To: Honorable Mayor & City Council
From: City Attorney
Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING SECTION 10-3-2868 (C) OF THE MUNICIPAL CODE REGARDING THE MAXIMUM SEATING CAPACITY OF RESTAURANTS IN HOTELS LOCATED OUTSIDE THE BUSINESS TRIANGLE
Attachments: 1. Ordinance

RECOMMENDATION

It is recommended that the proposed ordinance be adopted.

INTRODUCTION

This ordinance will modify the number of restaurant seats that could be requested by hotels located in commercial zones outside the Business Triangle. Current code provisions allow up to one restaurant seat per hotel guestroom, and the proposed ordinance will amend this restriction to allow hotels located in commercial zones outside the Business Triangle to request up to one and one-half (1.5) restaurant seats per hotel guestroom.

DISCUSSION

At the City Council meeting of August 3, 2010, the City Council conducted a first reading of this ordinance. On August 31, 2010 at staff's recommendation, the City Council re-introduced the proposed ordinance to ensure that there was no uncertainty as to the intended, limited application of the ordinance to hotels on commercial properties.

FISCAL IMPACT

None.

Laurence S. Wiener, City Attorney

Attachment 1

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING SECTION 10-3-2868 (C) OF THE MUNICIPAL
CODE REGARDING THE MAXIMUM SEATING CAPACITY
OF RESTAURANTS IN HOTELS LOCATED OUTSIDE THE
BUSINESS TRIANGLE.

WHEREAS, on June 10, 2010 and July 8, 2010, the Planning Commission conducted a duly noticed public hearing to consider a proposed amendment to the maximum restaurant seating capacity of restaurants in hotels located outside the Business Triangle as set forth in the Beverly Hills Municipal Code and recommended that the City Council approve the proposed amendment.

WHEREAS, on August 3, 2010, the City Council conducted a duly noticed public hearing to consider proposed amendments to the maximum restaurant seating capacity of restaurants in hotels located outside the Business Triangle and introduced the Ordinance.

WHEREAS, on August 31, 2010, the City Council considered and re-introduced the Ordinance with certain revisions to clarify the intent that the amended provisions apply only to hotels outside of the Business Triangle that are also within commercial zones.

WHEREAS, the City Council hereby finds and concludes that the Amendment has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq. ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.), and the City's

Local CEQA Guidelines (hereafter the “Guidelines”), and the City’s environmental guidelines, and a Class 5 Categorical Exemption has been issued in accordance with the requirements of Section 15305 of the Guidelines to allow minor alterations in land use limitations. The Class 5 exemption is applicable because the changes in land use limitations would result in minor modifications to the amount of restaurant seating capacity that could be provided within hotels, and would apply in the City’s commercial areas where slopes are less than 20%. Further, any increase in restaurant space within hotels is subject to discretionary review and analysis on a case-by-case basis, pursuant to the issuance of a Conditional Use Permit.

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

Section 1. Subsection C of Section 10-3-2868 (REGULATIONS AND RESTRICTIONS APPLICABLE) of Article 28.6 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code is amended to read as follows:

“C. Hotels developed outside of that triangular area bounded by Wilshire Boulevard, South Santa Monica Boulevard, and the alley between Crescent Drive and Cañon Drive shall be restricted as follows:

1. Public assembly areas shall be prohibited.
2. The maximum capacity of any separate public meeting room shall not exceed one-third (1/3) of the number of guestrooms in the hotel.

3. The aggregate maximum capacity of all restaurants shall not exceed the number of guestrooms in the hotel, except that in commercial districts located outside of the business triangle, the aggregate maximum capacity of all restaurants shall not exceed one and one-half (1.5) times the number of guestrooms. Restaurants and dining in nonconforming hotels located in the R-4 Zone shall also be subject to the provisions set forth in BHMC Section 10-3-1207 (Dining in Nonconforming Hotels).

4. The maximum number of floors shall not exceed four (4) provided the height limitation set forth in subsection 10-3-2726A of this chapter is maintained.”

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

Section 3. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.”

Section 4. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:

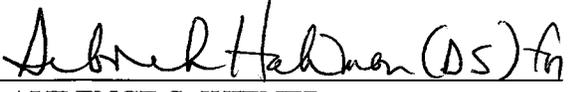
Effective:

JIMMY DELSHAD
Mayor of the City of Beverly Hills,
California

ATTEST:

(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

JEFFREY KOLIN
City Manager


SUSAN HEALY KEENE
Director of Community Development