



## AGENDA REPORT

**Meeting Date:** January 10, 2012

**Item Number:** F-5

**To:** Honorable Mayor & City Council

**From:** Susan Healy Keene, AICP, Director of Community Development

**Subject:** AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING SECTION 10-3-3801 OF THE MUNICIPAL CODE REGARDING THE PARKING REQUIREMENTS AND CALCULATION OF FLOOR AREA FOR NEW OR EXPANDED AUTOMOBILE DEALERSHIPS APPROVED PURSUANT TO A CONDITIONAL USE PERMIT.

**Attachments:** 1. Ordinance

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### **RECOMMENDATION**

It is recommended that the City Council introduce the attached ordinance amending the Municipal Code and schedule the ordinance for second reading.

### **BACKGROUND**

On December 19, 2011, the City Council reviewed a request to redevelop the existing Jim Falk Lexus dealership. As a component of the request to redevelop the dealership, the applicant proposed an amendment to the Municipal Code. The amendment would establish provisions for allowing compact and tandem parking spaces in conjunction with a new or expanded automobile dealership, and would also allow for certain portions of above-ground parking areas and below-ground vehicle service areas to be excluded from the definition of Floor Area as defined in the Municipal Code. The City Council reviewed the proposed amendment at its December 19, 2011 meeting, and directed staff to prepare a draft ordinance to be introduced at the January 10, 2012 meeting. This report transmits the draft ordinance amending the Municipal Code.

**RECOMMENDED ACTION**

Staff recommends that the Council introduce the ordinance amending the Municipal Code and schedule the ordinance for second reading.

**FISCAL IMPACT**

Approval of the ordinance facilitates redevelopment of the Jim Falk Lexus dealership, which is anticipated to result in a positive fiscal impact due to increased revenue generated by the project.

**PUBLIC NOTICE**

A noticed public hearing regarding the amendment was previously conducted by the Council on December 19, 2011. At the hearing the amendment was continued to a date certain, January 10, 2012.

Susan Healy Keene, AICP  
Director of Community Development



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Approved By

**ATTACHMENT 1**

**ORDINANCE**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING SECTION 10-3-3801 OF THE MUNICIPAL CODE REGARDING THE PARKING REQUIREMENTS AND CALCULATION OF FLOOR AREA FOR NEW OR EXPANDED AUTOMOBILE DEALERSHIPS APPROVED PURSUANT TO A CONDITIONAL USE PERMIT.

WHEREAS, on September 26, 2011 and October 27, 2011, the Planning Commission conducted duly noticed public hearings to consider a proposed amendment to the parking requirements and calculation of Floor Area for new or expanded automobile dealerships approved pursuant to a Conditional Use Permit as set forth in the Beverly Hills Municipal Code and recommended that the City Council approve the proposed amendment.

WHEREAS, on December 19, 2011, the City Council conducted a duly noticed public hearing to consider proposed amendments to the parking requirements and calculation of Floor Area for new or expanded automobile dealerships approved pursuant to a Conditional Use Permit and introduced the Ordinance.

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

environmental guidelines, and a Final Environmental Impact Report has been prepared by the City and certified by the Planning Commission, and a statement of overriding considerations has been adopted by the Planning Commission and City Council concluding that the benefits of the project outweigh the significant and unmitigable impacts.

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

Section 1. A new Subsection E is hereby added after subsection D and before the final paragraph of Section 10-3-3801 (EXEMPTIONS AND RESTRICTIONS) of Article 38 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“E. Automobile dealerships. In addition to the foregoing, as part of the Conditional Use Permit process for the establishment of a new or expanded automobile dealership, the Planning Commission may permit:

1. The required parking to be provided in a tandem and/or compact configuration provided that at least half of the overall parking supply is devoted to the storage of new automobiles.
2. The exclusion of above-grade parking and circulation areas and up to half of below-grade areas devoted solely to vehicle service from the definition of Floor Area as set forth in Section 10-3-100 of the Beverly Hills Municipal Code, provided that the

building housing the automobile dealership does not exceed 45-feet in height measured pursuant to Section 10-3-100 of the Beverly Hills Municipal Code.”

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:

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BARRY BRUCKER  
Mayor of the City of Beverly Hills,  
California

ATTEST:

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BYRON POPE  
City Clerk (SEAL)

APPROVED AS TO FORM:

  
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LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:

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JEFFREY KOLIN  
City Manager

  
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SUSAN HEALY KEENE  
Director of Community Development