



AGENDA REPORT

Meeting Date: January 24, 2012
Item Number: G-6
To: Honorable Mayor & Members of the City Council
From: City Attorney
Subject: 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

RECOMMENDATION

It is recommended that the proposed ordinance be adopted.

INTRODUCTION

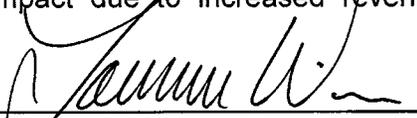
This ordinance amends the parking and floor area standards applicable to new and expanded automobile dealerships.

DISCUSSION

The City Council held a public hearing concerning this ordinance on December 19, 2011. At the meeting of January 10, 2012 the City Council introduced this ordinance.

FISCAL IMPACT

Adoption of this 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.



Laurence S. Wiener, City Attorney

Attachment 1

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:

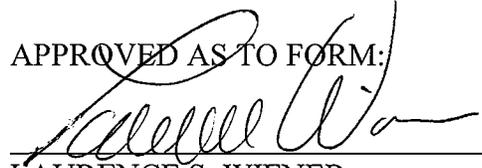
BARRY BRUCKER
Mayor of the City of Beverly Hills,
California

ATTEST:

BYRON POPE
City Clerk

(SEAL)

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

JEFFREY KOLIN
City Manager



SUSAN HEALY KEENE
Director of Community Development