



## AGENDA REPORT

**Meeting Date:** June 7, 2012  
**Item Number:** H-7  
**To:** Honorable Mayor & City Council  
**From:** City Attorney  
**Subject:** ORDINANCE OF THE CITY OF BEVERLY HILLS DELETING THE REQUIREMENT TO ACCEPT DEDICATED PROPERTY WITHIN ONE YEAR AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE  
**Attachments:** 1. Ordinance

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### RECOMMENDATION

It is recommended that the proposed ordinance be adopted.

### INTRODUCTION

The City's current requirement that dedication of land be accepted within one year can obligate the City to accept land before construction activities have ended and expose the City to lawsuits for injuries incurred during construction. This ordinance deletes the current requirement to accept land within one year of dedication.

### DISCUSSION

At the City Council meeting of May 15, 2012, the City Council conducted a first reading of this ordinance.

  
Laurence S. Wiener, City Attorney

# **Attachment 1**

ORDINANCE NO. 12-O-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BEVERLY HILLS  
DELETING THE REQUIREMENT TO ACCEPT DEDICATED  
PROPERTY WITHIN ONE YEAR AND AMENDING THE  
BEVERLY HILLS MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS DOES HEREBY  
ORDAIN AS FOLLOWS:

**Section 1.** On April 12, 2012, the Planning Commission held a duly notice public hearing at the end of which it adopted Resolution No. 1638, recommending that the City Council amend certain development standards in the zoning code for single family properties in the Central Area of the City. On May 15, 2012, the City Council held a duly notice public hearing, received public testimony, and at the end introduced this ordinance.

**Section 2.** This ordinance has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The ordinance is not a “project” and is therefore exempt from CEQA pursuant to Section 15378(b)(5) of Title 14 of the California Code of Regulations.

**Section 3.** This ordinance is consistent with the objectives, principles, and standards of the General Plan. General Plan Goal S 3 “Existing and New Development and Redevelopment” requires that existing and new development, and redevelopment projects address fire protection in a proactive and preventative manner. General Plan Policy S 3.4 “Fire Department Access” and General Plan Implementation Program 2.4 require private and public

access, drives and roadways to be designed to preserve and maintain Fire Department access to properties.

**Section 4.** Paragraph B of Section 10-6-4 (“Dedication Procedure”) of Title 10 (“Planning and Zoning”), Chapter 6 (“Street, Alley, and Highway Dedications and Improvements”) of the Beverly Hills Municipal Code is hereby amended and restated to read as follows:

“B. The offer to dedicate land shall continue until accepted or rejected by the council. For the purposes of this section, an offer to dedicate shall be deemed filed at such time as the city attorney and city engineer have verified that it meets all the requirements of this chapter. If the offer is rejected by the council, the city will issue a release from such offer and record such release in the office of the county recorder.”

**Section 5.** Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

**Section 6.** 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 attest and certify to the adoption of this Ordinance, and shall cause this Ordinance and the City Clerk's certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

**Section 7.**     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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WILLIAM W. BRIEN, MD  
Mayor of the City of  
Beverly Hills, California

ATTEST:

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(SEAL)  
BYRON POPE  
City Clerk

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
JEFFREY KOLIN  
City Manager  
  
\_\_\_\_\_  
DAVID GUSTAVSON  
Director of Public Works & Transportation

  
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SUSAN HEALY KEENE  
Director of Community Development