



AGENDA REPORT

Meeting Date: August 23, 2012
Item Number: G-5
To: Honorable Mayor & City Council
From: City Attorney
Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING SECTION 10-3-1618 B. OF THE MUNICIPAL CODE REGARDING PARKING RESTRICTIONS FOR EXERCISE CLUBS

Attachments: 1. Ordinance

RECOMMENDATION

Staff recommends that the City Council move to approve the ordinance entitled "AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING SECTION 10-3-1618 B. OF THE MUNICIPAL CODE REGARDING PARKING RESTRICTIONS FOR EXERCISE CLUBS."

INTRODUCTION

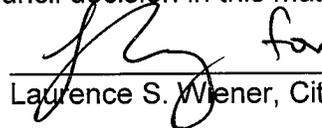
This ordinance allows exercise clubs located outside the business triangle to request a CUP for the joint use of parking facilities to satisfy code requirements. Currently, only exercise clubs inside the business triangle may request a CUP for the joint use of parking facilities.

DISCUSSION

At the City Council meeting of August 7, 2012, the City Council conducted a first reading of this ordinance.

FISCAL IMPACT

No fiscal impact to the City is anticipated from a Council decision in this matter.



Laurence S. Wiener, City Attorney

Attachment 1

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING SECTION 10-3-1618 B. OF THE MUNICIPAL
CODE REGARDING PARKING RESTRICTIONS FOR
EXERCISE CLUBS

WHEREAS, on June 28, 2012 the Planning Commission conducted a duly noticed public hearing to consider a proposed amendment to the parking restrictions for exercise clubs as set forth in the Beverly Hills Municipal Code and recommended that the City Council approve the proposed amendment.

WHEREAS, on August 7, 2012, the City Council conducted a duly noticed public hearing to consider proposed amendments to the parking restrictions for exercise clubs 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 Local CEQA Guidelines (hereafter the "Guidelines"), and that the ordinance amendment is exempt from CEQA pursuant to Section 15305 of the Guidelines for minor alterations in land use limitations. The Class 5 exemption is applicable because the ordinance would not result in any changes in land use or density, and applies only in areas of the City with slopes of less than

twenty percent. Further, any approval for a Conditional Use Permit for the joint use of parking facilities is subject to discretionary review and analysis on a case-by-case basis by the Planning Commission.

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

Section 1. Subsection B. of Section 10-3-1618 (EXERCISE CLUBS AND PRIVATE TRAINING CENTERS; PARKING RESTRICTIONS) of Article 16 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code is amended to read as follows:

“B. Notwithstanding the provisions of section 10-3-2730 of this chapter, the planning commission may issue a conditional use permit to allow up to fifty percent (50%) of the parking facilities of a use that is primarily daytime use to be used to satisfy the parking facilities required by this article for an exercise club or private training center considered to be primarily an early morning and/or nighttime use, provided the latter use has different peak hours of operation than the daytime use, and provided further that all of the following criteria are met:

1. The parking facilities are located on site in an existing building; and
 2. The parking facilities have a minimum of five hundred (500) parking spaces;
- and
3. A parking utilization study prepared by a certified traffic engineer establishes, to the satisfaction of the planning commission, that the parking facilities required by this chapter

exceed the demand for parking spaces that will be generated by the proposed use and the other uses in the subject building.

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.

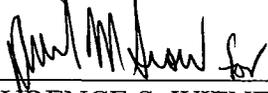
Adopted:
Effective:

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

ATTEST:

BYRON POPE (SEAL)
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