



## AGENDA REPORT

**Meeting Date:** January 8, 2013  
**Item Number:** H-5  
**To:** Honorable Mayor & City Council  
**From:** City Attorney  
**Subject:** AN ORDINANCE OF THE CITY OF BEVERLY HILLS AUTHORIZING A ZONING AMENDMENT THAT WOULD APPLY THE CITY'S TRANSPORTATION OVERLAY ZONE TO THE PROPERTY LOCATED AT 9848 SANTA MONICA BOULEVARD  
**Attachments:** 1. Ordinance

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### RECOMMENDATION

The City Attorney recommends that the City Council move to adopt the ordinance entitled "ORDINANCE OF THE CITY OF BEVERLY HILLS AUTHORIZING A ZONING AMENDMENT THAT WOULD APPLY THE CITY'S TRANSPORTATION OVERLAY ZONE TO THE PROPERTY LOCATED AT 9848 SANTA MONICA BOULEVARD."

### INTRODUCTION

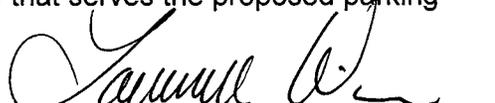
This ordinance applies the Transportation Overlay Zone to the property located at 9848 Santa Monica Boulevard, which would allow the property to be used for surface parking purposes.

### DISCUSSION

At the City Council meeting of December 18, 2012, the City Council introduced this ordinance.

### FISCAL IMPACT

The use of the subject property for surface parking will result in the loss of one parking meter as a result of widening the existing driveway that serves the proposed parking area.

  
Laurence S. Wiener, City Attorney

# **Attachment 1**

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

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AUTHORIZING A ZONING AMENDMENT THAT WOULD APPLY THE CITY'S TRANSPORTATION OVERLAY ZONE TO THE PROPERTY LOCATED AT 9848 SANTA MONICA BOULEVARD.

WHEREAS, on November 19, 2012 the Planning Commission conducted a duly noticed public hearing to consider a proposed Zoning Amendment to apply the City's Transportation Overlay Zone to the property located at 9848 Santa Monica Boulevard and recommended that the City Council approve the proposed amendment.

WHEREAS, on December 18, 2012, the City Council conducted a duly noticed public hearing to consider proposed Zoning Amendment 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 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 ordinance would involve limited changes to land use limitations by allowing surface parking as a use on the Project site.

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

Section 1. The City's Transportation Overlay Zone, as set forth in Article 23.5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code, is hereby applied to the property located at 9848 Santa Monica Boulevard, and more specifically described in Exhibit A of this Ordinance.

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.

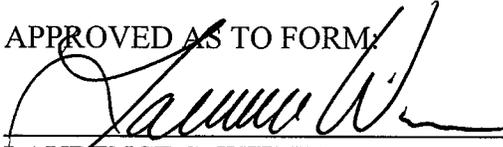
Adopted:  
Effective:

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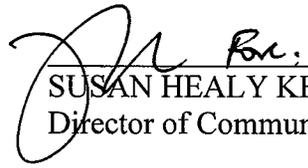
WILLIAM W. BRIEN, M.D.  
Mayor of the City of Beverly Hills,  
California

ATTEST:

\_\_\_\_\_  
BYRON POPE (SEAL)  
City Clerk

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

APPROVED AS TO CONTENT:  
\_\_\_\_\_  
JEFFREY C. KOLIN  
City Manager

  
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SUSAN HEALY KEENE  
Director of Community Development

