



AGENDA REPORT

Meeting Date: May 5, 2015

Item Number: D-5

To: Honorable Mayor & City Council

From: Laurence S. Wiener, City Attorney

Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO EXPAND THE IN-LIEU PARKING PROGRAM

Attachments: 1. Ordinance
2. Redlined Ordinance

RECOMMENDATION

Staff recommends that the City Council move to waive the full reading and adopt the ordinance, entitled "AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO EXPAND THE IN-LIEU PARKING PROGRAM."

INTRODUCTION

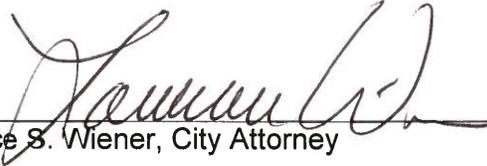
This ordinance amends the Municipal Code to expand the in lieu parking program.

DISCUSSION

At its meeting of April 21, 2015, the City Council conducted a first reading and introduced the ordinance, as amended. After discussion, the City Council made changes to the proposed ordinance to include only two of the five commercial areas that the Planning Commission recommended for inclusion in the in-lieu parking program: 1) South Robertson Blvd. (between Wilshire Blvd. and Whitworth Blvd); and 2) South Santa Monica Blvd. (between Wilshire Blvd and Moreno Drive). The Council did not approve the addition of the following three corridors to the in-lieu parking program: 1) South Beverly Drive (between Wilshire Blvd and Olympic Blvd); 2) Wilshire Blvd (between Crescent Drive and San Vicente Blvd.); and 3) Olympic Blvd (between Rexford Drive and Robertson Blvd). These changes have now been incorporated into the ordinance being presented to the City Council for adoption. A redline highlighting the April 21st changes is included as Attachment 2 to this report.

FISCAL IMPACT

Expanding the in lieu parking program could increase the amount of revenue collected for the in lieu parking fund. This fund is used for the purpose of acquiring, developing, operating and maintaining off street parking facilities. Because the revenue collected depends on the number of successful applications processed, it is difficult to estimate the revenue that the expanded program will generate. It is, however, unlikely that the expanded program will generate sufficient revenue to fully fund the construction of a new public parking facility in the City due to the high cost of land and construction of parking facilities.



Laurence S. Wiener, City Attorney

Attachment 1

AN ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO
EXPAND THE IN-LIEU PARKING PROGRAM

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY ORDAINS AS
FOLLOWS:

Section 1. On February 12, 2015, the Planning Commission held a duly noticed public hearing after which it adopted Resolution No. 1742, recommending that the City Council amend portions of Title 10 (Planning and Zoning) of the Beverly Hills Municipal Code to expand the in-lieu parking program by creating new in lieu parking district areas (collectively, the “Amendments”). On April 21, 2015, the City Council held a duly noticed public hearing, received public testimony, and thereafter introduced this Ordinance.

Section 2. This Ordinance and the Amendments were 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 City Council finds that adoption of the Amendments will not have a significant environmental impact and is exempt from CEQA pursuant to Section 15305 of Title 14 of the California Code of Regulations because the Amendments represent minor alterations in land use limitations and do not result in any changes in land use or density. Further, the new in lieu parking district areas have average slopes of not more than 20%.

Section 3. The Amendments are consistent with the objectives, principles, and standards of the General Plan. General Plan Policy “LU 9.2 – Mitigation of Existing Commercial Residential Conflicts” calls for the development of consolidated parking facilities to

serve commercial areas deficient in parking, or commercial areas which have no alley access to the rear and would require numerous curb cuts if parking were provided on individual parcels. The expansion of the in lieu parking program would contribute funds for the creation of consolidated parking facilities and would reduce the number of curb cuts along several commercial corridors in the city. Additionally, General Plan Policy LU 11.4 “Parking in Pedestrian-Oriented Districts” calls for minimizing driveways in pedestrian oriented commercial districts to avoid interruptions in the continuity of the pedestrian shopping experience.

Section 4. The City Council hereby amends Section 10-3-3301 of Article 33 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in Article 33 of Chapter 3 of Title 10 remaining in effect without amendment:

“10-3-3301: IN LIEU PARKING DISTRICTS:

A. This article establishes in lieu parking districts that include any commercially zoned property located in the following areas:

1. The area bounded by the centerlines of the following streets: Wilshire Boulevard, Santa Monica Boulevard north roadway, and Crescent Drive,
2. The area consisting of the properties that front on, or have a street side lot line adjacent to South Robertson Boulevard north of Whitworth Drive and south of Wilshire Boulevard,
3. The area consisting of the properties that front on South Santa Monica Boulevard west of Wilshire Boulevard and east of Moreno Drive,

B. Those properties which are zoned for commercial use and which comply with all the requirements of this article may participate in the respective in lieu parking district

and be permitted to satisfy all or part of the requirements for parking spaces by the payment to the city of an in lieu fee. The Multiple-Family Residential-Commercial Parking Zone (RMCP) shall be considered commercially zoned for the purposes of this Section.”

Section 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall be and remain in full force and effect.

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 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 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:

JULIAN A. GOLD, M.D.
Mayor of the City of Beverly Hills,
California

ATTEST:

(SEAL)

BYRON POPE
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

MAHDI ALUZRI
Interim City Manager


SUSAN HEALY KEENE
Director of Community Development

Attachment 2

AN ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO
EXPAND THE IN-LIEU PARKING PROGRAM

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY ORDAINS AS
FOLLOWS:

Section 1. On February 12, 2015, the Planning Commission held a duly noticed public hearing after which it adopted Resolution No. 1742, recommending that the City Council amend portions of Title 10 (Planning and Zoning) of the Beverly Hills Municipal Code to expand the in-lieu parking program by creating new in lieu parking district areas (collectively, the “Amendments”). On _____, April 21, 2015, the City Council held a duly noticed public hearing, received public testimony, and thereafter introduced this Ordinance.

Section 2. This Ordinance and the Amendments were 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 City Council finds that adoption of the Amendments will not have a significant environmental impact and is exempt from CEQA pursuant to Section 15305 of Title 14 of the California Code of Regulations because the Amendments represent minor alterations in land use limitations and do not result in any changes in land use or density. Further, the new in lieu parking district areas have average slopes of not more than 20%.

Section 3. The Amendments are consistent with the objectives, principles, and standards of the General Plan. General Plan Policy “LU 9.2 – Mitigation of Existing Commercial Residential Conflicts” calls for the development of consolidated parking facilities to serve

commercial areas deficient in parking, or commercial areas which have no alley access to the rear and would require numerous curb cuts if parking were provided in individual parcels. The expansion of the in lieu parking program would contribute funds for the creation of consolidated parking facilities and would reduce the number of curb cuts along several commercial corridors in the city. Additionally, General Plan Policy LU 11.4 “Parking in Pedestrian-Oriented Districts” calls for minimizing driveways in pedestrian oriented commercial districts to avoid interruptions in the continuity of the pedestrian shopping experience.

Section 4. The City Council hereby amends Section 10-3-3301 of Article 33 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in Article 33 of Chapter 3 of Title 10 remaining in effect without amendment:

“10-3-3301: IN LIEU PARKING DISTRICTS:

A. This article establishes in lieu parking districts that include any commercially zoned property located in the following areas:

1. The area bounded by the centerlines of the following streets: Wilshire Boulevard, Santa Monica Boulevard north roadway, and Crescent Drive,
- ~~2. The area consisting of properties that front on, or have a street side lot line adjacent to South Beverly Drive north of Olympic Boulevard and south of Wilshire Boulevard, including the properties facing Olympic Boulevard between South Beverly Drive and El Camino Drive and the properties facing Olympic Boulevard between South Beverly Drive and Reeves Drive,~~

2. ~~3.~~ The area consisting of the properties that front on, or have a street side lot line adjacent to South Robertson Boulevard north of Whitworth Drive and south of Wilshire Boulevard,

3. ~~4.~~ The area consisting of the properties that front on South Santa Monica Boulevard west of Wilshire Boulevard and east of Moreno Drive,

~~5. — The area consisting of the properties that front on, or have a street side lot line adjacent to Wilshire Boulevard west of San Vicente Boulevard and east of Crescent Drive, and~~

~~6. — The area consisting of the properties that front on, or have a street side lot line adjacent to Olympic Boulevard west of Robertson Boulevard and east of South Rexford Drive, including the three commercial lots on each side of Doheny Drive that are north of the intersection of Doheny Drive and Olympic Boulevard, and the two commercial lots on each side of Doheny Drive that are south of the intersection of Doheny Drive and Olympic Boulevard.~~

B. Those properties which are zoned for commercial use and which comply with all the requirements of this article may participate in the respective in lieu parking district and be permitted to satisfy all or part of the requirements for parking spaces by the payment to the city of an in lieu fee. The Multiple-Family Residential-Commercial Parking Zone (RMCP) shall be considered commercially zoned for the purposes of this Section.”

Section 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any

reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall be and remain in full force and effect.

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 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 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:

JULIAN A. GOLD, M.D.
Mayor of the City of Beverly Hills,
California

ATTEST:

_____(SEAL)

BYRON POPE
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

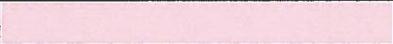
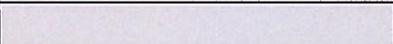
LAURENCE S. WIENER
City Attorney

MAHDI ALUZRI
Interim City Manager

SUSAN HEALY KEENE
Director of Community Development

Document comparison by Workshare Professional on Wednesday, April 22, 2015
11:39:17 AM

Input:	
Document 1 ID	interwovenSite://RWGDMS2/RWGIMAN1/1820115/1
Description	#1820115v1<RWGIMAN1> - Ordinance expanding the in-lieu parking program
Document 2 ID	interwovenSite://RWGDMS2/RWGIMAN1/1820115/2
Description	#1820115v2<RWGIMAN1> - Ordinance expanding the in-lieu parking program
Rendering set	standard

Legend:	
Insertion	
Deletion	
Moved from	
Moved to	
Style change	
Format change	
Moved-deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	3
Deletions	8
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	11