



STAFF REPORT

Meeting Date: August 4, 2015

To: Honorable Mayor & City Council

From: Aaron Kunz, Deputy Director of Transportation
Kevin Kearney, Senior Management Analyst

Subject: Regulating Vehicle Test Driving within the City of Beverly Hills

Attachments:

1. Proposed Test Drive Routes Map
2. Proposed Test Drive Streets
3. Proposed Ordinance

INTRODUCTION

In response to resident concerns of vehicle test driving in residential areas, staff and the City Attorney's Office have drafted a proposed ordinance requiring auto-related businesses within the City of Beverly Hills to establish test drive routes that limit use of residential streets. Staff seeks City Council direction regarding introducing this ordinance for adoption at a future formal meeting.

DISCUSSION

Historically, the City has regulated test drive routes for auto dealerships and other vehicle service facilities through requirements in Conditional Use Permits. Of the 16 new and used automotive dealerships currently operating within the City, eight have a Conditional Use Permit (CUP) that require test drive routes that preclude use of residential streets. The other eight are existing non-conforming uses that preceded current CUP requirements. The proposed ordinance would primarily affect the eight dealerships that do not have a CUP and the approximately 20 auto repair shops and service stations, which to staff's knowledge do not have specific routes already designated as part of a CUP.

The proposed ordinance would require these businesses to use designated streets for test driving. These streets are primarily arterial and collector streets in the City's commercial areas. The intent of the ordinance is to eliminate test driving on residential streets adjacent to the commercial corridors to address concerns of noise, speeding and congestion. There are residential streets in the City that currently allow heavy haul vehicles that may also be considered as part of the test drive ordinance. The Council may further discuss these alternative routes during the Study Session.

As part of the proposed ordinance, all auto-related facilities would be required to submit a route plan for conducting vehicle test-drives to the Director of Community Development for review and approval. All auto-related facilities shall also have an

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obligation to inform all its personnel of the approved test driving route and to ensure compliance.

The proposed ordinance would provide the Police Department and Code Enforcement authority to issue misdemeanor citations to auto-related businesses that do not comply with approved test driving routes.

In preparation for the Council's discussion on this item, staff has notified the new automotive dealerships through emails to the general managers.

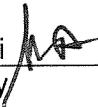
FISCAL IMPACT

This proposed recommendation does not have significant budget or fiscal impacts to the City.

RECOMMENDATION

Staff seeks City Council direction regarding the proposed ordinance.

 Susan Healy Keene
Approved By

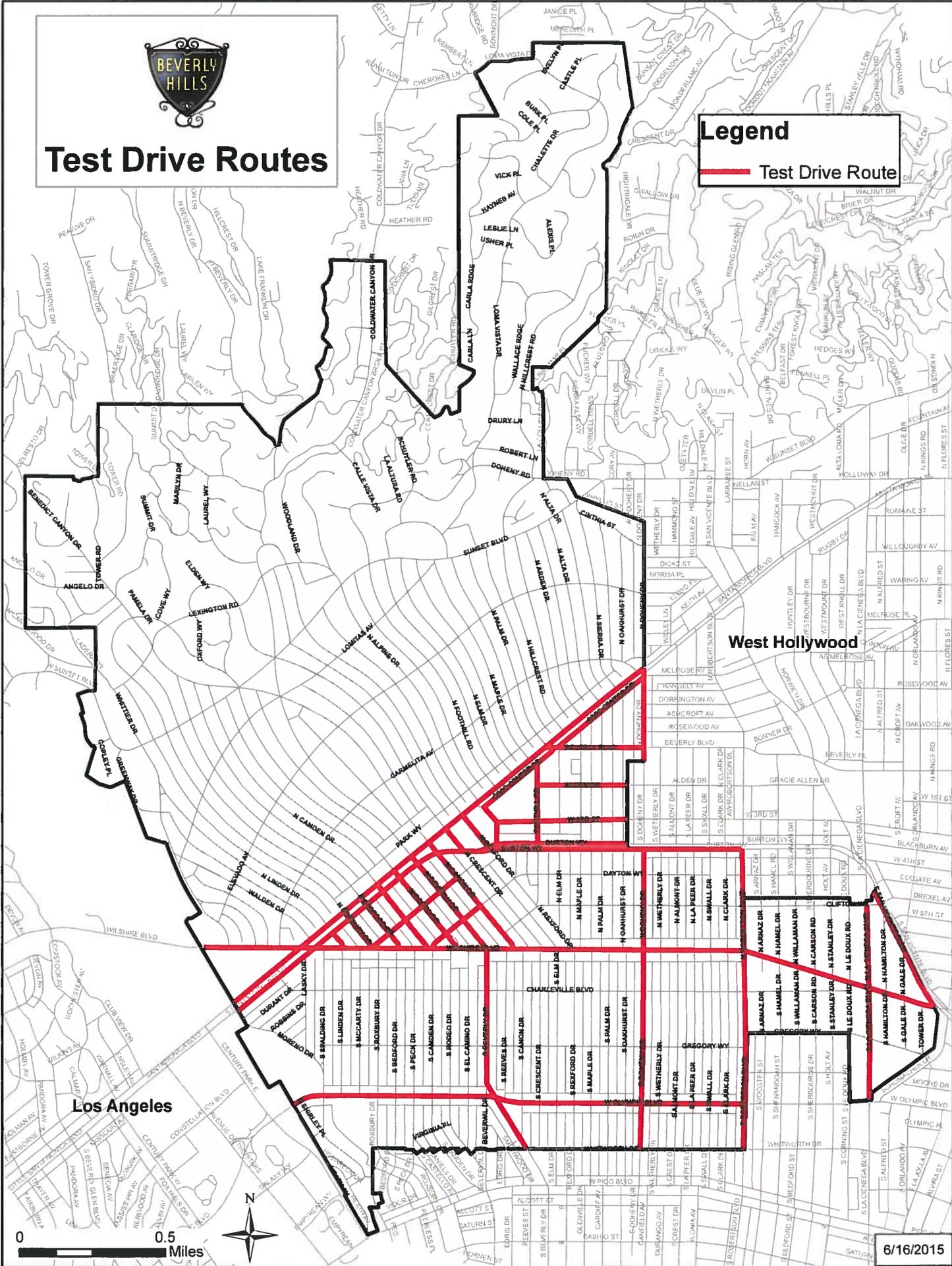
Mahdi Aluzri 
Approved By

Attachment 1



Test Drive Routes

Legend
— Test Drive Route



Attachment 2



PROPOSED STREETS FOR VEHICLE TEST DRIVING:

The following streets are being proposed for use by vehicle test-driving:

Alden Drive;

Bedford Drive from Wilshire Boulevard to Santa Monica Boulevard (north);

Beverly Boulevard;

Beverly Drive from the south city limits to Santa Monica Boulevard (north);

Brighton Way from Canon Drive to Wilshire Boulevard;

Burton Way;

Camden Drive from Wilshire Boulevard to Santa Monica Boulevard (north);

Canon Drive from Wilshire Boulevard to Santa Monica Boulevard (north);

Civic Center Drive from Burton Way to Santa Monica Boulevard (south);

Crescent Drive between the north and south roadways of Santa Monica Boulevard;

Dayton Way from Canon Drive to Wilshire Boulevard;

Doheny Drive;

Foothill Road from Burton Way to Santa Monica Boulevard (south);

La Cienega Boulevard;

Linden Drive from Wilshire Boulevard to Santa Monica Boulevard (south);

Maple Drive from Burton Way to Santa Monica Boulevard (south);

Olympic Boulevard;

Rexford Drive from Santa Monica Boulevard (north) to Burton Way;

Robertson Boulevard;

Rodeo Drive from Wilshire Boulevard to Santa Monica Boulevard (north);

Roxbury Drive from Wilshire Boulevard to Santa Monica Boulevard (north);

San Vicente Boulevard;

Santa Monica Boulevard (north and south roadways);

Third Street;

Wilshire Boulevard.

Attachment 3

ORDINANCE 15-O-_____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING THE BEVERLY HILLS MUNICIPAL CODE
REGARDING VEHICLE TEST DRIVES

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

Section 1. The city council hereby adds Article 7 (“Auto Dealerships, Auto Repair Shops and Auto Service Stations”) to Chapter 4 (“OTHER REGULATIONS FOR SPECIFIC TYPES OF BUSINESSES AND ACTIVITIES”) of Title 4 (“REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES”) of the Beverly Hills Municipal Code to read as follows:

“Article. 7 Auto Dealerships, Auto Repair Shops and Auto Service Stations

4-4-701. Unless previously authorized pursuant to a conditional use permit, new and used auto dealerships, auto repair shops and auto service stations shall not conduct, allow or permit test drives in the City other than on the following streets, or on such other streets as is approved by the City pursuant to an approved test drive route plan in order to get from such auto dealership, auto repair shop or service station to the following streets:

Alden Drive;
Bedford Drive from Wilshire Boulevard to Santa Monica Boulevard (north);
Beverly Boulevard;
Beverly Drive from the south city limits to Santa Monica Boulevard (north);
Brighton Way from Canon Drive to Wilshire Boulevard;
Burton Way;
Camden Drive from Wilshire Boulevard to Santa Monica Boulevard (north);
Canon Drive from Wilshire Boulevard to Santa Monica Boulevard (north);
Civic Center Drive from Burton Way to Santa Monica Boulevard (south);
Crescent Drive between the north and south roadways of Santa Monica Boulevard;
Dayton Way from Canon Drive to Wilshire Boulevard;
Doheny Drive;
Foothill Road from Burton Way to Santa Monica Boulevard (south);
La Cienega Boulevard;
Linden Drive from Wilshire Boulevard to Santa Monica Boulevard (south);
Maple Drive from Burton Way to Santa Monica Boulevard (south);
Olympic Boulevard;
Rexford Drive from Santa Monica Boulevard (north) to Burton Way;
Robertson Boulevard;
Rodeo Drive from Wilshire Boulevard to Santa Monica Boulevard (north);
Roxbury Drive from Wilshire Boulevard to Santa Monica Boulevard (north);
San Vicente Boulevard;
Santa Monica Boulevard (north and south roadways);
Third Street;
Wilshire Boulevard.

4-4-702. All new and used car dealerships, auto repair shops and auto service stations shall, within 30 days of the effective date of this ordinance, submit a written route plan for conducting vehicle test drives to the Director of Community Development for approval to confirm satisfaction of the requirements of this Article. All new and used car dealerships, auto repair shops and auto service stations operator shall have an affirmative obligation to inform all its personnel of the approved test drive route and to ensure compliance with it”

Section 2. CEQA Findings. The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption and implementation of this Ordinance may have a significant effect on the environment. The Ordinance imposes restrictions on vehicle test drives in the City in order to protect the public health, safety and general welfare and will not result in any increased vehicle traffic within the City. The Ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

Section 3. 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 remain in full force and effect.

Section 4. 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 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 5. 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