



AGENDA REPORT

Meeting Date: September 1, 2015
Item Number: D-6
To: Honorable Mayor & City Council
From: Aaron Kunz, Deputy Director of Transportation
Kevin Kearney, Senior Management Analyst
Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE
BEVERLY HILLS MUNICIPAL CODE REGARDING VEHICLE TEST
DRIVES
Attachments: 1. Ordinance
2. Map of Test Drive Routes

RECOMMENDATION

Staff recommends that the City Council move to waive the full reading of the ordinance and that the ordinance entitled "AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING VEHICLE TEST DRIVES" be introduced and read by title only.

INTRODUCTION

In response to resident concerns of vehicle test driving in residential areas, this ordinance would require auto-related business to use designated streets for test driving. The intent of the ordinance is to limit test driving on residential streets adjacent to the commercial corridors to address concerns of noise, speeding and congestion. This ordinance was discussed during the August 4, 2015 Study Session, and Council directed Staff to bring it back for formal adoption.

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 Conditional Use Permits (CUP) that require test drive routes that preclude use of residential streets. The other eight are existing non-conforming uses that precede current CUP requirements. This ordinance would primarily affect the eight dealerships that do not have a CUP and the approximately 20 auto repair shops and service

Meeting Date: September 1, 2015

stations, which to staff's knowledge do not have specific routes already designated. Should an auto-related business have a CUP, the CUP regulations would govern over this ordinance. The test driving routes in a CUP are much more concise, as the Planning Commission would review the routes in much greater detail.

As part of this ordinance, all auto-related businesses 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 obligation to inform all its personnel of the approved test driving route and to ensure compliance.

This 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.

During the August 4, 2015 Study Session, the City Council reviewed this ordinance and the proposed vehicle test routes, which primarily coincide with the Heavy Hauler Route, south of Santa Monica Boulevard. As a result of the Study Session discussion, the following three streets were added to the originally proposed ordinance:

- Sunset Boulevard
- Canon Drive to Benedict Canon Drive from Santa Monica Boulevard
- Beverly Drive to Coldwater Canyon Drive from Santa Monica Boulevard

The Council decided to add these streets to accommodate for the need to test drive in the northern part of the City. Since these streets are listed in the General Plan as streets carrying through traffic, it was determined that vehicle test driving would not pose a significant impact to the surrounding community.

Also included in Council's changes to the originally proposed ordinance is the removal of Third Street and the removal of Alden Drive from Maple Drive to the east City limits. There had been expressed concern that test driving on these streets could impact the surrounding area with noise, traffic congestion and speeding.

In preparation for this meeting, Staff has sent out public meeting notices to all the auto-related businesses that may be affected by this ordinance.

FISCAL IMPACT

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

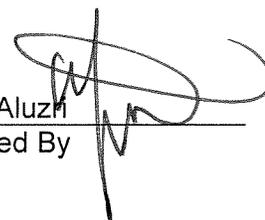
Susan Healy Keene

Approved By



Mahdi Aluzi

Approved By



Attachment 1

ORDINANCE NO. 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 between Foothill Road and Maple Drive;
Bedford Drive between Wilshire Boulevard and Santa Monica Boulevard (north);
Benedict Canyon Drive;
Beverly Boulevard;
Beverly Drive;
Brighton Way between Canon Drive and Wilshire Boulevard;
Burton Way;
Camden Drive between Wilshire Boulevard and Santa Monica Boulevard (north);
Canon Drive between Wilshire Boulevard north and Benedict Canyon Drive;
Civic Center Drive between Burton Way and Santa Monica Boulevard (south);
Coldwater Canyon Drive;
Crescent Drive between Santa Monica Boulevard (south) and Santa Monica Boulevard (north);
Dayton Way between Canon Drive and Wilshire Boulevard;
Doheny Drive;
Foothill Road between Burton Way and Santa Monica Boulevard (south);
La Cienega Boulevard;
Linden Drive between Wilshire Boulevard and Santa Monica Boulevard (south);
Maple Drive between Alden Drive and Civic Center Drive;
Olympic Boulevard;
Rexford Drive between Santa Monica Boulevard (north) and Burton Way;
Robertson Boulevard;
Rodeo Drive between Wilshire Boulevard and Santa Monica Boulevard (north);
Roxbury Drive between Wilshire Boulevard and Santa Monica Boulevard (north);
San Vicente Boulevard;

Santa Monica Boulevard (north and south roadways);
Sunset Boulevard
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.

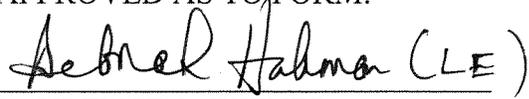
Adopted:
Effective:

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

ATTEST:

(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:

 (LE)

LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

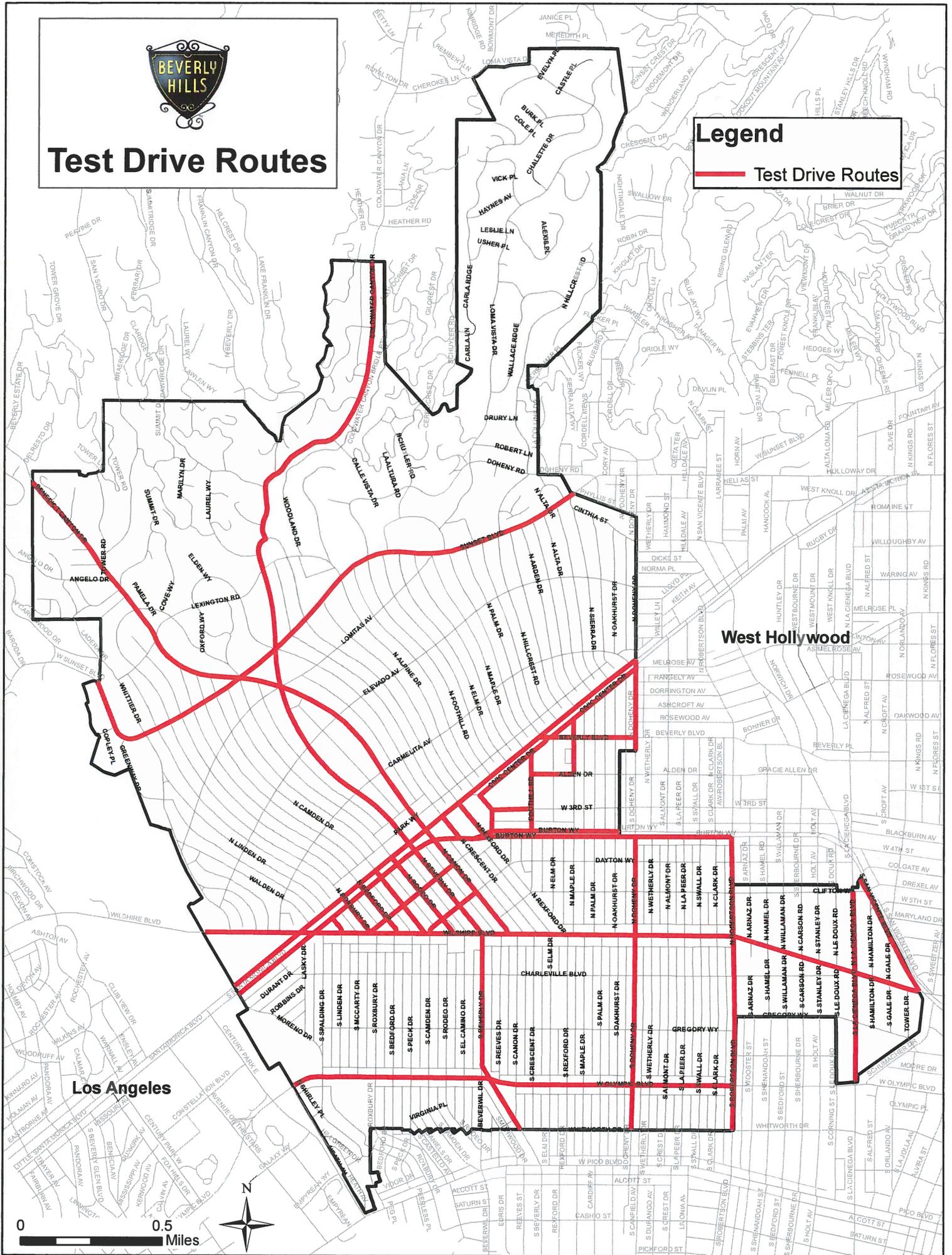
MAHDI ALUZRI
Interim City Manager

Attachment 2



Test Drive Routes

Legend
— Test Drive Routes



Los Angeles

West Hollywood

0 0.5 Miles

