



AGENDA REPORT

Meeting Date: September 10, 2015

Item Number: E-3

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 REGARDING VEHICLE TEST DRIVES.

Attachments: 1. Ordinance

RECOMMENDATION

It is recommended 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 REGARDING VEHICLE TEST DRIVES."

INTRODUCTION

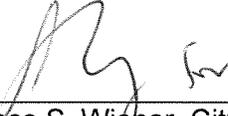
This ordinance requires auto-related businesses within the City of Beverly Hills to establish test drive routes that limit use of residential streets.

DISCUSSION

At its meeting of September 1, 2015, the City Council conducted a first reading of this ordinance and introduced it.

FISCAL IMPACT

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



Laurence S. Wiener, City Attorney

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.

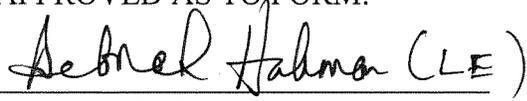
Adopted:
Effective:

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