



STAFF REPORT

Meeting Date: August 18, 2015

To: Honorable Mayor & City Council

From: Ryan Gohlich, Assistant Director of Community Development

Subject: Request by Vice-Mayor Mirisch for City Council Review of the Planning Commission's decision approving a Conditional Use Permit for the establishment of O'Gara Coach Company at 8955 Olympic Boulevard.

Attachments:

1. Municipal Code Excerpts BHMC Section 1-4-201, et seq.
2. Planning Commission Resolution

BACKGROUND

Vice-Mayor Mirisch has requested this item be placed on the City Council's agenda to determine if there is Council support to call the subject Planning Commission decision up for review. If the City Council orders the review, this matter would be scheduled for consideration at a future public hearing.

DISCUSSION

The Planning Commission approved a Conditional Use Permit application on July 23, 2015 to allow a new vehicle showroom use and associated building modifications within an existing commercial building on the property located at 8955 Olympic Boulevard. The subject property was most recently occupied by a former Lincoln-Mercury dealership, but has been vacant for approximately two decades.

Copies of the staff report presented to the Planning Commission and the Resolution adopted by the Planning Commission are attached hereto to provide a more detailed explanation of the history of this project and the Commission's determination as to the Conditional Use Permit.

Pursuant to Beverly Hills Municipal Code Section 1-4-201, et seq., the City Council may order a review of any decision made by any commission, board, or official of the city. The process to initiate this review and set a hearing is specifically set forth in the municipal code, and those provisions are attached for reference.

The City Council must order any review within 30 days of the Planning Commission's approval, which was on July 23, 2015. If a review is ordered, the Planning Commission's action will be stayed until the Council review is final.

Meeting Date: August 18, 2015

The decision to order a review at the August 18th City Council Meeting shall be limited to the question of whether to call the item up for a hearing before the City Council at a future formal meeting, and shall not include any evaluation or assessment of the merits of the case or the Planning Commission's action. That discussion would take place at a noticed public hearing at an upcoming Council meeting.

FISCAL IMPACT

The recommendation in this report does not have significant budget or fiscal impacts for the City. It is noted that a City Council public hearing will result in cost to the City associated with public notices. The public notice cost would total approximately \$2,000.00 and would be appropriated from the City Clerk's budget.

RECOMMENDATION

It is recommended that the City Council make a determination as to whether or not the subject Planning Commission action will be called up for review.



Susan Healy Keene, AICP

Approved By

Attachment 1

Municipal Code Excerpts BHMC
Section 1-4-201, et seq.

Article 2. Council Ordered Review of Administrative Decisions

1-4-201: RIGHT TO REVIEW:

The council may order a review of any decision made by any commission, board, or official of the city, except as otherwise provided in this code. Such review may be ordered by motion of the council duly adopted within thirty (30) calendar days after the issuance of the decision. If the council orders a review of a decision, the effectiveness of such decision shall be stayed until council review is final. (1962 Code § 1-6.201; amd. Ord. 94-O-2211, eff. 9-2-1994)

1-4-202: SETTING HEARINGS:

Upon the adoption of an order for a review of a decision, the mayor shall fix a time and place for the hearing. At least ten (10) days prior to the hearing, written notice shall be mailed to the applicant and such other persons who appeared and addressed the board, commission, or official at the previous hearing on the matter, and such other notice as required by law for the previous hearing shall also be given. (1962 Code § 1-6.202)

1-4-203: HEARINGS BY THE COUNCIL:

Unless otherwise ordered and noticed, hearings shall be held as a part of the regular meetings of the council. The hearings shall be do novo in that an independent reexamination of the matter shall be made. The council may decide the matter upon the record or may take additional evidence. Any oral or documentary evidence may be received, but the mayor shall exclude irrelevant, immaterial, or unduly repetitious evidence. It shall not be a ground for objection that the evidence is hearsay or secondary, but the council's decision shall be made upon substantial evidence. (1962 Code § 1-6.203)

1-4-204: DECISIONS AND FINDINGS:

The provisions of sections 1-4-107 and 1-4-108 of this chapter shall be applicable to the decisions of the council. (1962 Code § 1-6.204)

Attachment 2

Planning Commission
Resolution

RESOLUTION NO. 1752

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A CONDITIONAL USE PERMIT TO ALLOW O’GARA COACH COMPANY, A VEHICLE SALES AND SERVICE USE, TO BE ESTABLISHED IN A C-3T-2 ZONE; TO ALLOW RENOVATIONS TO AN EXISTING BUILDING THAT WOULD RESULT IN AN INCREASE IN HEIGHT; AND TO ALLOW A REDUCTION IN THE REQUIRED NUMBER OF PARKING SPACES FOR THE PROPERTY LOCATED AT 8955 OLYMPIC BOULEVARD.

The Planning Commission of the City of Beverly Hills hereby finds, resolves, and determines as follows:

Section 1. Murray D. Fischer, representative of O’Gara Coach Company (the “Applicant”), has submitted an application for a Conditional Use Permit to allow the remodel of an existing building for the purpose of establishing a vehicle sales and service use on the property located at 8955 Olympic Boulevard (the “Project”). The Project does not meet all by-right land use and development standards, and therefore requires entitlements that can be granted by the Planning Commission pursuant to the issuance of a Conditional Use Permit.

Section 2. The proposed project consists of the establishment of a vehicle sales and service use in the C-3T-2 Commercial Transition zone on a site located in the southeast area of the City. The site is currently occupied by an existing commercial building built in 1947 with one-story and a mezzanine, which has been operated by various tenants as a vehicle sales and service use since its original construction. The proposed tenant is O’Gara Coach Company, and establishing the proposed use includes renovation of the existing structure to reconfigure the

interior layout, a reduction in the size of the existing mezzanine, and the addition of an upper level lounge for customers. The project also consists of architectural renovations that would result in an increase to the total height of the building by adding an architectural stair enclosure. The renovations result in a net reduction of floor area throughout the building. Other renovations include improvements to the existing surface parking lot, including striping to accommodate a maximum number of parking spaces including tandem spaces; establishing a vehicle loading/unloading area; construction of a new driveway from Olympic Boulevard into the surface parking lot; and relocating an existing bus stop further west along Olympic Boulevard. Landscaping will also be improved along the property lines with the installation of new planters surrounding the surface parking area along the alley, South La Peer Drive, and Olympic Boulevard.

Section 3. The Project 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 environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15301 (Class 1(e)) of the Guidelines. Specifically, the project represents establishment of a vehicle sales and service tenant on a vacant site where the same use had previously been established. Also, the project includes renovations to an existing building that will result in a net reduction of floor area. The Planning Commission hereby finds that the Project will not have a significant environmental impact and is therefore exempt from further review under the provisions of CEQA.

Section 4. Notice of the Project and public hearing was mailed on July 13, 2015 to all property owners and residential occupants within a 500-foot radius of the property plus block face. Notice of the Project and public hearing was also published in two newspapers of local circulation, including the *Beverly Hills Courier* on July 10, 2015 and the *Beverly Hills Weekly* on July 16, 2015. On July 23, 2015 the Planning Commission considered the application at a duly noticed public hearing. Evidence, both written and oral, was presented at the meeting.

Section 5. In reviewing the request for a Conditional Use Permit to allow vehicle sales and service use on the project site, the Planning Commission considered whether it could make the following findings in support of the Project:

1. The proposed location of the use will not be detrimental to adjacent property or to the public welfare;
2. The proposed use is compatible with the area and surrounding uses;
3. The proposed use will have adequate buffering between the use and residential areas;
4. The proposed use will not create an adverse traffic impact or a traffic safety hazard to pedestrians or to vehicles, including, but not limited to, an adverse impact on traffic circulation or parking; and
5. The proposed use will not create excessive noise, unpleasant odors, noxious fumes, excessive lighting, or substantial interference with neighboring properties or uses due to the activities associated with the proposed use or its hours of operation.

Section 6. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the Conditional Use Permit to allow vehicle sales and service use on the project site:

1. The proposed vehicle sales and service use will be located within an existing, vacant commercial building on the property that has previously operated as a vehicle sales and service use. To the north of the project site is a residential neighborhood that is separated from the site by a 15' alley. The proposed service use will not include mechanical lifts, compressors, paint jobs, or body work on vehicles, which significantly reduces the potential for noise or odor impacts on adjacent properties. A traffic, parking, and circulation study has been prepared which indicates that the proposed use will not result in any significant traffic or parking related impacts on the neighborhood. Although the study determined the impacts would not be significant, conditions have been imposed relating to test drive routes that will further limit traffic impacts, specifically in the residential neighborhood to the north. Conditions have also been placed on various operational aspects of the project, such as hours of operation, use of amplified sound, allowed types of vehicle service, and employee parking, which will further reduce any potential impacts of the proposed use on adjacent properties. Since the proposed use will be located within an existing commercial building that has historically been used for vehicle sales and service, the type of vehicle service use will not create substantial noise or odors, and the proposed project has been

conditioned to minimize potential operational impacts, the proposed use will not be detrimental to adjacent property or to the public welfare.

2. The proposed vehicle sales and service use is commercial in nature, has traditionally been located in this area of the City as well as on the same project site, and is generally consistent with the surrounding uses along Olympic Boulevard which are comprised of retail, restaurants, offices, and other vehicle service uses. The new use will be located within an existing, vacant commercial building on the property that has previously operated as a vehicle sales and service use. To the north of the project site is a residential neighborhood that is separated from the site by a 15' alley. A traffic, parking, and circulation study has been prepared which indicates that the proposed use will not result in any significant traffic or parking related impacts on the neighborhood. Although the study determined the impacts would not be significant, conditions have been imposed relating to test drive routes that will further limit traffic impacts, specifically in the residential neighborhood to the north. Conditions have also been placed on various operational aspects of the project, such as hours of operation, use of amplified sound, allowed types of vehicle service, and employee parking, which will further contribute to the compatibility of the proposed use with the area and surrounding neighborhood. Since the proposed use will be located within an existing commercial building that has historically been used for vehicle sales and service, the site is located along a commercial corridor with other vehicle sales and services uses, and has been conditioned to minimize potential operational impacts, the proposed use will be compatible with the area and surrounding uses.

3. The proposed vehicle sales and service use will be located within the existing, vacant commercial building on a commercial property that is adjacent to residential properties. The project site is separated from the neighboring residential uses by a 15' wide alley along the north side of the property. As conditioned, the building's windows and doors along the north elevation directly facing the alley and residential areas will be sealed off, and the vehicle service entrance will be accessed from the portion of South Almont Drive that is further away from the alley and adjacent residential properties. The one vehicular driveway along the alley is intended for one-way exiting from the surface parking area, and vehicles will be directed via signage to turn right into the alley and exit the alley onto South La Peer Drive, utilizing a small portion of the entire alley for traffic circulation. As part of the project, a new 6' setback from the alley will be provided along the surface parking area, and landscaping will be installed and maintained in the setback area to screen the parking area as well as the trash enclosure. Thus, the proposed use will have adequate buffering from residential uses.

4. A traffic, parking, and circulation study has been prepared for the proposed use, and peer reviewed by the City's Transportation Engineer. The project is anticipated to result in a maximum increase of 2 trips onto adjacent residential streets during the peak hours. Based on existing traffic volumes, this represents a maximum increase of 1.2% on weekdays on South Almont Drive, and a maximum increase of 1.8% on Saturdays on South Almont Drive. South La Peer Drive would see a maximum increase of 0.8% on weekdays and a maximum

increase of 1.3% on Saturdays as a result of the proposed project. The results of this analysis indicate that traffic impacts to the adjacent residential streets resulting from visitors and general operation of the proposed automobile sales and service use would be minimal. While the study determined that the impacts would not be significant, it is recognized that the project will result in additional traffic in the area and conditions have been imposed on the project to minimize traffic impacts. Specific conditions regarding signage for visitors exiting the parking area, as well as vehicle test drives have been included. These conditions will reduce the amount of traffic in the residential areas, thereby reducing the potential traffic safety hazards to pedestrians. Therefore, the proposed project will not create an adverse traffic impact or traffic safety hazard to pedestrians or vehicles, including, but not limited to, an adverse impact on traffic circulation or parking.

5. The site is proposed to be used for vehicle sales and service, and the specialized nature of the types of vehicles sold by the tenant will minimize potential impacts. Hours of operation for automobile service uses will be by appointment only, and appointments will be given Monday through Friday. Hours of operation for automobile sales are as follows: Monday through Friday from 10:00am – 7:00pm; Saturday from 10:00am – 5:00pm; and Sunday from 11:00am – 4:00pm. There will be no mechanical repairs done on the site; hence there will be no use of mechanical lifts, compressors, body work, or painting, thus reducing the potential for any noise or odor impacts to neighboring properties. Additionally, there will be no amplified paging system utilized at the facility. This will result in minimal noise being generated, and combined with the relatively limited hours of

operation, will reduce the likelihood of significant noise impacts to the adjacent residential neighbors. The project site proposes the use of 20' tall lights to illuminate the parking lot at night, as well as a number of accent lights in the parking area. As conditioned, all lights will face downwards and be shielded to avoid excess light and glare from spilling over into neighboring properties. For these reasons, the proposed use will not create excessive noise, unpleasant odors, noxious fumes, excessive lighting, or substantial interference with neighboring properties or uses due to the activities associated with the proposed use or its hours of operation.

Section 7. In reviewing the request for the Planning Commission to reduce the parking requirements set forth in the Beverly Hills Municipal Code for automobile dealerships, the Planning Commission considered whether it could make the following finding in support of the Project:

1. That the Planning Commission was presented of satisfactory evidence that the parking spaces required by other provisions of the Beverly Hills Municipal Code exceed the demand for parking spaces that will be generated by the proposed use.

Section 8. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the request to reduce the parking space requirements set forth in the Beverly Hills Municipal Code for the proposed use:

1. The project site contains an existing, legally nonconforming building with 24 parking spaces. Thus, pursuant to the Beverly Hills Municipal Code,

the proposed project would be required to maintain at least 24 parking spaces. A traffic, parking, and circulation study has been prepared for the proposed use, and peer reviewed by the City's Transportation Engineer. The parking demand for the project was determined using empirical parking demand rates developed from the traffic count volumes collected for the 8833 Olympic Boulevard facility, which is where the proposed use currently operates. It was assumed that over the course of the day, any arriving vehicle needed to be parked, whether for a short or long period of time, thereby generating demand for a parking space, while a departing vehicle removed demand for a parking space. Vehicles not reflective of the facility's parking demand, such as employees who will be required to park at an off-site facility, were excluded. Based on this analysis, the highest average hourly parking demand for the three days counted was 5 spaces, which was used to calculate the empirical peak parking demand ratio for the 8833 Olympic Boulevard facility, resulting in a peak parking demand ratio of 0.38 spaces per 1,000 square feet of floor area for the proposed use. Applying the peak parking demand ratio to the proposed project's 20,009 square feet of floor area, the result is a peak parking demand of 8 spaces. For purposes of a more conservative calculation, assuming that all of the vehicles undergoing electronics programming servicing would also be simultaneously parked on-site until they were picked up by their owners, the project peak parking demand would increase by up to 5 additional spaces, for a total peak parking demand of 13 spaces. Based on this evidence, the parking spaces required by other provisions of the Beverly Hills Municipal Code exceed the demand for parking spaces that will be

generated by the proposed use, and the Planning Commission hereby establishes the parking requirement for this project to be 13 parking spaces.

Section 9. Based on the foregoing, the Planning Commission hereby grants the requested Conditional Use Permit subject to the following conditions:

1. Prior to the issuance of a building permit, the owner of the Project site shall record a lot tie covenant against all three lots comprising the project site, satisfactory in form and content to the City Attorney.

2. This approval shall not become effective unless and until the applicant obtains authorization from the Metropolitan Transit Authority to relocate the bus stop that is currently in the location of the proposed vehicular driveway on Olympic Boulevard.

3. Car washing shall be prohibited within the Project's surface parking lot, but may occur within the enclosed portions of the building, provided a water recycling system is utilized.

4. The project shall not operate in any capacity beyond the hours of 10:00AM – 7:00PM Monday through Friday, 10:00AM – 5:00PM on Saturday, and 11:00AM – 4:00PM on Sunday.

5. Appointments for automobile servicing shall only be scheduled during the project's approved operating hours Monday through Friday. Appointments for automobile servicing shall not be scheduled on Saturdays or Sundays.

6. Electronics programming shall be the only type of vehicle servicing activity allowed on the project site. There shall be no mechanical service or

repairs, body repairs, paint jobs, or any other similar type of service or repairs performed on the project site. Automobiles for sale or lease shall not be parked or displayed in the service area.

7. There shall be no amplified paging system or any use of amplified sound systems on the project site at any time.

8. All surface parking lights shall be oriented downward and shielded such that lighting is oriented away from neighboring residential properties at all times.

9. A pedestrian warning light system shall be installed at the west end of the facility to advise pedestrians of vehicles exiting the service door onto South Almont Street. Such warning light system shall be shielded and oriented away from neighboring residential properties. The applicant shall also install mirrors that will provide vehicles exiting the property with visibility of the public right-of-way.

10. All building openings along the alley elevation shall be sealed off to prevent impacts to adjacent residential properties.

11. The project site shall maintain a minimum of 13 standard parking spaces to meet its minimum parking requirement established by this Conditional Use Permit. In addition, the project site shall also contain 11 tandem parking spaces for a total of 24 parking spaces on the site for the proposed uses. No automobiles for sale or lease shall be parked in these 24 parking spaces, except that vehicles being delivered to customers may be parked in the dedicated delivery area of the surface parking lot.

12. Employee parking shall not be allowed on the project site, or on any adjacent residential streets, including but not limited to South Almont Drive and South La Peer Drive. All employee parking shall be accommodated off-site at a designated off-street parking facility.

13. All on-site customer parking shall be provided by valet, and shall be free of charge. Valets shall be available to park cars at all times during the approved hours of operation.

14. One-way vehicular ingress to the parking area shall be provided via the driveway from Olympic Boulevard, and one-way vehicular egress from the parking area shall be provided via the alley to the north of the project site. The entrance gate providing access to the surface parking area from Olympic Boulevard shall remain open at all times during the approved hours of operation.

15. Signs shall be posted on the property indicating “Right Turn Only” into the alley for vehicles exiting the surface parking area. Signs shall be posted on the property prohibiting vehicles from exiting the surface parking area onto Olympic Boulevard. Signs shall be posted on the property indicating “Left Turn Only” for vehicles exiting the service area onto South Almont Drive.

16. Car-carrier trucks delivering vehicle inventory shall be prohibited on the project site. All vehicle inventory shall be delivered by flatbed trucks completely within the service area or in the surface parking loading area. Vehicle inventory deliveries may also be done at an offsite location, and such location shall be subject to prior approval by the Director of Community Development. No vehicle deliveries shall be done from adjacent streets or from the alley. Flatbed truck

deliveries done on the surface parking loading area shall only occur Monday through Friday from 10:00AM to 2:00PM. All other deliveries shall occur during the approved hours of operation outlined in this resolution.

17. The applicant shall be responsible for notifying patrons of how to best access the service area from Olympic Boulevard, and shall discourage patrons from using residential streets to enter or leave the project site. This information shall be provided to patrons on the service facility's webpage, within written and email correspondence to patrons, and through verbal communications with the sales and service facility employees.

18. Vehicle demonstrations and/or test drives shall not be conducted on any residential street (with the exception of South Doheny Drive), including, but not limited to, South Almont Drive and South La Peer Drive. Vehicle demonstrations and/or test drives shall be limited to the following routes:

a) Commencing westbound on Olympic Boulevard to Doheny Drive, then northbound on Doheny Drive to Wilshire Boulevard, then eastbound on Wilshire Boulevard to Robertson or La Cienega Boulevard, then westbound on Olympic Boulevard to enter the project site via the new driveway on Olympic Boulevard

b) Commencing westbound on Olympic Boulevard to Avenue of the Stars, then northbound on Avenue of the Stars to Santa Monica Boulevard, then eastbound on South Santa Monica Boulevard to Wilshire Boulevard, then eastbound on Wilshire Boulevard to Robertson Boulevard, then southbound on Robertson Boulevard to

Olympic Boulevard, then westbound on Olympic Boulevard to enter the project site via the new driveway on Olympic Boulevard.

19. Signage shall be placed on the exterior of the building with a phone number where residents and neighbors can express operational concerns on a 24-hour basis. Such signage shall be placed in a location and manner that is visible and legible from the public right of way. Such signage shall be in conformance with the provisions of Chapter 4 of Title 10 of the Beverly Hills Municipal Code at all times, and shall be subject to Architectural Review.

20. The applicant shall be responsible for notifying all employees of the operational conditions within this resolution.

21. At all times the vehicle sales and service use shall operate in compliance with the City's noise ordinance.

22. The project shall comply with all operational requirements for businesses located in the commercial-transition zone pursuant to Beverly Hills Municipal Code Section 10-3-1956.

23. The Director of Community Development shall have the authority to impose additional conditions as necessary relating to the operation of the proposed use, including, but not limited to, issues relating to traffic circulation, parking, noise, lighting, and odors to mitigate any other unanticipated impacts caused by the proposed project as they arise.

24. The City expressly reserves jurisdiction relative to traffic, parking, and loading issues. In the event that the Director of Community Development determines that operation of the use at this site is having unanticipated traffic,

parking, and/or loading impacts, the Director of Community Development shall require the Applicant to pay for a traffic, parking, and/or loading demand analysis. After reviewing the traffic, parking, and/or loading demand analysis, if, in the opinion of the Director of Community Development, the traffic, parking, and/or loading issues merit review by the Planning Commission, the Director of Community Development shall schedule a hearing before the Planning Commission in accordance with the provisions of Title 10 of the Beverly Hills Municipal Code. The Planning Commission shall conduct a noticed public hearing regarding the traffic, parking, and/or loading issues and may impose additional conditions as necessary to mitigate any unanticipated traffic, parking, and/or loading impacts caused by the proposed Project, and the Applicant shall forthwith comply with any additional conditions at its sole expense.

25. The conditions set forth in this resolution are specifically tailored to address the operations of O’Gara Coach Company as presented and approved by the Planning Commission. To ensure that any subsequent automobile service uses operated at the subject site do not cause adverse impacts to the surrounding neighborhood, any transfer of ownership, management, or control of the dealership shall be reviewed by the Director of Community Development to determine whether the proposed change substantially conforms to the Project approved by the Planning Commission. If the Director determines that the proposed change does not substantially conform to the approved Project, the Director shall schedule a hearing before the Planning Commission in accordance with the provisions of Section 10-3-3801 of the Beverly Hills Municipal Code. The planning Commission expressly

reserves jurisdiction at said hearing to revoke the Conditional Use Permit or to impose additional conditions as necessary to ensure that the operation of the subsequent vehicle sales or service use at the subject site is compatible with adjacent land uses. The full cost of any such review hearing and implementation of any additional conditions or mitigation measures shall be paid for by the applicant.

26. The applicant shall construct and maintain the improvements on the property in substantial conformance with the plans submitted to and approved by the Planning Commission at its meeting of July 23, 2015. Minor amendments to the plans shall be subject to approval by the Director of Community Development. A significant change to the approved Project shall be subject to Planning Commission Review.

27. The Project shall operate at all times in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking, or other actions.

28. APPROVAL RUNS WITH LAND. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

29. Project Plans are subject to compliance with all applicable zoning regulations, except as may be expressly modified herein. Project plans shall be subject to a complete Code Compliance review when building plans are submitted for plan check. Compliance with all applicable Municipal Code and General Plan Policies is required prior to the issuance of a building permit.

30. APPEAL. Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission

action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.

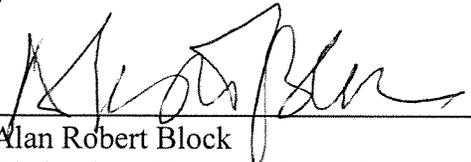
31. RECORDATION. This resolution approving the Conditional Use Permit shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of the resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Community Development within 60 days of the Planning Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the Project shall be null and void and of no further effect. Notwithstanding the foregoing, the Director of Community Development may, upon a request by the Applicant, grant a waiver from the 60 day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state, or local law that would affect the Project.

32. EXPIRATION. The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.

33. VIOLATION OF CONDITIONS: A violation of any of these conditions of approval may result in termination of the entitlements granted herein.

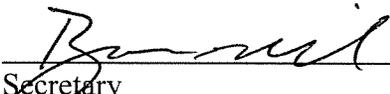
Section 10. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: July 23, 2015



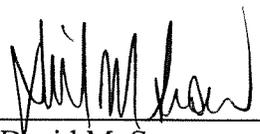
Alan Robert Block
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:



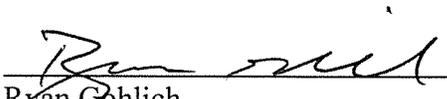
Secretary
Ryan Gohlich
City Planner

Approved as to form:



David M. Snow
Assistant City Attorney

Approved as to content:



Ryan Gohlich
City Planner