

November 29, 2017

NOTICE OF DECISION

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Rancho Palos Verdes has adopted P.C. Resolution No. 2017-44, denying the appeal and upholding the Director's decision approving a Grading Permit to allow 41,200yd³ of balanced grading to accommodate the installation of vaults associated with earth interments, 3' tall walls, and water features in the unimproved portions of Area 5 (Arroyo Vista) of the City Council-Approved Master Plan for Green Hills Memorial Park (ZON2017-00324).

LOCATION: 27501 Western Avenue

APPLICANT/LANDOWNER: Green Hills Memorial Park

Said decision is subject to the Conditions of Approval set forth in the attached P.C. Resolution No. 2017-44.

This decision may be appealed, in writing, to the City Council. The appeal shall set forth the grounds for appeal and any specific action being requested by the appellant. Any appeal letter must be filed within fifteen (15) calendar days of the approval date, or by 5:30PM on December 13, 2017. A \$2,275.00 appeal fee must accompany any appeal letter. If no appeal is filed timely, the Planning Commission's decision will be final at 5:30PM on December 13, 2017.

If you have any questions regarding this application, please contact So Kim, Deputy Director/Planning Manager at (310) 544-5222 or via email at sok@rpvca.gov for further information.



Ara Mihranian, AICP
Director of Community Development

Enclosure

Cc: Property Owner
Interested Parties

P.C. RESOLUTION NO. 2017-44

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES DENYING THE APPEAL AND UPHOLDING THE DIRECTOR'S DECISION APPROVING A GRADING PERMIT (CASE NO. ZON2017-00324) TO ALLOW 41,200YD³ OF BALANCED GRADING TO ACCOMMODATE THE INSTALLATION OF VAULTS ASSOCIATED WITH EARTH IMPROVEMENTS, 3' TALL WALLS, AND WATER FEATURES IN THE UNIMPROVED PORTIONS OF AREA 5 (ARROYO VISTA) OF THE MASTER PLAN FOR GREEN HILLS MEMORIAL PARK AT 27501 WESTERN AVENUE.

WHEREAS, on April 24, 2007, the Planning Commission adopted P.C. Resolution No. 2007-32, certifying a Mitigated Negative Declaration and adopted P.C. Resolution No. 2007-33, approving amendments to the Green Hills Master Plan, which called for development of the Green Hills Memorial Park ("Green Hills") over the next 30 to 50 years, and allows grading and mausoleum buildings to be constructed at various specified locations throughout Green Hills cemetery; and,

WHEREAS, on November 17, 2015, the City Council adopted Resolution No. 2015-102, which, among other things, revised certain Conditions of Approval, and amended the Green Hills Cemetery Master Plan; and,

WHEREAS, on January 31, 2017, the City Council adopted Resolution No. 2017-03, approving revisions to the Conditions of Approval as part of the Annual Review for the Green Hills Memorial Park Master Plan Conditional Use Permit; and,

WHEREAS, on July 21, 2017, pursuant to Council-adopted Condition No. 2.a(6) of Resolution No. 2017-03, Green Hills Memorial Park submitted a Major Grading Permit application requesting to conduct earth movement to accommodate the installation of vaults associated with earth interments, 3' tall walls, and water features in the unimproved portions of Area 5 (Arroyo Vista) of the Master Plan of Green Hills Memorial Park; and,

WHEREAS, on October 23, 2017, the Director of Community Development ("Director") conditionally approved a Grading Permit allowing 41,200yd³ of balanced grading to accommodate the installation of vaults associated with earth interments, 3' tall walls, and water features in the unimproved portions of Area 5 (Arroyo Vista) of the City Council-Approved Master Plan for Green Hills Memorial Park (ZON2017-00324); and,

WHEREAS, on October 24, 2017, a written notice of the Director's decision was provided to all property owners within 500' radius of the subject site in accordance with Rancho Palos Verdes Municipal Code (RPVMC) Section 17.80.090; and,

WHEREAS, on October 26, 2017, Sharon Loveys filed a timely appeal requesting that the Planning Commission overturn the Director's decision (ZON2017-00324) and deny the Applicant's Grading Permit; and,

WHEREAS, the appeal listed the following issues with the Director's decision: 1) installation of vaults in Areas 5 and 6 and the increase in density are not lawfully authorized under the Green Hills Master Plan; 2) it is not clear whether the proposed quantity of grading falls within the permitted levels of grading for Areas 5 and 6; 3) and use of terms "lawn crypts" and "lawn niches" are unclear; 4) soils report should be provided and approved before a Grading Permit is approved or issued; 5) a Grading Permit cannot be approved as Green Hills has not complied with Resolution No. 2013-07, Condition Nos. 9(b) and 9(f); and, a 6) Grading Permit should not be approved until an updated Master Site Plan is submitted indicating that the proposed improvements are in compliance with the 20' south setback, including clarification of the road and landscape buffers; and,

WHEREAS, on November 2, 2017, pursuant to Section 17.80.090 of the RPVMC, a 15-day public notice was provided to all property owners within 500' radius and published in the *Palos Verdes Peninsula News*; and,

WHEREAS, the Planning Commission held a duly noticed public hearing on November 28, 2017, at which time all interested parties were given an opportunity to be heard and present evidence; and

WHEREAS, the proposed project has been determined to be in compliance with the City Council-adopted Conditions of Approval for the Master Plan (Resolution No. 2017-03), which constitutes minor alterations to existing structures or facilities involving negligible or no expansion of use, and will not have a significant effect on the environment. Therefore, the proposed project is within the scope of the previously adopted Mitigated Negative Declaration and no further environmental review is necessary.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

Section 1: The proposed project involves 41,200yd³ of balanced grading to accommodate the installation of vaults associated with earth interments, 3' tall walls, and water features in the unimproved portions of Area 5 (Arroyo Vista) of the City Council-Approved Master Plan for Green Hills Memorial Park.

Section 2: The Planning Commission finds that the Director's approval of the Grading Permit is warranted because pursuant to Condition of Approval No. 2.a(6) of City Council Resolution No. 2017-03, the Director may approve grading for mass installation of vaults, and Condition of Approval No. 9.a allows grading to accommodate earth interments. Additionally, the Planning Commission finds that the City's Grading Permit process, which permits reasonable development of land and as conditioned through Resolution No. 2017-03's Conditions of Approval, is appropriate for the Director to determine that the proposed project complies with the Master Plan. More specifically, the Planning Commission finds that the proposed project is in compliance with the required 20' setback from the south property line for earth interments and finds that the proposed improvements substantially comply with the Master Plan.

Section 3: The Planning Commission finds that the proposed project substantially complies with the Master Plan in that the proposed grading is within the maximum allowed quantity of grading, the finished grades are consistent with the 2016 City-approved baseline topography plan, and the proposed use is permitted for Area 5. The Master Plan allows Area 5 to be developed with earth interments, and the proposed project consists of grading to

accommodate the earth interments. No buildings, including mausoleum buildings, are proposed in this area. Condition No. 9 of Resolution No. 2017-03 permits approximately 137,000yd³ of grading in Areas 5 and 6. To date, a total of 27,169yd³ of grading has been conducted in Area 5 to accommodate future earth interment sites. The proposed 41,200yd³ of grading combined with the previous 27,169yd³ of grading, results in a total of 68,631yd³ of grading remaining for Areas 5 and 6. In assessing the project, the proposed contours are consistent with the baseline topography plan accepted by the City on April 12, 2016. The proposed water features and 3' tall walls are considered customary cemetery related features and are allowed without further review.

Section 4: The Planning Commission finds that the merits of the appeal are not warranted as described below.

Appeal Reason No. 1: Ground for appeal: "Installation of vaults in Areas 5 and 6 and the increase in density are not lawfully authorized under the Green Hills Master Plan." The Planning Commission finds that Condition No. 9.a of Resolution No. 2017-03 expressly allows grading to accommodate earth interments in Area 5 and 6. Condition No. 1.g allows additional interment areas by retrofitting mausoleum and garden areas throughout the cemetery. Condition No. 2.a(6) allows the Director to review grading applications associated with mass installation of vaults.

Appeal Reason No. 2: "It is not clear whether the proposed quantity of grading falls within the permitted levels of grading for Areas 5 and 6."

The Planning Commission finds that Condition No. 9 of Resolution No. 2017-03 permits approximately 137,000yd³ of grading in Areas 5 and 6 to accommodate improvements associated with earth interments. To date, a total of 27,169yd³ of grading has been conducted in Area 5. With the proposed 41,200yd³ of grading combined with the previous 27,169yd³ of grading, a total of 68,631yd³ of grading remaining for Areas 5 and 6. The proposed grading is consistent with the findings made by the City Council for the Master Plan and the proposed contours will continue to resemble the existing contours as memorialized in the City-accepted topographic plan in 2016.

Appeal Reason No. 3: "The use of terms "lawn crypts" and "lawn niches" are unclear."

The Planning Commission finds that the term "Lawn crypts" is generally understood as earth interments, which is an in-ground burial of a vault that contain remains and "Lawn niches" are generally understood as smaller vaults that contain urns for cremated remains, which are buried below ground similar to "lawn crypts".

Appeal Reason No. 4: "A soils report should be provided and approved before a Grading Permit is approved or issued."

The Planning Commission finds that a soils report is required to be reviewed and approved by the City Geologist prior to permit issuance by the Building and Safety Division. This soils report requirement has no relation to Condition 1(j) of Resolution No. 2017-03, which requires a soils testing protocol report be submitted to the City Council prior to the next annual review in 2018.

Appeal Reason No. 5: "A Grading Permit cannot be approved as Green Hills has not complied with Resolution No. 2013-07, Condition Nos. 9(b) and 9(f).

The Planning Commission finds that Condition No. 9(b) requires Green Hills to develop a plan for Area 6 to mitigate the unsightly aesthetic conditions related to the stockpiling, storage of materials, and trash through improved screening and dust control measures. The plan shall include time frames for installing and maintaining the screening and dust control measures. The Applicant submitted the plan, which was approved by the Director in February 2017. This plan identifies trash bin locations, storage areas, and the location, color, and material of the new chain link fence screening the entire area. Therefore, the Applicant is in compliance with Condition No. 9(b). The Appellant contends that the plan should be approved by the Planning Commission before the Grading Permit can be approved. Condition No. 9.b requires that the plan be submitted for review and approval by the Director. Therefore, Planning Commission review is not required.

Condition No. 9(f) requires the installation of screening along the south perimeter wall prior to the completion of the roadway. Green Hills has not submitted plans to improve said street. Therefore, Condition No. 9(f) is not required for compliance at this time. The Applicant has been working with the neighboring Rolling Riviera Homeowner's Association and Neighbors to develop a mutually agreeable fencing plan along the southern property line. At this time, a final design has not been selected. The Appellant believes that no Grading Permit should be issued until a final resolution has been reached with the neighbors. Condition No. 9(f) requires that the landscaping be planted prior to the completion of the southerly roadway. There is a separate time limit in which the landscape needs to be planted, which is separate and not related to the proposed project.

Appeal Reason No. 6: "A Grading Permit should not be approved until an updated Master Site Plan is submitted indicating that the proposed improvements are in compliance with the 20' south setback, including clarification of the road and landscape buffers."

The Planning Commission finds that for earth interments, a 20' setback is required from the south property line. The proposed plans show the existing perimeter wall, what appears to be a future landscape area, a 26' wide roadway, and a side walk between the south property line and the edge of the earth interments in Area 5. Based on the project plans, there is more than a 20' setback between the south property line and the proposed interments.

Section 5: For the foregoing reasons and based on the information and findings included in the Staff Report, Minutes and other records of proceedings, the Planning Commission of the City of Rancho Palos Verdes hereby adopts P.C. Resolution No 2017-___, denying the appeal and upholding the Director's approval of a Grading Permit allowing 41,200yd³ of balanced grading to accommodate the installation of vaults associated with earth interments, 3' tall walls, and water features in the unimproved portions of Area 5 (Arroyo Vista) of the City Council-Approved Master Plan for Green Hills Memorial Park at 27501 Western Avenue, subject to the conditions set forth in the attached Exhibit 'A' (ZON2017-00324).

Section 6: Any interested person aggrieved by this decision or any portion of this decision may appeal to the City Council. The appeal shall set forth in writing, the grounds for appeal and any specific action being requested by the appellant. Any appeal letter must be filed within fifteen (15) calendar days of the date of this decision, or by 5:30 p.m. on Wednesday, December 13, 2017. A \$2,275.00 appeal fee must accompany any appeal letter. If no appeal is filed timely, the Planning Commission's decision will be final at 5:30 p.m. on Wednesday, December 13, 2017.

PASSED, APPROVED AND ADOPTED this 28th day of November 2017, by the following vote:

AYES: Commissioners Leon, Bradley, Nelson, Tomblin, and Vice-Chairman James

NOES: None


ABSTENTIONS: None

RECUSALS: None

ABSENT: Commissioner Emenhiser



William J. James
Vice-Chairman



Ara Mhramian, AICP
Director of Community Development; and,
Secretary of the Planning Commission

EXHIBIT 'A'
CONDITIONS OF APPROVAL
GRADING PERMIT (ZON2017-00324)
27501 WESTERN AVENUE (GREEN HILLS MEMORIAL PARK)

General Conditions:

1. This approval allows 41,200yd³ of balanced grading (20,600yd³ of cut and 20,600yd³ of fill) to accommodate the installation of vaults associated with earth interments in the unimproved portions of Area 5 (Arroyo Vista) of the Master Plan. Walls measuring 3' in height are approved to enclose the family estate areas, along portions of the walkways and water features (shallow ponds and channels approximately 1' in depth).
2. **Prior to any permit issuance**, the water features (shallow ponds and channels) shall be designed utilizing rocks and vegetation to resemble a natural pond and stream as deemed acceptable by the Director of Community Development.
3. The Conditions of Approval under Resolution No. 2017-03 shall remain in full force and effect, unless amended in the future by the City Council in which those Conditions of Approval shall remain in full force and effect, in combination with the conditions set forth herein.
4. Prior to the submittal of plans into Building and Safety Plan Check, the Applicant and the property owner shall submit to the City a statement, in writing, that they have read, understand, and agree to all conditions of approval contained in this Exhibit "A". Failure to provide said written statement within ninety (90) days following the date of this approval shall render this approval null and void.
5. The Applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures) (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project.
6. Approval of this permit shall not be construed as a waiver of applicable and appropriate zoning regulations, or any Federal, State, County and/or City laws and regulations. Unless otherwise expressly specified, all other requirements of the City of Rancho Palos Verdes Municipal Code shall apply.
7. Pursuant to Council-adopted Condition No. 2.a(1), the Director of Community Development is authorized to make minor modifications through a Grading Permit to the approved plans and any of the conditions that will achieve substantially the same results as would strict compliance with such plans and conditions. Any substantial change to the project shall require approval of a revision by the final body that approved the

original project, which may require new and separate environmental review.

8. The project development on the site shall conform to the specific standards contained in these Conditions of Approval or, if not addressed herein, shall conform to the cemetery development standards of the City's Municipal Code, Conditions of Approval, including but not limited to height, setback and lot coverage standards.
9. Failure to comply with and adhere to all of these Conditions of Approval and the Conditions of Approval set forth in City Council-adopted Resolution No. 2017-03 or future related Council-adopted Resolutions, may be cause to revoke the approval of the project pursuant to the revocation procedures contained in Section 17.86.060 of the City's Municipal Code or administrative citations as described in Section 1.16 of the City's Municipal Code.
10. In the event that any of these conditions conflict with the recommendations and/or requirements of another permitting agency or City department, the stricter standard shall apply.
11. Unless otherwise designated in these Conditions of Approval, all construction shall be completed in substantial conformance with the plans stamped APPROVED by the City with the effective date of this Exhibit "A".
12. This approval is only for the items described within these Conditions and identified on the stamped APPROVED plans and is not an approval of any existing illegal or legal non-conforming structures on the property, unless the approval of such illegal or legal non-conforming structure is specifically identified within these conditions or on the stamped APPROVED plans.
13. All construction sites shall be maintained in a secure, safe, neat and orderly manner, to the satisfaction of the City's Building Official. All construction waste and debris resulting from a construction, alteration or repair project shall be removed on a weekly basis by the contractor or property owner. Existing or temporary portable bathrooms shall be provided during construction. Portable bathrooms shall be placed in a location that will minimize disturbance to the surrounding property owners, to the satisfaction of the City's Building Official.
14. The construction site and adjacent public and private properties and streets shall be kept free of all loose materials resembling trash and debris in excess of that material used for immediate construction purposes. Such excess material may include, but is not limited to: the accumulation of debris, garbage, lumber, scrap metal, concrete, asphalt, piles of earth, salvage materials, abandoned or discarded furniture, appliances or other household fixtures. All landscape pruning, including but not limited to grass, leaves, branches, fertilizer, etc., shall be properly stored in areas with minimal visual impact to adjacent homeowners, and shall be stored in appropriate containers and disposed of in a lawful manner.
15. When not being used in the daily operations of the cemetery, equipment and supplies shall be stored in areas with minimal visual impact to adjacent homeowners or in the maintenance yard if possible. Equipment and supplies shall be neatly stacked so they do not pose a safety hazard or become a property maintenance issue. All landscaping equipment and vehicles, and all vehicles used for maintenance and/or burial preparation

shall be stored in the maintenance yard.

16. Construction and grading activities, including but not limited to equipment warm up, geologic investigations, interments excavation for placement of vaults and installation or removal of large landscape materials or landscaping maintenance shall be limited to 7:00 a.m. to 4:00 p.m. on weekdays only. Notwithstanding the foregoing, within 120 feet of any property line abutting a Residential Zoning District, no construction or grading, including grading operations to prepare sites for earth interments, shall occur before 9:00 a.m. or after 3:30 p.m. All equipment shall be equipped with a muffler to reduce on-site grading and construction noise levels.
17. Construction shall not impede on pedestrian and vehicular circulation, including ingress and egress to the subject property.
18. **Prior to any permit issuance**, all applicable soils/geotechnical reports shall be approved by the City's Geologist.
19. **Prior to any permit issuance**, all applicable drainage plans shall be reviewed and approved by the City Engineer.
20. **Prior to any grading permit final**, the Applicant shall submit an as-built topographical survey prepared and wet-stamped by a licensed engineer depicting the finished grades.