

August 9, 2017

NOTICE OF DECISION

NOTICE IS HEREBY GIVEN that the Director of Community Development of the City of Rancho Palos Verdes has approved with conditions, a Special Use Permit for 23 outdoor events with amplified sound during the 2017-2018 academic year (Case No. ZON2017-00251).

LOCATION: 30800 Palos Verdes Drive East
(Marymount California University)

APPLICANT/LANDOWNER: Marymount California University

Said decision is subject to the Conditions of Approval set forth below:

1. The applicant/property owner shall submit to the City a statement in writing that they have read, understand and agree to all conditions of approval listed below. Failure to provide said written statement within ten (10) days of the effective date of approval shall render this approval null and void.
2. 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.
3. The approval of Special Use Permit (Case No. ZON2017-00251) shall be limited to the dates and times for the special events listed in the attached Exhibit "B". The total number of events for the 2017-2018 academic year shall be limited to twenty-three (23), which includes the nineteen (19) scheduled events and four (4) additional floating events to be approved by the Director of Community Development. The applicant shall notify the Director of Community Development at least thirty (30) days prior to holding the proposed floating events, for review and approval of these events. Any changes to the established schedule of events or these conditions shall be subject to review and approval by the Director of Community Development Director, provided the change does not conflict with the CUP for the campus.

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4. The hours of the proposed events shall be as identified in the attached schedule (Exhibit “B”), unless otherwise noted herein, and the four floating events shall be limited to the hours of 12:00 p.m. to 1:30 p.m., on a weekday.
5. The four floating events shall be held at Chapel Circle, Cecilia Quad or Poolside only and shall not be held on a Saturday or Sunday.
6. No live music or amplified sound shall be permitted at the East Parking Lot for events other than those associated with the Graduation activities on May 11, 2018 and May 12, 2018, as listed on the attached schedule (Exhibit “B”).
7. The use of amplified sound shall be limited to the dates and times for events listed on the attached Exhibit “B”. Any change to the established schedule shall be subject to the review and approval by the Director of Community Development.
8. All sound amplification equipment used at any event shall be oriented away from adjacent residential areas.
9. The applicant shall be responsible for the payment of all costs for Sheriff services, if any, associated with complaints of noise or other disturbances to the surrounding development created by or resulting from these events, pursuant to Section 9.24 of the Rancho Palos Verdes Municipal Code.
10. If noise complaints are submitted to City Staff, the City reserves the right to require a Noise Consultant to monitor noise levels for any event approved through this permit to ensure that noise levels will not exceed 65 decibels, as measured from the closest property line. The applicant shall be responsible for the payment of all costs associated with noise consulting services. This condition shall apply in addition to any future noise ordinance and/or code amendment adopted by the City, and when there is conflicting requirements, the stricter requirement shall apply.
11. Any temporary lighting associated with the events shall be shielded and/or directed away from adjacent properties.
12. The Graduation Mass proposed on Friday, May 11, 2018 shall be from 3:00 p.m. to 6:30 p.m. only, and the Graduation Ceremony on Saturday, May 12, 2018 shall be from 10:00 a.m. to 3:00 p.m. only.
13. The applicant shall submit to the City a Traffic Control Plan one (1) month in advance of the City-approved graduation events for approval by the Public Works Department. Said plan shall include, but not be limited to, the anticipated number of vehicles that will require on-street parking, the areas of approved and restricted parking, traffic safety cones, the number and location of changeable reader boards informing the public of the graduation events and traffic, and any additional information deemed necessary to control traffic along City streets during the City-approved graduation events. Changeable reader boards shall be operational by Friday, 4, 2018.

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14. The tent proposed for the graduation events shall comply with all Fire safety criteria, shall be installed in a safe and structurally sound manner, and shall be located in the area indicated on the attached plan. The tent set-up and tear-down activities shall only occur between the hours of 8:00 a.m. and 5:00 p.m., and the tent installation shall be limited to the days between May 8, 2018 and May 10, 2018, and shall be removed within 48 hours of the conclusion of the City-approved graduation events. All grounds shall be kept clear of trash and debris, and adequate trash receptacles shall be put in place to ensure that that trash and debris generated from the construction and operation of the graduation ceremony does not end up on neighboring properties.
15. The temporary tent constructed for the Graduation Ceremonies that will occur on May 11, 2018 and May 12, 2018 shall be limited to a total size of 12,000 square feet in area (two 6,000 sq. ft. tents) and 35 feet in height, as measured from the lowest adjacent grade to the highest point of the tent. The tent shall substantially comply with the plan stamped approved by the City on August 9, 2017, and as outlined in these conditions of approval.
16. The use of pneumatic hammers, devices or machinery (i.e. air hammers/jackhammers) for the installation and/or securing of the graduation tent, or any other tent associated with the 2017-2018 Special Use Permit is **prohibited**.
17. Pursuant to the City-Initiated Revision to the 2014-2015 SUP approval, the property owner shall maintain the capped holes created for the installation of the graduation tent in May 2015 for the future use of the temporary graduation tent to avoid the need to use air hammers/jackhammers in the future.
18. The University shall be permitted to use a generator for light and sound associated with the Graduation events, which shall be placed in the parking area near the existing classroom building, and shall be operated for light testing on Thursday, May 10, 2018, for rehearsals and Mass on Friday, May 11, 2018, and for graduation on Saturday, May 12, 2018. A temporary screen shall be installed around the generator to buffer the visibility of the generator from residences along San Ramon Dr., and to reduce the noise levels of the generator to no more than 65 dBA, as measured from the property lines.
19. Prior to installation, the Director of Community Development Director shall approve the location of all temporary restroom facilities, including but not limited to portapotties and portable sinks, which shall be generally located along the northwest side of the graduation tent and shall not be visible from the residential properties along San Ramon Dr.
20. The University shall provide to the City Manager and/or Director of Community Development the direct contact information to the President of the University a minimum of forty-eight (48) hours before the graduation events, should the City receive complaints related to the graduation tent construction or operational activity of the Graduation ceremonies.

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21. No temporary exterior lights are permitted for the construction, tear-down or operation of the graduation ceremonies. All activities shall occur within the permitted time frames outlined in the Special Use Permit conditions stated herein.
22. The City reserves the right to adjust any of the above conditions based on the conduct at any of the proposed events, as well as based on legitimate complaints received by the City from the community at large regarding the special events.
23. The City may revoke, without incurring any liability to the permittee whatsoever, this Special Use Permit at any time, if the City Manager or the Director of Community Development determine the event is adversely affecting the public health, safety, and welfare, or is being conducted contrary to the permit conditions of approval. The City will generally provide notification of a violation with direction to the applicant to correct the violation. However, the City shall not be obligated to provide such notification, particularly when imminent health and safety issues involved.
24. No live music or amplified sound associated with an outdoor event shall be permitted on Sundays.
25. The project shall substantially conform to the plans stamped approved with the effective date of this approval.
26. The abandonment or non-use of this approval after a six-month period shall render the approval null and void.
27. All applicable permits required by the Building and Safety Division for any temporary structures associated with the approved outdoor events shall be obtained by the applicant prior to erecting said temporary structures.
28. In the event that a Planning requirement and a Building & Safety requirement are in conflict with one another, the stricter standard shall apply.
29. The subject Special Use Permit for the 2017-2018 (Case No. ZON2017-00251) academic school year shall only be valid if Marymount is in compliance with the conditions of approval memorialized in Conditional Use Permit (CUP) No. 9 – Revision “E”, adopted by the City Council on June 1, 2010, and amended on April 15, 2014, pursuant to Resolution 2014-25, or as required by any subsequent approvals/amendments to the CUP. If Marymount is not in compliance with the aforementioned CUP conditions of approval, the proposed events described herein utilizing amplified sounds shall not be permitted until compliance is demonstrated to the satisfaction of the Director of Community Development Director.
30. Failure to comply with and adhere to all of these conditions of approval 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.

This decision may be appealed, in writing, to the Planning Commission. The appeal shall set forth the grounds for appeal and any specific action being requested by the appellant.

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Any appeal letter must be filed within five (5) calendar days of the date of this notice, or by 5:30PM on Monday, August 14, 2017. A \$2,275.00 appeal fee must accompany any appeal letter. If no appeal is filed timely, the Director's decision will be final at 5:30PM on Monday, August 14, 2017.

If you have any questions regarding this application, please contact Senior Planner, Leza Mikhail at (310) 544-5224 or via e-mail at lezam@rpvca.gov.



Ara Mihramian, AICP
Director of Community Development