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COMMUNITY DEVELOPMENT
DEPARTMENT

**APPEAL OF SHARON LOVEYS TO NOTICE OF DECISION DATED MAY 11, 2018
RE: ALTA VISTA GARDENS (INSPIRATION SLOPE)
CASE NO. PLGR2018-0008**

Sharon Loveys appeals the Notice of Decision dated May 11, 2018, where the Director of Community Development of the City of Rancho Palos Verdes (Planning) approved the grading permit application of Green Hills Memorial Park allowing the “cut” (212 cubic yard) and “fill” (212 cubic yards) (i.e. grading) of dirt in an undeveloped (and unidentified) *open space* portion of “Area 2” identified as “Alta Vista Gardens Family Estates/Private Estates”. The appeal is premised on the following grounds:

1. **Formal Conditional Use Permit Required.** Use of any part of the cemetery is, by definition, a “conditional use” under Chapter 17.28 of the City’s Zoning Code governing Cemetery Districts; and specifically Section 17.28.030. As such, any development of any part of the Cemetery requires a “conditional use permit”. The application dated March 9, 2018, (reproduced below) does not seek a conditional use permit, but **only** a grading permit. (The conditional use permit section of the application is not checked – See page one of the Application reproduced below). A land use entitlement allowing for the development of this open space area of the cemetery (as contemplated by the project description portion of the application) requires that a conditional use permit application be sought, with the requisite applicable “Findings” thereafter being made under Section 17.28.030(A) and (where applicable) 17.28.030(H). In the portion of the application where Green Hills is asked to describe “the project”, the “Project” is not described as a grading project, but is described as “Installation of 44 **Lawn Crypts**”¹ (Emphasis Added).

¹ The use of the term “lawn crypts” in the application is very, very misleading. The reason? Apart from the fact that “installing lawn crypts” is not the same thing as the “grading” of the soil preparatory to the construction of the project for which the land use entitlement approval is sought, a “lawn crypt” is not something that is even contemplated either under the City’s zoning law or State law. (See Health & Safety Code §§7000-7025 in the Appendix to this Appeal). Health & Safety Code §7015 defines “crypt” or “vault” as a space **in a mausoleum** used or intended to be used, to entomb uncremated human remains”. (i.e. space **inside** a mausoleum; not space on the roof of a mausoleum). A “crypt” therefore exists only **inside** a mausoleum, not beneath a “lawn”. Calling these cement containers “lawn crypts” is thus misleading. It is a complete misnomer. H&S Code §7102 defines “entombment” as the placing of human remains in a crypt or vault. The process of placing human remains in a grave is defined as a “burial” (H&S Code §7013). A “grave” is a “space of earth in a burial park used or intended to be used for the disposition of human remains”. “Interment” is the disposition of human remains by entombment or burial. (H&S Code §7009). A “burial park” is a tract of land for the burial of human remains **in the ground.**” (H&S Code §7004). The City’s zoning law under Section 17.28.030 contemplates specifically only the following three types of interments: (1) earth interments; (2) vault or crypt interments *inside* a mausoleum (not on the roof); and (3) cinerary interments in a columbarium (defined under H&S Code §7007 as “a space in a building or

As such, there is a “disconnect” between what has been granted (a grading permit) and what is required for a valid land use entitlement to be issued (i.e. a *conditional use permit* allowing for the “use” of the project area for (i) the underground storage within the boundaries of the project area of 44 cement containers which will eventually hold (ii) individual coffins containing human remains to be buried and placed within each cement container).² Just because Green Hills may be permitted to grade a certain area of the cemetery, does not mean that Green Hills is to be permitted to inter human remains in the ground beneath the proposed project site in any quantity (let alone 44 coffins); nor can a grading permit authorize the underground storage of 44 concrete containers (purposely mislabeled as “crypts”) in the project area.

Green Hills has yet again, therefore, attempted to “rig” the system by deceit and trickery: Submitting a grading application when, in fact, what Green Hills really seeks is to develop the open space area noted as the “project site” by (1) first grading the site, then (2) installing 44 cement containers (mis-described as “lawn crypts”) under the ground in the locations noted on the engineering drawings, and then (3) using the site to inter human remains by the placement of coffins inside the concrete containers at those locations; all without having to separately apply for a conditional use permit allowing proposed “uses” (2) and (3) noted above. In short, obtaining conditional use land use entitlement rights by unlawfully “peace-mealing” the project into three phases; and then

structure containing niches for the interment of cremated human remains”). (H&S Code §7011 defines “*Inurnment*” as the placement of cremated human remains in a container containing cremated remains. The term “lawn crypts” does not appear anywhere in law; nor can it logically be discerned from the foregoing definitions. What Green Hills is really seeking to do is develop the *open space* identified on the Master Plan Map adjacent to Area 2 for the eventual *earth interment* of human remains in 44 concrete containers in the open space area so designated. Green Hills cannot sell plots or family estates in the open space area until the land use (conditional use) entitlement has been properly and formally approved by the City. Storage, below ground, of cement containers to house coffins containing human remains is not a *specific conditional use* authorized under the City’s Cemetery Zoning Code. At best, what should be the subject of formal evaluation is a Green Hills Application for a conditional use permit under the “catch-all” provision of Section 17.28.030 (H) which requires a “finding” that the proposed “use” (earth interments in the project area) is similar and no more intensive than the specifically authorized uses contemplated under the Code in Section 17.28.030 (A) (i.e. (i) earth interments, (ii) interments inside a mausoleum inside a crypt or a vault; or (iii) cinerary interments.

² The Application also erroneously describes the “existing development” as “130 ac.”. This (presumably) refers to the total acreage of the cemetery. This is an incorrect description because the “existing development” of the limited project area to be developed is more accurately described as current “open space” (i.e. an undeveloped area of the Cemetery consisting of a specified square footage). The proposed development can then be accurately described as: The creation of “44 earth interment plots” together with surrounding walls needed to segregate family estates with a specified capacity, with the balance being private estates with a specified capacity; all of which will be sold consistent with the Cemetery’s practices, procedures, and protocols.

conveniently omitting the conditional land use entitlement phases under the false guise of a “grading permit” (i.e. using the grant of just a grading permit as a false license to obtain conditional use land use entitlement rights without having to either (i) amend the Master Plan, or (ii) formally apply for a conditional use permit to authorize the specific use of added earth interments in what is otherwise an *open space* area of the cemetery. The latter requires a lawful “Finding” under Section 17.28.030(H) and Chapter 17.60 of the City’s Zoning Code. Allowing Green Hills to procure substantive land use entitlement rights under the guise of just a grading permit would be the functional equivalent of permitting a developer seeking to construct a multi-residential or commercial project on a given lot to proceed with the project even though all that has been applied for and granted was a grading permit. A grading permit only allows one to “grade”, not to proceed with the substantive development. A separate formal application for discretionary approval to develop a property (in this case the undeveloped open space in Area 2) is required under the City’s zoning code and the development standards incorporated into the zoning code. This Commission should not allow Green Hills to proceed with any grading until the substantive underlying conditional use right which is clearly sought has been approved and the protocol to procure such approval properly implemented and executed. This “grading permit”, as issued, is a subterfuge for Green Hills real intention: which is to develop an *open space* area of the cemetery with 44 earth interment sites consisting of Family/Private Burial Estates, surrounded by walls measuring 3’ in height (something which the initial application does not even request). If this is what Green Hills wishes to do, then Green Hills should clearly make application for this conditional permitted land use entitlement rather than use the a grading permit application as a subterfuge for obtaining land use entitlement rights for which it has never applied and which it cannot legally obtain absent a proper conditional use permit application first having been obtained.

Labeling the application as a “Grading Permit” is therefore either incomplete, deceitful, incomplete, or all three. While the City picked up on the lack of documentation respecting the proposed wall construction and the omission of any reference to the amount of grading requested, the City has erred and completely failed to require Green Hills to submit a conditional use permit application allowing for the clearly intended proposed “use” as set out above (the earth interment of human remains in 44 separate locations with either a Family Estate or Private Estate (single plot) areas). Green Hills has in the past exhibited a practice of recording plots as being available for sale even though the City had not (as of the date of recordation) formally approved (by way of the issuance of a conditional use permit) of such use. Procuring permission to “grade” in the quantities requested is not the same thing as procuring the City’s permission to either “store” vaults (concrete containers in which coffins containing human remains are placed) underground. Nor is a grading permit a substitute for a conditional use permit allowing Green Hills to inter human remains in those concrete containers at the locations identified on the “interment plot plan” submitted with the application.

To allow the conditional use of the open space area of the cemetery identified as the “Project Site” for earth interments in the quantity requested would require a “Finding” that the proposed ultimate use of interring human remains is “no more intense” than the uses already permitted. To reach that factual conclusion requires a complete inventory, to date, of (i) all earth interments currently allowed in the cemetery, (ii) all crypt and vault interments currently allowed inside all Mausoleums and (iii) the number of niches currently allowed (or permitted); against which can then be measured the actual number of each type of interments currently in place. Only in this way could a “Finding” could be made respecting whether the proposed use is or is not “more intensive” than the current approved uses. Absent such an inventory, the required “Finding” cannot be made; leaving Green Hills to continue to do what it has done here: Game the system and deflect away from having to meet the zoning and development requirements and remove itself from meaningful compliance review. As is, this application is nothing more than a “bait and switch”. The fact that the approval states that the “installation” (i.e. storage) of the vaults (i.e. concrete containers) is to “accommodate” future earth interments betrays an admission and represents an acknowledgment of that what is really sought: namely, the right to use the project site to develop 44 “Interment Plots” (as defined in H&S Safety Code §7022) allowing for the earth interment of human remains in concrete containers placed under the earth’s natural grade at the project site identified on the application (currently open space).³

The appeal should thus be granted and Green Hills required to resubmit a complete application along with a complete inventory of all interments (earth interments, interments inside the mausoleums, and cinery interments) which have been approved; measured against all interments actually developed which are currently in use, both within the cemetery as a whole, and the proposed project area of the cemetery in particular; so that the density and intensity of the proposed cemetery use of this undeveloped open space can be evaluated against the density and intensity of the actual use, as previously approved. Anything short of that would be “malpractice” by the Planning Department and would violate the City’s Cemetery zoning code.

³ It would not be inappropriate for Green Hills to be required to amend the Master Plan to identify new open space areas which it may seek to develop in the future; particularly given the fact that the Master Plan was last amended in April, 2007. As Green Hills noted in its last Master Plan Application: “Prudent cemetery (management) acknowledges the necessity to periodically update a master plan to adapt to changing market conditions”. In order to meaningfully do so, however, Green Hills must identify current open space, inventory the current density use, create a metric to measure the current intensity of use, as developed, the potential intensity and density of use, as approved, and then to the extent additional development is contemplated, identify future areas of development where the proposed density and intensity of use is consistent with the adjacent residential land uses.

UNIFORM PLANNING APPLICATION

Planning Case No: PLGR2018-0008 /To be assigned by City Staff/

Project Address: 27501 Western Ave

APPLICATION(S) (Please check all that apply)

<input type="checkbox"/> Site Plan Review Major	<input checked="" type="checkbox"/> Grading Permit	<input type="checkbox"/> Height Variation
<input type="checkbox"/> Extreme Slope Permit	<input type="checkbox"/> Fence, Wall and Hedge Permit	<input type="checkbox"/> Revision/Amendment
<input type="checkbox"/> Coastal Permit Appealable or Non-appealable?	<input type="checkbox"/> Minor Exception Permit	<input type="checkbox"/> Variance
<input type="checkbox"/> Landslide Moratorium Exception	<input type="checkbox"/> Geologic Investigation Permit	<input type="checkbox"/> Conditional Use Permit
<input type="checkbox"/> Other Application		
Additional Reviews: <input type="checkbox"/> Neighborhood Compatibility Analysis <input type="checkbox"/> Foliage Analysis		

CONTACT INFORMATION

PROPERTY OWNER:

Name Ara Green Hills Memorial
 Address 27501 S Western Ave
 City R.P.U State CA Zip 90275
 Telephone (310) 521-4301
 Email arresich@ghmp.com
 City Business License No. (Required for architects and design professionals)

APPLICANT:

Name Nick Resich
 Address 27501 S Western Ave
 City R.P.U State CA Zip 90275
 Telephone (310) 521-4301
 Email nresich@ghmp.com

PROJECT DESCRIPTION (Use additional paper, if needed)

Installation of 44 lawn crypts.

Exhibit "1" – Page 1 of Green Hills Land Use Entitlement Application – Note the "Project" is "described" **not** as a grading project, but as the "Installation of 44 Lawn Crpts". (Note also that this contradicts what is contained in the Staff Report dated May 11, 2018 from So Kim to Ara Mihranian where the project is described as a request to conduct grading activities only). A permit to "grade" is not the same as a permit to "intall" or "store" cement containers (misdescribed as "crypts"); nor is a permit to "grade" the same as a permit to use the area to "inter" human remains below grade (i.e. to use this undeveloped

open space area for “earth interments”). What Green Hills is really seeking is a conditional use permit allowing for the “storage” (currently an unpermitted use) of 44 cement container-vaults underground, in the area noted on the project site map (Exhibit “2” below). Allowing for the use of this undeveloped area of the cemetery for the permanent interment of human remains is obviously Green Hills’ ultimate objective. It is not in the “cement container underground storage” business. Therefore, the Application, as written, is deceptive by omission because it is incomplete with regard to the failure to identify the proposed ultimate use of the current open space portion of Area 2. The area sought to be developed is an undeveloped area of the Cemetery, where no development was contemplated under the Master Plan. The “Area 2” designation refers solely to the development of the Inspiration Slope Mausoleum, specifically identified as such on the Master Plan, where the intensity and density of use is specified as noted in the Master Plan (reproduced below): (1) (2800 crypt spaces (niches to be determined); (2) earth interments (inaccurately termed “ground burials” composed of 388 single depth lawn crypts (which should read “earth interments” to be consistent with state law definitions – see Appendix below where the relevant portions of the Health & Safety Code are reproduced) and 1720 double depth lawn crypts (the numbers do not add up); and (3) Family Estates (48 Family Estates (8-12 capacity, where the number of single vs. double depth earth interments not specified). As noted herein, this proposed use in this “grading application” is, by definition under the City’s Zoning Code (§17.28.030) a “conditional use” allowable only by way of a conditional use permit. Therefore, it is sophistry and deceitful for Green Hills to apply for the right to install 44 “lawn crypts” (a term which is undefined in either state law or local law and therefore misleading (i.e. what, actually is the City approving here?) which are really concrete containers intended to hold coffins containing human remains which are to be placed in the earth (i.e. below grade (aka “earth interments”) under the guise of merely applying for a grading permit. The right to “grade” does not equate to the right to “use”, be that use the “storage” of concrete container below ground (and Green Hills clearly does not intend to merely “store” concrete containers at this location), or a use allowing for the “earth interment of human remains” in 44 separate identified locations below earth’s natural grade on what is now *open space*, undeveloped cemetery property.

PROJECT INFORMATION (fill in as applicable)

A. EXISTING DEVELOPMENT

- 130 ac. 1. Square footage of Lot
- N/A 2. Square footage of total existing floor area:
First Story _____ Second Story _____ Garage _____ Other _____
(accessory structures)
- N/A 3. Square footage of existing structure **footprint** (including any accessory structures, attached or detached)
- N/A 4. Square footage of driveways, parking areas and impervious surfaces
(EXEMPT: impervious surfaces less than 5 feet in width and/or one patio areas less than 500 square feet in areas)
- N/A 5. Square footage of existing lot coverage [line A3 + line A4]
- N/A 6. Percentage of existing lot coverage [line A5 - line A1 x 100]
- N/A 7. Height of existing structure, as measured from highest point of exist grade covered by structure to the highest ridgeline (for structures on sloping lots, please refer to the Height Variation guidelines handout for height require.)

B. PROPOSED Development

- N/A 1. Square footage of proposed new floor area:
First Story _____ Second Story _____ Garage _____ Other _____
(accessory structures)
- N/A 2. TOTAL square footage of structure **footprint** (existing + new)
- N/A 3. TOTAL square footage of driveways, parking areas and impervious surfaces (existing + new)
(EXEMPT: impervious surfaces less than 5 feet in width and/or one patio areas less than 500 square feet in areas)
- N/A 4. TOTAL square footage of proposed lot coverage [line B2 + line B3]
- N/A 5. Percentage of new lot coverage [line B4 - line A1 x 100]
- N/A 6. Height of proposed structure, as measured from highest point of exist. grade covered by structure to the highest ridgeline (for structures on sloping lots, please refer to the Height Variation guidelines handout for height restrictions)
- N/A 7. Linear feet of existing interior and exterior walls _____ Linear feet of walls to be demolished
(If demolishing 25% or more)

C. GRADING INFORMATION

Cubic yards of: Fill _____ + Cut _____ = TOTAL _____

Maximum height of: Fill _____ Cut _____

Cubic yards of: Import _____ Export _____

D. HEIGHT VARIATION EARLY NEIGHBORHOOD CONSULTATION PROCESS

- _____ 1. Number of individual parcels under separate ownership within 500 foot radius of subject parcel
- _____ 2. Number of individual parcels under separate ownership within 100 foot radius of subject parcel
- _____ 3. Number of total signatures within 500 foot radius _____ Percentage of total (D1 + D3 x 100)
- _____ 4. Number of total signatures within 100 foot radius _____ Percentage of total (D2 + D4 x 100)

2

Exhibit "1" – Page Two of the Green Hills Application – Note the misnomer and inaccuracy set out in the "Project Information" section of the application (Existing Development versus Proposed Development). The "existing development" should be filled in as zero because the area sought to be developed is open space. Note further that the section "Grading Information" is left blank (contradicting page one which states that the application seeks a "Grading Permit"). The City correctly noted in its letter to Mr. Resich on April 4, 2018, that the application was "incomplete" given this inconsistency. The City wanted both a grading plan and a depiction and statement of the proposed wall heights and benches which should have been included in the Project Description section of the Application (which, as noted herein, should be processed as a conditional use permit application, with a separate grading application being submitted). No grading should be allowed absent the City's approval of a conditional permit use application and/or an amendment to the Master Plan.

INFORMATION TO DETERMINE IF A FOLIAGE ANALYSIS IS NECESSARY

- 1. Does the proposed project involve an addition or structure which is 120 square feet or more in size **and** which can be used as a gathering space **and** viewing area (i.e., decks, covered patios)? Yes No
- 2. Does the proposed project involve an addition or structure which consists of 120 square feet or more of **habitable** space (i.e., room expansions, additions, conversions)? Yes No

If the answer is "yes" to either question, a foliage analysis must be conducted by staff to determine if any existing foliage on the applicant's property which exceeds 16 feet or the ridgeline of the primary residence, whichever is lower, impairs a view from any surrounding properties.

PROJECT SILHOUETTE WAIVER (Required for Neighborhood Compatibility Analysis, Height Variation, multi-family residential, and nonresidential development)

I, _____, am the owner of property located at _____
(property owner) (project address)

in the City of Rancho Palos Verdes and wish to apply to the City for permission to construct:

(brief project description)

I understand that, pursuant to Section 17.02.040(C)(1)(d) or 17.60.020(F), I must construct and maintain a temporary frame as a visual aid for evaluating the impacts of the proposed structure. I hereby waive any claim against the City of Rancho Palos Verdes for any damage or injury caused by the construction of the frame or by any subsequent failure of the frame.

Property Owner Signature: _____

HAZARDOUS WASTE & SUBSTANCE STATEMENT (REQUIRED FOR ALL PROJECTS)

Pursuant to California Government Code Section 65962.5(f), before a city can accept as complete an application for any development project which will be used by any person, the applicant shall consult the lists sent to the appropriate city or county and shall submit a signed statement to the city indicating whether the project and any alternatives located on a site that is included on any of the lists compiled and shall specify any list.

The California Environmental Protection Agency (Cal/EPA) has compiled lists of Hazardous Waste and Substances Sites for the entire State of California, which identifies the following site in Rancho Palos Verdes (as of 8/28/2017):

-Point Vicente (Palos Verdes Dr. and Hawthorne Blvd.)

I have consulted the most current lists compiled pursuant to Section 65962.5 of the Government Code and hereby certify that the development project and any alternatives proposed in this application are not contained on these lists.

Property Owner Signature: _____

PROPERTY OWNER'S CERTIFICATION (REQUIRED)

I hereby certify, under penalty of perjury, that the information and materials herein and submitted with this application are true and correct. I also understand that projects involving new construction and additions or tear-down rebuilds will require approvals from the Los Angeles County Fire Department.

Property Owner Signature: _____

Date: 3-7-18

Exhibit "1" – Page Three of the Green Hills Application – Note the fact that the "Project Silhouette Waiver" section (required for non-residential development) is blank. This is another error in the application which needs to be rectified on remand of this appeal back to the Planning Dept.

Project Described: Installation of Vaults, Minor Cemetery Improvements, and Associated Grading in Area 2.

**ALTA VISTA GARDENS
Family Estates/Private Estates**

**Approved 'Plans':
Page 1 of 2:**

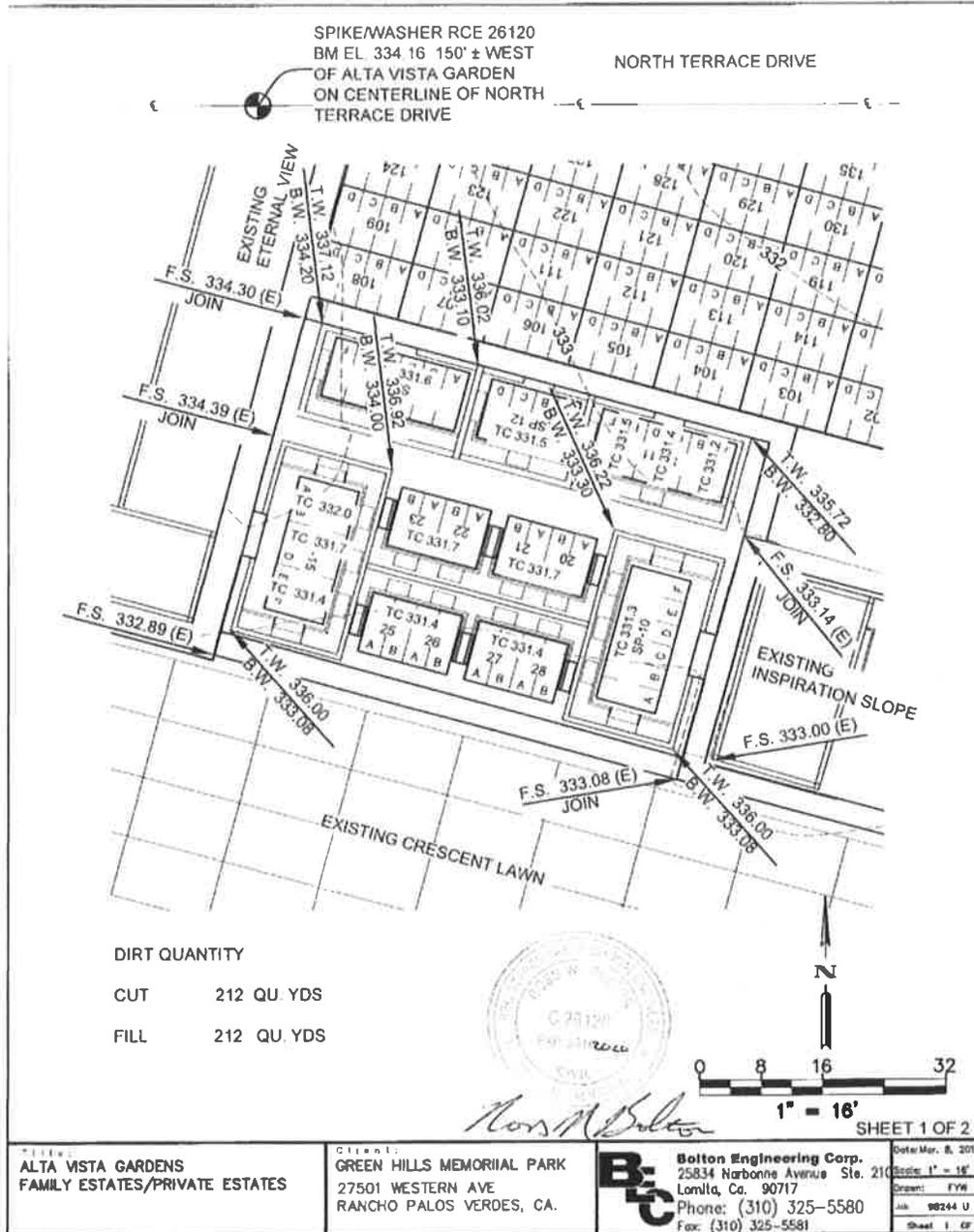
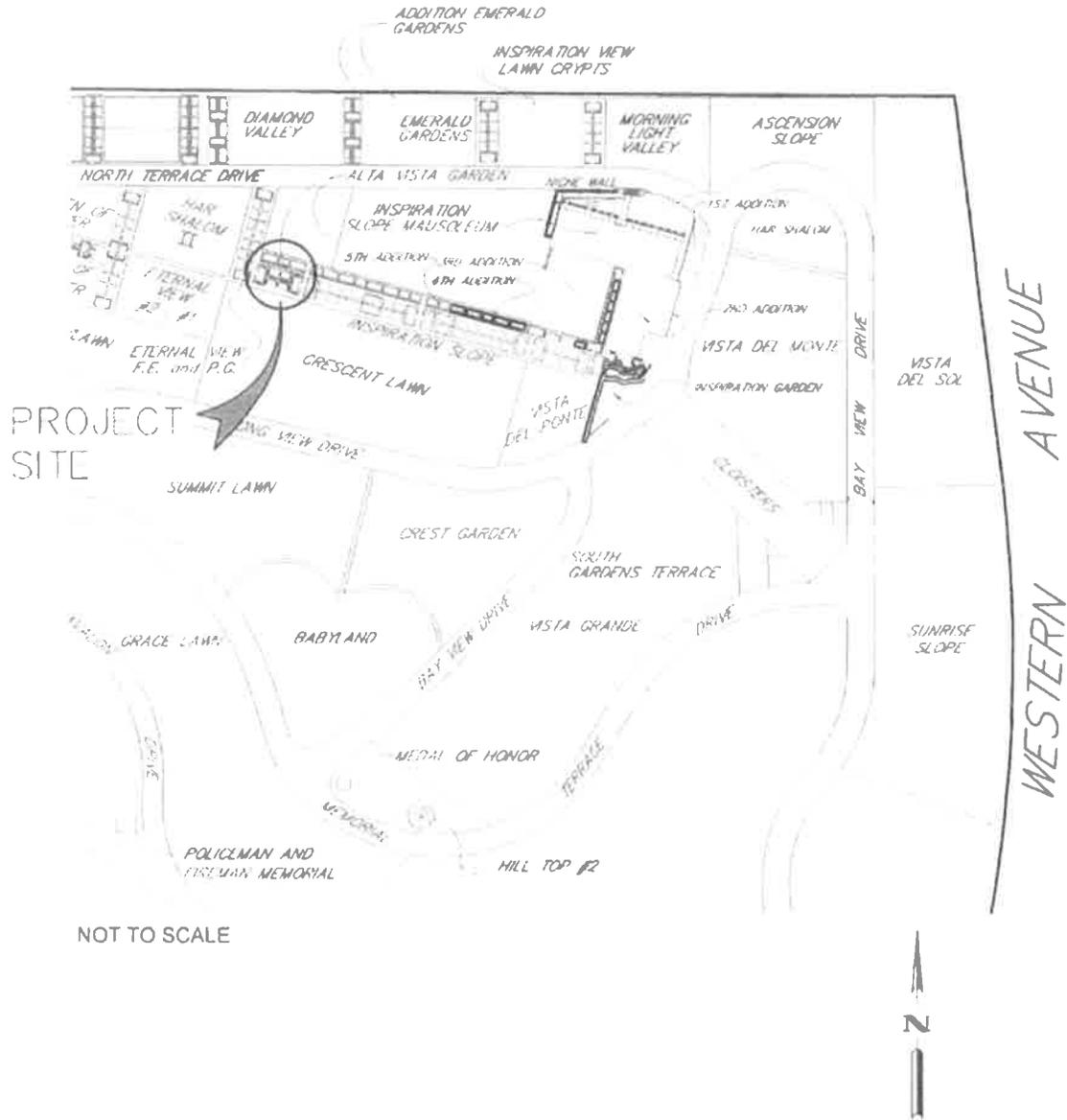


Exhibit "2" – Page 1 of site plan in support of grading application.

**Approved 'Plans':
Page 2 of 2:**



NOT TO SCALE

SHEET 2 OF 2

A VISTA GARDENS
INITI MAP

CITY OF
GREEN HILLS MEMORIAL PARK
27501 WESTERN AVE
RANCHO PALOS VERDES, CA.



Bolton Engineering Corp.
25834 Norbonne Avenue Ste. 210
Lomita, Ca. 90717
Phone: (310) 325-5580

Date: Mar. 8, 2011
Scale: 1" = 16'
Drawn: FYW
11 00244 U

Exhibit "2" – Page 2 of site plan in support of grading application. This is misleading because the "project site" is shown as already developed when, in fact, it is currently open space (See Exhibit "3" – Master Plan Map below).



Exhibit “3” – City’s Master Plan Map showing (@ red arrow) the portion of Area 2 where the “Project” is to be Developed as currently open space. The reference to “Area 2” is intended as a reference to the Inspiration Slope Mausoleum (now constructed) where approval was given to use the interior for vault or crypt interments and for various earth interments below the earth’s natural grade next to the Mausoleum. No permission was granted to use the roof of the mausoleum as a broad “interment plot” site where human remains are to be interred below the artificial grade created by landscaping the roof of the Inspiration Slope Mausoleum. The approval only extended to the “storage” of cement containers (which Green Hills misdescribed as “vaults”) on the roof under the artificial grade created on the roof of the Inspiration Slope Mausoleum. The conditional use right to use the roof as a venue to inter human remains in those cement containers has not been given. This demonstrates that Green Hills and the Planning Department know the difference between “grading” on the one hand, and an authorized “conditional use” on the other. The grading permit for the proposed Alta Vista Gardens project just allows Green Hills to “grade” the location by cutting out portions of the earth (natural grade) needed to make room for the installation of the cement containers which will (it is assumed) eventually hold coffins containing human remains., that’s it. The grading permit does not allow Green Hills any use rights to either “store” 44 cement containers under-ground, or to establish (for sale) 44 earth interment plots for sale and use as either Family Estates (of unspecified size) or Private Estates (of unknown size) in the project area.

AREA 2 INSPIRATION SLOPE

2.05 Acres Total Development

- One Story Mausoleum
 - 2800 crypt spaces / niches to be determined
 - Building height per Resolution No. 91-7
- Ground Burials
 - 388 Single Depth lawn Crypts
 - 1720 Double Depth Lawn Crypts
- Family Estates
 - 48 Family Estates (8 – 12 capacity)

Exhibit “4” – Page iii From Green Hills Master Plan – Submitted January, 2007; Approved April, 2007 (Note: Green Hills has never formally applied for an amendment to its Master Plan). The proposed total of Earth Internments noted above (as contemplated by Master Plan) has never been reconciled with either (i) the total number of actual earth Interments currently in place versus (ii) the proposed number of earth interments allowed under the current conditional use permit. The number of earth interments contemplated by the Alta Vista Garden Project must be compared to these numbers so that a statutory “Finding” can be made that the number of earth interments contemplated under the proposed Alta Vista development is consistent with the uses allowed under the Cemetery Zoning Code and is “no more intensive” than the conditional uses permitted under Section 17.28.030 of the City’s Cemetery zoning code. Unless this is done, it is not possible to render a “Finding” that the proposed “development” is in fact consistent with the conditional use permit currently in place and whether a new category of “use” (i.e. the underground “storage” of burial vaults- 44 of them in this case (although it is unclear which are single depth and which are double depth) is consistent with the density allowed and contemplated under the Green Hills Master Plan. In short, the Master Plan has to be respected and followed; or it has to be amended. It cannot be ignored; particularly since at some time in the future, it can be expected that Green Hills will seek approval to formally convert the use of the roof of the Inspiration Slope Mausoleum into one large “interment plot” thus allowing Green Hills to sell space on top of that roof and inter human remains on the roof.

In short, this request to be permitted to “grade” the open space area located within the boundaries of “Area 2” to “accommodate” future earth interments is a disguised effort to procure City approval, *sub silencio*, for the earth interment of human remains in what is now an open space, undeveloped area of the cemetery. It represents improper “piece-mealing” of what appears to be the “true” proposed Development Project (future earth interments in what is now open space) and a *de facto* request to amend the Green Hills Master Plan which, by definition, does not contemplate the “storage” of cement containers (mislabeled as burial “crypts” or “vaults”, or “lawn crypts” or “lawn vaults”) below the earth’s natural grade in what is currently an open space area never contemplated for development in the Green Hills Master Plan. As such, this “grading application” is merely a disguised request to amend the Master Plan in a “piece-meal” fashion. It should be rejected in the absence of an appropriate

application submitted by Green Hills to formally amend the Master Plan and the City's consideration of whether the Master Plan should in fact be amended to allow for the increased density and intensity of use in this area of the cemetery which was never contemplated for development by the original Master Plan (adopted in 1991) or the Amended Master Plan (adopted in 2007).

Reprinted below is a portion of the "General Development Parameters" as described by Green Hills in its proposed 2007 Master Plan Amendment package. The importance and necessity of periodically amending the Master Plan to reflect "changing market conditions" is noted. Until the Green Hills Master Plan is appropriately amended (and the City's Resolution No.2018-07 did not lawfully accomplish that purpose because it was passed on February 6, 2018, as part of and in connection with what was agendized as a "Compliance Review Hearing"), and the extent to which Green Hills was and is in compliance with the existing conditions incorporated into its conditional use permit, granting this permit is premature. The Council's Compliance Review was not agendized for the purpose of considering any amendment to the *Green Hills Master Plan* given that Green Hills had not applied for an amendment to its Master Plan. The fact that the Master Plan protocol contemplates future amendments (instead of "spot" separate conditional land use permit approvals) to allow for development of open space, consistent with proper land use planning principles) is reflected in the following quote from Green Hills' submission to the City of Rancho Palos Verdes of its "Master Plan Amendment Submittal Package" dated January 29, 2007 (No. ZON-2003-0086) received on February 20, 2007.

GENERAL DEVELOPMENT PARAMETERS

The latest Master Plan was reviewed and approved by the City of Rancho Palos Verdes in 1991. Prudent cemetery development acknowledges the necessity to periodically update a master plan to adapt to changing market conditions, resources, and restrictions. Although every effort has been made to maintain the original acreages set forth in the approved master plan dated 1991, many areas of the original master plan have been refined in scope and size. In all cases where the revised plan differs from the original, design of the structures has been revised to mitigate the impact on the cemetery and surrounding environment. The new design parameters for Green Hills Memorial Park call for a unified design palate for both materials and scale, creating a campus effect throughout the remaining undeveloped areas.

For this reason alone, therefore, the City's approval of Green Hills grading permit should be rejected and this appeal sustained.

2. The Grading References in the Staff Report Are Not Supported by Substantial Evidence. Here the City has chosen to follow the Master Plan. Page two of the Staff Report states that “The Master Plan allows Area 2 to be developed with a mausoleum and earth interments.” This is not a precise statement of the facts because “Area 2” on the master plan (See Exhibit “2”) references only the Inspiration Slope Mausoleum as being developed (with no roof-top interments on the Inspiration Slope Mausoleum contemplated. “Ground burials” refer to “earth interments”; and “Family Estates” refers to “earth interments” of members of a family which are segregated into specific areas, by family, via the construction of one or more walls in specified areas for the collective interment of such family members). The geographical boundary of “Area 2” is the 2.05 acres identified by the lightly shaded green portion. As noted in Exhibit “2”, the area sought to be developed under this “grading” application is an undeveloped “open space” area located within the geographical boundary of “Area 2”.

The initial grading quantities (reproduced below:

DAILY CEMETERY OPERATION (IN GRAVEL BURIALS)			PROJECT IMPACTS (CONSTRUCTION / SITE GRADING)				SUMMARY	
	COLUMBIA	COLUMBIA	CONSTRUCTION	CONSTRUCTION	CONSTRUCTION	CONSTRUCTION		
	(COLUMBIA)	(COLUMBIA)	(COLUMBIA)	(COLUMBIA)	(COLUMBIA)	(COLUMBIA)	(COLUMBIA)	
AREA 1	100	100	100	100	100	100	100	
AREA 2	100	100	100	100	100	100	100	
AREA 3	100	100	100	100	100	100	100	
AREA 4	100	100	100	100	100	100	100	
AREA 5	100	100	100	100	100	100	100	
AREA 6	100	100	100	100	100	100	100	
AREA 7	100	100	100	100	100	100	100	
AREA 8	100	100	100	100	100	100	100	
AREA 9	100	100	100	100	100	100	100	
AREA 10	100	100	100	100	100	100	100	
AREA 11	100	100	100	100	100	100	100	
AREA 12	100	100	100	100	100	100	100	
AREA 13	100	100	100	100	100	100	100	
AREA 14	100	100	100	100	100	100	100	
AREA 15	100	100	100	100	100	100	100	
AREA 16	100	100	100	100	100	100	100	
AREA 17	100	100	100	100	100	100	100	
AREA 18	100	100	100	100	100	100	100	
AREA 19	100	100	100	100	100	100	100	
AREA 20	100	100	100	100	100	100	100	
AREA 21	100	100	100	100	100	100	100	
AREA 22	100	100	100	100	100	100	100	
AREA 23	100	100	100	100	100	100	100	
AREA 24	100	100	100	100	100	100	100	
AREA 25	100	100	100	100	100	100	100	
AREA 26	100	100	100	100	100	100	100	
AREA 27	100	100	100	100	100	100	100	
AREA 28	100	100	100	100	100	100	100	
AREA 29	100	100	100	100	100	100	100	
AREA 30	100	100	100	100	100	100	100	
AREA 31	100	100	100	100	100	100	100	
AREA 32	100	100	100	100	100	100	100	
AREA 33	100	100	100	100	100	100	100	
AREA 34	100	100	100	100	100	100	100	
AREA 35	100	100	100	100	100	100	100	
AREA 36	100	100	100	100	100	100	100	
AREA 37	100	100	100	100	100	100	100	
AREA 38	100	100	100	100	100	100	100	
AREA 39	100	100	100	100	100	100	100	
AREA 40	100	100	100	100	100	100	100	
AREA 41	100	100	100	100	100	100	100	
AREA 42	100	100	100	100	100	100	100	
AREA 43	100	100	100	100	100	100	100	
AREA 44	100	100	100	100	100	100	100	
AREA 45	100	100	100	100	100	100	100	
AREA 46	100	100	100	100	100	100	100	
AREA 47	100	100	100	100	100	100	100	
AREA 48	100	100	100	100	100	100	100	
AREA 49	100	100	100	100	100	100	100	
AREA 50	100	100	100	100	100	100	100	
AREA 51	100	100	100	100	100	100	100	
AREA 52	100	100	100	100	100	100	100	
AREA 53	100	100	100	100	100	100	100	
AREA 54	100	100	100	100	100	100	100	
AREA 55	100	100	100	100	100	100	100	
AREA 56	100	100	100	100	100	100	100	
AREA 57	100	100	100	100	100	100	100	
AREA 58	100	100	100	100	100	100	100	
AREA 59	100	100	100	100	100	100	100	
AREA 60	100	100	100	100	100	100	100	
AREA 61	100	100	100	100	100	100	100	
AREA 62	100	100	100	100	100	100	100	
AREA 63	100	100	100	100	100	100	100	
AREA 64	100	100	100	100	100	100	100	
AREA 65	100	100	100	100	100	100	100	
AREA 66	100	100	100	100	100	100	100	
AREA 67	100	100	100	100	100	100	100	
AREA 68	100	100	100	100	100	100	100	
AREA 69	100	100	100	100	100	100	100	
AREA 70	100	100	100	100	100	100	100	
AREA 71	100	100	100	100	100	100	100	
AREA 72	100	100	100	100	100	100	100	
AREA 73	100	100	100	100	100	100	100	
AREA 74	100	100	100	100	100	100	100	
AREA 75	100	100	100	100	100	100	100	
AREA 76	100	100	100	100	100	100	100	
AREA 77	100	100	100	100	100	100	100	
AREA 78	100	100	100	100	100	100	100	
AREA 79	100	100	100	100	100	100	100	
AREA 80	100	100	100	100	100	100	100	
AREA 81	100	100	100	100	100	100	100	
AREA 82	100	100	100	100	100	100	100	
AREA 83	100	100	100	100	100	100	100	
AREA 84	100	100	100	100	100	100	100	
AREA 85	100	100	100	100	100	100	100	
AREA 86	100	100	100	100	100	100	100	
AREA 87	100	100	100	100	100	100	100	
AREA 88	100	100	100	100	100	100	100	
AREA 89	100	100	100	100	100	100	100	
AREA 90	100	100	100	100	100	100	100	
AREA 91	100	100	100	100	100	100	100	
AREA 92	100	100	100	100	100	100	100	
AREA 93	100	100	100	100	100	100	100	
AREA 94	100	100	100	100	100	100	100	
AREA 95	100	100	100	100	100	100	100	
AREA 96	100	100	100	100	100	100	100	
AREA 97	100	100	100	100	100	100	100	
AREA 98	100	100	100	100	100	100	100	
AREA 99	100	100	100	100	100	100	100	
AREA 100	100	100	100	100	100	100	100	



MASTER DEVELOPMENT PLAN
GREEN HILLS MEMORIAL PARK
RANCHO PALOS VERDES, CALIFORNIA
DATE: 11/11/09
BY: [Signature]

DIRT MOVEMENT CHART
M-C

Exhibit “5(A)” – Page “MC” of the 2007 Green Hills Master Plan showing the grading quantities to be allowed in order to accomplish the permitted improvements to Area 2.

DAILY CEMETERY OPERATION

	(IN GROUND BURIALS)		
	COLUMN A	COLUMN B	COLUMN C
	EXCAVATION CUT	BACKFILL/FILL	NET DIRT MOVEMENT (CUTS + FILL - EXCAV.)
AREA 1	320	0	320
AREA 2	(11,214)	3,504	(7,710)
AREA 3	NA	NA	NA
AREA 4	(11,400)	0	(11,400)
AREA 5	(36,171)	10,440	(25,731)

Exhibit "5(B)" – The Grading to be permitted for Daily Cemetery Operations.

Daily Cemetery Operation

(In Ground Burials – Earth Interments)

Column "A"

(Excavation Cut)

Column "B"

(BackFill/Fill)

Column "C"

Net Dirt Movement
Fill/(Cut) "A" + Col. "B"

For Area 2

(11,214)

3,504

(7,710)

PROJECT IMPACTS

	(CONSTRUCTION / SITE GRADING)			
	COLUMN D	COLUMN E	COLUMN F	COLUMN G
	EXCAVATION CUT	BACKFILL/FILL (EXCAVATION + IMPORTED FILL)	NET DIRT MOVEMENT (FILL - CUTS)	IMPORTED FILL (NET DIRT MOVEMENT + CUTS)
AREA 1	0	0	0	0
AREA 2	(15,312)	55,312	40,000	40,000
AREA 3	(10,400)	20,400	10,000	10,000
AREA 4	0	0	0	0
AREA 5	0	10,000	10,000	0
AREA 6	0	0	0	0

Exhibit "5(C)" – Grading permitted for Construction Activities

Project Impacts

(Construction/Site Grading)

Column "D"

(Excavation Cut)

Column "E"

(BackFill/Fill)

Column "F"

Net Dirt Movement
Fill/(Cut)

Column "G"

Imported Fill Incl. In Column "E"

For Area 2

(15,312)

55,312

40,000

40,000

SUMMARY

SUMMARY	
COLUMNS	
QUANTITY (CUBIC YARDS) - NET (EXCL. BATHHOUSE)	
AREA 1	1,192
AREA 2	88,761
AREA 3	18,445
AREA 4	11,214
AREA 5	22,987
TOTAL	142,600

SUMMARY

**Gross Dirt Movement – A+B+D+E
65,312***

***This number (65,312) does not equate to the total of Columns A (-11,214), B (+3,504), D(-15,312) & E (+55,312). . . That total = 32,990. . . . Not 65,312**

Resolution No. 2018-07 referred to in the Staff Report is currently under legal challenge by way of a writ of mandamus lawsuit filed in the Los Angeles County Superior court and served on March 20, 2018, styled “*Sharon Loveys vs. City of Rancho Palos Verdes, et. al. (Green Hills Memorial Park is named as a real party in interest)* – Case No. BS 172886. Therefore, the reference in the Staff Report to 53,000 cubic yards of grading being allowed by this Resolution must be challenged. In passing the Resolution, the City Council was undertaking a “*Compliance Review*” process where an evaluation was undertaken if and to what extent Green Hills was in compliance with the existing conditions of the current conditional use permit and Master Plan. There was no amendment to the Master Plan sought or pending before the Council. *De facto* amending the Master Plan under the guise of conducting a “*Compliance Review*” is a subterfuge and a “bait and switch”. It represents a misuse of the planning process. To the extent, therefore, that the City takes the position that the quantity of grading has been approved under the Master Plan, that position is without substantial legal or factual support.

The grading numbers in the Master Plan reference only the development of the Inspiration Slope Mausoleum since that is the only development contemplated in “Area 2” under the Master Plan. This idea that the City can “mix and match” and combine approved Master Plan developments with proposed developments of open space never contemplated for development under the Green Hills Master Plan is a grave and gross misnomer. Since the project site (currently open space) is now sought to be developed, the grading quantities referenced in the Master Plan do not

appear to be relevant unless it can be said (and it has not been said so far) that what is contemplated by way of grading in connection with this “project” (ill-defined and mis-described, as noted above) falls into the category of “Daily Cemetery Operations” as opposed to “Construction/Site Grading”. Staff’s approval does not take account of this difference. Combining the figures, therefore, makes no sense in this context. It appears we are just going through the motions without any serious thought given to respecting the City’s planning process. In short, this “grading application” seeking to do more than just “grade” is a perversion of the planning process. It is simply not possible to support a “Finding” that that the proposed grading is consistent with the grading contemplated and otherwise approved in the Master Plan for a development of open space never contemplated by the Master Plan. Consequently, there is no substantial evidence to support any such finding.

Moreover, it should also be noted that if the Master Plan can be referenced for the purpose of making grading comparisons and evaluations, the same can be also true when it comes to the evaluation of the “intensity” and “density” of Green Hills’ proposed use of what is now an open space, undeveloped area of the Cemetery, albeit within the boundaries of the 2.05 acres of the cemetery identified as “Area 2” on the Master Plan. Therefore, until both the grading portion of the Master Plan and the actual development component of the Master Plan are properly reconciled, no approval of this grading permit should be forthcoming. In addition, there should be no approval (implied or express) permitting the use of this open space portion of Area 2 of the cemetery for either actual earth interments or the storage of any quantity of cement containers absent a clear “Finding” under Section 17.28.030(H) that the “density” and “intensity” of the proposed use (earth interments of human remains below the earth’s natural grade) is no more “intense” than the combined other uses previously approved by the City under the Green Hills Master Plan. To accomplish this objective requires, as noted above, a complete inventory of all interments approved, all interments actually in place, and an evaluation of whether adding more interments is consistent with the City’s conditional use criteria as set out in the City’s zoning code, and specifically, Chapter 17.60 of the Rancho Palos Verdes Municipal Code (reproduced below in the Appendix) relating to the “Findings” which are required to be made in support of the issuance of “Conditional Use Permits”, as well as Section 17.28.030(H).

Equally telling is the fact that “Findings” were made with regard to the 3’ height of the walls and the benches to be placed in the area of each proposed Family Estate/Private Estate to be developed. Such a “Finding” is consistent with a “Conditional Use Permit” finding, both under Chapter 17.28 (specifying the conditionally permitted uses and “Findings” in support thereof set out in the City’s Cemetery (Zoning) District (Overlay)) and Chapter 17.60 (the “Findings” in support of the issuance of a Conditional Use Permit). This represents an acknowledgment by the City that a formal conditional use permit application should have been made and

processed according to the City's statutory protocol. In fact, the grading permit approval contains "conditions"; thereby making the grading permit application a *de facto* "conditional use permit" application.

Because there was no formal conditional use permit application made by Green Hills, and no public hearing was held as required by Section 17.60.040 of the Code, the City's approval of the grading permit application was improper. Green Hills should be directed to make a proper conditional permit application along with a separate grading permit application just so the protocol is clear; and Green Hills should be stopped from continuing to "rig" the system by engaging in these "bait and switch" tactics where the public is deceived by the rubric of Green Hills seemingly applying for a grading permit when, in reality, Green Hills is applying for a conditional use permit which is supported by a separate grading permit.

3. **Green Hills is not in Compliance with its Duty to Mediate with the Vista Verde Condominium Owners With Respect to their Nuisance Claims Emanating from the Construction and Operation of the Pacific Terrace Mausoleum.**

Condition 40 of Resolution No. 2015-102 requires Green Hills to participate in a mediation process for the purpose of settling the claims of the Vista Verde Homeowners emanating from the construction and operation of the Pacific Terrace Mausoleum. Despite numerous requests to mediate, Green Hills refuses to comply with this condition (the latest instance being Green Hills' unilateral and unprivileged cancellation of a mediation scheduled for the end of May, 2018). Green Hills' continued violation of its duty to mediate and its promise to mediate should preclude Green Hills from procuring any further entitlements from the City until the mediation has been undertaken. On behalf of the Vista Verde homeowners who are parties to the pending litigation against Green Hills, request is again made that Green Hills adhere to Condition No. 40 and agree to mediate the homeowners' claims; be it to mediate over the question of the extent to which there has been a loss of value of the individual condos as a result of the construction and operation of the Pacific Terrace Mausoleum, or the extent of the other property and personal injury damages occasioned by the construction and operation of the Pacific Terrace Mausoleum.

CONCLUSION

For the reasons stated above, Appellant Sharon Loveys requests that her appeal to Permit No. (Case No.) PLGR2018-0008 be granted.

APPENDIX TO APPEAL

Chapter 17.28 - CEMETERY (C) DISTRICT

17.28.030 - Uses and development permitted by conditional use permit.

□ The following uses may be permitted in the cemetery district, pursuant to a conditional use permit, as per Chapter 17.60 (Conditional Use Permits):

A. Burial park for earth interments, mausoleums for vault or crypt interments and/or columbarium for cinerary interments;

B. Mortuary;

C. Associated sales and office uses directly related to the operation of the cemetery, including flower sales;

D. Churches;

E. Developments of natural resources, except in the coastal specific plan district;

F. Public utility structures;

G. Small wind energy systems, pursuant to Section 17.83.060 (Small wind energy systems); and

H. Such other uses as the director deems to be similar and no more intensive.

Such a determination may be appealed to the planning commission and the planning commission's decision may be appealed to the city council pursuant to Chapter 17.80 (Hearing Notice and Appeal Procedures). If a proposed use or development is located in the coastal specific plan district, the city's final decision regarding such other use may be appealed to the California Coastal Commission for a determination that the uses are similar and compatible with the local coastal program.

(Ord. 481 § 22, 2008; Ord. 377 § 10, 2002; Ord. 320 § 7 (part), 1997; Ord. 187 § 8 (part), 1984)

17.28.040 - General development standards.

The following standards shall apply to cemetery districts:

A. Setbacks. The following setback provisions apply to all structures and below grade interments:

1. Front and Street Side. The front and street side setbacks shall be twenty-five feet.

2. Interior Side and Rear. *If abutting a residential zoning district, the interior side and rear setbacks shall be forty feet.* If abutting a nonresidential zoning district, the interior side and rear setbacks **shall be** twenty-five feet.

B. Building Height. *The maximum height of any building shall be sixteen feet, except with the approval of a conditional use permit by the planning commission, pursuant to Chapter 17.60 (Conditional Use Permit.)*

C. Roof Equipment. All roof equipment shall conform to the height limits specified in [Section 17.48.050](#) (Lots, Setbacks, Open Space Area and Building Height) and shall be adequately screened from private properties and the public right-of-way.

D. Signs. The provisions of [Section 17.76.050](#) (Sign permit) shall apply.

E. Parking, Loading and Access. The provisions of [Chapter 17.50](#) (Nonresidential Parking and Loading Standards) of this title shall apply. Where a cemetery district abuts a residential district, additional parking requirements may be imposed by the director or planning commission if warranted by a proposed project or use.

F. Storage. Except for those outdoor uses permitted by a conditional use permit or special use permit, all maintenance and groundskeeping equipment shall be housed in permanent, entirely enclosed structures.

Chapter 17.60 - CONDITIONAL USE PERMITS

17.60.010 - Purpose.

The conditional use permit procedure provides for uses that are:

A. Necessary or desirable for the development of the community or region *but cannot readily be classified as permitted uses in individual zoning districts by reason of uniqueness of size, scope or possible effect on public facilities or surrounding uses*; or

B. Appropriate as accessories to the development of neighborhoods or the city; or

C. Appropriate uses in the zoning districts in which they are listed as permitted subject to a conditional use permit, but requiring specific consideration of the proposed use or development.

(Ord. 320 § 7 (part), 1997; Ord. 78 (part), 1975)

17.60.020 - Application.

A. The application for a conditional use permit shall be filed on forms provided by the city. A person may not file, and the director shall not accept, an application which is the same as, or substantially the same as, an application upon which final action has been taken by the director, by the planning commission, or by the city council within twelve months prior to the date of said application, unless accepted by motion of the planning commission or city council, or the previous application is denied without prejudice by the planning commission or city council.

B. An application shall contain full and complete information pertaining to the request.

C. The director or the planning commission shall investigate the facts bearing on each case to provide information necessary to assure action consistent with the intent and purposes of this title.

D. In cases where the director considers the conditions set forth on the application not within the scope of the conditional use permit procedure, the applicant shall be so informed. Whereupon, if the application is filed, it shall be signed by the applicant to the effect that he or she was so informed. Filing of an application does not constitute an indication of approval.

E. In no event shall the acceptance of an application by the city be construed as support for, or the eventual approval of, the proposed use.

F. For multi-family residential and nonresidential development applications, a temporary framework silhouette of the proposed project shall be required to be constructed as part of an application. Said application will not be deemed complete until the applicant has submitted a signed statement agreeing to construct said silhouette when directed to do so by the director some time prior to the public hearing on the application. The silhouette shall be constructed in accordance with the guidelines established by the city council for nonresidential construction projects.

(Ord. 463 § 9, 2007; Ord. 340 § 8 (part), 1998; Ord. 320 § 7 (part), 1997; Ord. 78 (part), 1975)

17.60.030 - Filing fee.

The filing fee for a conditional use permit shall be as established by resolution of the city council.

(Ord. 320 § 7 (part), 1997; Ord. 78 (part), 1975)

17.60.040 - Public hearing.

A. The public hearing notice shall be published in a newspaper of general circulation and given to owners of property located within five hundred feet of the project, to all persons requesting notice, to any affected homeowner associations, and the applicant pursuant to [Section 17.80.090](#) of this title.

B. [Conditional use permit amendment applications shall require a public hearing](#) and notice similar to an initial conditional use permit application. However, conditional use permit amendment applications for master television antennas in multiple-family developments, including residential planned developments, do not require a public hearing.

C. Not more than forty days following said hearing, the planning commission shall announce its findings, as per [Section 17.60.050](#) of this chapter, by formal resolution. The resolution shall recite the findings of the planning commission and set forth the conditions deemed necessary to protect the health, safety and welfare of persons residing in the neighborhood and in the community as a whole.

(Ord. 320 § 7 (part), 1997; Ord. 166 § 11, 1983; Ord. 90 § 6 (part), 1977; Ord. 78 (part), 1975)

17.60.050 - Findings and conditions.

A. The planning commission, may grant a conditional use permit, [only](#) if it finds:

1. That the site is adequate in size and shape to accommodate the proposed use and for all of the yards, setbacks, walls, fences, landscaping and other features required by this title or by conditions imposed under this section to integrate said use with those on adjacent land and within the neighborhood;

2. That the site for the proposed use relates to streets and highways sufficient to carry the type and quantity of traffic generated by the subject use;

3. That, in approving the subject use at the specific location, there will be no significant adverse effect on adjacent property or the permitted use thereof;

4. That the proposed use is not contrary to the general plan;

5. That, if the site of the proposed use is within any of the overlay control districts established by [Chapter 17.40](#) (Overlay Control Districts) of this title, the proposed use complies with all applicable requirements of that chapter; and

6. That conditions regarding any of the requirements listed in this paragraph, which the planning commission finds to be necessary to protect the health, safety and general welfare, have been imposed:

a. Setbacks and buffers;

b. Fences or walls;

c. Lighting;

d. Vehicular ingress and egress;

e. Noise, vibration, odors and similar emissions;

f. Landscaping;

g. Maintenance of structures, grounds or signs;

h. Service roads or alleys; and

i. Such other conditions as will make possible development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this title.

B. Conditional use permits may be granted for such period of time and upon such conditions and limitations as may be required to protect the health, safety and general welfare. Such conditions shall take precedence over development standards otherwise required by the underlying zoning of the subject site.

C. For multiple use developments under a conditional use permit, where the uses permitted in the development are specified in the conditional use permit resolution, the uses permitted in the zoning district shall not apply unless such uses are among those permitted by the conditional use permit.

D. When deemed desirable, the planning commission may add conditions requiring future review or updating of maintenance, development plans and activities.

E. Any change which substantially intensifies occupancy or land coverage on the site shall require an amendment to the conditional use permit pursuant to the amendment procedures set forth in [Chapter 17.78](#) (Miscellaneous) of this title.

F. When required, the findings, recommendations and notices thereof shall be filed in conformity with the provisions set forth in [Section 17.60.050](#) of this chapter.

(Ord. 320 § 7 (part), 1997: Ord. 259 § 2, 1990: Ord. 78 (part), 1975)

17.60.060 - Appeal.

Any interested person may appeal any decision of the planning commission or any condition imposed by the planning commission pursuant to [Chapter 17.80](#) (Hearing Notice and Appeal Procedures) of this title.

(Ord. 320 § 7 (part), 1997: Ord. 90 § 6 (part), 1977: Ord. 78 (part), 1975)

17.60.070 - Time limit.

Before approving any conditional use permit, the planning commission shall establish a time limit within which the applicant shall commence upon the permitted use, as that phrase is defined in [Section 17.86.070](#) (Enforcement) of this title. The time limit shall be a reasonable time based on the size and nature of the proposed development. If no date is specified by the planning commission or city council, a conditional use permit shall be valid for one year from the date of final action on the permit or approval. All such permits shall be null and void after that time unless the applicant has commenced upon the permitted use, as that phrase is defined in [Section 17.86.070](#) (Enforcement) of this title. Upon a showing of substantial hardship, delays beyond the control of the applicant, or other good cause, the planning commission or city council may extend this period one time for up to one additional year.

(Ord. 320 § 7 (part), 1997: Ord. 78 (part), 1975)

17.60.080 - Failure to comply.

If the time limit expires and no extension has been granted, or if any of the conditions to the use or development are not maintained, then the conditional use permit shall be null and void. Continued operation of a use requiring a conditional use permit after such

conditional use permit expires or is found in noncompliance with any condition of a conditional use permit shall constitute a violation of this title.

(Ord. 320 § 7 (part), 1997; Ord. 78 (part), 1975)

17.60.090 - Amendments.

An amendment to an approved conditional use permit may be initiated by the city or by the property owner pursuant to [Section 17.78.040](#) (Miscellaneous) of this title.

(Ord. 320 § 7 (part), 1997)

17.60.100 - Revocation.

A conditional use permit granted pursuant to this section may be modified, revoked or suspended pursuant to [Section 17.86.060](#) (Enforcement) of this Code.

(Ord. 320 § 7 (part), 1997)

HEALTH AND SAFETY CODE
SECTION 7000-7025

7000. The definitions in this chapter apply to this division, Division 8 (commencing with Section 8100) and Division 102 (commencing with Section 102100) of this code, Chapter 12 (commencing with Section 7600) of Division 3 of the Business and Professions Code, and Chapter 19 (commencing with Section 9600) of Division 3 of the Business and Professions Code.

7001. "Human remains" or "remains" means the body of a deceased person, regardless of its stage of decomposition, and cremated remains.

7002. "Cremated remains" means the ashes and bone fragments of a human body that are left after cremation in a crematory, and includes ashes from the cremation container. "Cremation remains" does not include foreign materials, pacemakers, or prostheses.

7003. "Cemetery" means either of the following:

(a) Any of the following that is used or intended to be used and dedicated for cemetery purposes:

- (1) A burial park, for earth interments.
 - (2) A mausoleum, for crypt or vault interments.
 - (3) A crematory and columbarium, for cinerary interments.
- (b) A place where six or more human bodies are buried.

7004. "Burial park" means a tract of land for the burial of human remains in the ground, used or intended to be used, and dedicated, for cemetery purposes.

7005. Except in Part 5 (commencing with Section 9501) of Division 8, "mausoleum" means a structure or building for the entombment of human remains in crypts or vaults in a place used, or intended to be used, and dedicated, for cemetery purposes.

7006. "Crematory" means a building or structure containing one or more furnaces for the reduction of bodies of deceased persons to cremated remains.

7006.3. "Cremation chamber" means the enclosed space within which the cremation of human remains is performed.

7006.5. "Cremation container" means a combustible, closed container resistant to leakage of bodily fluids into which the body of a deceased person is placed prior to insertion in a cremation chamber for cremation.

7006.7. "Cremated remains container" means a receptacle in which cremated remains are placed after cremation.

7007. Except in Part 5 (commencing with Section 9501) of Division 8, "columbarium" means a structure, room, or other space in a building or structure containing niches for inurnment of cremated human remains in a place used, or intended to be used, and dedicated, for cemetery purposes.

7008. "Crematory and columbarium" means a building or structure containing both a crematory and columbarium.

7009. "Interment" means the disposition of human remains by entombment or burial in a cemetery or, in the case of cremated remains, by inurnment, placement or burial in a cemetery, or burial at sea as provided in Section 7117.

7010. "Cremation" means the process by which the following three steps are taken:

(a) The reduction of the body of a deceased human to its essential elements by incineration.

(b) The repositioning or moving of the body or remains during incineration to facilitate the process.

(c) The processing of the remains after removal from the cremation chamber pursuant to Section 7010.3.

7010.3. "Processing" means the removal of foreign objects, pursuant to Section 7051, and the reduction of the particle size of cremated remains by mechanical means including, but not limited to, grinding, crushing, and pulverizing to a consistency appropriate for disposition.

7010.5. "Residue" means human ashes, bone fragments, prostheses, and disintegrated material from the chamber itself, imbedded in cracks and uneven spaces of a cremation chamber, that cannot be removed through reasonable manual contact with sweeping or scraping equipment. Material left in the cremation chamber, after the completion of a cremation, that can be reasonably removed shall not be considered "residue."

7010.7. "Scattering" means the authorized dispersal of cremated remains at sea, in other areas of the state, or commingling in a defined area within a dedicated cemetery, in accordance with this part.

7011. "Inurnment" means placing cremated remains in a cremated remains container suitable for placement, burial, or shipment.

7011.2. "Placement" means the placing of a container holding cremated remains in a crypt, vault, or niche.

7012. "**Entombment**" means the process of **placing human remains in a crypt or vault.**

7013. "**Burial**" means the process of **placing human remains in a grave.**

7014. "**Grave**" means **a space of earth in a burial park**, used, or intended to be used, for the disposition of human remains.

7015. "**Crypt**" or "**vault**" means **a space in a mausoleum** of sufficient size, used or intended to be used, to entomb uncremated human remains.

7016. "**Niche**" means a space in a columbarium used, or intended to be used, for the placement of cremated human remains.

7018. "Cemetery authority" includes cemetery association, corporation sole, limited liability company, or other person owning or controlling cemetery lands or property.

7019. "Cemetery corporation," "cemetery association," or "cemetery corporation or association," means any corporation now or hereafter organized which is or may be authorized by its articles to conduct any one or more or all of the businesses of a cemetery, but do not mean or include a corporation sole.

7020. "Cemetery business," "cemetery businesses," and "cemetery purposes" are used interchangeably and mean any and all business and purposes requisite to, necessary for, or incident to, establishing, maintaining, operating, improving, or conducting a cemetery, interring human remains, and the care, preservation, and embellishment of cemetery property, including, but not limited to, any activity or business designed for the benefit, service, convenience, education, or spiritual uplift of property owners or persons visiting the cemetery.

7021. "Directors" or "governing body" means the board of directors, board of trustees, or other policymaking body of a cemetery association.

7022. "**Lot,**" "**plot,**" or "**interment plot**" **means space in a cemetery, used or intended to be used for the interment of human remains.** Such terms include and apply to one or more than one adjoining graves, one or more than one adjoining crypts or vaults, or one or more than one adjoining niches.

7023. "Plot owner," "owner," or "lot proprietor," means any person in whose name an interment plot stands of record as owner, in the office of a cemetery authority.

7024. "Permit for Disposition of Human Remains" includes "burial permit" and is a permit, issued pursuant to law, for the interment, disinterment, removal, reinterment or transportation of human remains.

7025. "Disposition" means the interment of human remains within California, or the shipment outside of California, for lawful interment or scattering elsewhere, including release of remains pursuant to Section 103060.
