

June 28, 2018

NOTICE OF DECISION

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Rancho Palos Verdes has adopted P.C. Resolution No. 2018-21, denying the appeal and upholding the Director's decision approving a Grading Permit to allow 424yd³ of balanced grading to accommodate the installation of vaults associated with earth interments, 3' tall walls, and benches in the unimproved portions of Alta Vista Gardens (Area 2).

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. 2018-21.

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 July 11, 2018. 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 July 11, 2018.

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. 2018-21

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. PLGR2018-0008) TO ALLOW 424YD³ OF BALANCED GRADING TO ACCOMMODATE THE INSTALLATION OF VAULTS ASSOCIATED WITH EARTH IMPROVEMENTS, 3' TALL WALLS, AND BENCHES IN THE UNIMPROVED PORTIONS OF ALTA VISTA GARDENS (AREA 2) AT 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;

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;

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;

WHEREAS, on February 6, 2018, the City Council adopted Resolution No. 2018-07, approving revisions to the Conditions of Approval as part of the Annual Review for the Green Hills Memorial Park Master Plan Conditional Use Permit;

WHEREAS, on March 9, 2018, pursuant to Council-adopted Condition No. 2.a(6) of Resolution No. 2018-07, Green Hills Memorial Park submitted a Major Grading Permit application requesting to conduct grading to accommodate the installation of vaults associated with earth interments, 3' tall walls, and benches in an unimproved portion of Alta Vista Gardens (Area 2) of Green Hills Memorial Park;

WHEREAS, on April 5, 2018, the application was deemed complete for processing;

WHEREAS, on April 19, 2018, a written notice of the application 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, sent to listserv subscribers, and posted on the City's website;

WHEREAS, on May 11, 2018, the Director of Community Development ("Director") conditionally approved a Grading Permit allowing 424yd³ of balanced grading to accommodate the installation of vaults associated with earth interments, 3' tall walls, and benches in the in the

unimproved portion of Alta Vista Gardens (Area 2) for Green Hills Memorial Park (PLGR2018-0008);

WHEREAS, on May 11, 2018, 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, sent to listserv subscribers, and posted on the City's website;

WHEREAS, on May 29, 2018, Sharon Loveys filed a timely appeal requesting that the Planning Commission overturn the Director's decision (PLGR2018-0008) and deny the Applicant's Grading Permit;

WHEREAS, the appeal listed the following issues with the Director's decision: 1) installation of vaults and 3' tall walls/benches requires a revision to the existing Conditional Use Permit and the increase in density and intensity are not lawfully authorized under Green Hills Master Plan; 2) the use of terms "lawn crypts" and "lawn niches" are unclear; 3) the "Project Silhouette Waiver" section on the application blank and therefore is an error that needs to be rectified; 4) the approved plans are misleading because the "project site" is shown as already developed, when it is currently open space; 5) the approved grading quantity based on the City Council adopted Resolution No. 2018-07 should be challenged; and, a 6) the Applicant is in violation of the Conditions of Approval as it pertains to the 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;

WHEREAS, on June 7, 2018, pursuant to Section 17.80.090 of the RPVMC, a 15-day public notice was provided to all property owners within 500' radius, published in the *Palos Verdes Peninsula News*, sent to listserv subscribers, and posted on the City's website;

WHEREAS, the Planning Commission held a duly noticed public hearing on June 26, 2018, 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. 2018-07), 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 424yd³ of balanced grading to accommodate the installation of vaults associated with earth interments, 3' tall walls, and benches in the unimproved portion of Alta Vista Gardens (Area 2) at 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. 2018-07, the Director may approve grading for mass installation of vaults, and Condition of Approval Nos. 1.b and 1.e allows grading to accommodate earth interments throughout the cemetery site. Additionally, the Planning Commission finds that the

City's Grading Permit process, which permits reasonable development of land and as conditioned through Resolution No. 2018-07's Conditions of Approval, is appropriate for the Director to determine that the proposed project complies 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 and the proposed use of earth interments is permitted. The Master Plan allows the project area 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. 6 of Resolution No. 2018-07 permits approximately 53,000yd³ of grading in Area 2. To date, a total of 16,918yd³ of grading has been conducted in Area 2 to accommodate earth interment sites. The proposed 424yd³ of grading combined with the previous 16,918yd³ of grading (total grading to date: 17,342yd³), results in a total of 35,658yd³ of grading remaining for Area 2. The proposed grading will be balanced on-site and is consistent with the findings made by the City Council for the Master Plan in that the proposed grading is within the maximum allowed quantity of grading and the proposed use is permitted for Area 2. The proposed walls 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: "The proposed installation of vaults and 3' tall walls/benches requires a revision to the existing Conditional Use Permit and the increase in density and intensity are not lawfully authorized under Green Hills Master Plan."

The Planning Commission finds that Condition Nos. 1.b and 1.e of Resolution No. 2018-07 expressly allows grading to accommodate earth interments throughout the cemetery site. Furthermore, Condition No. 1.g allows constructing additional interments 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: "The use of terms "lawn crypts" and "lawn niches" are unclear."

Condition Nos. 1.b and 1.e of the Council-adopted Conditions of Approval allow earth interments. The term "Lawn crypts" is synonymous to earth interments, which is an in-ground burial of a vault that contain human remains. "Lawn niches" are also generally understood as smaller vaults that contain urns for cremated human remains, which are buried below ground similar to "lawn crypts".

1) Appeal Reason No. 3: "The Project Silhouette Waiver" section on the application was not filled out by Green Hills and therefore is an error that needs to be rectified."

The Planning Commission finds that the landowner signature under the "Project Silhouette Waiver" section, which waives the City for any damage or injury caused by the construction or failure of the frame, is not required as the construction of a silhouette to depict the improvements below grade is not feasible and the Municipal Code does not require the construction of a silhouettes for ancillary improvements, such as 3' tall walls and benches.

Appeal Reason No. 4: "Approved plans are misleading because the "project site" is shown as already developed, when it is currently open space."

The Planning Commission finds that the approved plans are not misleading as they correctly depict an unimproved area of the site as it would appear when improved.

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 2018-21, denying the appeal and upholding the Director's approval of a Grading Permit allowing 424yd³ of balanced grading to accommodate the installation of vaults associated with earth interments, 3' tall walls, and benches in the unimproved Alta Vista Gardens (Area 2) at Green Hills Memorial Park at 27501 Western Avenue, subject to the conditions set forth in the attached Exhibit 'A' (PLGR2018-0008).

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, July 10, 2018. 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, July 11, 2018.

PASSED, APPROVED AND ADOPTED this 26th day of June 2018, by the following vote:

AYES: COMMISSIONERS LEON, NELSON, PERESTAM, SAADATNEJADI, VICE-CHAIRMAN BRADLEY, AND CHAIRMAN JAMES.

NOES: NONE

ABSTENTIONS: NONE

RECUSALS: NONE

ABSENT: NONE



William J. James
Chairman



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

EXHIBIT 'A'
CONDITIONS OF APPROVAL
GRADING PERMIT (PLGR2018-0008)
27501 WESTERN AVENUE (GREEN HILLS MEMORIAL PARK)

General Conditions:

1. This approval allows 424yd³ of balanced grading (212yd³ of cut and 212yd³ of fill) to accommodate the installation of vaults, 3' tall walls, and benches associated with earth interments in the unimproved portions of Alta Vista Gardens at Green Hills Memorial Park.
2. The Conditions of Approval under Resolution No. 2018-07 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.
3. 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 90 days following the date of this approval shall render this approval null and void.
4. 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.
5. 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.
6. Pursuant to Resolution No. 2018-07, 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.
7. 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.

8. 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.
9. 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.
10. 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".
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.

16. Construction shall not impede on pedestrian and vehicular circulation, including ingress and egress to the subject property.
17. **Prior to any permit issuance**, all applicable soils/geotechnical reports shall be approved by the City's Geologist.
18. **Prior to any permit issuance**, all applicable drainage plans shall be reviewed and approved by the City Engineer.
19. **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.