

## MEMORANDUM

**TO:** ARA MIHRANIAN, COMMUNITY DEVELOPMENT DIRECTOR

**FROM:** LEZA MIKHAIL, SENIOR PLANNER 

**DATE:** APRIL 25, 2016

**SUBJECT:** AN AMENDMENT TO THE 2015-2016 SPECIAL USE PERMIT  
(CASE NO. ZON2015-00333)

### RECOMMENDATION

Deny the applicant's request to amend Condition No. 14, thereby upholding the original Director-approved 2015-2016 Special Use Permit prohibiting the use of pneumatic devices for the installation of the graduation tent at Marymount California University (Case No. ZON2015-00333).

### BACKGROUND

On August 18, 2015, the Community Development Director approved a Special Use Permit (SUP) to allow a series of outdoor special events (22 + 2 alternate dates), with amplified sound, held during the 2015-2016 academic year, including the University's graduation ceremonies on May 6, 2016 and May 7, 2016. (see attached Staff Report). In order to mitigate noise impacts to neighboring properties that occurred during the tent installation for the Gala Event in September 2014, the City prohibited the use of pneumatic machinery (i.e. air hammers/jackhammers) for the installation of the graduation tent in the 2015-2016 SUP. More specifically, Condition No. 14 of the approved SUP states: "*the University is prohibited from the use of pneumatic devices or machinery (i.e. air hammers/jackhammers) for the installation and/or securing of the Graduation tent. 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.*"

On April 6, 2016, the University submitted a request to amend Condition No. 14 of the 2015-2016 SUP (attached) to allow the use of a pneumatic powered hammer to install the graduation tent scheduled for May 6 and 7. The University's request is based on the tent vendor's inability to confidently secure the tent using the existing capped penetration points on the parking lot with hand held hammers. The University's vendor states that the use of

a pneumatic device to set the stakes for the tent would be required to ensure the safety of the tent.

A Public Notice was sent to property owners within 500-feet of the subject property on April 7, 2016, providing a fifteen (15) day public comment period for the submittal of concerns. Additionally, Staff sent a copy of the Public Notice through the City's "listserve" to interested parties of Marymount California University. In response, Staff received a number of written comment letters (attached) from residents objecting to the requested amendment citing concerns with the noise impacts from the use of pneumatic machinery.

## **DISCUSSION**

In order to approve the requested amendment to the SUP, the Director must determine that the request meets all four findings as set forth in Municipal Code Section 17.62.020(A). These criteria are listed below in **bold** type, with staff's analysis following.

### **1. That the site is adequate in size and shape to accommodate the proposed special use.**

At this time, the existing East Parking Lot is the only location large enough in area to accommodate a tent for the Graduation ceremonies, which is proposed to occur on Friday, May 6, 2016 from 3:00 pm to 6:30 pm (Graduation Mass and sound checks), and on Saturday, May 7, 2016 from 11:00 am to 3:00 pm (Graduation ceremony & related ceremony events). The existing conditions of approval permit the set-up and tear-down activities of a tent between 8:00 am and 5:00 pm, to be erected no sooner than 3 working days (Monday through Friday) before the Graduation events, and shall be removed within 48 hours of the conclusion of the event.

The SUP is conditioned to control noise generation, including the orientation of speakers and generators, so as to minimize noise impacts to neighboring residences. Additionally, given the large number of complaints received from neighboring residents over the last few years regarding pneumatic hammers used for the installation of a tent for an event permitted through the SUP, the Director prohibited the use of pneumatic devices for the installation of the graduation tent. While Staff believes that the project site is adequate in size and shape to accommodate a tent for the graduation ceremonies, Staff does not believe the size of the property is not large enough to mitigate the noise impacts to neighboring residences generated by the use of a pneumatic device for the installation of the tent. For this reason, this finding cannot be made.

### **2. That the proposed special use would not adversely interfere with the existing uses on the subject property; and would not impede or adversely impact pedestrian access ways and/or vehicular circulation patterns.**

The use of pneumatic machinery for the installation of the graduation tent could potentially adversely interfere with the existing uses of the subject property because the University would be conducting Final Examinations the week up to, and including, May 6, 2016. While Staff does not believe that the use of such devices would significantly impede or adversely impact pedestrian access ways and/or vehicular circulation

patterns, Staff does believe that the use of said machinery could impact the educational use. As such, this finding cannot be made.

**3. That the proposed special use would not result in a significant adverse effect on adjacent property.**

The proposed use of pneumatic machinery (i.e. air hammer/jackhammers) for the installation of the graduation tent would occur at the East Parking Lot, which is in close proximity to homes on San Ramon Drive and Vista del Mar. The residents in these neighborhoods have complained in the past to the City about noise impacts associated with the use of these types of devices when similar tents for SUP events were installed. Due to the close proximity of residences to the East Parking Lot, where the graduation tent will be installed, and the noise levels generated by the use of a pneumatic device, Staff is of the opinion that the use of pneumatic devices for the installation of the graduation tent would create a significant noise impact on adjacent properties. Thus, this finding cannot be made.

It should be noted that in April 2015, the City initiated an amendment to the University's 2014-2015 SUP allowing the use pneumatic air hammers for the installation of the 2015 graduation tent. The City also required that the holes created be capped and maintained for the future installation of the graduation tent. Pursuant to this requirement on August 17, 2016, Staff confirmed that the holes were capped.

**4. That requiring certain safeguards as conditions of approval, the proposed special use would not be detrimental to the public health, safety and welfare.**

The City's approval of the 2015-2016 SUP included conditions of approval that minimized potential impacts to neighboring properties. Among other things, the conditions prohibit the use of pneumatic devices for the installation of the graduation tent in order to mitigate noise impacts to neighboring properties. The applicant's request to use pneumatic devices for the installation of the graduation tent would be detrimental to the public's health, safety and welfare because of the noise levels that would be generated during the installation of the graduation tent. Staff does not believe conditions can adequately provide safeguards that would minimize noise impacts to neighboring properties. As such, this finding cannot be made.

## **CONCLUSION**

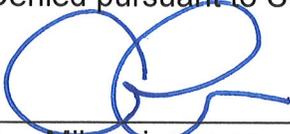
Based on the above, Staff recommends that the Community Development Director deny the applicant's request to amend Condition No. 14, thereby upholding the original Director-approval prohibiting the use of pneumatic devices for the installation of the graduation tent. As such, the original 2015-2016 SUP Conditions of Approval shall remain in full force and effect, and a Notice of Decision reflecting this decision will be sent to the Applicant and all interested parties.

## **ALTERNATIVES**

The following alternatives are available for the Director to consider in addition to Staff's recommendation:

- 
- 1) Identify any issues of concern and direct the applicant to address these concerns and resubmit the application; or
  - 2) Approve the Amendment to the Special Use Permit (Case No. ZON2015-00333).

Denied pursuant to Staff's Recommendation:



\_\_\_\_\_  
Ara Mhramian, AICP  
Community Development Director

Date: 5.27.16

#### Attachments

- Applicant's Revision Request
- Comment Letters
- August 17, 2015 Staff Report for SUP
- Original 2015-2016 SUP Notice of Decision and Conditions of Approval

# Applicant's Amendment Request

RECEIVED

APR 06 2016

COMMUNITY DEVELOPMENT  
DEPARTMENT

April 4, 2016

Ms. Leza Mikhail  
Senior Planner  
City of Rancho Palos Verdes  
30940 Hawthorne Bl.  
Rancho Palos Verdes, CA 90275

Re: Request to Amend Special Use Permit – ZON2015-00333

Dear: Mr. Mihranian,

I write on behalf of Marymount California University to request an amendment to the Special Use Permit issued to Marymount for amplified sound on its campus. In particular, we are requesting that condition no. 14 be amended to allow the use of a pneumatic powered hammer to assemble the graduation tent be considered. The University wishes to amend this condition for the following reasons:

- While Marymount was earlier informed that hand-held hammers could be used to secure the tent, we have recently been advised that the vendor cannot, with confidence, secure the tent using existing capped penetration points on the parking lot with the hand held hammers. This firm has further indicated that the use of a pneumatic device to set the stakes would be required to ensure the safety of the installation. We have verified this to be the case with a second tent vendor.
- The University has sought to install permanent anchors for the use of tents in the subject parking lot and have completed the engineering that would meet the necessary tolerances for erecting the tent in these particular environmental conditions. We have received bids for this work that amount to approximately \$ 118,000 to install the anchors sufficient to secure tents for graduation and the Gala event held every other year. This amount is significantly more than we had planned for and, under any circumstance, cannot be accomplished in the near term.

The University recognizes the concern raised by the use of a pneumatic powered hammer after 5:00 pm when erecting the tent for the Gala in the fall of 2014. This was an unfortunate circumstance for which the University has publicly apologized. We further recognize that in the many years that the University has erected the tent for graduation, whether over asphalt or turf, with a pneumatic powered hammer, there has not been a complaint brought to our attention. It is also worthy of note that the additional

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30800 Palos Verdes Drive East  
Rancho Palos Verdes, CA 90275  
310-377-5501

**Lakeside Campus**

3700 Country Club Drive  
Lucerne, CA 95458  
888-991-5253

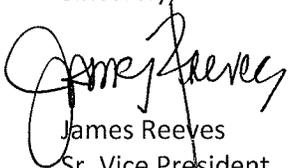
conditions imposed in a revised SUP, in April, 2015, that did provide for the use of a pneumatic powered hammer were adhered to.

In light of these circumstances, the University is requesting that condition no. 14 in the existing SUP be modified as follows:

*14. The University shall erect the graduation tent during the week prior to graduation and shall be allowed to utilize pneumatic devices for securing the tent. The use of such pneumatic devices shall occur between 10:00 am and 4:00 pm only. Further, the University shall provide a direct phone line to the Sr. Vice President for use by City staff should concerns be voiced from the community regarding the assembly of the tent.*

Thank you for your consideration of this request. Please contact me directly with any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "James Reeves". The signature is stylized with a large initial "J" and "R".

James Reeves  
Sr. Vice President  
Marymount California University

c: Mr. Ara Mhramian – Deputy Community Development Director

# Comment Letters

## Leza Mikhail

---

**From:** Home <racisz@cox.net>  
**Sent:** Thursday, April 21, 2016 8:13 PM  
**To:** Leza Mikhail  
**Subject:** Marymount amendment to special use permit

Lena,

As a neighbor of Marymount residing at 30751 Tarapaca, I request that they NOT be allowed to use pneumatic equipment. Last year they did use the equipment and the noise was mind-numbing at our house for hours, long past the allowed construction hours. The sound traveled across the canyon and reverberated in our neighborhood. At the very least, if the use of pneumatics is allowed, there should be stiff penalties for use beyond prescribed hours.

Regards,  
Tim Racisz

Sent from my iPad

## Leza Mikhail

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**From:** Ron & Laura McSherry <ronmcsherry@hotmail.com>  
**Sent:** Wednesday, April 20, 2016 12:50 PM  
**To:** Leza Mikhail  
**Subject:** Marymount College -Case # ZON 2015-00333

Dear Ms. Mikhail:

Re: Case # ZON 2015-00333

I am very much opposed to changing condition 14 of the approved Special Use Permit (Marymount's use of pneumatic devices, etc.).

For those who feel this activity is only a minor disturbance, I still remember its impact on my neighbor Mr. Cornelius.

Due to his advanced age and mobility restrictions, he was unable to leave his house and avoid the noise.

He was deeply troubled by this occurrence. He has since passed away.

Marymount College is not interested in being a good neighbor. In fact, I have decades of experience to the contrary.

Sincerely,

Laura McSherry

2714 San Ramon Dr.

Rancho Palos Verdes, CA

## Leza Mikhail

---

**From:** James <bubba32@cox.net>  
**Sent:** Friday, April 08, 2016 5:38 PM  
**To:** Jack & Lois Karp  
**Cc:** Linda Gordon  
**Subject:** Re: Marymount parking lot Capped Tent holes vs. common sense alternatives

Lois

Thanks for this common-sense alternative.

The USS IOWA has a photo tent that uses this same system. It has successfully survived intact for almost four years now (24/7/365) using no jackhammers or holes in the asphalt.

It's a great shame that MCU is so thoughtless and stuck. There are alternatives, probably even much cheaper ones.

Hopefully, our City Staff will require a beneficial solution.

Jim

Sent from my iPad

> On Apr 8, 2016, at 5:20 PM, Jack & Lois Karp <JLKarp@Cox.net> wrote:

>

> I was talking with our daughter-in-law Kim. When she was an event planner working with the car companies with major outdoor events they used lots of tents. She said they used many large parking lots that the owners did not want holes in. The answer was big barrels with posts. It works for small to very large tents.

>

> I think Marymount is stuck with one design and unwilling to think outside the box. We need to stand our ground or we will be jack hammered to death twice a year forever.

>

> Lois

>

>> On 4/8/2016 1:03 PM, James wrote:

>> Gummy

>>

>> You were asking about these capped tent holes. The caps and holes are not of a large diameter, just a bit large than soft drink bottle caps. There are quite a number of these sets of three each.

>>

>> I think that it would be difficult to fill each hole after taking them out. My best guess is that the Insurance Company for the tent provider might have concerns about using second-hand holes.

>>

>> We should get copies from MCU of the information they were given in 2015 that such holes could be capped and reused, as well as the most recent information that Jim Reeves' letter references.

>>

>> The problem - for MCU - is that they are now stating that there is no long-term solution and that for both the Graduation tent as well as the Gala (Tent City - different arrangement) the community will just have to "stuff it" every

time from now on unless we convince Staff that the 2015 approval was made contingent upon no more jackhammering, period!

>>

>> If you recall, there is a noise index that was included in the EIR and that required a Statement of Overriding Consideration - for grading - now expired. Don't know if that needs to be approved again or not. But the highest levels of noise - beyond the maximum allowed - are produced by air hammers/jackhammers.

>>

>> Jim

>>

>>

>>

>>

>>

>> Sent from my iPad

>

## Leza Mikhail

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**From:** Jack & Lois Karp <JLKarp@Cox.net>  
**Sent:** Thursday, April 07, 2016 10:20 AM  
**To:** Ara Mihranian; radlsmith@cox.net; bubba32@cox.net; Radlsmith@cox.net  
**Cc:** Leza Mikhail; Doug Willmore; Terry Rodrigue; Terry Rodrigue  
**Subject:** Re: Marymount's Proposed SUP Amendment

Ara

I like many others who live near Marymount are very perturbed about the possible use of Pneumatic devices to install a tent for graduation. Marymount has known for over a year( actually 2-years) that there was a prohibition on the use of pneumatic devices and to wait until one month before graduation to ask for the removal of #14 from their SUP, which is dedicated to explaining this prohibition, is inexcusable and should in no case be granted. This is the typical Marymount last minute maneuver to look like the victim and make the neighbors and RPV look like bullies. We are tired of this!

However, may I suggest an easy answer to holding the graduation out doors. All the High schools on this hill hold outdoor graduation ceremonies without tents. I and many others have attended many University of California graduations sitting out doors without tents. Is this too simple a solution?

Lois Karp

On 4/6/2016 7:43 PM, Ara Mihranian wrote:

Folks,

As I mentioned to Diane last night at the City Council meeting, Marymount submitted a request today to amend Condition No. 14 of the 2015-2016 SUP to allow the use of a pneumatic hammer for the installation of the graduation tent. I have seen the email traffic from earlier today, but wanted to provide you with Marymount's request letter that was provided to the Council today in the Weekly Administrative Report (see attachment). The Planning Department will begin processing the request by initiating the required 15-day public notice period. A decision will not be rendered until all information is considered after the public notice period.

The City's website will be updated accordingly and a list-serve message issued within the next 24 hours.

Ara

**Ara Michael Mihranian**  
Deputy Director of Community Development

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310-544-5293 (fax)  
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[www.rpvca.gov](http://www.rpvca.gov)

**WE ARE IN PROCESS OF SWITCHING TO A NEW WEB AND EMAIL DOMAIN. IF YOU HAVE ME IN YOUR CONTACTS, PLEASE SWITCH MY EMAIL FROM ARAM@RPV.COM TO ARAM@RPVCA.GOV.**



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## Leza Mikhail

---

**From:** Diane Smith <radlsmith@cox.net>  
**Sent:** Thursday, April 07, 2016 12:55 AM  
**To:** Ara Mihranian  
**Cc:** James; Jack & Lois Karp; Leza Mikhail; Doug Willmore; Terry Rodrigue  
**Subject:** Re: Marymount's Proposed SUP Amendment

Motorcycles just woke me up. Makes me feel so bad when I can't get rest with the noise - makes it harder to get over this cough.

Thanks for heads up on Marymount last night. Although the meeting was late I kept thinking of Bill Cornelius. Remember how worried I was about him when Marymount was jack hammering and never told anyone and then went way over set up time etc. I went up the street and into his house and there he was - trembling. He asked me what that jack hammering was about - it physically jolted him. He was shaking. He died not long after and I'm sure the jack hammering did not extend the quality of his life.

I am compiling a list of complaints about Marymount. You already have stacks of my emails with photographs and statements from community members - all dealing with Marymounts misrepresentations and repeated failures to comply with conditions. You know we are not talking about one or two incidents.

I was really moved by that 90-year old lady that spoke last night about the way RHE treats residents so well. I'm going to contact that lady and the residents complaining about the new mausoleum. I feel so sorry for the way they have been treated because I understand. We residents are getting older and we need our City to think of us - the taxpayers - and put our health and welfare FIRST and certainly before non tax paying entities. What is so deplorable about Marymount is that they are a religious institution AND an educational institution but Marymount does not live its faith - especially the Golden rule. Do unto others as you would have them do unto you. What example does their administration set? They repeatedly tell us one thing and do another - or leave things out - like the grow garden incident. History is so important so we can learn from our mistakes. What have we learned about the representations and promises made by Marymount and Green Hills? We have learned that they do not keep their word and make mistakes against the interests of residents. Because of Bill Cornelius and all the other residents and incidents we were assured by our city that the footings would be capped and we would not be disturbed by this ever again. Whew, that was some apology and reassurance to us. Now we expect our city to keep its word and protect us. We are getting too old to fight for the peace and enjoyment of our property. We will rely more and more on our representatives to enforce codes, conditions of use, set-backs, permits and our semi-rural environment. Several residents are noticing how our city inspectors hover over every inch of a resident's construction - making them shave off inches of their decks to comply with codes or lower their roof to make way for views - and then let businesses, especially non tax paying businesses like Marymount and Green Hills, to get away with outrageous repeated breaches of their the same rules and representations! We do not want our city to say "where were you?" if we don't show up to speak at a meeting to object to a project. We want our city to apply the development code, municipal codes, rules and vision of our city at least equally. Resident rights should be considered first regardless of whether we are there or not.

These are some of my thoughts as I am awoken by the noise.

Diane

Sent from my iPhone

On Apr 6, 2016, at 7:43 PM, Ara Mihranian <[AraM@rpvca.gov](mailto:AraM@rpvca.gov)> wrote:

Folks,

As I mentioned to Diane last night at the City Council meeting, Marymount submitted a request today to amend Condition No. 14 of the 2015-2016 SUP to allow the use of a pneumatic hammer for the installation of the graduation tent. I have seen the email

traffic from earlier today, but wanted to provide you with Marymount's request letter that was provided to the Council today in the Weekly Administrative Report (see attachment). The Planning Department will begin processing the request by initiating the required 15-day public notice period. A decision will not be rendered until all information is considered after the public notice period.

The City's website will be updated accordingly and a list-serve message issued within the next 24 hours.

Ara

**Ara Michael Mihranian**  
Deputy Director of Community Development

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<image002.jpg>  
30940 Hawthorne Blvd.  
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310-544-5228 (telephone)  
310-544-5293 (fax)  
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<Marymount SUP Revision Request.pdf>

## Leza Mikhail

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**From:** Leza Mikhail  
**Sent:** Wednesday, April 06, 2016 3:10 PM  
**To:** 'bubba32@cox.net'  
**Cc:** Doug Willmore; Terry Rodrigue; CC; Ara Mihranian  
**Subject:** RE: FW: Marymount - City Initiated Modification to the Special Use Permit Conditions of Approval - April 27, 2015 and Notice of Decision April 29, 2015  
**Attachments:** NOD.pdf; Staff Report.pdf

Hello Jim,

Apology accepted, thank you. I assure you the City has no intentions to deliberately keep you in the dark or withhold information from the public.

I noticed in my inbox today that Marymount did officially submit their request to amend their SUP. Once I have reviewed their request and am ready to prepare a Public Notice, you are more than welcome to come by City Hall and review their request.

I am noticing that the staff report and attachments that you attached in your first email are from the previous academic year (2014-2015) when the City re-opened Marymount's SUP to address public concerns that stemmed from the construction of a tent for the 2014 Marymount Gala event. I know you know this already, but for those who are copied on this email, I am attaching this academic year's (2015-2016) SUP staff report and conditions of approval for reference purposes. The University is requesting revisions to this year's (2015-2016) SUP conditions (specifically Condition No. 14). I would hate to confuse anyone.

You will likely receive a copy of a Public Notice in the mail in the next few days.

Thank you,

Leza Mikhail  
Senior Planner

City of Rancho Palos Verdes  
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[lezam@rpvca.gov](mailto:lezam@rpvca.gov)

\*Please Note: Effective 02/20/15, the City's new email address is "@rpvca.gov" Please update your contact information for me to reflect [lezam@rpvca.gov](mailto:lezam@rpvca.gov) as my new email.

-----Original Message-----

From: [bubba32@cox.net](mailto:bubba32@cox.net) [mailto:[bubba32@cox.net](mailto:bubba32@cox.net)]

Sent: Wednesday, April 06, 2016 1:05 PM

To: Leza Mikhail <LezaM@rpvca.gov>

Cc: Doug Willmore <DWillmore@rpvca.gov>; Terry Rodrigue <TRodrigue@rpvca.gov>; CC <CC@rpvca.gov>; Ara Mihranian <AraM@rpvca.gov>

Subject: Re: FW: Marymount - City Initiated Modification to the Special Use Permit Conditions of Approval - April 27, 2015 and Notice of Decision April 29, 2015

Leza

Thank you for this response.

I trust and hope that you have since received my sincere apologies for any misunderstanding or offense my response to you.

This subject did not go well in 2015, as you may recall, and that is the reason for my concerns.

Jim Gordon.

---- Leza Mikhail <LezaM@rpvca.gov> wrote:

> Hello Jim,

>

> Yes, the conditions noted above are still in effect. As permitted by the Development Code, the applicant is allowed to request revisions/amendments to approvals at any time with the submittal of an amendment request and associated fees.

>

> It is my understanding that the University may be submitting a request to amend their conditions of approval of their Special Use Permit. The City has not officially received a request. When they do, and when the applications is deemed complete for processing, a Public Notice will be mailed out.

>

> I will make sure to keep you posted once I receive the formal request.

>

> Thank you,

>

>

> Leza Mikhail

> Senior Planner

>

> City of Rancho Palos Verdes

> Community Development Department

> 30940 Hawthorne Blvd.

> Rancho Palos Verdes, CA 90275

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> lezam@rpvca.gov

>

> \*Please Note: Effective 02/20/15, the City's new email address is "@rpvca.gov" Please update your contact information for me to reflect lezam@rpvca.gov as my new email.

>

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>

>

> -----Original Message-----

> From: bubba32@cox.net [mailto:bubba32@cox.net]  
> Sent: Wednesday, April 06, 2016 10:30 AM  
> To: Leza Mikhail <LezaM@rpvca.gov>  
> Cc: Ara Mihranian <AraM@rpvca.gov>; Doug Willmore <DWillmore@rpvca.gov>; CC <CC@rpvca.gov>; Terry Rodrigue <TRodrigue@rpvca.gov>  
> Subject: Marymount - City Initiated Modification to the Special Use Permit Conditions of Approval - April 27, 2015 and Notice of Decision April 29, 2015  
>  
> Leza  
>  
> Are these Conditions for the SUP still valid for 2016?  
>  
> If not, why not? Will RPV approve of the use of Air Hammers for 2016?  
>  
> Jim Gordon

## Leza Mikhail

---

**From:** bubba32@cox.net  
**Sent:** Wednesday, April 06, 2016 12:57 PM  
**To:** Doug Willmore; Leza Mikhail  
**Cc:** Terry Rodrigue; CC; Ara Mihranian  
**Subject:** RE: Marymount - City Initiated Modification to the Special Use Permit Conditions of Approval - April 27, 2015 and Notice of Decision April 29, 2015

Doug

With respect, there was no disrespect intended, and if received that way, I am herewith submitting my sincere apologies to Leza and any others who may similarly be offended. by my response. I am fully aware that the City need not respond to a "hypothetical" future possibility (and so stated that knowledge), but that was not my question.

My point was that Staff IS aware of and has current knowledge that the use of air hammers/jackhammers may be necessary for construction of the Graduation Tent this year, in 2016, contrary to the Conditions imposed by the 2015 City-Initiated Modifications to the SUP. Why was that not addressed?

I can assure you that the question raised was not completely answered in light of the whole information - that I had provided - because of an appearance - in this circumstance - of what appears to be a lack of transparency in light of prior 2015 experience with this issue. .

For example, on page 2, of the (previously included) April 27, 2015 Memorandum from Leza Mikhail, those concerns remain because that SUP and Permit were not complied with; Leza then wrote;

"Given these concerns, the City has added or modified the existing conditions (2014 SUP) of approval to address the public concerns, as noted below. As a result of these modified (2015) conditions, the use of air hammers/jackhammers will be limited to specific days AND HOURS (emphasis added), Furthermore, holes created to support the tent will be required to be capped and MAINTAINED for future graduation tents. he intent of this condition is to ELIMINATE the use of air hammers and jackhammers for future graduation tent construction."

Further correspondence from the May 2015 Neighborhood Advisory Committee meeting (also provided to Leza) demonstrates there were significant issues that remain unresolved and that should not be allowed to be repeated in 2016..

My concern is that the current Graduation date of the 2016 Graduation is fast approaching and that there remains limited if any time available to assure the City that there will not be a "repeat" of those infractions at this late hour.

Again, I apologize to Leza and all others who may have taken offense with my follow-up comments to which you refer.

Jim Gordon

---- Doug Willmore <DWillmore@rpvca.gov> wrote:

> Jim,  
>

> I recommend that you not be so disrespectful in your communication. It just doesn't work very well. In my experience, civil and respectful dialogue usually moves a City forward much more effectively than do personal attacks. Leza made no

attempt to dodge anything. Rather, the City has not received any application yet, so we can't answer a yes or no to something that we have not received and has not been studied. It would be highly improper to do so.

>

> Doug

>

> -----Original Message-----

> From: James Gordon [mailto:bubba32@cox.net]

> Sent: Wednesday, April 06, 2016 11:48 AM

> To: Leza Mikhail <LezaM@rpvca.gov>

> Cc: Ara Mihranian <AraM@rpvca.gov>; Doug Willmore

> <DWillmore@rpvca.gov>; CC <CC@rpvca.gov>; Terry Rodrigue

> <TRodrigue@rpvca.gov>

> Subject: Re: Marymount - City Initiated Modification to the Special

> Use Permit Conditions of Approval - April 27, 2015 and Notice of

> Decision April 29, 2015

>

> Leza

>

> Nice dodge. You did not answer my other question "Will RPV approve air hammers for 2016?"

>

> I am well aware, from past experience, that the applicant can request revisions and new entitlements, thus the reason for my inquiry, as yet unanswered.

>

> It appears that Staff has current knowledge of such new (potential) revisions that may require the use of air hammers once again, in 2016.

>

> From the documentation provided to you here, it is evident that no future such use of air hammers, post the 2015 Graduation tent SUP, and the like, was intended. Is that also correct?

>

> Please respond.

>

> Thank you.

>

> Jim Gordon

>

> Sent from my iPad

>

>> On Apr 6, 2016, at 11:08 AM, Leza Mikhail <LezaM@rpvca.gov> wrote:

>>

>> Hello Jim,

>>

>> Yes, the conditions noted above are still in effect. As permitted by the Development Code, the applicant is allowed to request revisions/amendments to approvals at any time with the submittal of an amendment request and associated fees.

>>

>> It is my understanding that the University may be submitting a request to amend their conditions of approval of their Special Use Permit. The City has not officially received a request. When they do, and when the applications is deemed complete for processing, a Public Notice will be mailed out.

>>

>> I will make sure to keep you posted once I receive the formal request.

>>

>> Thank you,

>>  
>>  
>> Leza Mikhail  
>> Senior Planner  
>>  
>> City of Rancho Palos Verdes  
>> Community Development Department  
>> 30940 Hawthorne Blvd.  
>> Rancho Palos Verdes, CA 90275  
>> www.rpvca.gov  
>> (310) 544-5228 – (310) 544-5293 f  
>> lezam@rpvca.gov  
>>  
>> \*Please Note: Effective 02/20/15, the City's new email address is "@rpvca.gov" Please update your contact information for me to reflect lezam@rpvca.gov as my new email.  
>>  
>>  
>>  
>>  
>> -----Original Message-----  
>> From: bubba32@cox.net [mailto:bubba32@cox.net]  
>> Sent: Wednesday, April 06, 2016 10:30 AM  
>> To: Leza Mikhail <LezaM@rpvca.gov>  
>> Cc: Ara Mihranian <AraM@rpvca.gov>; Doug Willmore  
>> <DWillmore@rpvca.gov>; CC <CC@rpvca.gov>; Terry Rodrigue  
>> <TRodrigue@rpvca.gov>  
>> Subject: Marymount - City Initiated Modification to the Special Use  
>> Permit Conditions of Approval - April 27, 2015 and Notice of  
>> Decision April 29, 2015  
>>  
>> Leza  
>>  
>> Are these Conditions for the SUP still valid for 2016?  
>>  
>> If not, why not? Will RPV approve of the use of Air Hammers for 2016?  
>>  
>> Jim Gordon  
>> <MCU SUP Staff Report May 8 20156133.pdf> <NAC MEETING REPORT SPRING  
>> 2015.pdf> <marymount notice\_20150429131540.pdf>  
>

## Leza Mikhail

---

**From:** Leza Mikhail  
**Sent:** Monday, April 11, 2016 4:41 PM  
**To:** 'bubba32@cox.net'  
**Cc:** Doug Willmore; Terry Rodrigue; Ara Mihranian  
**Subject:** RE: Concerns Regarding the Recent Request to employ Air Hammers/Jackhammers by MCU: RE: A further review:Fwd: Fwd: Marymount - Notice of Decision for City-Initiated 2014-2015 SUP

Thank you for your comments, Jim. I will be sure to include them address your comments in the Staff Report.

Leza Mikhail  
Senior Planner

City of Rancho Palos Verdes  
Community Development Department  
30940 Hawthorne Blvd.  
Rancho Palos Verdes, CA 90275  
www.rpvca.gov  
(310) 544-5228 – (310) 544-5293 f  
lezam@rpvca.gov

\*Please Note: Effective 02/20/15, the City's new email address is "@rpvca.gov" Please update your contact information for me to reflect lezam@rpvca.gov as my new email.

-----Original Message-----

From: bubba32@cox.net [mailto:bubba32@cox.net]  
Sent: Monday, April 11, 2016 11:14 AM  
To: Leza Mikhail <LezaM@rpvca.gov>  
Cc: Doug Willmore <DWillmore@rpvca.gov>; Terry Rodrigue <TRodrigue@rpvca.gov>; Ara Mihranian <AraM@rpvca.gov>  
Subject: Concerns Regarding the Recent Request to employ Air Hammers/Jackhammers by MCU: RE: A further review:Fwd: Fwd: Marymount - Notice of Decision for City-Initiated 2014-2015 SUP

Leza

Thank you for your information.

With respect, I wish to submit further information for consideration in regard to Marymount's latest request to use air hammers/Jackhammers to construct their Graduation tent.

Given MCU's incredibly late request submittal, I would first suggest that the City respond to Marymount that although their request will be processed in accordance with proper procedure, the City is not obligated to approve this request. Especially since the time available remaining is so short that a refusal to grant this request may prove to be problem. Accordingly, would it not be a good idea to put Marymount on notice to that effect?

Since Staff, in this case, has not yet discussed or reviewed the extensive and pre-existing history regarding Noise impacts, I believe that a complete review of FEIR Section 5.5 Noise (attached herewith) would be in order before proceeding further. I will refer to portions of that documentation in the following commentary.

I would also refer to the EIR Resolution 2010-41 (EIR) Exhibit B, page 1, "Statement of Overriding Considerations" (SOC), that was required for City Council approvals due to the significant and unavoidable environmental impacts identified in the EIR record, that could not feasibly be reduced or eliminated due to the severity of those (Noise) impacts.

I would also direct your attention to Conditions 60.a, b and c. "Construction Phasing" in regard to the fact that Phases 60.a and 60.b have expired and to which the University is no longer entitled. However, Phase III, (Condition 60.c), which involves 14 months of construction and must be completed by June 2018, has not yet been requested nor permitted or have any plans been submitted for consideration, review and approval.

The question, then, has MCU even met the necessary pre-conditions to request the proposed excess noise they propose? The entitlements for Phases I and II for which the SOC was approved, has virtually expired along with those entitlements, and it is increasingly obvious that Phase III will similarly expire before completion as well. So it is reasonably certain that the SOC will no longer apply here as well. Nonetheless,

Leza, your response provides a statement that Marymount is "now saying that their tent vendor cannot install the tent with confidence without a pneumatic device.." Which Tent vendor. The original one or a new and different one? This raises the related question, unanswered here, is this "tent vendor" the very same vendor who advised Marymount in 2015 that the holes could be capped and refilled without the use of a pneumatic device? Or, is this a different vendor? If so, why not use the vendor that specified there would not be any future noise impacts?

Can Staff obtain copies from MCU of all the 2015 information that the City relied upon for MCU to obtain the City's permission and SUP modification? Will Staff also obtain and review the most recent background tent vendor information (claiming no re-use of capped holes) in order to consider making any decision on Marymount's current SUP request?

Although the City is required to PROCESS this request, the applicant should be made aware that the City is NOT REQUIRED to approve it. The City should also be required to review the complete and well-documented history involved with EIR NOISE as I have called out. This includes Table 5.5-9 Summary of Construction Noise with the associated decibel levels as noted for Receptor locations - including the San Ramon Neighbors area. Projected uses of various types of construction activities and equipment exceed City Code for allowable levels, as shown and described in FEIR Section 5.5, especially air hammers/jackhammers.

It is well known and documented that the San Ramon residences are the nearest noise sensitive receptors to the College's Northeasterly parking lot with 11 residential lots sharing a common property line with the project site. Short-term construction-related noise impacts during Phases I, II and III were well-known and anticipated to intermittently expose adjacent receptors to construction noise levels in excess of the 70 dBA speech interference criteria. That is the reason for the Statement of overriding consideration. A non-trivial concession given by the City for approvals of the EIR and CUP.

As have been recently submitted to Staff, there are other feasible alternatives and options currently available to Marymount for their Graduation exercises, including those far less costly. Major corporations that annually require large tents do so without introducing holes in parking lots, which the owners do not allow. Why not utilize these alternative options? Have those been adequately considered, reviewed and explored by Marymount? By Staff? Does Staff or Marymount share our concern and point of view that once the applicant signs off (as they did in the 2015 SUP) on accepting the benefits of the SUP, shouldn't that have the force and effect of a contract?

Since the City provided a benefit (of use) in that 2015 contract, and the San Ramon neighborhood was severely impacted thereby, what benefit is the applicant now proposing to provide to the City, if any, for another (open-ended) waiver and SUP in 2016?

What future provisions/benefit(s) is the applicant now also proposing for future such tent concessions (Gala/Graduation)? Or does the applicant expect to receive future such accommodations - without end - as well?

Jim

---- Leza Mikhail <LezaM@rpvca.gov> wrote:

> Hello Jim,

>

> The applicant did provide what they presented to be a permanent solution. They dug holes in the ground, filled them with dirt, capped them and then said that they would be able to take the cap off, take out the dirt and reuse the holes by installing anchors/pins without a pneumatic device.

>

> What they are now saying is that their tent vendor cannot install the tent with confidence without a pneumatic device, therefore they are requesting a revision to their condition for the 2015-2016 SUP. We are required to process this request. We have not made a determination/decision on the request.

>

> I must stress that the City is obligated to process a request for a modification, which is a right of the property owner to request. The City is then obligated to review the request and determine if the request meets certain findings of fact, or has been mitigated to reduce impacts in order to make such findings. Again, none of this analysis has been done yet and no decision has been rendered.

>

> Thank you,

>

>

> Leza Mikhail

> Senior Planner

>

> City of Rancho Palos Verdes

> Community Development Department

> 30940 Hawthorne Blvd.

> Rancho Palos Verdes, CA 90275

> www.rpvca.gov

> (310) 544-5228 – (310) 544-5293 f

> lezam@rpvca.gov

>

> \*Please Note: Effective 02/20/15, the City's new email address is "@rpvca.gov" Please update your contact information for me to reflect lezam@rpvca.gov as my new email.

>

>

>

> -----Original Message-----

> From: bubba32@cox.net [mailto:bubba32@cox.net]

> Sent: Thursday, April 07, 2016 12:46 PM

> To: bubba32@cox.net

> Cc: Leza Mikhail <LezaM@rpvca.gov>; Ara Mihranian <AraM@rpvca.gov>

> Subject: A further review:Fwd: Fwd: Marymount - Notice of Decision for

> City-Initiated 2014-2015 SUP

>

> Leza

>

> In light of the letter from yesterday forwarded by Ara from Marymount, I have a question that is unanswered.

>

> The accompanying/included email correspondence from you explains that there were no permanent tie downs required in the City-Initiated Modification of Marymount's 2015 SUP.

>

> Assuming that to be the case, and that you personally verified that there were in fact empty holes - as so required by that Condition 12.b, what is your understanding and rationale of the purpose and intent, by Staff, of requiring empty holes?

>

> Pretty clearly, Marymount's latest correspondence that such empty holes do not preclude the intended re-introduction of the noise and disruption caused by air hammers/jackhammers.

>

> Your correspondence of July 23, 2015, however, does re-affirm Staff's intent to preclude another such disruption by preparations for Marymount's Graduation tent.

>

> Staff needs now to invoke that stated purpose (protection of the nearby residents) into full consideration as it now begins the process of instigating a new SUP modification request, this one from Marymount.

>

> Marymount took full advantage of that gaping loophole that Staff is now attempting to close.

>

> Jim

>

>>> From: Leza Mikhail <LezaM@rpvca.gov>

>>> Date: July 23, 2015 at 9:59:57 AM PDT

>>> To: James <bubba32@cox.net>

>>> Cc: Ara Mihranian <AraM@rpvca.gov>, Joel Rojas <JoelR@rpvca.gov>,  
>>> CC <CC@rpvca.gov>, CityManager <CityManager@rpvca.gov>, "Carol  
>>> Lynch <clynch@rwglaw.com>" <clynch@rwglaw.com>

>>> Subject: RE: Marymount - Notice of Decision for City-Initiated  
>>> 2014-2015 SUP

>>>

>>> Hello Jim,

>>>

>>> Thank you for your comments, and I apologize in advance for my lengthy response. I have a better understanding of your concerns. I would like to let you know that Staff is currently looking into this and discussing the issue that you (and others) raised to Staff over the last few days. It should be noted that Staff was unaware that Marymount filled the holes as you (and others) describe. Staff is requesting that Marymount representatives respond to this allegation. I should also let you know that Staff received permission yesterday to visit the property and observe the issues that you raise, and intend to do so by the end of this week.

>>>

>>> I would like to clarify one point that you make below, and perhaps is part of my previous confusion. You note that the main purpose of opening the SUP was to implement permanent tie-downs for the graduation tent in an effort to avoid excessive noise levels that were generated from air-hammers and jackhammers for the construction of the Gala tent and Graduation tent (last academic year). Staff definitely agrees that purpose of opening the SUP was to reduce potential, excessive noise impacts from air-hammers and jackhammers so that construction-related activity would not continuously affect the general welfare of the neighbors. However, Staff did not require that the applicant provide permanent tie-downs. As you can see in the attached Notice of Decision, Condition No. 12(b) requires that the applicant "cap and maintain the holes created for the installation of the graduation tent, and the future use of the temporary graduation tent, to avoid the need to use air hammers/jackhammers in the future."

>>>

>>> Notwithstanding the clarification that I note above, you definitely bring up a good point that relates to your understanding of Marymount filling the holes that the City required to be capped and maintained. If this is in fact true,

then Staff would not permit the use of air hammers/jackhammers for the installation of the graduation tent this next year, as that is what Staff understood to be the main issue. As I noted earlier, I have had immediate dialogue with Mr. Reeves since I received your comments and am hopeful that there is some resolve.

>>> The University will not be permitted to use air hammers/jackhammers during the 2015-2016 academic year. They may just have to revert back to the way they used to anchor the graduation tent...I am awaiting a response from Mr. Reeves regarding the University's proposed method for the construction of the tent. I will be taking your comments and his response into consideration for the Staff Analysis of the project.

>>> With regard to the expiration of the SUP, unlike a CUP (which runs with the property for the life of a particular land use), a SUP is temporary and only runs with the life of the proposed temporary use. In this case, each year, the University must submit a new application for a SUP for their outdoor events with amplified sounds. These permits do expire at the end of each academic year. The City does, however use and approve-upon previous analyses and conditions to mitigate impacts that were unforeseen. I have copied the City Attorney on this email in case I have misspoke or I am incorrect.

>>> Again, thank you for your comments. Staff was unaware of this issue, however I will do my best to resolve your concerns and ensure that the City does not permit the use of air hammers/jackhammers (or other machines that generate noise) for the construction of the graduation tent. Should you have any further concerns, please do not hesitate to let me know.

>>> Thank you,  
>>>  
>>>  
>>> Leza Mikhail  
>>> Senior Planner

>>> City of Rancho Palos Verdes  
>>> Community Development Department  
>>> 30940 Hawthorne Blvd.  
>>> Rancho Palos Verdes, CA 90275  
>>> www.rpvca.gov  
>>> (310) 544-5228 – (310) 544-5293 f  
>>> lezam@rpvca.gov

>>> \*Please Note: Effective 02/20/15, the City's new email address is "@rpvca.gov" Please update your contact information for me to reflect lezam@rpvca.gov as my new email.

>>>  
>>>  
>>>  
>>> From: James [mailto:bubba32@cox.net]  
>>> Sent: Wednesday, July 22, 2015 6:48 PM  
>>> To: Leza Mikhail  
>>> Cc: Ara Mihranian; Joel Rojas; CC; CityManager  
>>> Subject: Re: Marymount - Notice of Decision for City-Initiated  
>>> 2014-2015 SUP

>>> Leza  
>>>  
>>> I guess that I was not clear enough in my correspondence to you regarding MCU's non-compliance with their City-modified 2014-2015 SUP, Condition 12b.

>>>

>>> During a subsequent Neighborhood Advisory Committee meeting with MCU, soon after the 2015 graduation had taken place, Vice President James Reeves, when asked, acknowledged and admitted that MCU had not complied with Condition 12b of that agreed SUP, the installation of permanent tent tie-downs intended to avoid future significant noise impacts. MCU admittedly did not comply with that specially-modified provision. I am concerned that you did not know that.

>>>

>>> As you may recall, the primary purpose of that modified SUP was to implement such permanent tent tie-downs so that future tent installations would not repeat the previously-experienced excessive noise levels of such installations.

>>>

>>> When the VP of MCU admits that Condition 12b was not complied with, and that this specific Condition was the key reason that the City required and obtained an agreed modification to install permanent tie-downs at that time, they are admittedly in non-compliance with that 2014-2015 City-modified SUP - that is the simple concern here.

>>>

>>> As such, pending issuance by RPV Code Enforcement, they are not entitled to obtain further new SUP entitlements because the specific provisions of the City-modified 2014-2015 SUP were not complied with. MCU is in direct violation of that Modified SUP; it does not "expire" simply with the passage of time unless all such conditions have properly been met. Thus, MCU is in current non-compliance and RPV Code Enforcement should so notify MCU and not process any further entitlements, including the currently noticed 2015-2016 SUP unless and until MCU completes their required Condition 12b, the installation of permanent net tie-downs.

>>>

>>> Otherwise, what is the point and purpose of having such a specially modified 2014-2015 SUP Condition 12b in the first place?

>>>

>>> You were an active party to those modifications which were agreed with and signed off by MCU. That key provision was admittedly not complied with and Ara was in attendance and can confirm that fact, as described above.

>>>

>>> Let me know if that answers your inquiry.

>>>

>>> Best Regards,

>>>

>>> Jim Gordon

>>>

>>> Sent from my iPad

>>>

>>> On Jul 21, 2015, at 2:19 PM, Leza Mikhail <LezaM@rpvca.gov> wrote:

>>>

>>> Hello Jim,

>>>

>>> Yes, I attached the Notice of Decision to my previous email, and have attached it again to this email. I'm sorry, but I'm not seeing where you think they University is not in compliance. Can you point out how you believe they are not in compliance with their Conditions of the City-initiated Revision to their SUP?

>>>

>>> I personally visited the property in June and witnessed the holes that were dug for the temporary graduation tent and they capped them, pursuant to their requirement in Condition No. 12(b). Are you saying that they are not capped anymore and the University filled the holes with cement or pavement? If that is the case, that is news to the City.

>>>

>>> Please let me know how you believe the University is not in compliance. I apologize, but I am just a bit perplexed.

>>>

>>> Thank you,

>>>

>>>

>>> Leza Mikhail

>>> Senior Planner  
>>>  
>>> City of Rancho Palos Verdes  
>>> Community Development Department  
>>> 30940 Hawthorne Blvd.  
>>> Rancho Palos Verdes, CA 90275  
>>> www.rpvca.gov  
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>>>  
>>> \*Please Note: Effective 02/20/15, the City's new email address is "@rpvca.gov" Please update your contact information for me to reflect lezam@rpvca.gov as my new email.  
>>>  
>>>  
>>>  
>>> From: James [mailto:bubba32@cox.net]  
>>> Sent: Tuesday, July 21, 2015 2:10 PM  
>>> To: Leza Mikhail  
>>> Cc: Ara Mihranian; Joel Rojas  
>>> Subject: Fwd: Marymount - Notice of Decision for City-Initiated  
>>> 2014-2015 SUP  
>>>  
>>> Leza, et al  
>>>  
>>> Here is the Notice of Decision for the City-Initiated 2014-2015 SUP that MCU failed to comply with.  
>>>  
>>> Jim  
>>>  
>>> Sent from my iPad  
>>>  
>>> Begin forwarded message:  
>>>  
>>> From: "City of Rancho Palos Verdes" <listserv@civicplus.com>  
>>> Date: April 29, 2015 at 1:58:43 PM PDT  
>>> To: bubba32@cox.net  
>>> Subject: Marymount - Notice of Decision for City-Initiated  
>>> 2014-2015 SUP  
>>> Reply-To: listserv@civicplus.com  
>>>  
>>> View this in your browser  
>>>  
>>> Due to a link error, this Notification is being resent.  
>>>  
>>> City-Initiated Modification to Marymount's 2014-2015 Special Use  
>>> Permit  
>>>  
>>> Pursuant to Condition No. 13 of the Marymount California University's Special Use Permit for the 2014-2015 academic year, the City of Rancho Palos Verdes modified the Conditions of Approval related to the tent construction and operational activities associated with the Graduation ceremonies in May 2015. A Public Notice was issued on April 10, 2015. The Director approved the City-initiated modifications to certain conditions of approval to address concerns relayed from the public. A copy of the Staff Report and Notice of Decision with all Conditions of Approval can be found below.

>>>

>>> [Click here to view the Notice of Decision for the City-initiated Modifications \(April 29, 2015\)](#)

>>>

>>> [Click here to view the Staff Report for the City-Initiation](#)

>>> [Modification to the 2014-2015 Special Use Permit <marymount](#)

>>> [notice.pdf>](#)

## Leza Mikhail

---

**From:** Leza Mikhail  
**Sent:** Wednesday, April 06, 2016 11:08 AM  
**To:** James (bubba32@cox.net)  
**Cc:** Ara Mihranian; Doug Willmore; CC; Terry Rodrigue  
**Subject:** FW: Marymount - City Initiated Modification to the Special Use Permit Conditions of Approval - April 27, 2015 and Notice of Decision April 29, 2015  
**Attachments:** MCU SUP Staff Report May 8 20156133.pdf; NAC MEETING REPORT SPRING 2015.pdf; marymount notice\_20150429131540.pdf

Hello Jim,

Yes, the conditions noted above are still in effect. As permitted by the Development Code, the applicant is allowed to request revisions/amendments to approvals at any time with the submittal of an amendment request and associated fees.

It is my understanding that the University may be submitting a request to amend their conditions of approval of their Special Use Permit. The City has not officially received a request. When they do, and when the applications is deemed complete for processing, a Public Notice will be mailed out.

I will make sure to keep you posted once I receive the formal request.

Thank you,

Leza Mikhail  
Senior Planner

City of Rancho Palos Verdes  
Community Development Department  
30940 Hawthorne Blvd.  
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lezam@rpvca.gov

\*Please Note: Effective 02/20/15, the City's new email address is "@rpvca.gov" Please update your contact information for me to reflect lezam@rpvca.gov as my new email.

-----Original Message-----

From: bubba32@cox.net [mailto:bubba32@cox.net]  
Sent: Wednesday, April 06, 2016 10:30 AM  
To: Leza Mikhail <LezaM@rpvca.gov>  
Cc: Ara Mihranian <AraM@rpvca.gov>; Doug Willmore <DWillmore@rpvca.gov>; CC <CC@rpvca.gov>; Terry Rodrigue <TRodrigue@rpvca.gov>

Subject: Marymount - City Initiated Modification to the Special Use Permit Conditions of Approval - April 27, 2015 and Notice of Decision April 29, 2015

Leza

Are these Conditions for the SUP still valid for 2016?

If not, why not? Will RPV approve of the use of Air Hammers for 2016?

Jim Gordon

## August 17, 2015 SUP Staff Report



## **MEMORANDUM**

**TO: JOEL ROJAS, AICP - COMMUNITY DEVELOPMENT DIRECTOR**

**FROM: LEZA MIKHAIL, SENIOR PLANNER**

**DATE: AUGUST 17, 2015**

**SUBJECT: SPECIAL USE PERMIT (CASE NO. ZON2015-00333)**  
**Land Owner: Marymount California University;**  
**Address: 30800 Palos Verdes Drive East)**

---

### **RECOMMENDATION**

Approve Special Use Permit (Case No. ZON2015-00333), subject to the conditions contained in the attached Exhibit "A", to allow twenty-four (24) outdoor events with amplified sound during the 2015-2016 academic year.

### **BACKGROUND**

On June 1, 2010, Marymount California University received City Council approval for Conditional Use Permit (CUP) No. 9 – Revision "E" to permit certain physical and operational improvements to the campus. As a condition of CUP No. 9 – Revision "E", Marymount has been permitted to request approval of a Special Use Permit (SUP) prior to September 1<sup>st</sup> of each academic year to conduct up to 24 outdoor events with amplified sound throughout the University's academic year. The Conditional Use Permit limited such outdoor events to occur at Chapel Circle, the plazas adjacent to the Library and the Auditorium (as shown on the site plan approved by the City Council), and the outdoor pool area. The Athletic Field and Tennis Courts were only permitted to be used with amplified sound for graduation ceremonies and their annual gala.

On April 15, 2014, the City Council adopted Resolution No. 2014-25 amending the CUP conditions of approval to address concerns relating to the operation of the expanded parking lot (also known as the East Parking Lot) as part of the 6-month review. Given that the status of the construction of the Athletic Field was unknown, the City Council also amended Condition No. 136, which allows the University to conduct outdoor events with amplified sound through the approval of a Special Use Permit, to now allow the University to use the East Parking Lot for the graduation ceremonies and annual gala until the construction of an Athletic Field is completed.

**MEMORANDUM: Case No. ZON2015-00333 (SUP)**  
**August 17, 2015**

---

On July 7, 2015, an application for a Special Use Permit (Case No. ZON2015-00333) was submitted to the Community Development Department to allow outdoor events with amplified sound for the 2015-2016 academic year. The application was deemed incomplete for processing on July 15, 2015 due to the need revise the proposed schedule to be in compliance with the University's CUP. After submitting a revised schedule of events on July 17, 2015, Staff deemed the application complete for processing on July 20, 2015.

On July 20, 2015, Staff mailed public notices to the 162 property owners within a 500-foot radius of the University, informing them of the proposed 2015-2016 Special Use Permit. Staff received a number of emails from three (3) concerned residents (see attached) as a result of the Public Notice.

**SITE DESCRIPTION**

Marymount is located towards the southeastern edge of the City at 30800 Palos Verdes Drive East. The subject property is approximately 26 acres and in an area designated by the City's Zoning Map as Institutional (I). The campus is bound by Palos Verdes Drive East, which wraps around the campus' northern, southern and western property lines, Ganado Drive and Crest Road to the north, and San Ramon Drive to the northeast. The main structures of the University are located on the northern portion of the campus that consists of terrain that is generally flat, while the southern portion of the campus is undeveloped with downward slopes. The subject site is surrounded by single-family residential structures to the north, south, east and west. The majority of these homes are situated on the opposite side of Palos Verdes Drive East, which creates a slight buffer between the campus and the neighboring homes, which vary in elevation. However, the homes located along the northeastern edge of the subject site (along San Ramon Drive) are immediately adjacent to the campus' property line and are separated by an approximately six (6) foot high privacy wall.

**PROJECT DESCRIPTION**

The applicant's proposal is to conduct twenty-four (24) outdoor events with amplified sound at the Marymount campus during the 2015-2016 academic year. These events are outlined in the schedule attached as Exhibit "B", and include a total of twenty-two (22) scheduled events, plus two (2) floating events, to be determined by the University at a later time.

Marymount has conducted similar amplified events for a number of years, and the proposed 2015-2016 outdoor amplified events are generally similar to those that were approved and held last year during the 2014-2015 academic year. However, it is important to note that Staff did receive complaints from neighbors during the 2014-2015 academic year regarding the noise impacts incurred by the residents as a result of use of pneumatic machines used for the construction of the gala tent. In response to this concern, Staff reopened the 2014-2015 SUP to modify the conditions of approval by limiting the use of air hammers/jackhammers and requiring the applicant to cap the holes created in the parking

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lot asphalt in order to eliminate the future use of air hammers/jackhammers for the graduation tent construction. Staff inspected the East Parking Lot, confirming that the applicant installed white caps to demarcate the location of the holes. In addition, the capped holes were filled with loose asphalt and sand to reduce the intrusion of water beneath the paved surface. The University has noted that their current proposal is to manually dig out the loose asphalt and drill stakes into the ground, as opposed to using pneumatic machines for the construction of the graduation tent (a Gala is not proposed for the 2015-2016 academic year).

In past years, the maximum number of events approved for an academic year ranged from 15 to 26, as identified in the following table:

Special Use Permit No.	Academic Year	# of Events Requested	# of Events Approved	# of Events Conducted
88	1990-1991	15	15	0
92	1991-1992	28	22*	0
111	1992-1993	24	24	19
117	1993-1994	32	26	23
123	1994-1995	30	26	20
131	1995-1996	29	26	16
138	1996-1997	20	17	12
148	1997-1998	20	16	11
156	1998-1999	16	13	13
168	1999-2000	22	22**	17
179	2000-2001	22	22	19
188	2001-2002	23	23	21
ZON2002-00280	2002-2003	23	23	21
ZON2003-00298	2003-2004	21	21	21
ZON2004-00279	2004-2005	23	21	21
ZON 2005-00276	2005-2006	21	21	21
ZON 2006-00300	2006-2007	21	21	21
ZON 2007-00202	2007-2008	22	22	22
ZON 2008-00336	2008-2009	20	20	20
ZON 2009-00255	2009-2010	24	24	24
ZON 2010-00222	2010-2011	20	20	20

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Special Use Permit No.	Academic Year	# of Events Requested	# of Events Approved	# of Events Conducted
ZON2011-00165***	2011-2012	17	17	17
ZON2012-00179***	2012-2013	22	22	22
ZON2013-00204***	2013-2014	23	23	23
ZON2014-00312****	2014-2015	22	22	20

\* Due to the overlap of the required notice period and dates of the proposed events, Staff could only approve 22 of the 28 events proposed for the 1991-92 academic year.

\*\* The approval of the events for the 1999-2000 academic year were based on the actual number of events, instead of the number of the dates of the events, as it has been the case in the other years.

\*\*\* These applications were processed based on the 2010 City Council approval which limited the number of events to a maximum of 24 events.

\*\*\*\* These applications were processed based on the April 2014 City Council approval, which included revisions to Conditions of Approval as a result of an Annual Review of the approved CUP.

Under the current CUP condition requirements adopted by the City Council on June 1, 2010, and subsequently revised by the City Council on April 15, 2014 (Resolution No. 2014-25), the University is limited to a maximum of 24 events with amplified sound per academic year. The events proposed for the 2015-2016 academic year include twenty (20) events scheduled during the afternoon hours (before 4pm), two (2) events scheduled into the evening hours (before 7pm), and two (2) floating events scheduled during the afternoon hours (a total of 24 events). Last year's schedule consisted of eighteen (18) afternoon events, one (1) evening event (before 7pm), one (1) nighttime event (before 10pm), and two (2) floating events scheduled during the afternoon hours (total of 22 events). Events scheduled during the afternoon hours are considered to be less sensitive times of the day, with regard to potential noise impacts, as compared to evening hours.

Two (2) of the proposed events are scheduled to occur on a weekend, which is considered to be a more sensitive time of the week. The two weekend events are scheduled on a Saturday and include the following: the Orientation activities and Convocation Ceremony to be held on Saturday, August 22, 2015, which will begin at 10:00 am and conclude at 5:30 pm, and the "Graduation and Related Events" to be held on Saturday, May 7, 2016, which will begin at 11:00 am and conclude at 3:00 pm. Pursuant to a standard Condition of Approval (Condition #21) that has been imposed on the Applicant's annual SUP application since the 2001-2002 academic year (SUP #188), no live music or amplified sound will be permitted on Sundays.

As proposed, the outdoor events will occur in Council-approved designated locations throughout the campus, such as Chapel Circle, Cecilia Quad (plazas adjacent to the library and auditorium), poolside and East Parking Lot (Graduation Ceremonies only). The floating events are proposed to occur in Chapel Circle, Cecilia Quad or Poolside only, and are proposed to occur during the afternoon on a weekday. No floating events are proposed on Saturdays or Sundays.

**CODE CONSIDERATIONS AND ANALYSIS**

Pursuant to Section 17.62.020(A), temporary use of land involving the erection of temporary structures such as fences, booths and tents, require the review and approval of a Special Use Permit application subject to the following criteria:

- 1. That the site is adequate in size and shape to accommodate the proposed special use.**

As described in the Site Description Section above, the subject property is approximately 26 acres and contains a variety of approved locations where the proposed outdoor events with amplified sound may be held. However, at this time, the existing East Parking Lot is the only locations large enough in area to accommodate a tent for the Graduation ceremonies. The Graduation activities will occur on Friday, May 6, 2016 from 3:00 pm to 6:30 pm (Graduation Mass & sound checks), and on Saturday, May 7, 2016 from 11:00 am to 3:00 pm (Graduation Ceremony & related ceremony events). The Graduation tent set-up and tear-down activities are only permitted to occur between the hours of 8:00 am and 5:00 pm, and the tent is only permitted to be erected no sooner than 3 working days (Monday through Friday) before the graduation event and shall be removed within 48 hours of the conclusion of each event. Given that the University does not have an Athletic Field, the graduation events will occur in the East Parking Lot. The other twenty (20) scheduled events and two (2) floating events will occur on portions of the project site that have been developed with campus facilities. These outdoor locations include Chapel Circle, Cecilia Quad, the auditorium area, and poolside area. These remaining events will occur within the developed environment of the campus and the undeveloped portions of the campus will serve as a buffer between the location of the events and the neighboring properties to the west and along San Ramon. In addition, the distance between these properties and the events, which ranges from approximately 800 to 1,000 feet, will help avoid adverse impacts to these properties.

Furthermore, the project will be conditioned, as in past years, for control of noise, including the orientation of speakers and generators, so as to minimize proliferation of noise in the direction of the closest residences (particularly along San Ramon Dr.) and to limit the maximum allowable decibels for the amplified sound events held on Saturdays and during more sensitive times of the day. Additionally, Staff is conditioning the Special Use Permit to prohibit the use of pneumatic machinery (i.e. air hammers/jackhammers) for the construction of the proposed graduation tent. Should the applicant's engineer develop a permanent solution for the tent tie-downs, the University will be required to submit such a request to the City for consideration in advance of its installation in the future. Thus, based on the discussion above, Staff feels that with appropriate conditions of approval that limit events at the East Parking Lot, Chapel Circle and Cecilia Squad, the overall campus site is of adequate size and shape to accommodate the special events. Staff has also added a condition prohibiting the tent used for the Graduation ceremonies in the East Parking Lot

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location to be erected no earlier than 3 work days (Tuesday through Thursday) before the event(s) is/are scheduled to occur and requiring that the tent be completely removed within 48 hours after the event day.

- 2. That the proposed special use would not adversely interfere with existing uses on the subject property; and would not impede or adversely impact pedestrian access ways and/or vehicular circulation patterns.**

The proposed events will not adversely interfere with the existing uses of the subject property due to the integral nature of the events to the use of the property as an education institution. Moreover, the majority of the proposed events are during the regular school hours. Based on the experience of the past several years, the events do not significantly impede or adversely impact pedestrian access ways and/or vehicular circulation patterns. Marymount has conducted similar events in the past, and significant impacts or circumstances requiring special traffic control have not occurred, according to a search through the Special Use Permit files from previous years, and in consulting with the City Traffic Engineer. Further, the proposed events are consistent with those typically held on higher education campuses. As such, this finding can be made.

- 3. That the proposed special use would not result in a significant adverse effect on adjacent property.**

The proposed special events will have minimal impacts on adjacent properties with the implementation of appropriate conditions, except with the graduation ceremonies, which will be located at the East Parking Lot that is in close proximity to homes on San Ramon and Vista del Mar. Although the graduation ceremonies may create some noise impacts to property owners along San Ramon and Vista del Mar, these events are typical of a campus and are only proposed to occur at one time period (May) in this specific location and is conditioned to minimize operational impacts such as noise and hours. Furthermore, as noted earlier, Staff has conditioned the SUP prohibiting the use of pneumatic machinery (air hammers/jackhammers) for the construction of the graduation tent(s).

Per Condition No. 136, the remaining events will be conducted on portions of the project site that have been developed with campus facilities, which are generally located at the northeast portion of the site. In addition, the properties to the west of the events are separated by the large open space, which ranges from approximately 800 to 1000 feet to the nearest properties, which will help minimize any significant impacts to these properties. The properties along San Ramon Drive are closer to the site; however, the poolside, chapel circle, and Cecilia Quad areas are largely sheltered with buildings that assist in minimizing the noise to these properties. Furthermore, all of the activities in these areas are scheduled during daytime hours.

In regard to the events scheduled for Saturdays, Sundays, and weekdays after 4:00 pm, Staff considers these to be the more sensitive times of the week, because these are the times when the surrounding residents are more likely to be at home. Marymount is

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proposing two Saturday events (the orientation and the Graduation Ceremony), which are proposed to end at 5:30 pm and 3:00 pm respectively. Only one (1) of these Saturday events will run past 4:00 p.m. (Graduation) throughout the course of the school year. This is consistent with conditions of approval for events held in previous years. The Graduation ceremony is scheduled on a Saturday, at the East Parking Lot, which is the same location the event has occurred in the past. Additionally, the Graduation Mass ceremony would occur on the Friday before the Graduation Ceremony, between the hours of 3:00 pm and 6:30 pm, which has also occurred over the last two years without complaints from the public. The speakers are not proposed to be directed toward the residences; therefore, Staff does not believe that significant adverse impacts will occur to these neighboring properties that are located south of the campus.

In 2002, Staff required the applicant to submit a trust deposit to the City in order to pay for a Noise Consultant to monitor noise levels for the outdoor events during the more sensitive times of the day and week (i.e. after 4 pm and on weekends) to ensure that noise levels would not exceed 65 decibels, as measured from the closest property line. This requirement was initiated in response to concerns expressed by residents at that time about increasing noise levels associated with the special events. The noise monitoring conducted on October 5, 2002, during the Saturday "Family Weekend" event, resulted in a positive feedback report from the noise consultant. Particularly, the consultant indicated to Staff that the amount of outdoor activity was somewhat less than expected and that the maximum decibels emitted at any given time was 54 decibels, which was subsequently below the maximum allowable. As such, given that 1) there are only two events this year during these sensitive times of the day and week; and 2) that, according to project files, we have not received any noise complaints from surrounding property owners within the last three years regarding the noise impacts from the actual events. Thus, Staff believes that it is not necessary to require a similar study for the upcoming academic year. Nevertheless, if any of the proposed events result in negative responses from surrounding neighbors due to noise, a condition of approval has been added that may impose future events approved under this permit to include noise monitoring.

Therefore, Staff believes that due to the physical layout, the location of the proposed events in relation to the surrounding properties, and the results from the noise monitoring study conducted in 2002, the proposed events will not result in significant adverse impacts to neighboring properties.

- 4. That by requiring certain safeguards as conditions of approval, the proposed special use would not be detrimental to the public health, safety and welfare.**

The proposed events are temporary in nature and are consistent with the ongoing operation of the University. Conditions of approval are recommended in order to ensure that no significant impacts occur to adjacent properties, traffic, circulation and parking. The conditions address issues such as orientation of speakers to minimize noise impacts, location of the events, and hours of the events. Furthermore, as a result of a City-initiated revision to the University's 2014-2015 SUP that resulted from complaints

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received from the public regarding construction activity noise, Staff has added a condition of approval that prohibits the use of pneumatic machinery (air hammers/jackhammers) for the construction of the Graduation tent(s). Should the applicant design and engineer a solution to accommodate permanent tie-downs for the graduation tent, they will be required to submit said request to the City for consideration at a future date. Based on the proposed conditions, which will minimize impacts to neighboring properties, Staff believes that the events will not be detrimental to the public health, safety, and welfare.

**ADDITIONAL INFORMATION**

**Public Notice**

Staff received comment letters from three (3) concerned residents as a result of the public notice. The comment letters were received from 1) Lois Karp, property owner at 31115 Ganado, 2) Jim Gordon, property owner at 3538 Bendigo, and 3) Stephen Katz, property owner at 3553 Seaglen Dr. The comment letters note concerns with compliance with the 2014-2015 SUP Conditions of Approval, opinions that University failed to install permanent tie-downs, and concern for potential noise impacts from the actual events for residents who live nearby. Staff's response to each issue is discussed below.

*Compliance with the 2014-2015 SUP Conditions of Approval and lack of Permanent Tie-Downs*

Two residents opined that University was not in compliance with Condition No. 12b of the 2014-2015 SUP, which was revised on April 28, 2015 due to complaints received regarding construction noise associated with the Gala tent. More specifically, the two residents noted that the University is not in compliance with their 2014-2015 SUP because the University did not provide permanent tie-downs for the graduation tent. Condition No. 12b stated:

*The University shall be permitted to use air hammers for the installation of the temporary tent between May 5, 2015 and May 7, 2015, provided the use of said air hammers does not occur before 10:00 AM or after 5:00 PM each construction day. The property owner shall cap and maintain the holes created for the installation of the graduation tent, and for the future use of the temporary graduation tent, to avoid the need to use air hammers/jackhammers in the future.*

As noted in Condition No. 12b, the City required that the University cap and maintain the drilled holes in May 2015, not provide permanent tie-downs. This is because the University did not have any engineered plans for permanent tie-downs at the time of the City-initiated SUP revision. Given that the concern was with the use of pneumatic machines that created unwanted construction noise, the Condition was crafted so that the University would maintain the holes drilled in May 2015 to eliminate future use of air hammers/jackhammers the following year when installing the graduation tent.

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Based on the complaints received by the two residents who alleged that Marymount was not in compliance 2014-2015 SUP conditions that were revised by the City in April 2015, Staff visited the property to inspect the graduation tent holes. Upon the initial inspection, Staff observed that the University had filled each hole with loose asphalt and sand in order to reduce water infiltration, which could compromise the existing asphalt of the parking lot. The University also installed the required caps to demarcate the location of each hole (photographs attached). Additionally, the University confirmed that they would not be using air hammers/jackhammers to install the 2016 graduation tent, as they will be able to manually dig and use the existing holes that were capped. As such, Staff finds that the University was in compliance with their conditions from the 2014-2015 revised SUP. Nonetheless, as noted in the body of the report, Staff is adding a Condition of Approval that prohibits the use of pneumatic devices/machinery for the installation of the graduation tent in May 2016.

*Potential Noise Impacts*

The property owner at 3553 Seaglen Dr. (Mr. Katz) noted that he is concerned that the University is requesting events with amplified sounds and should not be permitted to request said events since they don't comply with City conditions. As noted throughout the Staff Report, the University has been conducting certain outdoor events with amplified sounds for the last twenty years. As described in Finding #3 above, the applicant was required to pay the City to hire a Noise Consultant to monitor noise levels. Due to the fact that the noise analyst noted that sound levels did not exceed 54 decibels at any given time and Staff has not received complaints over subsequent years, Staff is of the opinion that the proposed events will continue to not create noise impacts to the surrounding neighborhood. However, should noise impacts be realized by surrounding neighbors as a result of the events, Staff recommends that residents notify the City immediately to ensure that the impacts do not continue to disturb residents. Furthermore, if noise impact complaints are received by the City, a condition of approval allows the City to require a Noise Consultant to study the noise impacts and allow the City to assess any unforeseen noise impacts to the surrounding neighborhood that arise above 65 decibels.

**CONCLUSION**

Based upon the discussion above, Staff recommends that the Director approve Case No. ZON2015-00333 for a Special Use Permit, subject to the conditions of approval contained in Exhibit "A", thereby allowing Marymount to host twenty-two (22) special events and two (2) special floating events for the 2015-2016 academic year.

**ALTERNATIVES**

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The following alternatives are available for the Director to consider in addition to Staff's recommendation:

- 1) Identify any issues of concern and direct the applicant to address these concerns and resubmit the application; or
- 2) Deny Special Use Permit (Case No. ZON2015-00333).

Approved pursuant to Staff's Recommendation:

 Joel R. Rojas

Joel Rojas, AICP  
Community Development Director

Date: 8.18.15

**Attachments**

- Exhibit "A" – Conditions of Approval
- Exhibit "B" – 2015-2016 Schedule of Events
- Comment Letters
- Staff Photographs of Capped Holes
- Project Plans

Exhibit "A"  
Conditions of Approval

**Exhibit "A"**  
**Conditions of Approval**  
**Case No. ZON2015-00333(Special Use Permit)**  
**Marymount University**

**General**

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 approval of Special Use Permit (Case No. ZON2015-00333) 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 2015-2016 academic year shall be limited to twenty-four (24), which includes the twenty-two (22) scheduled events and two (2) additional floating events to be approved by the Community Development Director. The applicant shall notify the Community Development Director 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 shall require review and approval by the Community Development Director, provided the change does not conflict with the CUP for the campus.
3. The hours of the proposed events shall be as identified in the attached schedule (Exhibit "B"), unless otherwise noted herein, and the two floating events shall be limited to the hours of 12:00 p.m. to 1:30 .p.m, on a weekday.
4. The two floating events shall be held at Chapel Circle, Cecilia Quad or Poolside only and shall not be held on Saturday's or Sunday's.
5. The Graduation Mass proposed on Friday, May 6, 2016 shall be from 3:00 p.m. to 6:30 p.m. only, and the Graduation Ceremony on Saturday, May 7, 2016 shall be from 11:00 a.m. to 3:00 p.m. only.
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 6, 2016 and May 7, 2016, 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 Community Development Director.
8. All sound amplification equipment used at any event shall be oriented away from any adjacent residential areas.

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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 would not exceed 65 decibels, as measured from the closest property line. The applicant shall be responsible for the payment of all costs associated noise consulting services.
11. Any temporary lighting associated with the events shall be shielded and/or directed away from adjacent properties.
12. The tent proposed for the Graduation ceremonies 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 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 3, 2016 and May 5, 2016, and shall be removed within 48 hours of the conclusion of the event. 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.
13. The temporary tent constructed for the Graduation Ceremonies that will occur on May 6, 2016 and May 7, 2015 shall be limited to 1,200 square feet in area 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 submitted to the City on April 26, 2015, and as outlined in the conditions of approval.
14. The University is prohibited from the use of pneumatic device or machinery (i.e. air hammers/jackhammers) for the installation and/or securing of the Graduation tent. 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.
15. The University shall be permitted to use a generator for light and sound associated with the Graduation event, which shall be placed in the parking area near the existing classroom building, and shall be operated for light testing on Thursday, May 5, 2016, for rehearsals and Mass on Friday, May 6, 2016, and for graduation on Saturday, May 7, 2016. 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 sound levels of the generator to no more than 65 dBA, as measured from the property lines.

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16. Prior to installation, the Community Development Director shall approve the location of all temporary restroom facilities, including but not limited to porta potties 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.
17. The University shall provide to the City Manager and/or Deputy City Manager the direct contact information to the Vice President of the University, should the City receive complaints related to the graduation tent construction or operational activity of the Graduation ceremonies.
18. 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.
19. 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.
20. The City reserves the right to suspend or cancel this permit if activities are conducted contrary to the permit conditions at any time without incurring any liability to the permittee whatsoever. 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.
21. No live music or amplified sound associated with an outdoor event shall be permitted on Sundays.
22. The project shall substantially conform to the plans stamped approved with the effective date of this approval.
23. The abandonment or non-use of this approval after a six-month period shall render the approval null and void.
24. 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.
25. In the event that a Planning requirement and a Building & Safety requirement are in conflict with one another, the stricter standard shall apply.
26. The subject Special Use Permit for the 2015-2016 (Case No. ZON2015-00333)

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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 Community Development Director.

27. Upon receiving and confirming a formal complaint of non-compliance with the Conditions of Approval of the 2015-2016 Special Use Permit, pursuant to Ordinance No. 473, an administrative citation shall be issued by the City to the property owner noting infraction of the non-compliance. The fee for said citation shall be based on Resolution No. 2008-44. Additionally, failure to comply with all conditions of approval set forth in this approval shall be cause for the City to deny future annual Special Use Permits for amplified sounds.

Exhibit "B"

2015-2016 Schedule of Events

MARYMOUNT CALIFORNIA UNIVERSITY  
2015-16 SPECIAL USE PERMIT

DATE	EVENT	TIME	PERMIT SOUGHT FOR	LOCATION
Saturday, August 22	Orientation activities & Convocation Ceremony	10am-5:30pm	Live or recorded amplified music Amplified sound, intermittent	Chapel Circle Cecilia Quad
Thursday, August 27	Traditions Week	11:00am-3:00pm	Live or recorded amplified music Amplified sound	Chapel Circle Cecilia Quad/Pool
Tuesday, September 1	Mass of the Holy Spirit	12:30pm-3:30pm	Live or recorded amplified music Amplified sound, intermittent	Cecilia Quad
Wednesday, September 2	Student Organization Involvement Fair	11:30am-3:30pm	Live or recorded amplified music Amplified sound	Chapel Circle Cecilia Quad
Thursday, September 17	Hispanic Heritage Celebration	11:00am-2:00pm	Live or recorded amplified music Amplified sound	Chapel Circle Cecilia Quad
Thursday, September 24	Mid-Autumn Moon Festival	11:00am-3:00pm	Live or recorded amplified music Amplified sound	Chapel Circle Cecilia Quad/Pool
Thursday, October 8	Election Series	11:00am-3:00pm	Live or recorded amplified music Amplified sound	Chapel Circle Cecilia Quad/Pool
Friday, October 9	National Coming Out Day	11:00am-2:00pm	Live or recorded amplified music Amplified sound	Chapel Circle Cecilia Quad
Friday, October 16	Food Drive Kick Off	11:00am-3:00pm	Live or recorded amplified music Amplified sound	Chapel Circle Cecilia Quad/Pool
Thursday, October 22	Election Series	11:00am-3:00pm	Live or recorded amplified music Amplified sound	Chapel Circle Cecilia Quad/Pool
Friday, October 30	Dia de los Muertos	11:00am-2:00pm	Live or recorded amplified music Amplified sound	Chapel Circle Cecilia Quad
Wednesday, November 11	Veterans Day	11:30am-2:30pm	Live or recorded amplified music Amplified sound	Chapel Circle Cecilia Quad

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Thursday January 14	Week of Welcome	11:00am-3:00pm	Live or recorded amplified music Amplified sound	Chapel Circle Cecilia Quad/Pool
Wednesday, January 20	Student Organization Involvement Fair	11:30am-3:30pm	Live or recorded amplified music Amplified sound	Chapel Circle
Thursday, February 4	Family Weekend	11:00am-3:00pm	Live or recorded amplified music Amplified sound	Chapel Circle Cecilia Quad/Pool
Thursday, February 11	Valentine's Day	11:00am-3:00pm	Live or recorded amplified music Amplified sound	Chapel Circle Cecilia Quad/Pool
Thursday, March 10	Wellness Fair	11:00am-3:00pm	Live or recorded amplified music Amplified sound	Chapel Circle Cecilia Quad/Pool
Monday, March 14	Spring Fling	11:00am-3:00pm	Live or recorded amplified music Amplified sound	Chapel Circle Cecilia Quad/Pool
Monday April 11	Spring Fling	11:00am-3:00pm	Live or recorded amplified music Amplified sound	Chapel Circle Cecilia Quad/Pool
Tuesday, April 19	Earth Day Mass	12:30pm-3:30pm	Live or recorded amplified music Amplified sound	Chapel Circle Cecilia Quad
Friday, May 6	Graduation Mass & sound checks	3:00pm-6:30pm	Live or recorded amplified music Amplified sound	SE Parking Lot Tent
Saturday, May 7	Graduation & Related Events	11:00am-3:00pm	Live or recorded amplified music Amplified sound	SE Parking Lot Tent
+2 possible dates Picnic, pool party, to be determined community meeting, etc.				
		12:00 – 1:30	Live or recorded music; speaker or P.A. system	Chapel Circle Cecilia Quad/Pool

## Comment Letters

## Leza Mikhail

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**From:** Leza Mikhail  
**Sent:** Monday, August 03, 2015 1:14 PM  
**To:** 'jlkarp'  
**Subject:** RE: Marymount - Special Use Permit for 2015/2016 Academic Year

Hello Lois,

Staff is looking into the issues that you raise and will address these issues as part of the application.

Thank you,

**Leza Mikhail**  
**Senior Planner**



*City of Rancho Palos Verdes*  
**Community Development Department**  
30940 Hawthorne Blvd.  
Rancho Palos Verdes, CA 90275  
[www.rpvca.gov](http://www.rpvca.gov)  
**(310) 544-5228** – (310) 544-5293 f  
[lezam@rpvca.gov](mailto:lezam@rpvca.gov)

\*Please Note: Effective 02/20/15, the City's new email address is "@rpvca.gov" Please update your contact information for me to reflect [lezam@rpvca.gov](mailto:lezam@rpvca.gov) as my new email.

**From:** jlkarp [mailto:[jlkar@cox.net](mailto:jlkar@cox.net)]  
**Sent:** Monday, August 03, 2015 11:10 AM  
**To:** Leza Mikhail  
**Subject:** Fw: Marymount - Special Use Permit for 2015/2016 Academic Year

Leza  
I have not heard back from you regarding the status of the MCU SUP request. Update please.

Lois Karp  
----- Original Message -----  
**From:** [jlkar](mailto:jlkar@cox.net)  
**To:** [Leza Mikhail](mailto:Leza Mikhail)  
**Sent:** Wednesday, July 22, 2015 11:24 AM  
**Subject:** Re: Marymount - Special Use Permit for 2015/2016 Academic Year

Leza

I was referring to condition 12b in the April 29, 2015 Notice of Decision. Mr. Reeves told the members of the Marymount Neighborhood Advisory Committee at the spring meeting that Marymount did not install and

maintain the holes for installation of the graduation tent on the east parking lot, which were mandated in the Notice. Therefore they are not in compliance with the previous SUP.

Placing conditions in a the SUP is not enough. You must verify that they have been completed and installed as per the SUP, which they were not. It is the City's duty to follow through. Just placing conditions on paper with no verification is useless. MCU is not eligible for a new SUP Permit until they are in compliance with the previous one.

Lois Karp

----- Original Message -----

**From:** Leza Mikhail

**To:** jlkarp ; Ara Mihranian ; Joel Rojas

**Sent:** Tuesday, July 21, 2015 4:43 PM

**Subject:** RE: Marymount - Special Use Permit for 2015/2016 Academic Year

Lois,

My apology...for some reason I thought I was responding to Jim Gordon again, as he questioned the same compliance issue. If you feel that they are not in compliance with one of the CUP conditions or a Municipal Code Section, please let me know. I've attached the current public notice with a list of events for the 2015-2016 academic year...as well as the now-expired SUP conditions from the City-initiated SUP Revision last April.

I'm happy to gain your input.

**Leza Mikhail**  
**Senior Planner**



*City of Rancho Palos Verdes*

**Community Development Department**

30940 Hawthorne Blvd.

Rancho Palos Verdes, CA 90275

[www.rpvca.gov](http://www.rpvca.gov)

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[lezam@rpvca.gov](mailto:lezam@rpvca.gov)

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**From:** Leza Mikhail

**Sent:** Tuesday, July 21, 2015 4:35 PM

**To:** 'jlkarp'; Ara Mihranian; Joel Rojas

**Subject:** RE: Marymount - Special Use Permit for 2015/2016 Academic Year

Hello Jim,

I'm afraid that we are not on the same page. It is the City's position that the University is in compliance with their Conditions of Approval of their Conditional Use Permit (CUP). Last academic year, MCU obtained approval of their SUP for 2014-2015. During that time, while events were occurring (namely the Gala), a number of impacts observed by residents were relayed to City Staff, the Acting City Manager and City Council. In response to those concerns, the City

chose to reopen the University's SUP and required additional conditions of approval. The University agreed to those conditions and complied with those conditions before their SUP expired at the end of the 2015 Graduation event. Furthermore, the 2014-2015 SUP is no longer active as all of the events are concluded. The current application is for the next academic year. Technically speaking, there is no SUP right now. They are applying for one.

I still do not see how the University is not in compliance with the CUP or other Municipal Codes. If I am incorrect, and you see something else that I am missing, I would be happy to consider your formal complaint.

Thank you,

**Leza Mikhail**  
**Senior Planner**



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**From:** jlkarp [<mailto:jlkarp@cox.net>]

**Sent:** Tuesday, July 21, 2015 3:43 PM

**To:** Leza Mikhail; Ara Mihranian; Joel Rojas

**Subject:** Re: Marymount - Special Use Permit for 2015/2016 Academic Year

MCU did not fulfill the conditions of the previous Special SUP. Therefore they are not in compliance and are not eligible to apply for another SUP until all previous conditions are met and completed.

Please advise me if my assumptions are not correct.

Lois Karp

----- Original Message -----

**From:** [City of Rancho Palos Verdes](mailto:City of Rancho Palos Verdes)

**To:** [jlkarp@cox.net](mailto:jlkarp@cox.net)

**Sent:** Tuesday, July 21, 2015 9:38 AM

**Subject:** Marymount - Special Use Permit for 2015/2016 Academic Year

[View this in your browser](#)

Outdoor Special Events - 2015/2016 Academic Year

Marymount California University requests a Special Use Permit to allow a series of outdoor special events with amplified sound, held during the 2015-2016 academic year. A total of 22 specific dates and times are proposed, as well as 2 additional dates that will be determined at a later date.

- [Click here](#) to view the Special Use Permit Public Notice including the Requested Events Table

Inquiries should be directed to Leza Mikhail, Senior Planner, at [Lezam@rpvca.gov](mailto:Lezam@rpvca.gov) or 310-544-5228,  
\*\*\*\*\*

This message is been sent by the [City of Rancho Palos Verdes](#) as part of a "Notify Me" Listserv category you are signed up for. Please do not press "reply" when responding to this message, it is an unmonitored email address. You can make changes to your subscription by visiting <http://www.rpvca.gov/list.aspx>.

You are receiving this message because you are subscribed to Marymount College Expansion Project on [www.rpvca.gov](http://www.rpvca.gov).

To unsubscribe, click the following link:

<http://www.rpvca.gov/list.aspx?mode=manage&Email=jlkarp@cox.net>

If clicking the link doesn't work, please copy and paste the link into your browser

**Leza Mikhail**

---

**From:** Steve Katz <stevekatz74@yahoo.com>  
**Sent:** Wednesday, July 22, 2015 4:45 PM  
**To:** Leza Mikhail  
**Subject:** Marymount

More than a couple of hours of loud music, blasted through a PA system in a quiet neighborhood is beyond the pale. To do so more than 20 times is much too intrusive.

Truth be told, my house is far enough away that I probably won't be adversely affected. I am supporting those living adjacent to the campus.

Marymount has not been a good neighbor. They have broken many of the commitments they have made in the past, concerning parking, students smoking cigarettes so close to homes that it affects neighbors, & headlights shining into homes at night.

Past history of broken & fudged commitments show a pattern of intrusiveness upon neighbors, who really have no recourse.

I recommend that the Council mandate reconsideration of the application to require fewer events & shorter hours. Furthermore, the music should be modulated in volume so that neighbors are not annoyed excessively. The present plan is inconsiderate and extremely intrusive upon those who cherish their peace and quiet.

Col. Stephen E. Katz  
Col., USAF ret.  
3553 Seaglen Drive  
since 1972

## Leza Mikhail

---

**From:** Leza Mikhail  
**Sent:** Tuesday, July 21, 2015 2:08 PM  
**To:** 'Steve Katz'  
**Subject:** RE: Marymount Events

Hello Mr. Katz,

Thank you for your comments. Staff will be sure to include them in the Staff Report. To hit on a few of your questions below, the notice that went out in the mail and was posted as part of the listserv had a list of the name/nature of each event, dates and times of each proposed event. These events are permitted through the University's Conditional Use Permit, for a maximum of twenty-four (24) events, provided the University applies for an annual Special Use Permit. As part of the Special Use Permit each year, City Staff evaluates the proposed events and recommends conditions of approval to eliminate or reduce impacts to a less than significant impact.

These events are similar to the typical school-related events that the University has each year. Last year, the City received some complaints regarding jackhammering. In response to the complaints, the City reopened the University's SUP and required other measures be taken to avoid impacts to surrounding neighbors. I believe that City Staff, through imposed conditions, alleviated the neighbors' concerns.

Please take a look at the entire public notice (attached). If you scroll down in the notice, you will see the list of events, times, dates and locations. Should you still have concerns after reviewing the list, please let me know and I will see what I can do to address your concerns. Nonetheless, your comments below will still be included in the record.

Thank you,

**Leza Mikhail**  
**Senior Planner**



*City of Rancho Palos Verdes*  
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**From:** Steve Katz [mailto:stevekatz74@yahoo.com]  
**Sent:** Tuesday, July 21, 2015 1:00 PM  
**To:** Leza Mikhail  
**Subject:** Marymount Events

I am firmly opposed to the 20+ events with "amplified sound" that the University proposes to inflict on our neighborhood. Certainly, there is not enough information given. Are these to be all-day events? What is the nature of the sound - loud music, speeches? Sporting events? The proposal is much too vague. When will these take place: daytime? nighttime? weekends? How many people will attend? Where will they park? Will there be alcohol? Will there be smoking - definitely a fire hazard in these times of severe drought? Why 21 or 23 events? Are they all similar? That seems excessive!

Marymount has proven over the years that they are not a good neighbor. It is essential that RPV ascertain exactly what their plans are before residents can make an informed decision. Will there be sufficient supervision to respond to bad behavior by attendees? If things get out of hand & residents are unduly disturbed, can the city unilaterally call a halt to these events? There needs to be an escape clause, and need to know how to invoke it!

I think a lot more information is needed before residents and the City Council make a decision.

Colonel Stephen E. Katz  
USAF - retired  
3553 Seaglen Drive  
RPV resident since 1972

## Leza Mikhail

---

**From:** Leza Mikhail  
**Sent:** Friday, August 07, 2015 7:57 AM  
**To:** 'James'  
**Cc:** CityManager; JoelR@rpvca.go; CC; Carol Lynch <clynch@rwglaw.com>; Ara Mihranian  
**Subject:** RE: Marymount - Notice of Decision for City-Initiated 2014-2015 SUP Response to submitted concerns

Hello Jim,

Your questions and comments are definitely part of the public record and we will include responses as part of the Staff Report. Thank you for your patience in allowing Staff to continue to look into this matter.

Thank you,

Leza Mikhail  
Senior Planner

City of Rancho Palos Verdes  
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lezam@rpvca.gov

\*Please Note: Effective 02/20/15, the City's new email address is "@rpvca.gov" Please update your contact information for me to reflect lezam@rpvca.gov as my new email.

-----Original Message-----

From: James [mailto:bubba32@cox.net]  
Sent: Tuesday, August 04, 2015 6:01 PM  
To: Leza Mikhail  
Cc: CityManager; JoelR@rpvca.go; CC; Carol Lynch <clynch@rwglaw.com>; Ara Mihranian  
Subject: Re: Marymount - Notice of Decision for City-Initiated 2014-2015 SUP Response to submitted concerns

Leza

While I appreciate an answer, I am troubled by the fact that you have not provided any clarity into the questions that were asked. Do you have a problem with responding with answers to the following previously asked, but not answered questions?

1.) What is the compliance status of the City-modified MCU 2014-2015 SUP? Example, "fully in compliance", partly non compliant (please specify), or "non-compliant"?

2.) what is the status of processing a new MCU 2015-2016 SUP? Example: re-started (date), "ongoing", "stopped pending investigation of 2014-2015 SUP - awaiting decision"

3.) Was Staff aware that MCU did not populate the tie-down holes created for the 2015 Graduation tent? When did Staff learn about the actual (empty/capped) tent tie-down holes? How many such holes are there in total? 50 - 60? Etc.

4.) Did Staff require or otherwise specify the design of permanent tie downs?

5.) If no permanent tie-downs were installed as a result of the City-modified SUP, and the stated intent of such permanent tie-downs was to preclude any future utilization of new tent tie-downs to protect the neighbors from future excessive noise caused. By their installation, what is Staff's proposed plan to accomplish that objective without permanent tie-downs?

6.) What was the real purpose of Staff's Condition 12b? To leave capped empty tie-down holes for future use and thereafter not allow use of noisy air hammers? To allow staff to approve compliance with Condition 12b even if no permanent tent tie-downs were emplacement and thereby allow creation of another SUP for 2015-2016 regardless of actually installing any permanent tie-downs?

7.) What new conditions are being planned for any future SUP that guarantee fulfillment of Staff's stated intent to avoid future excessive noise caused by tent construction?

Please provide specific answers rather than generalized assurances but no specifics.

Jim

Sent from my iPad

> On Aug 4, 2015, at 10:51 AM, Leza Mikhail <LezaM@rpvca.gov> wrote:

>

> Hello Jim,

>

> Thank you again for your comments. Staff is reviewing and considering the issues you raise and will be addressing them as part of the application.

>

> Thank you,

>

> Leza Mikhail

>

> Sent using OWA for iPhone

>

> From: bubba32@cox.net <bubba32@cox.net>

> Sent: Monday, August 3, 2015 9:20:08 AM

> To: Leza Mikhail

> Cc: CityManager; JoelR@rpvca.go; CC; Carol Lynch <clynch@rwglaw.com>; Ara Mihranian

> Subject: Fwd: RE: Marymount - Notice of Decision for City-Initiated 2014-2015 SUP Response to submitted concerns

>

> Leza

>

> As a follow-up to our correspondence this date, what is the current status and outcome of your referenced review of compliance with the City-Modified 2014-2015 SUP?

>

> What is the current status of any proposed processing of a 2015-2016 SUP?

- >
- > As a clarification from your correspondence of July 23, 2015, am I correct in understanding that Staff was unaware that permanent tent-downs were not installed? I believe that I had noted in my prior correspondence that Deputy Director Mihranian was well aware that no such permanent tie-downs were installed in those "capped holes" because he was in attendance at the Spring 2015 NAC meeting where VP Reeves was asked about that and acknowledged that there were no tent tie-downs installed.
- >
- > Am I also correct to understanding that it was Staff's purpose and intent (Condition 12b) to require only the capping of those tent tie-down holes (empty) and that simply filling those in after removing the tent tie-downs used for the 2015 Graduation tent was in fact the real purpose of Condition 12b? That these capped and filled holes would otherwise contain nothing other

\* cut off in original email

## Leza Mikhail

---

**From:** bubba32@cox.net  
**Sent:** Monday, August 03, 2015 9:20 AM  
**To:** Leza Mikhail  
**Cc:** CityManager; JoelR@rpvca.gov; CC; Carol Lynch <clynch@rwglaw.com>; Ara Mihranian  
**Subject:** Fwd: RE: Marymount - Notice of Decision for City-Initiated 2014-2015 SUP Response to submitted concerns

Leza

As a follow-up to our correspondence this date, what is the current status and outcome of your referenced review of compliance with the City-Modified 2014-2015 SUP?

What is the current status of any proposed processing of a 2015-2016 SUP?

As a clarification from your correspondence of July 23, 2015, am I correct in understanding that Staff was unaware that permanent tent-downs were not installed? I believe that I had noted in my prior correspondence that Deputy Director Mihranian was well aware that no such permanent tie-downs were installed in those "capped holes" because he was in attendance at the Spring 2015 NAC meeting where VP Reeves was asked about that and acknowledged that there were no tent tie-downs installed.

Am I also correct to understanding that it was Staff's purpose and intent (Condition 12b) to require only the capping of those tent tie-down holes (empty) and that simply filling those in after removing the tent tie-downs used for the 2015 Graduation tent was in fact the real purpose of Condition 12b? That these capped and filled holes would otherwise contain nothing other than fill material and no permanent tie downs? Is it, therefore, your understanding that Staff had actually re-written this Modified SUP so that compliance could be achieved with such empty holes?

Please answer so that in the future, we will be better equipped to make better reviews of Staff's Byzantine Conditions that apparently allow "compliance" to be achieved with "permanent" empty, capped tent tie-down holes, and that it is Staff's further "interpretation" of Condition 12b, is that, barring any actual permanent tie-downs being emplaced in those otherwise empty capped holes, Staff will nonetheless prohibit all and any future use of Air Hammers, etc. so that the only real purpose, as you describe, of protecting nearby residents from undue noise impacts, would nonetheless still be achieved. Is that a correct understanding?

Thank you in advance for answers to the above follow-up points.

Jim Gordon

> Date: Thu, 23 Jul 2015 11:46:08 -0700  
> From: <bubba32@cox.net>  
> To: Leza Mikhail <LezaM@rpvca.gov>  
> Subject: RE: Marymount - Notice of Decision for City-Initiated  
> 2014-2015 SUP  
Response to submitted concerns  
> Cc: CityManager <CityManager@rpvca.gov>, Joel Rojas <JoelR@rpvca.gov>,  
CC <CC@rpvca.gov>,

"Carol Lynch <clynch@rwglaw.com>" <clynch@rwglaw.com>,  
Ara Mihranian <AraM@rpvca.gov>

>

> Leza

>

> Thank you for your response and clarifications;

>

> I would like to further suggest that several of your comments are complete nonsense and contradict the obvious purpose for which the City modified the 2014-2015 SUP.

>

> 1.) The intended purpose of Condition 12b was not, as you selectively state, "to (only) cap and maintain holes AND FUTURE USE OF THE TEMPORARY GRADUATION TENT.." Those "holes" you refer to were REQUIRED by that Condition to CONTAIN permanent tie-downs in them which MCU has publicly admitted were NOT installed in them before the "capping" took place. For RPV Planning to now publicly declare that all that Condition 12b required was to fill (and cap) empty holes is ludicrous and shameful to the extreme. "Capping" is not the true purpose of Condition 12b and you surely must know and understand that. What the point of Condition 12b is that those "capped" holes actually contain (and they admittedly do not) the required PERMANENT TENT TIE-DOWNS. They do not, and that is the problem which needs to be addressed BEFORE any further SUP entitlements are granted, including the proposed 2015-2016 new SUP! Please inform MCU of these violations and require compliance. Is that too much to ask or expect?

>

> 2.) (Paragraph 5) "With regard to the expiration of the SUP, unlike a CUP, ..a SUP is temporary and only runs with the life of the temporary use. .. These permits do expire at the end of each academic year." What you seem to imply here is another outrageous interpretation such that whatever requirements are included in such SUP Conditions, they no longer exist past each academic year, WITH THE CONSEQUENT RESULT THAT ANY VIOLATIONS OF THOSE CONDITIONS ("expired") are no longer valid and can be ignored without consequence when not fulfilled and complied with DURING THE RELEVANT ACADEMIC YEAR IN QUESTION (2014-2015).

>

> Is that what you are stating here in your response paragraph five for the record? That MCU can violate, at will and with complete impunity, its agreed SUP Conditions and no longer be held accountable when such SUP Conditions are actually violated BEFORE the end of each Academic Year, but when RPV Enforcement fails to address such violations until AFTER that Academic Year? Is that what you are stating here for the record? If that is the City's position on SUP Enforcement, then there is no enforcement at all, and all the time and effort to impose such alleged neighbor protective provisions are virtually wasted and become null and void at the whim of RPV Planning and Code Enforcement by their failure to timely address non-compliance.

>

> Is that what is being suggested here? That RPV Planning is deliberately preparing and concluding seemingly protective provisions for the nearby neighbors in specific written and mutually agreed contractual language that thereafter become worthless, void and unenforceable at the arbitrary whim of RPV Planning and Enforcement officials?

>

> 3.) In your response paragraph three, you suggest that "Staff would not permit the use of air hammers/jackhammers for the installation of the graduation tent next year." Why are such "assurances" so incredibly unconvincing at this juncture? Given the pathetic circumstances exhibited by this most recent "City-Modified 2014-2015 SUP", and the obvious lack of any timely enforcement, how can this City, with a "straight face" contend that any future SUP, for 2015-2016 or otherwise, will in actual fact compel MCU to comply? Does not make sense to me. Perhaps you can explain how more (future) Conditions make the neighbors better off when those conditions can so readily be avoided by subsequent "interpretations" purposely invented by Staff that seemingly are directly contrary to the objectives that created them to begin with?

>

> Please explain these contradictions.

>

> Jim Gordon

> ---- Leza Mikhail <LezaM@rpvca.gov> wrote:

> > Hello Jim,

> >

> > Thank you for your comments, and I apologize in advance for my lengthy response. I have a better understanding of your concerns. I would like to let you know that Staff is currently looking into this and discussing the issue that you (and others) raised to Staff over the last few days. It should be noted that Staff was unaware that Marymount filled the holes as you (and others) describe. Staff is requesting that Marymount representatives respond to this allegation. I should also let you know that Staff received permission yesterday to visit the property and observe the issues that you raise, and intend to do so by the end of this week.

> >

> > I would like to clarify one point that you make below, and perhaps is part of my previous confusion. You note that the main purpose of opening the SUP was to implement permanent tie-downs for the graduation tent in an effort to avoid excessive noise levels that were generated from air-hammers and jackhammers for the construction of the Gala tent and Graduation tent (last academic year). Staff definitely agrees that purpose of opening the SUP was to reduce potential, excessive noise impacts from air-hammers and jackhammers so that construction-related activity would not continuously affect the general welfare of the neighbors. However, Staff did not require that the applicant provide permanent tie-downs. As you can see in the attached Notice of Decision, Condition No. 12(b) requires that the applicant "cap and maintain the holes created for the installation of the graduation tent, and the future use of the temporary graduation tent, to avoid the need to use air hammers/jackhammers in the future."

> >

> > Notwithstanding the clarification that I note above, you definitely bring up a good point that relates to your understanding of Marymount filling the holes that the City required to be capped and maintained. If this is in fact true, then Staff would not permit the use of air hammers/jackhammers for the installation of the graduation tent this next year, as that is what Staff understood to be the main issue. As I noted earlier, I have had immediate dialogue with Mr. Reeves since I received your comments and am hopeful that there is some resolve.

> >

> > The University will not be permitted to use air hammers/jackhammers during the 2015-2016 academic year. They may just have to revert back to the way they used to anchor the graduation tent...I am awaiting a response from Mr. Reeves regarding the University's proposed method for the construction of the tent. I will be taking your comments and his response into consideration for the Staff Analysis of the project.

> >

> > With regard to the expiration of the SUP, unlike a CUP (which runs with the property for the life of a particular land use), a SUP is temporary and only runs with the life of the proposed temporary use. In this case, each year, the University must submit a new application for a SUP for their outdoor events with amplified sounds. These permits do expire at the end of each academic year. The City does, however use and approve-upon previous analyses and conditions to mitigate impacts that were unforeseen. I have copied the City Attorney on this email in case I have misspoke or I am incorrect.

> >

> > Again, thank you for your comments. Staff was unaware of this issue, however I will do my best to resolve your concerns and ensure that the City does not permit the use of air hammers/jackhammers (or other machines that generate noise) for the construction of the graduation tent. Should you have any further concerns, please do not hesitate to let me know.

> >

> > Thank you,

> >

> >

> > Leza Mikhail

> > Senior Planner

> >

> > [cid:image001.png@01D0C529.48ABBD10] City of Rancho Palos Verdes

> > Community Development Department

> > 30940 Hawthorne Blvd.

> > Rancho Palos Verdes, CA 90275

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> >  
> > \*Please Note: Effective 02/20/15, the City's new email address is "@rpvca.gov" Please update your contact information for me to reflect [lezam@rpvca.gov](mailto:lezam@rpvca.gov)<<mailto:lezam@rpvca.gov>> as my new email.  
> >  
> >  
> >  
> > From: James [<mailto:bubba32@cox.net>]  
> > Sent: Wednesday, July 22, 2015 6:48 PM  
> > To: Leza Mikhail  
> > Cc: Ara Mihranian; Joel Rojas; CC; CityManager  
> > Subject: Re: Marymount - Notice of Decision for City-Initiated  
> > 2014-2015 SUP  
> >  
> > Leza  
> >  
> > I guess that I was not clear enough in my correspondence to you regarding MCU's non-compliance with their City-modified 2014-2015 SUP, Condition 12b.  
> >  
> > During a subsequent Neighborhood Advisory Committee meeting with MCU, soon after the 2015 graduation had taken place, Vice President James Reeves, when asked, acknowledged and admitted that MCU had not complied with Condition 12b of that agreed SUP, the installation of permanent tent tie-downs intended to avoid future significant noise impacts. MCU admittedly did not comply with that specially-modified provision. I am concerned that you did not know that.  
> >  
> > As you may recall, the primary purpose of that modified SUP was to implement such permanent tent tie-downs so that future tent installations would not repeat the previously-experienced excessive noise levels of such installations.  
> >  
> > When the VP of MCU admits that Condition 12b was not complied with, and that this specific Condition was the key reason that the City required and obtained an agreed modification to install permanent tie-downs at that time, they are admittedly in non-compliance with that 2014-2015 City-modified SUP - that is the simple concern here.  
> >  
> > As such, pending issuance by RPV Code Enforcement, they are not entitled to obtain further new SUP entitlements because the specific provisions of the City-modified 2014-2015 SUP were not complied with. MCU is in direct violation of that Modified SUP; it does not "expire" simply with the passage of time unless all such conditions have properly been met. Thus, MCU is in current non-compliance and RPV Code Enforcement should so notify MCU and not process any further entitlements, including the currently noticed 2015-2016 SUP unless and until MCU completes their required Condition 12b, the installation of permanent net tie-downs.  
> >  
> > Otherwise, what is the point and purpose of having such a specially modified 2014-2015 SUP Condition 12b in the first place?  
> >  
> > You were an active party to those modifications which were agreed with and signed off by MCU. That key provision was admittedly not complied with and Ara was in attendance and can confirm that fact, as described above.  
> >  
> > Let me know if that answers your inquiry.  
> >  
> > Best Regards,  
> >

> > Jim Gordon  
> >  
> > Sent from my iPad  
> >  
> > On Jul 21, 2015, at 2:19 PM, Leza Mikhail <LezaM@rpvca.gov<mailto:LezaM@rpvca.gov>> wrote:  
> > Hello Jim,  
> >  
> > Yes, I attached the Notice of Decision to my previous email, and have attached it again to this email. I'm sorry, but I'm not seeing where you think they University is not in compliance. Can you point out how you believe they are not in compliance with their Conditions of the City-initiated Revision to their SUP?  
> >  
> > I personally visited the property in June and witnessed the holes that were dug for the temporary graduation tent and they capped them, pursuant to their requirement in Condition No. 12(b). Are you saying that they are not capped anymore and the University filled the holes with cement or pavement? If that is the case, that is news to the City.  
> >  
> > Please let me know how you believe the University is not in compliance. I apologize, but I am just a bit perplexed.  
> >  
> > Thank you,  
> >  
> >  
> > Leza Mikhail  
> > Senior Planner  
> >  
> > [cid:image001.png@01D0C3BF.9AA10C80]City of Rancho Palos Verdes  
> > Community Development Department  
> > 30940 Hawthorne Blvd.  
> > Rancho Palos Verdes, CA 90275  
> > [www.rpvca.gov](http://www.rpvca.gov)<<http://www.palosverdes.com/rpv/planning/planning-zonin>  
> > [g/index.cfm](http://www.palosverdes.com/rpv/planning/planning-zonin)>  
> > (310) 544-5228 -- (310) 544-5293 f  
> > [lezam@rpvca.gov](mailto:lezam@rpvca.gov)<<mailto:lezam@rpvca.gov>>  
> >  
> > \*Please Note: Effective 02/20/15, the City's new email address is "[@rpvca.gov](mailto:@rpvca.gov)<<http://rpvca.gov>>" Please update your contact information for me to reflect [lezam@rpvca.gov](mailto:lezam@rpvca.gov)<<mailto:lezam@rpvca.gov>> as my new email.  
> >  
> >  
> >  
> > From: James [<mailto:bubba32@cox.net>]  
> > Sent: Tuesday, July 21, 2015 2:10 PM  
> > To: Leza Mikhail  
> > Cc: Ara Mihranian; Joel Rojas  
> > Subject: Fwd: Marymount - Notice of Decision for City-Initiated  
> > 2014-2015 SUP  
> >  
> > Leza, et al  
> >  
> > Here is the Notice of Decision for the City-Initiated 2014-2015 SUP that MCU failed to comply with.  
> >  
> > Jim  
> >  
> > Sent from my iPad  
> >

>> Begin forwarded message:  
>> From: "City of Rancho Palos Verdes"  
>> <listserv@civicplus.com<mailto:listserv@civicplus.com>>  
>> Date: April 29, 2015 at 1:58:43 PM PDT  
>> To: bubba32@cox.net<mailto:bubba32@cox.net>  
>> Subject: Marymount - Notice of Decision for City-Initiated 2014-2015  
>> SUP  
>> Reply-To: listserv@civicplus.com<mailto:listserv@civicplus.com>  
>>  
>> View this in your browser<<http://www.rpvca.gov/list.aspx?MID=104>>  
>> Due to a link error, this Notification is being resent.  
>>  
>> City-Initiated Modification to Marymount's 2014-2015 Special Use  
>> Permit  
>>  
>> Pursuant to Condition No. 13 of the Marymount California University's Special Use Permit for the 2014-2015 academic year, the City of Rancho Palos Verdes modified the Conditions of Approval related to the tent construction and operational activities associated with the Graduation ceremonies in May 2015. A Public Notice was issued on April 10, 2015. The Director approved the City-initiated modifications to certain conditions of approval to address concerns relayed from the public. A copy of the Staff Report and Notice of Decision with all Conditions of Approval can be found below.  
>>  
>> Click here<<http://www.rpvca.gov/DocumentCenter/View/6147>> to view  
>> the Notice of Decision for the City-initiated Modifications (April  
>> 29, 2015)  
>>  
>> Click here<<http://www.rpvca.gov/DocumentCenter/View/6133>> to view  
>> the Staff Report for the City-Initiation Modification to the 2014-2015 Special Use Permit <marymount notice.pdf>

## Leza Mikhail

---

**From:** bubba32@cox.net  
**Sent:** Thursday, July 23, 2015 3:22 PM  
**To:** Leza Mikhail  
**Cc:** CityManager; Joel Rojas; CC; Carol Lynch <clynch@rwglaw.com>; Ara Mihranian  
**Subject:** RE: Marymount - Notice of Decision for City-Initiated 2014-2015 SUP Response to submitted concerns

Leza

Thank you. Looking forward to your follow-up investigation results.

As previously noted to you, this is not MY ALLEGATION of a violation, but simply a factual REPORT. This violation (failure to install permanent tent tie-downs) was acknowledged and admitted to by MCU Vice President James Reeves at the Neighborhood Advisory Committee (NAC) meeting with numerous witnesses and RPV's Deputy Planning Director Mihranian in attendance.

Given that MCU does not dispute the violation and failure to install those permanent tie-downs despite the documented purpose and agreed contractual Conditions of the City-Modified 20-2015 SUP, I am perplexed to understand just why Staff is unable to connect the obvious dots here.

I am not making this up!

Jim Gordon

---- Leza Mikhail <LezaM@rpvca.gov> wrote:  
> Hello Jim,  
>  
> Thank you for your email. We appreciate your input, and we will continue to look into the violation that you allege.  
>  
>  
> Leza Mikhail  
> Senior Planner  
>  
> City of Rancho Palos Verdes  
> Community Development Department  
> 30940 Hawthorne Blvd.  
> Rancho Palos Verdes, CA 90275  
> www.rpvca.gov  
> (310) 544-5228 – (310) 544-5293 f  
> lezam@rpvca.gov  
>  
> \*Please Note: Effective 02/20/15, the City's new email address is "@rpvca.gov" Please update your contact information for me to reflect lezam@rpvca.gov as my new email.  
>  
>  
>  
> -----Original Message-----

> From: bubba32@cox.net [mailto:bubba32@cox.net]  
> Sent: Thursday, July 23, 2015 11:46 AM  
> To: Leza Mikhail  
> Cc: CityManager; Joel Rojas; CC; Carol Lynch <clynch@rwglaw.com>; Ara  
> Mihranian  
> Subject: RE: Marymount - Notice of Decision for City-Initiated  
> 2014-2015 SUP Response to submitted concerns  
>  
> Leza  
>  
> Thank you for your response and clarifications;  
>  
> I would like to further suggest that several of your comments are complete nonsense and contradict the obvious purpose for which the City modified the 2014-2015 SUP.  
>  
> 1.) The intended purpose of Condition 12b was not, as you selectively state, "to (only) cap and maintain holes AND FUTURE USE OF THE TEMPORARY GRADUATION TENT.." Those "holes" you refer to were REQUIRED by that Condition to CONTAIN permanent tie-downs in them which MCU has publicly admitted were NOT installed in them before the "capping" took place. For RPV Planning to now publicly declare that all that Condition 12b required was to fill (and cap) empty holes is ludicrous and shameful to the extreme. "Capping" is not the true purpose of Condition 12b and you surely must know and understand that. What the point of Condition 12b is that those "capped" holes actually contain (and they admittedly do not) the required PERMANENT TENT TIE-DOWNS. They do not, and that is the problem which needs to be addressed BEFORE any further SUP entitlements are granted, including the proposed 2015-2016 new SUP! Please inform MCU of these violations and require compliance. Is that too much to ask or expect?  
>  
> 2.) (Paragraph 5) "With regard to the expiration of the SUP, unlike a CUP, ..a SUP is temporary and only runs with the life of the temporary use. .. These permits do expire at the end of each academic year." What you seem to imply here is another outrageous interpretation such that whatever requirements are included in such SUP Conditions, they no longer exist past each academic year, WITH THE CONSEQUENT RESULT THAT ANY VIOLATIONS OF THOSE CONDITIONS ("expired") are no longer valid and can be ignored without consequence when not fulfilled and complied with DURING THE RELEVANT ACADEMIC YEAR IN QUESTION (2014-2015).  
>  
> Is that what you are stating here in your response paragraph five for the record? That MCU can violate, at will and with complete impunity, its agreed SUP Conditions and no longer be held accountable when such SUP Conditions are actually violated BEFORE the end of each Academic Year, but when RPV Enforcement fails to address such violations until AFTER that Academic Year? Is that what you are stating here for the record? If that is the City's position on SUP Enforcement, then there is no enforcement at all, and all the time and effort to impose such alleged neighbor protective provisions are virtually wasted and become null and void at the whim of RPV Planning and Code Enforcement by their failure to timely address non-compliance.  
>  
> Is that what is being suggested here? That RPV Planning is deliberately preparing and concluding seemingly protective provisions for the nearby neighbors in specific written and mutually agreed contractual language that thereafter become worthless, void and unenforceable at the arbitrary whim of RPV Planning and Enforcement officials?  
>  
> 3.) In your response paragraph three, you suggest that "Staff would not permit the use of air hammers/jackhammers for the installation of the graduation tent next year." Why are such "assurances" so incredibly unconvincing at this juncture? Given the pathetic circumstances exhibited by this most recent "City-Modified 2014-2015 SUP", and the obvious lack of any timely enforcement, how can this City, with a "straight face" contend that any future SUP, for 2015-2016 or otherwise, will in actual fact compel MCU to comply? Does not make sense to me. Perhaps you can explain how more (future) Conditions make the neighbors better off when those conditions can so readily be avoided by subsequent "interpretations" purposely invented by Staff that seemingly are directly contrary to the objectives that created them to begin with?

>  
> Please explain these contradictions.  
>  
> Jim Gordon  
> ---- Leza Mikhail <LezaM@rpvca.gov> wrote:  
> > Hello Jim,  
> >  
> > Thank you for your comments, and I apologize in advance for my lengthy response. I have a better understanding of your concerns. I would like to let you know that Staff is currently looking into this and discussing the issue that you (and others) raised to Staff over the last few days. It should be noted that Staff was unaware that Marymount filled the holes as you (and others) describe. Staff is requesting that Marymount representatives respond to this allegation. I should also let you know that Staff received permission yesterday to visit the property and observe the issues that you raise, and intend to do so by the end of this week.  
> >  
> > I would like to clarify one point that you make below, and perhaps is part of my previous confusion. You note that the main purpose of opening the SUP was to implement permanent tie-downs for the graduation tent in an effort to avoid excessive noise levels that were generated from air-hammers and jackhammers for the construction of the Gala tent and Graduation tent (last academic year). Staff definitely agrees that purpose of opening the SUP was to reduce potential, excessive noise impacts from air-hammers and jackhammers so that construction-related activity would not continuously affect the general welfare of the neighbors. However, Staff did not require that the applicant provide permanent tie-downs. As you can see in the attached Notice of Decision, Condition No. 12(b) requires that the applicant "cap and maintain the holes created for the installation of the graduation tent, and the future use of the temporary graduation tent, to avoid the need to use air hammers/jackhammers in the future."  
> >  
> > Notwithstanding the clarification that I note above, you definitely bring up a good point that relates to your understanding of Marymount filling the holes that the City required to be capped and maintained. If this is in fact true, then Staff would not permit the use of air hammers/jackhammers for the installation of the graduation tent this next year, as that is what Staff understood to be the main issue. As I noted earlier, I have had immediate dialogue with Mr. Reeves since I received your comments and am hopeful that there is some resolve.  
> >  
> > The University will not be permitted to use air hammers/jackhammers during the 2015-2016 academic year. They may just have to revert back to the way they used to anchor the graduation tent...I am awaiting a response from Mr. Reeves regarding the University's proposed method for the construction of the tent. I will be taking your comments and his response into consideration for the Staff Analysis of the project.  
> >  
> > With regard to the expiration of the SUP, unlike a CUP (which runs with the property for the life of a particular land use), a SUP is temporary and only runs with the life of the proposed temporary use. In this case, each year, the University must submit a new application for a SUP for their outdoor events with amplified sounds. These permits do expire at the end of each academic year. The City does, however use and approve-upon previous analyses and conditions to mitigate impacts that were unforeseen. I have copied the City Attorney on this email in case I have misspoke or I am incorrect.  
> >  
> > Again, thank you for your comments. Staff was unaware of this issue, however I will do my best to resolve your concerns and ensure that the City does not permit the use of air hammers/jackhammers (or other machines that generate noise) for the construction of the graduation tent. Should you have any further concerns, please do not hesitate to let me know.  
> >  
> > Thank you,  
> >  
> >  
> > Leza Mikhail  
> > Senior Planner

>>  
>> [cid:image001.png@01D0C529.48ABBD10] City of Rancho Palos Verdes  
>> Community Development Department  
>> 30940 Hawthorne Blvd.  
>> Rancho Palos Verdes, CA 90275  
>> www.rpvca.gov<<http://www.palosverdes.com/rpv/planning/planning-zonin>  
>> g/  
>> index.cfm>  
>> (310) 544-5228 – (310) 544-5293 f  
>> lezam@rpvca.gov<<mailto:lezam@rpvca.gov>>  
>>  
>> \*Please Note: Effective 02/20/15, the City's new email address is "@rpvca.gov" Please update your contact information for me to reflect lezam@rpvca.gov<<mailto:lezam@rpvca.gov>> as my new email.  
>>  
>>  
>>  
>> From: James [<mailto:bubba32@cox.net>]  
>> Sent: Wednesday, July 22, 2015 6:48 PM  
>> To: Leza Mikhail  
>> Cc: Ara Mihranian; Joel Rojas; CC; CityManager  
>> Subject: Re: Marymount - Notice of Decision for City-Initiated  
>> 2014-2015 SUP  
>>  
>> Leza  
>>  
>> I guess that I was not clear enough in my correspondence to you regarding MCU's non-compliance with their City-modified 2014-2015 SUP, Condition 12b.  
>>  
>> During a subsequent Neighborhood Advisory Committee meeting with MCU, soon after the 2015 graduation had taken place, Vice President James Reeves, when asked, acknowledged and admitted that MCU had not complied with Condition 12b of that agreed SUP, the installation of permanent tent tie-downs intended to avoid future significant noise impacts. MCU admittedly did not comply with that specially-modified provision. I am concerned that you did not know that.  
>>  
>> As you may recall, the primary purpose of that modified SUP was to implement such permanent tent tie-downs so that future tent installations would not repeat the previously-experienced excessive noise levels of such installations.  
>>  
>> When the VP of MCU admits that Condition 12b was not complied with, and that this specific Condition was the key reason that the City required and obtained an agreed modification to install permanent tie-downs at that time, they are admittedly in non-compliance with that 2014-2015 City-modified SUP - that is the simple concern here.  
>>  
>> As such, pending issuance by RPV Code Enforcement, they are not entitled to obtain further new SUP entitlements because the specific provisions of the City-modified 2014-2015 SUP were not complied with. MCU is in direct violation of that Modified SUP; it does not "expire" simply with the passage of time unless all such conditions have properly been met. Thus, MCU is in current non-compliance and RPV Code Enforcement should so notify MCU and not process any further entitlements, including the currently noticed 2015-2016 SUP unless and until MCU completes their required Condition 12b, the installation of permanent net tie-downs.  
>>  
>> Otherwise, what is the point and purpose of having such a specially modified 2014-2015 SUP Condition 12b in the first place?  
>>

>> You were an active party to those modifications which were agreed with and signed off by MCU. That key provision was admittedly not complied with and Ara was in attendance and can confirm that fact, as described above.

>>

>> Let me know if that answers your inquiry.

>>

>> Best Regards,

>>

>> Jim Gordon

>>

>> Sent from my iPad

>>

>> On Jul 21, 2015, at 2:19 PM, Leza Mikhail <LezaM@rpvca.gov<mailto:LezaM@rpvca.gov>> wrote:

>> Hello Jim,

>>

>> Yes, I attached the Notice of Decision to my previous email, and have attached it again to this email. I'm sorry, but I'm not seeing where you think they University is not in compliance. Can you point out how you believe they are not in compliance with their Conditions of the City-initiated Revision to their SUP?

>>

>> I personally visited the property in June and witnessed the holes that were dug for the temporary graduation tent and they capped them, pursuant to their requirement in Condition No. 12(b). Are you saying that they are not capped anymore and the University filled the holes with cement or pavement? If that is the case, that is news to the City.

>>

>> Please let me know how you believe the University is not in compliance. I apologize, but I am just a bit perplexed.

>>

>> Thank you,

>>

>>

>> Leza Mikhail

>> Senior Planner

>>

>> [cid:image001.png@01D0C3BF.9AA10C80]City of Rancho Palos Verdes

>> Community Development Department

>> 30940 Hawthorne Blvd.

>> Rancho Palos Verdes, CA 90275

>> [www.rpvca.gov](http://www.rpvca.gov)<<http://www.palosverdes.com/rpv/planning/planning-zonin>

>> g/

>> index.cfm>

>> (310) 544-5228 – (310) 544-5293 f

>> [lezam@rpvca.gov](mailto:lezam@rpvca.gov)<<mailto:lezam@rpvca.gov>>

>>

>> \*Please Note: Effective 02/20/15, the City's new email address is "@rpvca.gov<<http://rpvca.gov>>" Please update your contact information for me to reflect [lezam@rpvca.gov](mailto:lezam@rpvca.gov)<<mailto:lezam@rpvca.gov>> as my new email.

>>

>>

>>

>> From: James [<mailto:bubba32@cox.net>]

>> Sent: Tuesday, July 21, 2015 2:10 PM

>> To: Leza Mikhail

>> Cc: Ara Mihranian; Joel Rojas

>> Subject: Fwd: Marymount - Notice of Decision for City-Initiated

>> 2014-2015 SUP

>>

> > Leza, et al  
> >  
> > Here is the Notice of Decision for the City-Initiated 2014-2015 SUP that MCU failed to comply with.  
> >  
> > Jim  
> >  
> > Sent from my iPad  
> >  
> > Begin forwarded message:  
> > From: "City of Rancho Palos Verdes"  
> > <listserv@civicplus.com<mailto:listserv@civicplus.com>>  
> > Date: April 29, 2015 at 1:58:43 PM PDT  
> > To: bubba32@cox.net<mailto:bubba32@cox.net>  
> > Subject: Marymount - Notice of Decision for City-Initiated 2014-2015  
> > SUP  
> > Reply-To: listserv@civicplus.com<mailto:listserv@civicplus.com>  
> >  
> > View this in your browser<<http://www.rpvca.gov/list.aspx?MID=104>>  
> > Due to a link error, this Notification is being resent.  
> >  
> > City-Initiated Modification to Marymount's 2014-2015 Special Use  
> > Permit  
> >  
> > Pursuant to Condition No. 13 of the Marymount California University's Special Use Permit for the 2014-2015  
academic year, the City of Rancho Palos Verdes modified the Conditions of Approval related to the tent construction and  
operational activities associated with the Graduation ceremonies in May 2015. A Public Notice was issued on April 10,  
2015. The Director approved the City-initiated modifications to certain conditions of approval to address concerns  
relayed from the public. A copy of the Staff Report and Notice of Decision with all Conditions of Approval can be found  
below.  
> >  
> > Click here<<http://www.rpvca.gov/DocumentCenter/View/6147>> to view  
> > the Notice of Decision for the City-initiated Modifications (April  
> > 29,  
> > 2015)  
> >  
> > Click here<<http://www.rpvca.gov/DocumentCenter/View/6133>> to view  
> > the Staff Report for the City-Initiation Modification to the  
> > 2014-2015 Special Use Permit <marymount notice.pdf>

**Leza Mikhail**

---

**From:** Leza Mikhail  
**Sent:** Tuesday, July 21, 2015 1:56 PM  
**To:** 'James'  
**Cc:** Ara Mihranian; Joel Rojas  
**Subject:** RE: Marymount - Special Use Permit for 2015/2016 Academic Year  
**Attachments:** marymount notice.pdf

Hello Jim,

Marymount was not required to install permanent tent tie down anchors. Instead, in order to eliminate the disturbance from jack hammers, the City required that Marymount cap and maintain the holes created for the installation of the graduation tent, and for the future use of the temporary graduation tent, to avoid the need to use air hammers/jackhammers in the future. This was Condition No. 12(b), which was memorialized in the City-initiated Revision to Marymount's SUP for last academic year.

If I am misunderstanding your concern, or your thoughts on the University's compliance with their conditions, please let me know. At this time, Staff does not believe that the University is in violation of their Conditions of Approval or City Municipal Codes.

I'd be happy to answer any further questions.

Thank you,

**Leza Mikhail**  
**Senior Planner**

 *City of Rancho Palos Verdes*  
**Community Development Department**  
30940 Hawthorne Blvd.  
Rancho Palos Verdes, CA 90275  
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\*Please Note: Effective 02/20/15, the City's new email address is "@rpvca.gov" Please update your contact information for me to reflect [lezam@rpvca.gov](mailto:lezam@rpvca.gov) as my new email.

**From:** James [mailto:bubba32@cox.net]  
**Sent:** Tuesday, July 21, 2015 1:28 PM  
**To:** listserv@civicplus.com  
**Cc:** Ara Mihranian; Leza Mikhail; Joel Rojas  
**Subject:** Re: Marymount - Special Use Permit for 2015/2016 Academic Year

Leza

Currently, Marymount is not eligible to obtain further entitlements because they are in non-compliance with their most recent (Modified) Special Use Permit (SUP) condition 12b.

According to MCU VP James Reeves, Marymount failed to install the required permanent tent tie down anchors for their most recent (Graduation Tent) event. Those were required by the special RPV-modified SUP, Condition 12b. Such added requirement, unfulfilled to date, was the primary reason that RPV Planning required this updated SUP.

MCU should be notified accordingly that such tie-downs must first be installed, as required, before any further action is to be processed on any new SUP.

Jim Gordon

Sent from my iPad

On Jul 21, 2015, at 9:37 AM, City of Rancho Palos Verdes <[listserv@civicplus.com](mailto:listserv@civicplus.com)> wrote:

[View this in your browser](#)

#### Outdoor Special Events - 2015/2016 Academic Year

Marymount California University requests a Special Use Permit to allow a series of outdoor special events with amplified sound, held during the 2015-2016 academic year. A total of 22 specific dates and times are proposed, as well as 2 additional dates that will be determined at a later date.

- [Click here](#) to view the Special Use Permit Public Notice including the Requested Events Table

Inquiries should be directed to Leza Mikhail, Senior Planner, at [Lezam@rpvca.gov](mailto:Lezam@rpvca.gov) or 310-544-5228,  
\*\*\*\*\*

This message is been sent by the [City of Rancho Palos Verdes](#) as part of a "Notify Me" Listserv category you are signed up for. Please do not press "reply" when responding to this message, it is an unmonitored email address. You can make changes to your subscription by visiting <http://www.rpvca.gov/list.aspx>.

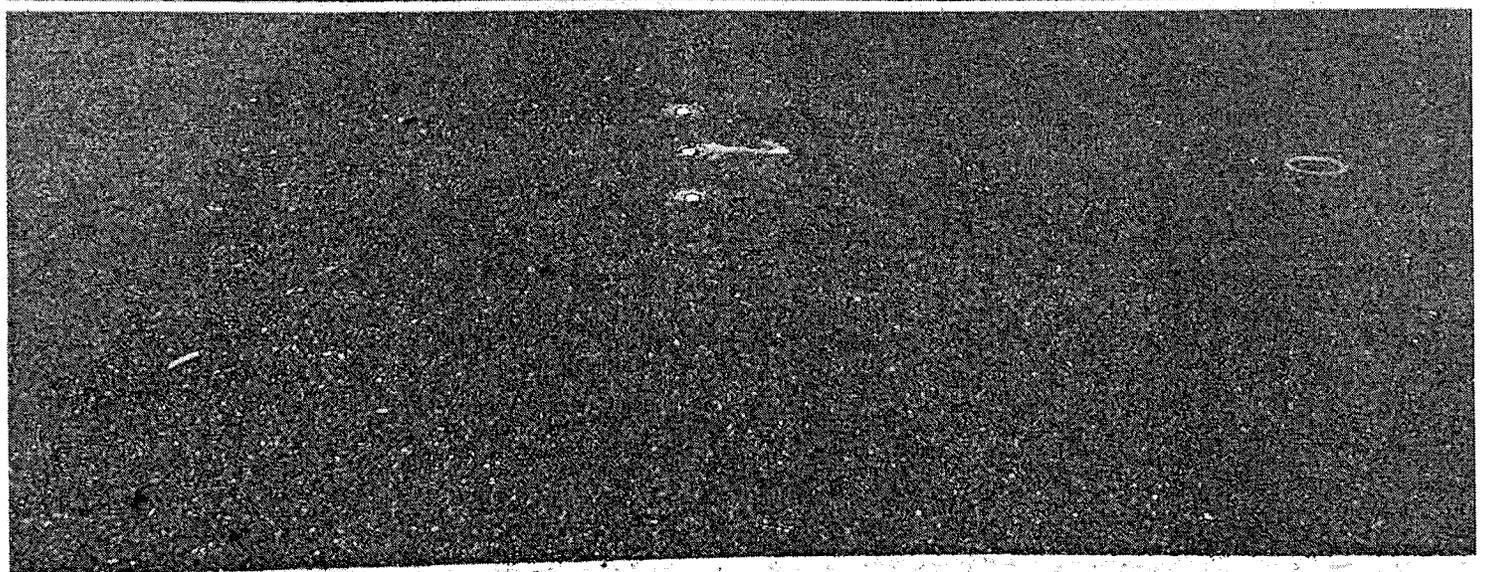
You are receiving this message because you are subscribed to Marymount College Expansion Project on [www.rpvca.gov](http://www.rpvca.gov). To unsubscribe, click the following link:

<http://www.rpvca.gov/list.aspx?mode=manage&Email=bubba32@cox.net>

If clicking the link doesn't work, please copy and paste the link into your browser.

## Staff Photographs of Capped Holes





Original 2015-2016 SUP Notice of Decision  
And Conditions of Approval

August 18, 2015

**NOTICE OF DECISION**

NOTICE IS HEREBY GIVEN that the City of Rancho Palos Verdes has conditionally approved a request for a Special Use Permit (Case No. ZON2015-00333) on August 18, 2015.

**Location:** 30800 Palos Verdes Drive East (Marymount College)

**Landowner:** Marymount California University

Said approval is to allow a series of outdoor special events (22 + 2 alternate dates), with amplified sound, held during the 2015-2016 academic year (see attached).

In granting this Special Use Permit application, the following conditions were adopted:

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 approval of Special Use Permit (Case No. ZON2015-00333) 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 2015-2016 academic year shall be limited to twenty-four (24), which includes the twenty-two (22) scheduled events and two (2) additional floating events to be approved by the Community Development Director. The applicant shall notify the Community Development Director 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 shall require review and approval by the Community Development Director, provided the change does not conflict with the CUP for the campus.
3. The hours of the proposed events shall be as identified in the attached schedule (Exhibit "B"), unless otherwise noted herein, and the two floating events shall be limited to the hours of 12:00 p.m. to 1:30 p.m, on a weekday.
4. The two floating events shall be held at Chapel Circle, Cecilia Quad or Poolside only and shall not be held on Saturday's or Sunday's.
5. The Graduation Mass proposed on Friday, May 6, 2016 shall be from 3:00 p.m. to 6:30 p.m. only, and the Graduation Ceremony on Saturday, May 7, 2016 shall be

**Notice of Decision – Case No. ZON2015-00333 (SUP)  
August 18, 2015**

from 11:00 a.m. to 3:00 p.m. only.

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 6, 2016 and May 7, 2016, 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 Community Development Director.
8. All sound amplification equipment used at any event shall be oriented away from any 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 would not exceed 65 decibels, as measured from the closest property line. The applicant shall be responsible for the payment of all costs associated noise consulting services.
11. Any temporary lighting associated with the events shall be shielded and/or directed away from adjacent properties.
12. The tent proposed for the Graduation ceremonies 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 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 3, 2016 and May 5, 2016, and shall be removed within 48 hours of the conclusion of the event. 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.
13. The temporary tent constructed for the Graduation Ceremonies that will occur on May 6, 2016 and May 7, 2015 shall be limited to 1,200 square feet in area 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 submitted to the City on April 26, 2015, and as outlined in the conditions of approval.
14. The University is prohibited from the use of pneumatic device or machinery (i.e. air hammers/jackhammers) for the installation and/or securing of the Graduation tent. 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.

**Notice of Decision – Case No. ZON2015-00333 (SUP)**  
**August 18, 2015**

15. The University shall be permitted to use a generator for light and sound associated with the Graduation event, which shall be placed in the parking area near the existing classroom building, and shall be operated for light testing on Thursday, May 5, 2016, for rehearsals and Mass on Friday, May 6, 2016, and for graduation on Saturday, May 7, 2016. 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 sound levels of the generator to no more than 65 dBA, as measured from the property lines.
16. Prior to installation, the Community Development Director shall approve the location of all temporary restroom facilities, including but not limited to porta potties 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.
17. The University shall provide to the City Manager and/or Deputy City Manager the direct contact information to the Vice President of the University, should the City receive complaints related to the graduation tent construction or operational activity of the Graduation ceremonies.
18. 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.
19. 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.
20. The City reserves the right to suspend or cancel this permit if activities are conducted contrary to the permit conditions at any time without incurring any liability to the permittee whatsoever. 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.
21. No live music or amplified sound associated with an outdoor event shall be permitted on Sundays.
22. The project shall substantially conform to the plans stamped approved with the effective date of this approval.
23. The abandonment or non-use of this approval after a six-month period shall render the approval null and void.
24. 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.
25. In the event that a Planning requirement and a Building & Safety requirement are in

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**August 18, 2015**

conflict with one another, the stricter standard shall apply.

26. The subject Special Use Permit for the 2015-2016 (Case No. ZON2015-00333) 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 Community Development Director.
27. Upon receiving and confirming a formal complaint of non-compliance with the Conditions of Approval of the 2015-2016 Special Use Permit, pursuant to Ordinance No. 473, an administrative citation shall be issued by the City to the property owner noting infraction of the non-compliance. The fee for said citation shall be based on Resolution No. 2008-44. Additionally, failure to comply with all conditions of approval set forth in this approval shall be cause for the City to deny future annual Special Use Permits for amplified sounds.

Any interested person may appeal this decision in writing to the Planning Commission within five (5) calendar days of the date of this notice. A \$2,275.00 appeal fee must accompany any appeal. The appeal shall set forth the grounds for appeal and any specific action being requested by the appellant. The Department hours are from 7:30 a.m. to 5:30 p.m., Monday through Thursday, and 7:30 a.m. to 4:30 p.m. Friday.

If you have any questions regarding this matter, please contact Senior Planner, Leza Mikhail at (310) 544-5228 or via e-mail at [lezam@rpvca.gov](mailto:lezam@rpvca.gov).



*for J.R.*

Joel Rojas, AICP  
Community Development Director

- Cc:
- 1) Lois Karp / 31115 Ganado / Rancho Palos Verdes, CA 90275
  - 2) Jim Gordon / 3538 Bendigo / Rancho Palos Verdes, CA 90275
  - 3) Stephen Katz / 3553 Seaglen Dr. / Rancho Palos Verdes, CA 90275