



MEMORANDUM

TO: ARA MIHRANIAN, AICP, COMMUNITY DEVELOPMENT DIRECTOR

FROM: LEZA MIKHAIL, SENIOR PLANNER

DATE: JULY 13, 2016

**SUBJECT: SPECIAL USE PERMIT (CASE NO. ZON2016-00173)
Land Owner: Marymount California University;
Address: 30800 Palos Verdes Drive East)**

RECOMMENDATION

Approve Special Use Permit (Case No. ZON2016-00173), subject to the conditions contained in the attached Exhibit "A", to allow twenty-three (23) outdoor events with amplified sound during the 2016-2017 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 1st of each academic year to conduct up to 24 outdoor events with amplified sound throughout the University's academic year. The Conditional Use Permit limits 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. At that time, since the Athletic Field project was still being considered, 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. Being that the Athletic Field project was withdrawn on

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September 8, 2015, Condition No. 136 still allows the East Parking Lot to be used for the graduation ceremonies and the gala.

On April 20, 2016, an application for a Special Use Permit (Case No. ZON2016-00173) was submitted to the Community Development Department requesting outdoor events with amplified sound for the 2016-2017 academic year. The application was deemed incomplete for processing on May 9, 2016 and May 26, 2016 due to the need for additional information. After submitting a revised schedule of events on June 1, 2016, Staff deemed the application complete for processing on June 7, 2016.

On June 15, 2016, Staff mailed public notices to the 162 property owners within a 500-foot radius of the University, informing them of the proposed 2016-2017 Special Use Permit. Staff received a number of emails from five (5) concerned residents (see attached) as a result of the Public Notice.

As added background information, Marymount has conducted similar outdoor amplified events for a number of years, and the proposed 2016-2017 outdoor amplified events are generally similar to those that were approved and held last year during the 2015-2016 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 they incurred as a result of use of pneumatic powered hammers used for the installation of the gala tents in the East Parking Lot. In response to this concern, Staff reopened the 2014-2015 SUP to modify the conditions of approval by limiting the use of pneumatic powered hammers for the installation of the graduation tent in May 2015. The modified conditions, among other things, required the applicant to cap the holes created in the asphalt of the parking lot in order to eliminate the future use of pneumatic powered hammers for the installation of the graduation tent. Staff inspected the East Parking Lot, and confirmed 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. As a result of the capping, the use of pneumatic powered hammers was prohibited in the 2015-2016 SUP because the City expected the capped holes to be accessed for securing the graduation tent. In April 2016, the University realized that the capped holes were not adequate to structurally support the graduation tent and thus requested a revision to its SUP to allow pneumatic powered hammers for the May 2016 graduation event. However the Director denied this revision request on April 27, 2016 and no appeal of the Director's decision was filed.

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

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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-three (23) outdoor events with amplified sound at the Marymount campus during the 2016-2017 academic year. These events are outlined in the schedule attached as Exhibit "B", and include a total of twenty-one (21) scheduled events, plus two (2) floating events, to be determined by the University at a later time. Included in this year's request is the use of pneumatic hammers for the installation of the graduation tent in May 2017. Specifically, the University is currently requesting the use of pneumatic powered hammers on Tuesday, May 2, 2017, between the hours of 10:00 am and 4:00 pm, to secure the graduation tent (a Gala is not proposed for the 2016-2017 academic year).

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 University's proposed 23 events for the 2016-2017 academic year consist of twenty (20) events scheduled during the afternoon hours (before 4:30 pm), one (1) event scheduled into the evening hours (before 7pm), and two (2) floating events scheduled during the afternoon hours. This is generally consistent with last year's schedule which consisted of twenty (20) afternoon events, two (2) evening event (before 7pm), and two (2) floating events scheduled during the afternoon hours (total of 24 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.

Four (4) of the proposed events are scheduled to occur on a weekend, which is considered to be a more sensitive time of the week. The four weekend events are scheduled on a Saturday and include the following: the Orientation training activities to be held on Saturday, August 13, 2016, which will begin at 11:00 am and conclude at 2:00 pm; Orientation activities and Convocation Ceremony to be held on Saturday, August 20, 2016, which will begin at 9:00 am and conclude at 5:30 pm; Canyon Verde Carnival to be held on Saturday, October 15, 2016, which will begin at 10:00 am and conclude at 2:00 pm; and the "Graduation and Related Events" to be held on Saturday, May 6, 2017, 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.

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As proposed, the outdoor events will occur in the 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.

The following table provides a summary of the maximum number of events approved by the City since the 1990-1991 academic year which range between 15 and 26 events:

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
ZON2011-00165***	2011-2012	17	17	17

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Special Use Permit No.	Academic Year	# of Events Requested	# of Events Approved	# of Events Conducted
ZON2012-00179***	2012-2013	22	22	22
ZON2013-00204***	2013-2014	23	23	23
ZON2014-00312****	2014-2015	22	22	20
ZON2015-00333****	2015-2016	24	24	24

* 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.

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, or other outdoor activities, 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 location large enough in area to accommodate a tent for the Graduation ceremonies. The Graduation activities will occur on Friday, May 6, 2017 from 3:00 pm to 6:30 pm (Graduation Mass & sound checks), and on Saturday, May 6, 2017 from 11:00 am to 3:00 pm (Graduation Ceremony & related ceremony events). The Graduation tent set-up and tear-down activities are proposed 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 before the graduation event and shall be removed within 48 hours of the conclusion of the graduation events. Given that the University does not have an Athletic Field, the graduation events will occur in the East Parking Lot. The other nineteen (19) 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 the poolside area. These 21 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

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these properties and the events range between approximately 800-feet and 1,000-feet, which will help buffer and mitigate adverse impacts to these properties.

Thus, based on the discussion above, Staff feels that with appropriate conditions of approval that limit these outdoor events with amplified sound to occur in the East Parking Lot, Chapel Circle and Cecilia Quad, the overall campus site is of adequate size and shape to accommodate the special events. Staff has also added a condition prohibiting the Graduation tent from being erected earlier than 3 working days (Tuesday through Thursday) before the graduation events are scheduled to occur and requiring that the tent be completely removed within 48 hours after the graduation event have concluded.

- 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. However, during the 2015-2016 academic year, the City received safety-related complaints regarding vehicles parked along Palos Verdes Drive East during the two days when the graduation events occurred in May 2016. In response to these complaints, Staff has added a condition of approval that requires the applicant to submit a Traffic Control Plan one month prior to the Graduation Mass and Ceremony, to be reviewed and approved by the Public Works Department. The purpose of the Traffic Control Plan is to implement appropriate measures to mitigate potential impacts to the surrounding streets. Thus, as conditioned, a Traffic Control Plan will be required to address the anticipated off-campus vehicles that will require on-street parking for these graduation related events, and all the proposed tools that are necessary to control traffic, including, but not limited to, traffic safety cones, areas of approved parking and restricted parking, and changeable reader boards. Additionally, conditions of approval have been added to require that traffic safety cones be used to warn drivers of oncoming parked cars.

Based on the above and that the proposed events are consistent with those typically held on higher education campuses, Staff believes that with adequate conditions, the proposed outdoor events with amplified sound will not adversely impact pedestrian and vehicular patterns, and thus can make this finding.

- 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

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will be located at the East Parking Lot that is in close proximity to homes on San Ramon Drive and Vista del Mar. Although the actual graduation ceremonies may create some noise impacts to property owners along San Ramon Drive and Vista del Mar, these events are typical with a university campus and only occur once a year (May) in this specific location and are conditioned to minimize operational impacts such as noise and hours as discussed below.

The Special Use Permit is thoughtfully conditioned, as in past years, to control noise generation, 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 sounds.

As part of this year's application, the University is requesting the use of pneumatic powered hammers for the installation of the graduation tent on Tuesday, May 2, 2017, between the hours of 10:00 am and 4:00 pm. Although the requested hours to use pneumatic powered hammers are limited, given the number and breadth of complaints received over the last few years from neighboring residents when pneumatic powered hammers were used for the tent installation for the 2014 gala and the 2015 graduation, combined with the comments received as a result of this year's public notice, Staff does not believe measures can be implemented that will adequately mitigate the noise impacts that will be experienced by the neighboring properties, particularly on San Ramon Drive and Vista Del Mar.

Thus, similar to last year, Staff is conditioning the Special Use Permit to prohibit the use of pneumatic powered devices (i.e. air hammers/jackhammers) for the installation of the proposed graduation tent. While Staff understands the University's desire to provide a tent for the 2017 Graduation ceremonies, the installation of a tent is not prohibited, only the use of pneumatic powered devices that would be used to install the tent is prohibited. It should be noted that Staff finds that the project site is adequate in size and shape to accommodate the graduation tent, however the size of the property is not large enough to mitigate the noise impacts to neighbors whenever a pneumatic powered device is used for the installation of a temporary tent each year. Staff is of the opinion that the repeated yearly use of pneumatic devices creates a significant adverse impact on adjacent properties. As previously noted, the City initiated an amendment to the University's SUP in April 2015, permitting the use of pneumatic powered hammers for the 2015 Graduation tent with a requirement that the University cap and maintain the holes created for the future use of the graduation tent. This condition was intended to avoid the repeated future need to use pneumatic hammers/jackhammers for the graduation tent. Moreover, prior to approving the 2014-2015 SUP, Staff informed the University that they could approach the City with a request to use pneumatic machinery for a one-time permanent solution, however to date, such submittal has not been received by the City. As the applicant's proposed use of pneumatic machinery on May 2, 2017 does not propose a permanent solution, and the use of repeated pneumatic machinery is known to create adverse impacts to neighboring residents, Staff cannot support the use of said machinery. Thus, Staff has imposed a condition prohibiting the use of pneumatic devices for the installation of the graduation tent.

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In regard to the events scheduled for Saturdays, Sundays, and weekdays after 4:30 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 not proposing any Saturday events that extend beyond 4:30 pm. The Graduation Mass is scheduled to occur on the East Parking Lot on Friday, May 5, 2017 between the hours of 3:00 pm and 6:30 pm, and the Graduation Ceremony is proposed to occur on the East Parking Lot on May 6, 2017 between the hours of 11:00 and 3:00 pm. This is the same location that these events have occurred in the past. As conditioned, the speakers are not permitted to be directed toward the residences to minimize potential noise impacts. Therefore, Staff does not believe that these events will result in significant adverse impacts to the neighboring properties that are adjacent to and south of the campus.

Per Council-adopted 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 2002, in response to resident concerns about increasing noise levels associated with the special events, the City required a noise consultant 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. 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 less than the maximum allowable decibel level. As proposed, there are four events this year during these sensitive times of the day and week; however, according to project files, in recent years, the City has not received any complaints from surrounding property owners regarding noise from the actual events. As such, Staff does not believe noise monitoring for this year's events is warranted. Nevertheless, if any of the proposed events result in noise complaints, a condition of approval has been added that allows the City to require noise monitoring for future events approved under this SUP.

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, as conditioned, 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 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, hours of the events, approval of a Traffic Control Plan one month prior to the Graduation Mass and Ceremony, and the prohibited use of pneumatic devices for the installation of temporary graduation tents. The conditions of approval are intended to minimize impacts to neighboring properties and to ensure that residents are not continuously adversely impacted over the span of several years. To reiterate, Staff has also added a condition of approval prohibiting the use of pneumatic powered devices (e.g. air hammers/jackhammers) for the installation of the Graduation tent. While Staff understands that the University desires the use of a tent for the Graduation ceremonies, the condition prohibiting the use of a pneumatic powered hammer does not preclude the University from installing a tent for the graduation ceremonies. Furthermore, this condition does not prevent the University from engineering a solution to accommodate permanent tie-downs for the graduation tent, for future consideration by the City. 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, and as conditioned, this finding can be made.

ADDITIONAL INFORMATION

Public Notice

Staff received comment letters from five (5) concerned residents as a result of the public notice. The comment letters were received from 1) Concerned Citizens Coalition / Marymount Expansion CCC/ME, Inc., 31115 Ganado Dr., 2) Angus and Gail Lorenzen, property owners at 15 Diamonte Lane, 3) Kathy Pappo, unknown address, 4) Dee Espinosa, property owner at 2804 Vista Mesa Drive, and 5) Prescilla Koehler, property owner at 3352 Seaclaire Dr. A majority of the comment letters note concerns with the addition of events with amplified sounds during the 2016-2017 academic year, due to anticipated impacts related to traffic and noise. When given the opportunity to speak with some of these residents, it became clear that they were under the impression that these events were new, or an addition to their regularly scheduled operations, and had not been occurring since 1990. As noted in this Staff Report, the University has been conducting similar outdoor events with amplified sound for the last twenty years with the City's approval of a SUP. As described in Finding #3 above, in recent years, Staff has not received complaints regarding the operation of these special events with the exception of the installation of the gala tent in 2014 and the graduation tent in 2015. Thus, Staff is of the opinion that the proposed events will not create unreasonable temporary noise impacts to the surrounding neighborhood that cannot be mitigated. 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 are documented and do not continue to disturb residents. Furthermore, if noise impact complaints are received by the

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City, a condition of approval allows the City to require a Noise Consultant to study the noise impacts and allows the City to assess any unforeseen noise impacts to the surrounding neighborhood that arise above 65 decibels.

It should be noted that the comment letter from the CCC/ME, and organization representing a number of concerned residents surrounding the University, noted that they reviewed the SUP application for the 2016-2017 academic year and found it to be very similar to previous years and acceptable, except for the request to use pneumatic powered hammers to erect the graduation tent in 2017. As noted throughout this Staff Report, Staff is prohibiting the use of pneumatic devices.

CONCLUSION

Based upon the discussion above, Staff recommends that the Director approve Case No. ZON2016-00173 for a Special Use Permit, subject to the conditions of approval contained in Exhibit "A", thereby allowing Marymount to host twenty-one (21) special events and two (2) special floating events for the 2016-2017 academic year.

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 a revised application; or
- 2) Deny, without prejudice, Special Use Permit (Case No. ZON2016-00173).

Approved pursuant to Staff's Recommendation:



Ara Mihranian, AICP
Community Development Director

Date: 7.13.16

Attachments

- Exhibit "A" – Conditions of Approval
- Exhibit "B" – 2016-2017 Schedule of Events
- Comment Letters
- Project Plans

Exhibit "A"
Conditions of Approval
Case No. ZON2016-00173 (Special Use Permit)
Marymount California 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. ZON2016-00173) 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 2016-2017 academic year shall be limited to twenty-three (23), which includes the twenty-one (21) 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 a Saturday or Sunday.
5. 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 5, 2017 and May 6, 2017, as listed on the attached schedule (Exhibit "B").
6. 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.
7. All sound amplification equipment used at any event shall be oriented away from adjacent residential areas.
8. 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.

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9. If noise complaints are submitted to City Staff, the City reserves the right to require a Noise Consultant to monitor noise levels for any event approved through this permit to ensure that noise levels will not exceed 65 decibels, as measured from the closest property line. The applicant shall be responsible for the payment of all costs associated with noise consulting services.
10. Any temporary lighting associated with the events shall be shielded and/or directed away from adjacent properties.
11. The Graduation Mass proposed on Friday, May 5, 2017 shall be from 3:00 p.m. to 6:30 p.m. only, and the Graduation Ceremony on Saturday, May 6, 2017 shall be from 11:00 a.m. to 3:00 p.m. only.
12. The applicant shall submit to the City a Traffic Control Plan one (1) month in advance of the City-approved graduation events. Said plan shall include, but not be limited to, the anticipated number of vehicles that will require on-street parking, the areas of approved and restricted parking, traffic safety cones, the number and location of changeable reader boards informing the public of the graduation events and traffic, and any additional information deemed necessary to control traffic along City streets during the City-approved graduation events. Said plan shall be reviewed and approved by Public Works Department.
13. The tent proposed for the graduation events shall comply with all Fire safety criteria, shall be installed in a safe and structurally sound manner, and shall be located in the area indicated on the attached plan. The tent set-up and tear-down activities shall only occur between the hours of 8:00 a.m. and 5:00 p.m., and the tent installation shall be limited to the days between May 2, 2017 and May 4, 2017, and shall be removed within 48 hours of the conclusion of the City-approved graduation events. All grounds shall be kept clear of trash and debris, and adequate trash receptacles shall be put in place to ensure that that trash and debris generated from the construction and operation of the graduation ceremony does not end up on neighboring properties.
14. The temporary tent constructed for the Graduation Ceremonies that will occur on May 5, 2017 and May 6, 2017 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 stamped received by the City on April 20, 2016, and as outlined in these conditions of approval.
15. The use of pneumatic hammers, devices or machinery (i.e. air hammers/jackhammers) for the installation and/or securing of the graduation tent, or any other tent associated with the 2016-2017 Special Use Permit is **prohibited**.
16. Pursuant to the City-Initiated Revision to the 2015-2015 SUP approval, the property owner shall maintain the capped holes created for the installation of the graduation

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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.

17. The University shall be permitted to use a generator for light and sound associated with the Graduation events, which shall be placed in the parking area near the existing classroom building, and shall be operated for light testing on Thursday, May 4, 2017, for rehearsals and Mass on Friday, May 5, 2017, and for graduation on Saturday, May 6, 2017. A temporary screen shall be installed around the generator to buffer the visibility of the generator from residences along San Ramon Dr., and to reduce the noise levels of the generator to no more than 65 dBA, as measured from the property lines.
18. 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.
19. The University shall provide to the City Manager and/or Deputy City Manager the direct contact information to the President of the University a minimum of forty-eight (48) hours before the graduation events, should the City receive complaints related to the graduation tent construction or operational activity of the Graduation ceremonies.
20. 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.
21. 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.
22. 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.
23. No live music or amplified sound associated with an outdoor event shall be permitted on Sundays.
24. The project shall substantially conform to the plans stamped approved with the effective date of this approval.
25. The abandonment or non-use of this approval after a six-month period shall render

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the approval null and void.

26. 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.
27. In the event that a Planning requirement and a Building & Safety requirement are in conflict with one another, the stricter standard shall apply.
28. The subject Special Use Permit for the 2016-2017 (Case No. ZON2016-00173) 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.
29. Failure to comply with and adhere to all of these conditions of approval may be cause to revoke the approval of the project pursuant to the revocation procedures contained in Section 17.86.060 of the City’s Municipal Code or administrative citations as described in Section 1.16 of the City’s Municipal Code.