

RESOLUTION NO. 2020-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES APPROVING REVISION "E" TO THE APPROVED CONDITIONAL USE PERMIT NO. 55, AMENDING CONDITION NOS. 17, 18 AND ADDING CONDITION NO. 20.5 TO CHANGE THE NEIGHBORHOOD ADVISORY COMMITTEE MEETING FREQUENCY (CONDITION NO.17); TO ALLOW A TEMPORARY SIGN TO BE HUNG FROM THE PRIMARY IDENTIFICATION SIGN UP TO 6 TIMES A YEAR (CONDITION NO.18); AND TO ALLOW A TRAVELING HALF-SIZE REPLICA OF THE VIETNAM VETERANS MEMORIAL TO BE LOCATED ON THE PROPERTY UP TO ONCE PER CALENDAR YEAR (CONDITION NO. 20.5) FOR PROPERTY LOCATED AT 27501 S. WESTERN AVENUE (GREEN HILLS MEMORIAL PARK).

WHEREAS, on April 24, 2007, the Planning Commission adopted P.C. Resolution No. 2007-32, certifying a Mitigated Negative Declaration and adopted P.C. Resolution No. 2007-33, approving amendments to the Conditional Use Permit No. 155 for the Green Hills Master Plan, which called for development of the Green Hills Memorial Park ("Green Hills") over the following 30 to 50 years, and allowed grading and mausoleum buildings to be constructed at various specified locations throughout Green Hills cemetery; and,

WHEREAS, on November 25, 2008, the Planning Commission conducted an annual review and adopted P.C. Resolution No. 2008-47, approving a revision to the Master Plan at Green Hills cemetery; and,

WHEREAS, on February 25, 2014, following complaints by the *Vista Verde* Condominium Association regarding the Pacific Terrace/Memorial Terrace Mausoleum building in Area 11, the Planning Commission conducted an annual review of Conditional Use Permit No. 155 and tentatively agreed to impose a 90-day moratorium on all ground burials and interments on the rooftop of the Pacific Terrace/Memorial Terrace Mausoleum while Staff identified new or revised conditions to address specific noise, visual, and privacy impacts identified by the Planning Commission based on public testimony, and continued the public hearing to March 11, 2014; and,

WHEREAS, on March 11, 2014, the Planning Commission continued the public hearing to April 22, 2014, and again on May 13, 2014, August 12, 2014, and August 26, 2014 to allow Green Hills and the *Vista Verde* Condominium Association to continue their discussions regarding the existing Pacific Terrace/Memorial Terrace Mausoleum; and,

WHEREAS, on October 28, 2014, the Planning Commission conducted a public hearing and unanimously agreed to impose specific operational conditions on Green Hills to minimize impacts from burial activity involving the Pacific Terrace/Memorial Terrace Mausoleum and continued the public hearing to November 11, 2014; and,

WHEREAS, on November 11, 2014, the Planning Commission adopted P.C. Resolution No. 2014-29, imposing a moratorium on future burials and sales of burial plots on the rooftop of the Pacific Terrace/Memorial Terrace Mausoleum building located in Area 11 of the Master Plan; a moratorium on above-ground burials within the 5' setback area along the western property line in the area south of the Pacifica Mausoleum building; directing Green Hills to submit a Variance application within 30-days to allow specific structures/interments that are located in setbacks to remain and imposing new conditions on the cemetery to avoid/minimize impacts to the adjoining neighbors from burial activity on the roof of the Pacific Terrace/Memorial Terrace Mausoleum building in Area 11 of the Green Hills Master Plan; and,

WHEREAS, on November 25, 2014, Ellen Berkowitz of Gresham, Savage Nolan & Tilden filed an appeal of the Planning Commission's decision to the City Council on behalf of Green Hills Memorial Park, seeking to overturn the entirety of the Planning Commission's decision; and,

WHEREAS, on January 20, 2015, the City Council continued the public hearing, then again on September 1, 2015 and September 15, 2015, directing Staff to prepare a resolution upholding the Planning Commission's action; and,

WHEREAS, on November 17, 2015, the City Council adopted Resolution No. 2015-102, upholding in part and modifying in part the Planning Commission's decision approving the compliance review for the Green Hills Cemetery and allowing the mausoleum building in Area 11 to remain in accordance with its 2007 approvals and permits and revising certain conditions of approval, and amending the Green Hills Cemetery Master Plan; and,

WHEREAS, no Annual Compliance Review was conducted for 2015 since the 2014 Annual Review commenced on February 25, 2014 and extended through November 17, 2015; and,

WHEREAS, on January 31, 2017, the City Council conducted the 2016 annual review and adopted Resolution No. 2017-03, approving revisions to the Conditions of Approval as part of the 2016 Annual Review for the Green Hills Conditional Use Permit; and,

WHEREAS, on February 6, 2018, the City Council conducted the 2017 annual review and adopted Resolution No. 2018-07, approving revisions to the Conditions of Approval as part of the 2017 Annual Review for the Green Hills Conditional Use Permit; and,

WHEREAS, on March 19, 2019, the City Council conducted the 2018 annual review and found that Green Hills was in compliance with the Conditions of Approval of Conditional Use Permit No. 55; and,

WHEREAS, Condition of Approval No. 22(N-2) of Resolution No. 2018-07 affords the City Council the ability to conduct an annual review and add, delete, or modify the conditions of approval as deemed necessary and appropriate; and,

WHEREAS, on December 19, 2019, a public notice of the 2019 Annual Review was mailed to owners of property within a 500' radius of the subject site, to persons requesting notice, to all affected homeowners associations, and to the property owner in accordance with Rancho Palos Verdes Code Section 17.80.090, and published in the *Palos Verdes Peninsula News* pursuant to the requirements of the Rancho Palos Verdes Development Code; and,

WHEREAS, the City Council held a duly noticed public hearing on January 21, 2020, at which time all interested parties were given an opportunity to be heard and present evidence.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

Section 1: CEQA Findings. Pursuant to the provisions of the California Environmental Quality Act, Public Resources Code Sections 21000 et. seq. ("CEQA"), the State's CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 et. seq., the City's Local CEQA Guidelines, and Government Code Section 65962.5(f) (Hazardous Waste and Substances Statement), this decision by the City Council (i) constitutes minor modification to the existing Conditions of Approval of the Green Hills Master Plan Conditional Use Permit; and (ii) will not have a significant effect on the environment. Therefore, this decision is not subject to CEQA pursuant to California Code of Regulations Sections 15061(b)(2), and 15301.

Section 2: Municipal Code Findings for Granting Compliance Review and Modifications to Conditions. This is a *de novo* hearing where the City Council has considered the evidence before it. The City Council finds that this use dates back to 1948 and was annexed to the City in 1984 with the original Master Plan approved in 1991, revised Master Plan approved in 2007 and which has been updated from time to time, an Annual Review commenced in 2014 was approved with modified conditions in 2015, an Annual Review approved with modified conditions in 2017, an annual review approved with modified conditions in 2018, and the most recent annual review approved in 2019. There is no expansion of the use beyond the Revised Master Plan, and additional conditions have been imposed to minimize impacts to surrounding properties and protect community health, safety, and general welfare. The changes to the conditions being proposed do not affect the validity of the findings made in Resolution No. 2018-07. Accordingly the Council finds:

A. That the site is adequate in size and shape to accommodate the proposed use and for all of the yards, setbacks, walls, fences, landscaping and other features required by this title or by conditions imposed under this section to

integrate said use with those on adjacent land and within the neighborhood. To wit:

Green Hills Memorial Park's entrance is located at 27501 Western Avenue in the northeast corner of the City, bordering the City of Lomita, the City of Rolling Hills Estates, and the City of Los Angeles. The property is approximately 121 acres in size, and is a privately owned and operated cemetery facility. Approximately 1,800 burials occur annually at the cemetery. The site is, therefore, of a size and shape that allows its use as a cemetery facility, including all required setbacks, landscaping and other features. The entrance is sufficient to accommodate traffic into and out of the cemetery.

The cemetery abuts residential properties to the north and south, a church complex and reservoir land to the west, and residential and undeveloped land to the east (site of the proposed *Highpark* residential development), across Western Avenue. The use of the property is thus consistent with surrounding uses and the adjacent neighborhood as a low-density development.

B. That the site for the proposed use relates to streets and highways sufficient to carry the type and quantity of traffic generated by the subject use. To wit:

Green Hills Memorial Park has been in existence at this location since 1948. Its main entrance is located on Western Avenue, a major thoroughfare that accommodates the amount of vehicular traffic to and from the cemetery. The proposed changes to the conditions will not negatively affect the traffic on Western Avenue as two of the changes will not create additional traffic (event sign and Neighborhood Advisory Committee meeting frequency), and Western Avenue will be sufficient to handle any additional traffic that may be created by the third amendment, which allows a traveling half-size replica of the Vietnam Veterans Memorial, "The Moving Wall", to be displayed on the property once per calendar year. The cemetery also has an additional access road off Palos Verdes Drive North that leads to the cemetery's maintenance yard, which alleviates potential construction vehicle traffic congestion at the entrance on Western Avenue.

C. That, in approving the subject use at the specific location, there will be no significant adverse effects on adjacent property or the permitted use thereof. To wit:

The conditions imposed minimize impacts on neighboring properties. Conditions address, among other issues: parking, grading, noise, landscaping, setbacks, mitigation monitoring, Master Plan compliance reviews, dust, emissions by construction vehicles and equipment, construction, dirt storage, lighting, employee training and complaints, trash and debris, storage of equipment and supplies, fences, signage, and storm water mitigation. This is further described in Finding E below.

D. That the proposed use is not contrary to the general plan. To wit:

Green Hills Memorial Park is consistent with the General Plan's Cemetery zoning designation of the site, and with the types of land uses permitted within the Development Code's Cemetery land use designation. Further, the changes to the Neighborhood Advisory Committee meeting frequency and the addition of a temporary sign to the primary identification sign site will have no effect on the policies of the General Plan. Also, The Moving Wall will help to serve the political, cultural, and social needs of the residents.

E. That conditions regarding any of the requirements listed in this Section, which the City Council finds to be necessary to protect the health, safety, and general welfare, have been imposed. To wit:

- a. Setbacks and buffers;
- b. Fences or walls;
- c. Lighting;
- d. Vehicular ingress and egress;
- e. Noise, vibration, odors and similar emissions;
- f. Landscaping;
- g. Maintenance of structures, grounds, or signs;
- h. Service roads or alleys; and
- i. Such other conditions as will make possible development of the City in an orderly and efficient manner and in conformity with the intent and purposes set forth in this title.

Some minor changes to the conditions of approval are proposed as part of the Annual Review, which will also meet the intent of this condition.

Section 4: Compliance Review. Pursuant to Condition of Approval No. 22.N-3 contained in Resolution No. 2018-07, which states that: "*The City Council shall conduct an annual review or as deemed necessary by the City Council to review the property owner's compliance with all conditions of approval associated with the Master Plan. At that time, the City Council may add, delete, or modify the conditions of approval as deemed necessary and appropriate. Notice of said review hearing shall be published and provided to owners of property within a 500' foot radius, to persons requesting notice, to all affected homeowners associations, and to the property owner in accordance with Rancho Palos Verdes Development Code Section 17.80.090*". This annual review considers the approved amendments to the Master Plan's Conditions of Approval and has determined that Green Hills is in compliance with action and operational conditions. The City Council has the ability to add, delete, or modify the conditions of approval as deemed necessary and appropriate. Accordingly, the conditions of approval that are approved by this Resolution, which are attached hereto as Exhibit 'A' and incorporated herein by this reference, are hereby added to the Green Hills Master Plan.

Section 5: Modification of Conditions. Attached hereto as Exhibit 'A' are conditions governing this use, both existing and modified conditions, all incorporated

herein. As set forth above, this determination includes amending three existing conditions of approval of the Green Hills Master Plan to change the Neighborhood Advisory Committee meeting frequency, allow a sign advertising special events and daylight savings time changes to be hung periodically from the primary identification sign, and allow the temporary installation of the "Moving Wall" traveling half-size replica of the Vietnam Veterans Memorial. The amendments to the conditions are summarized and shown below with the deleted text shown ~~strike through~~ and the new text in **bold, italic and underlined**:

A. Condition No. 17 is amended to reduce the frequency of the Neighborhood Advisory Committee meetings, as follows:

17. Green Hills Cemetery Neighborhood Advisory Committee. Green Hills shall establish a neighborhood advisory committee, consisting of two representatives and one observer from the Peninsula Verde and the Rolling Riviera homeowner's associations, as well as a representative from City Staff. The Committee shall meet at least once each calendar year, but no more than four times per calendar year every quarter during normal business hours to review any operational and neighborhood concerns. Reports on the meeting shall be provided to the City Council.

B. Condition No. 18 is amended to allow an internally-illuminated sign to be hung periodically from the primary identification sign to advertise special events and semiannual Daylight Saving Time changes, as follows:

18.a The property owner shall be allowed to hang an internally-illuminated sign from the primary identification sign located adjacent to South Western Avenue that shall advertise no more than four annual events and no more than two hours-of-operation changes (due to the semiannual Daylight Saving Time changes) at various times throughout the year, subject to the following:

- i. The temporary sign shall be internally-illuminated with LEDs, the same as the primary identification sign. The temporary sign shall be allowed to have different text and graphics for each of the annual events and hours-of-operation change notifications, and shall measure 3 feet tall by 14 feet wide to match the width of the primary identification sign.**
- ii. The temporary signage shall be displayed up to 30 days in advance of each event, and shall be removed within seven days after the conclusion of each event. The four allowable events shall be:**
 - Memorial Day Commemoration (last Monday in May)**
 - Easter Sunrise Service (March/April)**
 - Harvest Festival (October)**

- Let it Snow (December)

- iii. Approximately 30 days prior to the semiannual time changes, signs advertising the changes to the hours of operation detailed in Condition No. 20.b of this Resolution shall be displayed.
- iv. The temporary sign shall be mounted to the primary identification sign.
- v. The approved LED sign shall not exceed Municipal Code requirements for outdoor lighting (RPVMC Section 17.56.040) and shall have an automatic dimming system to control the amount of lumens emitted during the different operating times of the day and evening. The approved LED sign shall only be used during the approved park operating hours, specified in Resolution No. 2018-07.
- vi. The events associated with the temporary sign shall comply with all conditions of approval detailed in City Council-adopted Resolution No. 2018-07.

C. Condition No. 20.5 is added to allow a traveling half-size replica of the Vietnam Veterans Memorial, "The Moving Wall", to be displayed on the property once per calendar year, as follows

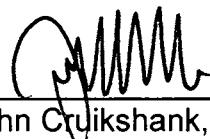
20.5 The Moving Wall (Traveling half-size replica of the Vietnam Veterans Memorial). The property owner shall be allowed to have The Moving Wall located on the property no more than 10 calendar days per calendar year, subject to the following:

- a. The Moving Wall shall be allowed to remain on display for no more than 10 days per calendar year.
- b. Security. The Moving Wall shall be monitored 24 hours a day by security staff hired by the property owner. Any visitors wishing to visit the Wall after the hours of operation detailed in Condition No. 20b shall be escorted on and off the property.
- c. Plans. At least 60 days prior to the installation of The Moving Wall on the property, the property owner shall notify the Director of Community Development where The Moving Wall is proposed to be placed.
- d. Lighting. Any temporary lighting proposed for The Moving Wall shall comply with Mitigation Measures A-1, A-2, and A-3 as detailed in Condition No. 22.

Section 6: Approval of Annual Review and Modifications to Conditions. For the foregoing reasons and based on the information and findings included in the Staff Reports, Minutes and other records of proceedings in this matter, and pursuant to Condition of Approval No. 22.N-3 contained in Resolution No. 2018-07, the City Council of the City of Rancho Palos Verdes hereby adds to the Green Hills Cemetery Master Plan Conditional Use Permit, the conditions that are set forth within the attached Exhibit 'A,' which is incorporated herein by this reference.

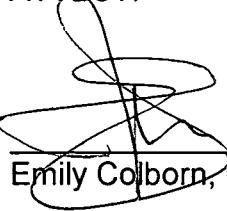
Section 7: Judicial Review. The time within which judicial review of the decision reflected in this Resolution must be sought is governed by Section 1094.6 of the California Code of Civil Procedure or other applicable short periods of limitation.

PASSED, APPROVED AND ADOPTED this 21st day of January 2020.



John Cruikshank, Mayor

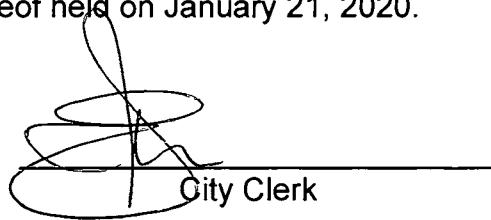
ATTEST:



Emily Colborn, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF RANCHO PALOS VERDES)

I, Emily Colborn, City Clerk of the City of Rancho Palos Verdes, do hereby certify that the above Resolution No. 2020-03 was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on January 21, 2020.



City Clerk

RESOLUTION NO. 2020-03
EXHIBIT 'A'
CONDITIONS OF APPROVAL
GREEN HILLS CEMETERY MASTER PLAN
27501 WESTERN AVENUE

1. General; Consistency Master Plan: This approval is a Revision to the Green Hills Master Plan, and shall be consistent with the "Master Plan Amendment Submittal Package" booklet dated January 29, 2007, prepared by J. Stuart Todd Inc., which allows the following:

- a. **Grading Between 1991-2004.** Acknowledgment that the actual quantity of grading that has been conducted between 1991 through 2004, which is 288,814 cubic yards (cut and fill), is 89,475 cubic yards more than originally approved by the original Master Plan approved in 1991 through City Council Resolution No. 91-7;
- b. **Additional Grading.** Allow a total of 643,259 cubic yards of additional grading, which includes 97,964 cubic yards of import for all the various proposed mausoleum buildings, and all cut and fill associated with earth interments, including rooftop interments, throughout the cemetery site for the life of the Master Plan. Since the applicant has previously performed grading in excess of the provisions of the Master Plan, a topographic baseline survey prepared by Bolton Engineering Corp. showing all existing grades was accepted as the baseline topographic plan by the Director on April 12, 2016. All future grading will be measured against the City-accepted baseline topographic survey. For Area 6, any future grading will be measured against plans titled "Existing Conditions", prepared by Bolton Engineering Corp. showing all existing grades and stamped approved by City Staff on October 17, 2011. Prior to any Grading Permit final, the applicant shall submit an as-built topographical survey prepared and wet-stamped by a licensed engineer depicting the finished grades. The imported fill material will be conducted in phases as each mausoleum building is constructed over an extended period of time over the next 30- to 50-years, as allowed herein.

PREVIOUSLY CONDITION 1.b and 1.b.v OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

- c. **Storage of Excavations.** Temporary storage (up to 72-hours) of Interments excavations is allowed provided that such excavation is covered or stored within an appropriate container.

PREVIOUSLY CONDITION 1.g OF RESOLUTION NO. 2015-102.

- d. **Slope Grades Maximum.** Finish slopes and grades shall not exceed 3:1 and shall include the installation of erosion control methods, such as jute netting and plant material.

PREVIOUSLY CONDITION 25 OF RESOLUTION NO. 2015-102.

e. Earth Interments. Earth interments are permitted throughout the cemetery including family estates, which are commonly enclosed with low garden walls, as allowed in Condition No. 1h.

PREVIOUSLY CONDITION 1g PER RESOLUTION NO. 2015-102.

AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

AMENDED ON FEBRUARY 6, 2018 PER RESOLUTION NO. 2018-07.

f. Rooftop Interments. Rooftop interments shall be subject to City Council review as described in Condition No. 2b. Except as may otherwise be permitted by City Council, there shall be no above ground structures, including but not limited to, garden walls and above-ground headstones on the rooftop. Guardrails, pilasters and/or parapet walls approved as part of the building and benches up to 36-inches in height are permitted on the rooftop.

ADDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

g. Additional Interment Areas. Mausoleum building and garden areas shall be permitted to be retrofitted to accommodate niches and vaults throughout the property.

ADDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

h. Minor Cemetery Improvements. Minor cemetery improvements, including but not limited to, water features, garden walls, bench memorials, gardens, upright memorial features, statues, stone features (including stone landscaping features), cenotaph walls, topiaries, sculptures and other artistic works, ossuaries, bridges, cremation benches, outer interment containers and above ground vaults, and similar features up to 3 feet in height and headstones up to 6 feet in height shall be permitted throughout the cemetery and exempt from Condition No. 2, except for the required setback areas. In Area 4, headstones above 3 feet are prohibited and cemetery improvements shall not contain interments and/or niches.

AMENDED ON FEBRUARY 6, 2018 PER RESOLUTION NO. 2018-07.

i. Inconsistency of Conditions. Below are specific conditions for individual areas (Areas 1-13). In the event of any inconsistencies between the general provisions of this Conditional Use Permit and the individual areas, the conditions of the individual areas (Areas 1-13) shall supersede any other conditions that govern other areas of the Green Hills property.

j. Soils Testing. The property owner shall submit a soils testing protocol report appropriate for the cemetery that shall be reported to the City Council prior to the 2017 Annual Review to determine if soil testing should be conducted.

2. Review of Future Improvements: Future improvements shall be in substantial compliance with the Master Plan Revision approved by the Planning Commission on April 24, 2007 and July 22, 2014, and the City Council on November 17, 2015, as indicated in these conditions of approval and will be reviewed by the Director of Community Development ("Director") under Condition No. 2a or the City Council under Condition No. 2b, as described below.

a. Director Review.

Unless the Director refers the application directly to the City Council as described below, the following improvements may be reviewed by the Director through a Site Plan Review, subject to appeal to the Planning Commission (or thereafter to the City Council):

- (1) Minor Modifications. Minor modifications to the approved plans or any of the conditions that will achieve substantially the same results as would strict compliance with such plans and conditions.
- (2) Small Buildings. Except for mausoleums or unless otherwise addressed herein, all other structures less than 120 square feet in size, including but not limited to gazebos and shade structures, not exceeding 16 feet in height located outside of the required setbacks, not on an extreme slope (35% or more), and not on the roof of a mausoleum building.

PREVIOUSLY CONDITION NO. 1.j OF RESOLUTION NO. 2015-102.

- (3) Cemetery Related Features. Customary cemetery-related features over 36 inches in height, including but not limited to, water features, garden walls, bench memorials, gardens, upright memorial features, statues, stone features (including stone landscaping features), cenotaph walls, topiaries, sculptures and other artistic works, ossuaries, bridges, cremation benches, outer interments containers and above ground vaults, and similar features, provided that the height of such features shall not exceed 16 feet. In setback areas, such features are not permitted unless specified in the respective Area conditions (Areas 1-13).

PREVIOUSLY CONDITION NO. 1k OF RESOLUTION NO. 2015-102.

- (4) Fences and Walls. Freestanding fences and walls, including perimeter walls, up to 8 feet in height shall be permitted throughout the property. Fences and walls (excluding perimeter fences and walls) located outside of structure setbacks may accommodate niches or vault interments and are not subject to interment setbacks. Perimeter fences and walls shall be solid.

ADDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

(5) Retaining Walls. Retaining walls shall be permitted throughout the property and may accommodate niche or vault interments.

ADDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

(6) Grading. Grading shall be permitted throughout the property, provided that the Director determines that the grading substantially complies with the Master Plan and conditions. Any grading associated with new mausoleum buildings shall be subject to City Council review under Condition No. 2b. With the exception of Areas 1, 4, 5, 6, and 11, permitted grading includes grading of areas for mass installation of vaults. Prior to commencing any earth movement, the property owner shall obtain a grading permit as required by the Rancho Palos Verdes Municipal Code. Grading permit shall not be required for individual interments.

ADDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

Prior to considering a Site Plan Review application, the Director shall give a 15 day written notice for an opportunity to comment on the matter to owners of property within a 500-foot radius of the site of the improvements, if any, to persons requesting notice, to all affected homeowners associations, and to the property owner in accordance with Rancho Palos Verdes Development Code Section 17.80.090. Upon the Director's determination, Notice of the Director's decision shall be issued to the aforesaid parties and the applicant, who shall have 15 days to appeal the decision in writing to the Planning Commission, then to the City Council.

In lieu of Director Review as specified above, the Director may refer future improvements directly to the City Council in accordance with the procedure in Condition No. 2b below.

b. City Council Review.

Significant changes to the Conditional Use Permit shall be subject to direct review and approval by the City Council. Such changes shall include the following:

- (1) New construction or reconstruction of any structure over 120 square feet in size and/or taller than 16 feet in height, including mausoleum buildings.
- (2) Rooftop Interments.
- (3) Any significant change in grading, including but not limited to quantities from that shown in the Master Plan and the contours shown in the topographic baseline survey prepared by Bolton Engineering Corp. accepted by the City on April 12, 2016.

- (4) Any modification to the Master Plan or conditions of approval, including but not limited to, new structures in undesignated areas of the Master Plan, which shall be processed as a revision to the Conditional Use Permit (not Site Plan Review).

The City Council shall consider all such matters only through a noticed public hearing. Notice of the public hearing shall be published and provided to owners of property within a 500-foot radius, to persons requesting notice, to all affected homeowners associations, and to the property owner in accordance with Rancho Palos Verdes Development Code Section 17.80.090. At that time, the City Council may determine that the proposed improvements are in substantial compliance or add, delete, or modify the conditions of approval or the Master Plan, as deemed necessary and appropriate. Written notice of the City Council's decision shall be given to the property owner.

AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

3. **Building Silhouettes.** Prior to construction of any building, including any substantial modification or reconstruction of such buildings, the applicant shall install a certified temporary frame silhouette before the City can deem the application complete. Once the silhouette is constructed, a licensed engineer, land surveyor or architect must certify that the silhouette accurately depicts the location, height and outline of the proposed building.

PREVIOUSLY CONDITION NO. 1i OF RESOLUTION NO. 2015-102.

AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

4. **Building Heights.** Building height limitations are determined by these conditions. The heights of each building shall be certified by a registered Civil Engineer and submitted to the Community Development Department prior to Building Permit Final. New mausoleum buildings (including Inspiration Slope Mausoleum) shall not exceed 20-feet in height as measured from the highest existing/preconstruction grade elevation covered by the structure to the highest point of the structure (including railings and/or pilaster caps), and shall not exceed an overall height of 30-feet as measured from the lowest finished grade adjacent to the building to the highest point of the structure (including railings and/or pilaster caps).

PREVIOUSLY CONDITION NO. 30 OF RESOLUTION NO. 2015-102.

AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

5. **Area 1 (Pacific):**

- a. **Structure Setbacks for the Pacifica Mausoleum:**

West: 15 feet (except for portions previously approved at 5 feet and 8 feet which may not be further modified)

North: 40 feet
East: 25 feet
South: If abutting a residential zoning district, 40 feet. If abutting a nonresidential zoning district, 25 feet

b. Earth Interments:

West: 0 feet
North: 16 feet except for the 13 interments in the northwest corner and 6 plots already sold.

c. Supervision. During every burial service located between the north property line and the adjacent roadway, at least one employee of the cemetery shall attend and monitor services to ensure it is being conducted in compliance with these conditions of approval and the cemetery park rules.

d. Vegetation. Except for the existing hedge, drought tolerant, low maintenance and erosion controlling landscaping is required in the western setback adjacent to the Pacifica Mausoleum expansion.

PREVIOUSLY CONDITION NO. 8 OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

6. Area 2 (Inspiration Slope):

a. Grading. Area will be constructed in a minimum of three phases over a period of 5-to 10-years (as funding and budgeting become available), with the initial phase completed in 2017. The construction will require adequate backfill to keep the adjacent earth Interments section at a consistent level. Cumulatively, upon completion, the project will have produced approximately 53,000 cubic yards of grading; however, each phase will require between approximately 10,000 to 15,000 cubic yards of import. Thus, it is estimated that approximately 40,000 cubic yards of import fill will be required for construction of the entire Inspiration Slope project.

PREVIOUSLY CONDITION NO. 1.b.i OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

b. Mausoleum. The mausoleum on Inspiration Slope shall be located as shown on the Master Plan so as not to impair views from the Peninsula Verde neighborhood. Any new construction or expansion of the mausoleum shall require City Council review as described in Condition No. 2b.

PREVIOUSLY CONDITION NO. 23 OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

- c. Rooftop Interments. Rooftop interments shall be subject to City Council review as described in Condition No. 2b.
- d. Retaining Wall. The 14.16 foot tall combination wall, as measured from the lowest adjacent finished grade to the highest point (including railings or pilaster caps), shall be permitted to contain niches or vaults for cremated remains.

PREVIOUSLY CONDITION NO. 23 OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

- e. Hedges. Prior to building permit final of the mausoleum, the existing hedge that separates Crescent Lawn and Inspiration Slope shall be removed.

PREVIOUSLY CONDITION NO. 20.b OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

- f. Supervision. During every burial service, at least one employee of the cemetery shall attend and monitor services to ensure it is being conducted in compliance with these conditions of approval and the cemetery park rules.

ADDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

7. Area 3 (Reflection Mausoleum Expansion):

- a. Grading. A total of approximately 14,000 cubic yards of imported fill shall be permitted for the mausoleum construction.

PREVIOUSLY CONDITION NO. 1.b.ii OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

- b. Square Footage. Allow a new approximately 75,000 square foot mausoleum building to the west of the existing mortuary, approximately 10,000 square feet of which will be above grade and approximately 65,000 square feet will be below grade, subject to City Council review as described in Condition No. 2b.

PREVIOUSLY CONDITION NO. 1.d OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

8. Area 4 (North Terrace Drive):

- a. Grading. Prior to grading operations for new earth interments areas, the property owner shall submit a grading plan, prepared by and wet-stamped by a licensed civil engineer. The existing grade elevation shall not be raised without prior approval by the Director, pursuant to Condition No. 2a.

PREVIOUSLY CONDITION NO. 3 OF RESOLUTION NO. 2015-102.

AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.
AMENDED ON FEBRUARY 6, 2018 PER RESOLUTION NO. 2018-07.

b. Structures. Except as provided in Condition No. 8d, no above ground structures are permitted within the 8' setback from the north property line, including but not limited to, garden walls for family estate interments, or other built-up structures. For areas outside of the 8 foot setback, minor cemetery improvements are permitted as provided in Condition No. 1h.

PREVIOUSLY CONDITION NO. 1.f OF RESOLUTION NO. 2015-102.

AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

AMENDED ON FEBRUARY 6, 2018 PER RESOLUTION NO. 2018-07.

c. Earth Interment Setbacks:

East: 0 feet
North: 8 feet

ADDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

d. Perimeter Fence or Wall. An 8 foot tall vinyl fence shall be installed along the north property line abutting the rear yards of the residential properties on Peninsula Verde Drive. The fence shall be earth-tone in color, approximately 1,150 feet long, and shall be set back at least 2 feet from the north property line. Notwithstanding existing encroachments by the abutting residents, the property owner shall be responsible for installing the perimeter fence by June 1, 2018, subject to Condition No. 2a.

ADDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

AMENDED ON FEBRUARY 6, 2018 PER RESOLUTION NO. 2018-07.

e. Landscape Screening. In areas where no landscaping exists, the property owner shall submit a landscaping plan to the Director for review and approval and shall install landscaping within 90-days of installation of the perimeter fence or wall (refer to Condition No. 10.d) for screening purposes. Landscaping shall be planted on the cemetery side and shall measure at least 8 feet in height from adjacent grade. Neither the existing nor proposed landscaping shall significantly impair any near or far view as defined by the Development Code. The property owner shall be responsible for continuous maintenance of said landscaping.

PREVIOUSLY CONDITION NO. 19 OF RESOLUTION NO. 2015-102.

AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

f. Supervision. During every burial service located between the north property line and the adjacent roadway, at least one employee of the cemetery shall attend and

monitor services to ensure it is being conducted in compliance with these conditions of approval and the cemetery park rules.

ADDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

9. Areas 5 and 6:

- a. Grading. Approximately 137,000 cubic yards of grading is permitted to accommodate future mausoleum buildings and earth interments.

PREVIOUSLY CONDITION NO. 1.h OF RESOLUTION NO. 2015-102.

AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

- b. Excess Material/Stockpiling in Area 6. Excess earth material resulting from interment sites, ground spoils, construction, or site grading, shall be permitted to be stored/stockpiled. The property owner shall maintain a minimum 8 foot high chain link fence with a mesh material to reasonably screen, enclose, and confine Area 6, consistent with the plans on file and approved by the Director in February 2017, to mitigate any unsightly aesthetic conditions related to the stockpiling, storage of materials, and trash. Area 6 shall be regularly watered to reduce dust emissions and meet SCAQMD Rule 403 which prohibits dust clouds to be visible beyond the project site boundaries. A weatherproof notice/sign setting forth the name of the person(s) responsible for the daily dirt movement to Area 6 and a phone number(s) to be called in the event that dust is visible from Area 6, shall be posted and displayed on the fencing.

PREVIOUSLY CONDITION NO. 1h OF RESOLUTION NO. 2015-102.

AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

AMENDED ON FEBRUARY 6, 2018 PER RESOLUTION NO. 2018-07.

- c. Mausoleums in Area 6. Allow 5 separate mausoleum buildings with each footprint measuring approximately 24,000 square feet, subject to City Council review as described in Condition No. 2b.

d. Structure Setbacks:

West:	5 feet
South:	40 feet

e. Earth Interments Setbacks:

West:	5 feet
South:	20 feet (presumes 8 foot landscape buffer and 10 foot wide roadway)

f. Landscape Screening. Landscaping shall be planted within 8' of the future south perimeter wall on the cemetery side prior to the completion of the future roadway (refer to Condition No. 9g) for screening purposes. Landscaping shall measure at least 8 feet in height from adjacent grade. Neither the existing nor proposed landscaping shall significantly impair any near or far view as defined by the Development Code. The property owner shall be responsible for continuous maintenance of this landscaping.

PREVIOUSLY CONDITION NO. 20.b OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.
AMENDED ON FEBRUARY 6, 2018 PER RESOLUTION NO. 2018-07.

g. Road. The future road extension that parallels the south property line shall be completed prior to the City issuing a final occupancy permit for any building in Area 6. The future road extension that parallels the south property line shall be setback a minimum of 8 feet from the future wall to provide a landscape buffer as required in Condition No. 9f. Prior to construction, the future road shall include traffic calming measures as deemed acceptable by the Director of Community Development.

PREVIOUSLY CONDITION NO. 27 OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.
AMENDED ON FEBRUARY 6, 2018 PER RESOLUTION NO. 2018-07.

h. Supervision. During every burial service, at least one employee of the cemetery shall attend and monitor services to ensure it is being conducted in compliance with these conditions of approval and the cemetery park rules.

ADDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

i. Historic Church in Area 6. Revision "D" to conditional use permit of the Green Hills permits the placement of an historic church building in Area 6 of the Master Plan, southwest of the existing duck pond. The church building measures less than 1,100 square feet in area, and has a steeple at the front of the building that is 7-feet wide, 7-feet deep, and 38-feet tall.

(1) The church building may be used for funeral services only, and may not be used for congregational church services. Further, the existing bell may remain as a decorative feature only, and the bell or bell recordings may not be used.

(2) Major additions to the church building or relocation of the church building to another location on the property are not allowed without prior City Council approval.

(3) Hours. The Chapel may be open to the public from 7:00 a.m. to 9:00 p.m. Monday through Sunday.

PREVIOUSLY CONDITION NO. 1.I OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

10. Area 7 (Southwest Terrace Mausoleum):

- a. Grading. Area 7 will not require import of fill since the amount of excavation far exceeds the amount of backfill necessary for this mausoleum buildings, and the excess dirt will be placed and compacted in Areas 5 and 6 of the Master Plan (i.e., the southern and southwestern portions of the cemetery site), which is not expected to be developed for another 30 years.

PREVIOUSLY CONDITION NO. 1.b.iii OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

- b. Mausoleum. New mausoleum is permitted at the southwest side of the cemetery, with a building footprint of approximately 38,000 square feet, subject to City Council review as described in Condition No. 2b.

PREVIOUSLY CONDITION NO. 1.e OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

- c. Setbacks:

Structures	West: 5 feet
Earth Interments	West: 5 feet

ADDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

11. Area 11 (Pacific Terrace/Memorial Terrace Mausoleum):

- a. Grading. Area 11 will not require import of fill since the amount of excavation far exceeds the amount of backfill necessary for this mausoleum building, and the excess dirt will be placed and compacted in Areas 5 and 6 of the Master Plan (i.e., the southern and southwestern portions of the cemetery site), which is not expected to be developed for another 30-years.

PREVIOUSLY CONDITION NO. 1.b.iii OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

- b. Setbacks for the Pacific Terrace/Memorial Terrace Mausoleum are as follows:.

North:	8' feet for the portion constructed and finalized as of 2013. 40' feet for future expansions.
West:	If abutting a residential zoning district, 40' feet. If abutting a nonresidential zoning district, 25' feet.
South:	If abutting a residential zoning district, 40' feet.

If abutting a nonresidential zoning district, 25' feet.
East: 25' feet

PREVIOUSLY CONDITION NO. 8.a OF RESOLUTION NO. 2015-102.

- c. Tractor Ramp. The entire length of the tractor ramp shall be left clear at all times when not in use. No vehicles, landscaping equipment, construction equipment, storage containers, etc. may be parked, stored or left on the tractor ramp.

PREVIOUSLY CONDITION NO. 1.3.a OF RESOLUTION NO. 2015-102.

- d. Ramp Guardrail. The guardrail fence along the tractor ramp and along the top of the mausoleum building along the north (rear) shall not be a solid wall and shall be maintained as a wrought iron guardrail.

PREVIOUSLY CONDITION NO. 1.3.d OF RESOLUTION NO. 2015-102.

- e. Screen Rear Wall. The Northern (rear) wall of the mausoleum building shall be screened by a type of wall vine landscaping. The landscaping shall be planted and allowed to grow on the wall only, to the satisfaction of the Director and shall not grow above the wall.

PREVIOUSLY CONDITION NO. 1.3.b OF RESOLUTION NO. 2015-102.

- f. Landscaping.

(1) Roof. With the exception of ground cover, no other vegetation shall be planted on the roof of the Pacific Terrace/Memorial Terrace Mausoleum. For other areas within Area 11 that are outside the footprint of the Pacific Terrace/Memorial Terrace Mausoleum, only ground cover, shrubs and other vegetation below the height of the existing wall on the property line are allowed. Vines are allowed on the northern wall of the Pacific Terrace/Memorial Terrace Mausoleum building provided that they do not exceed the solid building parapet.

PREVIOUSLY CONDITION NO. 1.3.c OF RESOLUTION NO. 2015-102.

(2) Tree Screen at Mausoleum. If desired by the Vista Verde Condominium Association, applicant shall plant suitable trees or landscape screening between the condominium building and the Mausoleum. The Director shall approve the materials, size, and plant spacing. Applicant shall keep the screen in good health and replace any plants when necessary to maintain the screen without obstructing significant views.

PREVIOUSLY CONDITION NO. 20.b OF RESOLUTION NO. 2015-102.

g. Additions to Mausoleum. No additions or expansion shall be allowed to the existing Pacific Terrace/Memorial Terrace Mausoleum in Area 11. No new mausoleum building shall be constructed within Area 11 without first obtaining City Council approval at a duly noticed public hearing following the process set forth in Condition 2b.

PREVIOUSLY CONDITION NO. 1.3.e OF RESOLUTION NO. 2015-102.

h. Rooftop Interments. The following conditions are applicable to all interments on the roof of the Pacific Terrace/Memorial Terrace Mausoleum Building.

PREVIOUSLY CONDITION NO. 1.3.5 OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2016 PER RESOLUTION NO. 2017-03.

(1) Pre and Post Service. Pre-service interment preparation and post-service plot backfilling of the rooftop earth interments on the Pacific Terrace/Memorial Terrace Mausoleum building shall only be allowed between the hours of 10:00 a.m. and 3:00 p.m., Monday through Sunday (See Condition 17).

PREVIOUSLY CONDITION NO. 1.3.5.a OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2016 PER RESOLUTION NO. 2017-03.

(2) Hours. Burials and all associated services on the roof top earth interments of the Pacific Terrace/Memorial Terrace Mausoleum building shall only be allowed between the hours of 10:00 a.m. and 3:00 p.m., Monday through Sunday.

PREVIOUSLY CONDITION NO. 1.3.5.b OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2016 PER RESOLUTION NO. 2017-03.

(3) Sales. Sales personnel shall be allowed to show potential roof-top earth interment plots on the Pacific Terrace/Memorial Terrace Mausoleum building in Area 11, only between the hours of 10:00 a.m. and 3:00 p.m. Monday through Sunday.

PREVIOUSLY CONDITION NO. 1.3.5.f OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2016 PER RESOLUTION NO. 2017-03.

(4) Haul Vehicle. The use of a mini-haul vehicle (which is illustrated in Green Hills' power point presentation to the Planning Commission on May 13, 2014) shall be limited to pre-service interment preparation and post-service plot backfilling of the rooftop earth interments during the hours of 10:00am and 3:00 p.m., Monday through Sunday.

PREVIOUSLY CONDITION NO. 1.3.5.d OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2016 PER RESOLUTION NO. 2017-03.

(5) Sound. The use of amplified sound is prohibited on the rooftop of the Pacific Terrace/Memorial Terrace Mausoleum building. This prohibition shall not apply to the amplified sound for the playing of "Taps" as part of funeral services for military personnel and for police, fire and other first responders.

PREVIOUSLY CONDITION NO. 1.3.5.d OF RESOLUTION NO. 2015-102.

(6) Tenting. All services on the rooftop of the Pacific Terrace/Memorial Terrace Mausoleum building shall be conducted within temporary covered tenting that is enclosed on a minimum of 2 sides, as illustrated in Green Hills' power point presentation to the Planning Commission on May 13, 2014. One of the two covered sides shall be the north side facing the *Vista Verde Condominium* complex. Temporary tenting shall be erected no earlier than 2 hours prior to the burial service and shall be removed within 2 hours after the burial service.

PREVIOUSLY CONDITION NO. 1.3.5.e OF RESOLUTION NO. 2015-102.

(7) Notice to Property Owners. Small flags shall be placed on any interment site located on the rooftop of the Pacific Terrace/Memorial Terrace Mausoleum within 24 hours after a burial service has been scheduled for that site, to provide neighboring property owners with advanced notice of scheduled interment and burial services, unless burial will be in less than 24 hours from death in which case flags will be placed as soon as possible before the service. The property owner shall also post on its publicly accessible website (www.greenhillsmemorial.com) additional details concerning the anticipated time and date of scheduled burial services.

PREVIOUSLY CONDITION NO. 1.3.5.g OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2016 PER RESOLUTION NO. 2017-03.

(8) Supervision. During every burial service occurring on the rooftop of the Pacific Terrace/Memorial Terrace Mausoleum, at least one employee of the cemetery shall attend and monitor services to ensure it is being conducted in compliance with these conditions of approval and cemetery park rules.

PREVIOUSLY CONDITION NO. 1.3.5.h OF RESOLUTION NO. 2015-102.

(9) Excluded Areas. In no event shall below-grade interments be allowed on the roof of the Memorial Terrace Mausoleum building that are within 16-feet from the northern property line. Specifically, plots illustrated in sections 540 through 553, as depicted in the attached Exhibit C of Resolution No. 2015-102, are hereby eliminated.

PREVIOUSLY CONDITION NO. 1.3.5.i OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.
AMENDED ON FEBRUARY 6, 2018 PER RESOLUTION NO. 2018-07.

(10) Mediation with Homeowners. Owners in the Vista Verde Condominium Project have made objections and claims against the City concerning the fact that the Pacific Terrace/Memorial Mausoleum is constructed at the 8 foot setback line instead of the previous setback which existed before 2007. If requested by the Vista Verde homeowners, Green Hills will undertake an appraisal to determine if there has been a loss of real estate value resulting to the homeowners from the construction of the Mausoleum and what that loss might be. Green Hills will participate in a mediation process with the Vista Verde homeowners and attempt to settle claims by such homeowners for values up to the amount of the appraisal differential, using either the existing appraisal or a new appraisal requested by the Vista Verde homeowners. City representatives will also participate in this mediation on behalf of City. If the Vista Verde homeowners refuse to participate in the mediation, or the mediation does not result in a settlement of the disputes, then Green Hills is responsible for defense of its entitlements pursuant to the indemnification provisions in Condition 33.

PREVIOUSLY CONDITION NO. 40 OF RESOLUTION NO. 2015-102.
AMENDED ON FEBRUARY 6, 2018 PER RESOLUTION NO. 2018-07.

12. Area 13 (Administration Building):

- a. Expansion. The approval for the Administration Building expansion project is Revision "E" to the Green Hills Conditional Use Permit and shall be consistent with the approved plans prepared by Bolton Engineering Corp. dated April 9, 2015 (sheets C-0, C-1, ESCP, RW-1) and Anthony Frank Inferrera dated April 4, 2015 (sheet A-0 only), that allows 3,323 square feet of single-story office additions, 648 square foot covered walkway extension, and 316 square foot covered entry to the Administration Building.

PREVIOUSLY CONDITION NO. 1.1.a OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

- b. Temporary Modular Buildings. Allow temporary modular buildings to remain on site, but be removed prior to April 22, 2017 or Building Permit Final of the expansions, whichever comes first. Any extension requests shall be reviewed by the City Council prior to April 22, 2017, pursuant to Condition No. 29.

PREVIOUSLY CONDITION NO. 1.1.b OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

- c. Parking Area. A total of 81 parking spaces shall be maintained (95 existing).

PREVIOUSLY CONDITION NO. 1.1.c OF RESOLUTION NO. 2015-102

- d. Grading. Conduct 325 cubic yards of grading for the following emergency access and ADA access/parking improvements:

- (1) Widen the driveway (portion of Arroyo Drive) located south of the Administration Building from approximately 20 feet to 26 feet supported by a 2.5 foot tall retaining wall to accommodate emergency vehicles.
- (2) Widen the access and parking area to the north of the Administration Building to accommodate adequate handicap van parking and ADA access area; thereby necessitating the removal of the existing 3 foot tall retaining wall and the construction of a new replacement retaining wall measuring up to 4.45 feet in height.

PREVIOUSLY CONDITION NO. 1.1.d OF RESOLUTION NO. 2015-102.

e. Structure Setbacks.

East: 25 feet
West: 40 feet interior and side if abutting a residential zoning district and 2 feet if abutting a nonresidential zoning district
South: 40 feet interior and side if abutting a residential zoning district and 25 feet if abutting a nonresidential zoning district

PREVIOUSLY CONDITION NO. 1.2.a OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

f. Parking.

- (1) Parking areas shall provide for a 25 feet outside turning radius within the facility.
- (2) All parking areas shall be surfaced with asphaltic or cement concrete paving which is at least 3 inches thick.
- (3) All parking stalls shall be clearly marked with lines, and access lanes shall be clearly defined with directional arrows to guide traffic. Except for parallel parking stalls, standard parking stalls shall be of a minimum 9 feet width by 20 feet depth in area. Parallel parking stalls shall be a minimum of 26 feet in depth.
- (4) Disabled parking spaces shall be in accordance with the dimensions and specifications of the state amended Uniform Building Code.
- (5) A minimum of 5% of the paved parking area shall be devoted to interior planting areas. All planting areas shall be at least 3 feet wide. Perimeter planting shall not be considered part of this required interior planting.
- (6) Wherever a center divider separates parking stalls facing each other, tree wells shall be established not more than 50 feet apart for larger trees, or not more than 30' for small and medium sized trees.

PREVIOUSLY CONDITION NO. 1.2.b OF RESOLUTION NO. 2015-102.

g. Landscaping.

- (1) All plantings shall be maintained free of debris and in conformity with the accepted practices for landscape maintenance.
- (2) A 6 inches high cement concrete curb shall be constructed at the edge of all landscaped areas.

PREVIOUSLY CONDITION NO. 1.2.c OF RESOLUTION NO. 2015-102.

- (3) The existing eucalyptus trees on the west side of the Administration Building parking lot shall not be removed unless required by the holder of the easement in which the trees are located or acceptable evidence is provided to the Director from a certified arborist supporting removal.

PREVIOUSLY CONDITION NO. 20.a OF RESOLUTION NO. 2015-102.

h. Hours. The Administration Building public hours are limited to 8:00 a.m. to 9:00 p.m. Monday through Sunday.

PREVIOUSLY CONDITION NO. 17.b OF RESOLUTION NO. 2015-102.

13. Setbacks – All Other Areas Not Specified:

- a. Earth Interments and Roads. "Garden" burial interment sites with no above-ground structures (other than benches for seating) and roads shall be as follows:

North and South: 8 feet
East and West: 0 feet

PREVIOUSLY CONDITION NO. 6 OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

- b. Setbacks for Above Ground Structures, including but not limited to mausoleums and crypts shall be as follows:

North:	80 feet or no closer than the northern perimeter road, whichever is greater from the north property line that is north of the maintenance yard, and 40' from the north property line.
South:	40 feet
East:	25 feet
West:	5 feet

PREVIOUSLY CONDITION NO. 7 OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

14. Noise. The property owner shall conduct its activities on site so as to not create noise nuisances to neighboring properties. Live and/or amplified music, for funeral services community events shall be limited to the duration of the service or event. No noise shall emanate from the property exceeding 65 dBA at the common property lines abutting a Residential Zoning District. The property owner shall be responsible for monitoring, preventing, and initiating timely corrective action to address any noise problems. This condition shall apply in addition to any noise ordinance and/or code amendment adopted by the City, and when there is conflicting requirements, the stricter requirement shall apply.

PREVIOUSLY CONDITION NO. 9 OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

15. Cemetery Liaison. The property owner shall provide abutting Homeowner Associations and any neighbors that request contact information for Green Hills Cemetery personnel that can be contacted about operational impacts, including but not limited to, excessive noise or other activities.

PREVIOUSLY CONDITION NO. 11 OF RESOLUTION NO. 2015-102.

16. Security. At least one security employee shall be on duty patrolling and monitoring activities on the property for the entirety of the cemetery operation hours. Security reports shall be made available to the Neighborhood Advisory Committee at its meetings as described in Condition 17.

ADDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.
AMENDED ON FEBRUARY 6, 2018 PER RESOLUTION NO. 2018-07.

17. Green Hills Cemetery Neighborhood Advisory Committee. Green Hills shall establish a neighborhood advisory committee, consisting of two representatives and one observer from the Peninsula Verde and the Rolling Riviera homeowner's associations, as well as a representative from City Staff. The Committee shall meet at least once each calendar year, but no more than four times per calendar year during normal business hours to review any operational and neighborhood concerns. Reports on the meeting shall be provided to the City Council.

ADDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.
AMENDED ON FEBRUARY 6, 2018 PER RESOLUTION NO. 2018-07.
AMENDED ON JANUARY 21, 2020 PER RESOLUTION NO. 2020-03

18. Signage. The property owner shall install and maintain visible signage at various locations throughout the property informing visitors of the cemetery rules, including but not limited to, the prohibition of on-site consumption of alcoholic beverages, excessive noise and amplified music, and disruptive behavior. At a minimum, the

cemetery park rule signs shall be installed at the park cemetery entrance and in Areas 1, 2, 4, 5, 6, and 11, approved by the Director.

PREVIOUSLY CONDITION NO. 10 OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

18.a The property owner shall be allowed to hang an internally-illuminated sign from the primary identification sign located adjacent to South Western Avenue that shall advertise no more than four annual events and no more than two hours-of-operation changes (due to the semiannual Daylight Saving Time changes) at various times throughout the year, subject to the following:

- i. The temporary sign shall be internally-illuminated with LEDs, the same as the primary identification sign. The temporary sign shall be allowed to have different text and graphics for each of the annual events and hours-of-operation change notifications, and shall measure 3 feet tall by 14 feet wide to match the width of the primary identification sign.

The temporary signage shall be displayed up to 30 days in advance of each event, and shall be removed within seven days after the conclusion of each event. The four allowable events shall be:

- Memorial Day Commemoration (last Monday in May)
- Easter Sunrise Service (March/April)
- Harvest Festival (October)
- Let it Snow (December)

Approximately 30 days prior to the semiannual time changes, signs advertising the changes to the hours of operation detailed in Condition No. 20.b of this Resolution shall be displayed.

- ii. The temporary sign shall be mounted to the primary identification sign.
- iii. The approved LED sign shall not exceed Municipal Code requirements for outdoor lighting (RPVMC Section 17.56.040) and shall have an automatic dimming system to control the amount of lumens emitted during the different operating times of the day and evening. The approved LED sign shall only be used during the approved park operating hours, specified in Resolution No. 2018-07.
- iv. The events associated with the temporary sign shall comply with all conditions of approval detailed in City Council-adopted Resolution No. 2018-07.

AMENDED ON JANUARY 21, 2020 PER RESOLUTION NO. 2020-03

19. Construction:

- a. Construction Sites. All construction sites shall be maintained in a secure, safe, neat and orderly manner, to the satisfaction of the City's Building Official. All construction waste and debris resulting from a construction, alteration or repair project shall be removed on a weekly basis by the contractor or property owner. Existing or temporary portable bathrooms shall be provided during construction. Portable bathrooms shall be placed in a location that will minimize disturbance to the surrounding property owners, to the satisfaction of the City's Building Official.

PREVIOUSLY CONDITION NO. 13 OF RESOLUTION NO. 2015-102.

- b. Trash and Debris. The construction site and adjacent public and private properties and streets shall be kept free of all loose materials resembling trash and debris in excess of that material used for immediate construction purposes. Such excess material may include, but is not limited to: the accumulation of debris, garbage, lumber, scrap metal, concrete, asphalt, piles of earth, salvage materials, abandoned or discarded furniture, appliances or other household fixtures. All landscape pruning, including but not limited to grass, leaves, branches, fertilizer, etc., shall be properly stored in areas with minimal visual impact to adjacent homeowners, and shall be stored in appropriate containers and disposed of in a lawful manner.

PREVIOUSLY CONDITION NO. 14 OF RESOLUTION NO. 2015-102.

- c. Storage of Equipment and Supplies. When not being used in the daily operations of the cemetery, equipment and supplies shall be stored in areas with minimal visual impact to adjacent homeowners or in the maintenance yard if possible. Equipment and supplies shall be neatly stacked so they do not pose a safety hazard or become a property maintenance issue. All landscaping equipment and vehicles, and all vehicles used for maintenance and/or burial preparation shall be stored in the maintenance yard.

PREVIOUSLY CONDITION NO. 15 OF RESOLUTION NO. 2015-102.

- d. Temporary Trailers. Temporary trailers are only allowed during construction of the mausoleum buildings. The location of any such trailers shall be illustrated on plans for the Grading Permit as described and required in condition AQ-1 below, and shall be approved by the Director. Further, all trailers shall be removed prior to building/grading permit final.

PREVIOUSLY CONDITION NO. 16 OF RESOLUTION NO. 2015-102.

- e. Employee Training. The property owner shall continue to provide for new employees, training programs on a regular basis, in accordance with Cal OSHA recommendations on the proper handling and safety requirements of equipment

and material in the mortuary and crematory, as well as compliance with the requirements of these conditions of approval.

PREVIOUSLY CONDITION NO. 12 OF RESOLUTION NO. 2015-102.

- f. Easements. Any grading, construction, placement of structures, including but not limited to walls, fences, and interments on any easement, requires prior written permission from the easement holder. All easements shall be identified on plans submitted to the City.

PREVIOUSLY CONDITION NO. 34 OF RESOLUTION NO. 2015-102.

AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

20. Hours of Operations:

- a. General. This section shall govern hours of operations except for any provision concerning specific areas of the cemetery.
- b. Hours of Facilities. Unless otherwise specified in these conditions, hours of operation are as follows except for the following events: Easter Sunrise, Memorial Day, Let It Snow, Harvest Festival, and Shakespeare in the Park. The property owner shall provide the dates of the aforementioned events to the Director by January 1st of each year.

Park Hours: 7am to 5pm –Pacific Standard Time
 7am to 7pm –Pacific Daylight Time

Mausoleum Hours: 7am to 4:30pm –Pacific Standard Time
 7am to 6:30pm –Pacific Daylight Time

AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

AMENDED ON FEBRUARY 6, 2018 PER RESOLUTION NO. 2018-07.

- c. Construction Working Hours. Construction and grading activities, including but not limited to equipment warm up, geologic investigations, interments excavation for placement of vaults and installation or removal of large landscape materials or landscaping maintenance shall be limited to 7:00 a.m. to 4:00 p.m. on weekdays only.
- d. Construction In Proximity to Residential. Notwithstanding the foregoing, within 120 feet of any property line abutting a Residential Zoning District, no construction or grading, including grading operations to prepare sites for earth interments, shall occur before 9:00 a.m. or after 3:30 p.m. All equipment shall be equipped with a muffler to reduce on-site grading and construction noise levels.

e. Non-Construction and Burial Related Activity. Excavation for removal and replacement of vault tops and earth for preparation of interment sites, individual placement of vaults for funeral services and operation of landscape maintenance equipment shall be allowed in any area of the park between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, and between 8:00 a.m. and 5:00 p.m. on Saturday, Sunday, and federally observed holidays.

PREVIOUSLY CONDITION NO. 17 OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

20.5 The Moving Wall. (Traveling half-size replica of the Vietnam Veterans Memorial).

The property owner shall be allowed to have The Moving Wall located on the property no more than 10 calendar days per calendar year, subject to the following:

- a. The Moving Wall shall be allowed to remain on display for no more than 10 days.
- b. Security. The Moving Wall shall be monitored 24-hours a day by security staff hired by the property owner. Any visitors wishing to visit the wall after the hours of operation detailed in Condition No. 20b shall be escorted on and off the property.
- c. Plans. At least 60 days prior to the installation of The Moving Wall on the property, the property owner shall notify the Director of Community Development where The Moving Wall is proposed to be placed.
- d. Lighting. Any temporary lighting proposed for The Moving Wall shall comply with Mitigation Measures A-1, A-2, and A-3 as detailed in Condition No. 22.

ADDED ON JANUARY 21, 2020 PER RESOLUTION NO. 2020-03

21. Landscaping and Irrigation. Landscaping and irrigation in all setbacks require review and approval by the Director prior to installation.-Irrigation systems shall be designed to provide adequate coverage with no over-spray, runoff, or excessive quantities of water output. Use of drip irrigation systems is required wherever possible. A low water use turf shall be used in all new lawn areas. Prior to installation, the Director shall review and approve the landscape and irrigation plan for the setback areas. All existing and future landscaping shall be properly maintained in a healthy and trimmed manner at all times.

PREVIOUSLY CONDITION NOS. 18 and 24 OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

22. Mitigation Monitoring. All mitigation measures contained in the approved Mitigation Monitoring Program contained in P.C. Resolution No. 2007-32 for the Mitigated

Negative Declaration, shall be incorporated into the implementation of the proposed project and adhered to. The mitigation measures are as follows:

A-1: No new light poles, light standards, or other form of lighting is allowed along the roadways within the cemetery without prior written approval by the Director and shall comply with RPVDC Section 17.56.040 (Outdoor lighting for nonresidential uses).

A-2: No exterior, building-mounted lighting is allowed on the façade elevations that are closest to and oriented towards residences. All other lighting shall be arranged and shielded as to prevent direct illumination of surrounding property and shall comply with RPVDC Section 17.56.040 (Outdoor lighting for nonresidential uses).

A-3: All pedestrian-oriented lights along the exterior of the mausoleum buildings shall be in the form of lights that are inset into the adjoining walls. Further, the lighting shall be arranged and/or shielded as to prevent direct illumination of surrounding property and prevent visibility of the light source and shall comply with RPVDC Section 17.56.040 (Outdoor lighting for nonresidential uses).

AQ-1: Prior to construction of each building contained in the approved Master Plan, the applicant shall submit a grading plan prepared by and wet-stamped by a licensed engineer for review and approval by the Director to ensure consistency with the approved Master Plan, in accordance with Condition 2a, which shall include, but not be limited to, grading quantities, height, area and location of buildings and that the buildings will not have adverse impacts upon adjacent properties.

AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

AQ-2: During construction of any improvements associated with the Master Plan, the owner shall ensure that all unpaved construction areas shall be watered at least twice a day during excavation and construction to reduce dust emissions and meet SCAQMD Rule 403 which prohibits dust clouds to be visible beyond the project site boundaries.

AQ-3: During construction of any improvements associated with the Master Plan, the owner shall ensure that all clearing, grading, earth moving or demolition activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.

AQ-4: During construction of any improvements associated with the Master Plan, the owner shall ensure that General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

AQ-5: During construction of any improvements associated with the Master Plan, the owner shall ensure that on-site construction vehicle speeds are limited to a maximum of 15 miles per hour on unpaved roads.

AQ-6: During construction of any improvements associated with the Master Plan, the owner shall ensure that all on-site construction roads with vehicle traffic will be watered periodically as necessary for dust suppression.

AQ-7: During construction of any improvements associated with the Master Plan, the owner shall ensure that street sweeping will be initiated if visible dust is deposited upon public paved roadways due to the project.

AQ-8: During the daily cemetery operations, the property owner shall ensure that all clearing and earth moving will be discontinued during periods of high winds (i.e., greater than 25 mph), so as to prevent excessive amounts of dust. This shall not apply to excavations for individual burial plots prior to a service, or to filling of individual burial plots after a service.

AQ-9: During the daily cemetery operations, the property owner shall ensure that on-site vehicle speeds associated with the transporting of earth materials are limited to 15 miles per hour on unpaved roads.

AQ-10: The property owner shall ensure that grave spoils are placed in Area 5 and/or Area 6 of the Master Plan, which will be placed to fill the areas. A minimum 8-foot high chain link fence with a mesh material to reasonably screen the fill area from neighbors shall enclose and confine said area.

AQ-11: The confined fill locations described in mitigation measure AQ-10 above, shall be regularly watered to reduce dust emissions and meet SCAQMD Rule 403 which prohibits dust clouds to be visible beyond the project site boundaries.

AQ-12: A weatherproof notice/sign setting forth the name of the person(s) responsible for the daily dirt movement to these confined fill locations and a phone number(s) to be called in the event that dust is visible from the confined fill locations described in mitigation measure AQ-10 above, shall be posted and displayed on the fencing.

AQ-13: If stockpiling of earth material becomes necessary for ultimate use as backfill, stockpiling shall only be located in Area 5 and/or Area 6 of the Master Plan, and shall be subject to conditions AQ-10, AQ-11 and AQ-12 above.

AQ-14: The Director or the City Council shall review future improvements in accordance with Condition No. 2. The City Council shall review any changes to the Master Plan or the conditions of approval associated with the Master Plan in accordance with Condition No. 2b. At that time, the City Council may add, delete, or modify the conditions of approval as deemed necessary and appropriate.

AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

GS-1: The property owner shall submit a geotechnical report for review and approval by the City Geologist prior to the issuance of a building permit for each mausoleum

building or grading permit for any earth movement beyond that associated with ground interment sites, unless the City Geologist deems that a geotechnical report is not warranted. Further, prior to any additional placement of fill in Area 5, a detailed grading plan with relevant geotechnical reports supporting recommendations for grading in Areas 5 and 6 shall be submitted by the applicant to the City for review and approval by the Building and Safety Division and the City Geologist prior to issuance of a building permit for any mausoleum.

GS-2: The property owner shall ensure that all applicable conditions as specified within the geotechnical report and all measures required by the City Geologist are incorporated into the project.

HW-1: The property owner shall prepare a Standard Urban Stormwater Mitigation Plan (SUSMP) along with a Maintenance Agreement and Transfer. The SUSMP and related information shall be reviewed and approved by the Director, or his/her designee prior to the issuance of grading and building permits for any mausoleum building.

N-1: Construction activity of the mausoleum buildings and grading operations shall be limited to the hours of 7:00 am and 4:00 pm, Monday through Friday. There shall be no construction on Saturdays, Sundays or federally observed holidays unless a Special Construction Permit is obtained 48 hours prior to work on a federally observed holiday.

AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

N-2: During demolition, construction and/or grading operations, trucks shall not park, queue and/or idle at the project site or in the adjoining street rights-of-way before 7:00 am Monday through Friday and before 9:00 am on Saturday, in accordance with the permitted hours of construction stated in this condition. When feasible to do so, the construction contractor shall provide staging areas on-site to minimize off-site transportation of heavy construction equipment. These areas shall be located to maximize the distance between staging activities and neighboring properties, subject to approval by the building official.

N-3: The City Council shall conduct an annual review or as deemed necessary by the City Council to review the property owner's compliance with all conditions of approval associated with the Master Plan. At that time, the City Council may add, delete, or modify the conditions of approval as deemed necessary and appropriate. Notice of said review hearing shall be published and provided to owners of property within a 500'- foot radius, to persons requesting notice, to all affected homeowners associations, and to the property owner in accordance with Rancho Palos Verdes Development Code Section 17.80.090.

PREVIOUSLY CONDITION NO. 5 OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

23. Sewer and Water Facilities. The site shall be served by adequately sized water system facilities as determined by the Los Angeles County Fire Department. All Los Angeles County Fire Department requirements shall be satisfied prior to building permit issuance for mausoleum buildings. Any new sewer and water facilities must tie into local main lines. The usage of the site may be limited by the size and type of sewage and water systems that can legally be installed

PREVIOUSLY CONDITION NO. 26 OF RESOLUTION NO. 2015-102.

24. Compliance With Authorities. Development shall comply with all requirements of the various municipal utilities and agencies that provide public services to the site. On an annual basis, the property owner shall provide the City with copies of permits from the South Coast Air Quality Management District and Los Angeles County Fire Prevention Bureau for storage of fuel. The property owner shall also provide copies of permits from the Los Angeles County Fire Department, Hazardous Maintenance Division Section and Fire Prevention Bureau, for the chemicals stored in the embalming rooms in the Administration Building. Permits from the South Coast Air Quality Management District for the crematory must also be provided.

PREVIOUSLY CONDITION NO. 31 OF RESOLUTION NO. 2015-102.

25. State Permits. On an annual basis, the property owner shall provide the City with copies of current and valid permits and/or licenses from the State Cemetery and Funeral Board.

PREVIOUSLY CONDITION NO. 32 OF RESOLUTION NO. 2015-102.

26. Encroachment Permits. Prior to conducting any work in the public right of way, such as for curb cuts, dumpsters, temporary improvements and/or permanent improvements, the property owner shall obtain an encroachment permit from the Director of Public Works.

PREVIOUSLY CONDITION NO. 33 OF RESOLUTION NO. 2015-102.

27. No Waiver of Law. Approval of this permit shall not be construed as a waiver of applicable and appropriate zoning regulations, or any Federal, State, County and/or City laws and regulations. Unless otherwise expressly specified, all other requirements of the City of Rancho Palos Verdes Municipal Code shall apply.

PREVIOUSLY CONDITION NO. 35 OF RESOLUTION NO. 2015-102.

28. Conflict of Law. The project development on the site shall conform to the specific standards contained in these conditions of approval or, if not addressed herein, shall conform to the Cemetery development standards of the City's Municipal Code, including but not limited to height, setback and lot coverage standards. In the event

that a Planning requirement and a Building & Safety requirement are in conflict with one another, the stricter standard shall apply.

PREVIOUSLY CONDITION NO. 36 OF RESOLUTION NO. 2015-102.

29. Enforcement.

- a. **Revocation.** Should the property owner fail to comply with any of these conditions of approval or mitigation measures, after written notice to applicant and the opportunity to cure, the City may initiate revocation procedures for this permit, which shall include a public hearing. Notice of said public hearing shall be published and provided to owners of property within a 500 foot radius, to persons requesting notice, to all affected homeowners associations, and to the property owner in accordance with Rancho Palos Verdes Development Code Section 17.80.090. 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.
- b. **Administrative Citation.** In addition to Condition No. 33.a, the property owner may be subject to administrative citations as described in Section 1.16 of the City's Municipal Code for failing to comply with all of these conditions of approval.

PREVIOUSLY CONDITION NO. 37 OF RESOLUTION NO. 2015-102.

AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

30. Submission Property Line Survey Maps. Within 30 days from November 17, 2015, the property owner submitted a certified property line survey to the Director verifying that the existing above ground interments and structures do not exceed 6-feet in height outside of the required 5 foot setback along the west property line in the area south of the Pacifica Mausoleum building (Area 1).

PREVIOUSLY CONDITION NO. 38 OF RESOLUTION NO. 2015-102.

AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

31. Recordation of Final Maps. The property owner shall submit any map to the Director to be recorded at least 30-days prior to recording of said map with the Los Angeles County Recorder's Office. No later than 30 days after recordation, the property owner shall submit a recorded copy to the Director.

ADDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

32. Fees and Costs. Except as otherwise specified, the property owner is responsible for all costs complying with the provisions of the Master Plan and of this Conditional Use Permit. The property owner shall be required to pay 110% of the estimated amount of the cost of services to be provided on behalf of the City by any outside consultants that have been retained by the City to render services specifically in connection this project, in the form of a trust deposit account (or reimbursement

agreement or other instrument approved by the City Attorney), prior to commencement of such services (e.g. City Attorney, City Engineer, Geotechnical Consultants, Noise Consultants, etc.). The property owner shall adequately fund the trust deposit account prior to the commencement of services, in amounts reasonably requested by the City, based upon an estimate of the cost of services for the period of at least 90 days for which services are rendered. In addition, the trust deposit account shall be replenished within two weeks of receipt of notice from the City that additional funds are needed.

PREVIOUSLY CONDITION NO. 39 OF RESOLUTION NO. 2015-102.
AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

33. Defense of Claims Against Project.

- a. **Non-Liability of City.** The Parties acknowledge that: (i) In the future there may be challenges to legality, validity and adequacy of the Project approvals; and (ii) If successful, such challenges could delay or prevent the ongoing use of the Project as provided herein. In addition to the other provisions of the CUP, including, without limitation, the provisions of this Section, City shall have no liability under the CUP for the inability of property owner to develop the Property as contemplated by the Master Plan or the CUP as the result of a judicial determination that the General Plan, Master Plan, the Land Use Regulations, the CUP, or portions thereof, are invalid or inadequate or not in compliance with law.
- b. **Revision of Land Use Restrictions.** If for any reason the General Plan, Master Plan, Land Use Regulations, this CUP or any part thereof of the property approvals is hereafter judicially determined as provided above to be not in compliance with the State or Federal Constitutions, laws or regulations and if such noncompliance can be cured by an appropriate amendment thereof otherwise conforming to the provisions of this CUP, then the CUP shall remain in full force and effect to the extent permitted by law. The Master Plan and this CUP shall be amended, as necessary, in order to comply with such judicial decision.
- c. **Scope of Indemnification.** The property owner shall agree to defend, indemnify and hold harmless, the City, its agents, officers and employees from any claim, action or proceeding against the City and the application will either undertake defense of the matter and pay the City's associated legal costs, or will advance funds to pay for defense of the matter by the City Attorney. If the City fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense, the property owner shall not, thereafter, be responsible to defend, indemnify or hold harmless the City. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the property owner's consent, but should it do so, the City shall waive the indemnification herein, except the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of indemnification rights herein, providing, however, that the adverse judgment or failure to appeal is not due to the City's

failure to promptly notify Applicant or to cooperate fully in the defense. The foregoing includes, but is not limited to, any and all claim(s), causes of action or lawsuit(s) brought by the Claimants, by their homeowners' association or by anyone else on their behalf.

- d. Limitation of Indemnity. Notwithstanding the generality of the above, for purposes of the current claims by the Vista Verde homeowners concerning the Mausoleum, the City shall bear its own legal defense costs, but this restriction shall not apply to future matters.
- e. Hold Harmless: Construction and Other Activities. The property owner hereby agrees to, and shall defend, save and hold City and its elected and appointed boards, commissions, officers, agents, and employees harmless from any and all claims, costs (including attorneys' fees) and liability for any damages, personal injury or death, which may arise, directly or indirectly, from Green Hills or Green Hills' agents, contractors, subcontractors, agents, or employees' operations under the CUP, whether such operations be by the property owner or by any of the property owner's agents, contractors or subcontractors or by any one or more persons directly or indirectly employed by or acting as agent for the property owner or any of the property owner's agents, contractors or subcontractors. Nothing herein is intended to make the property owner liable for intentional wrongful and/or reckless acts of City's officers, employees, agents, contractors or subcontractors.
- f. Survival of Indemnity Obligations. All indemnity provisions set forth in this Agreement shall survive termination of this Agreement or CUP for any reason other than City's default.

PREVIOUSLY CONDITION NO. 41 OF RESOLUTION NO. 2015-102.

34. **Applicant Acceptance of Conditions**. The property owner shall submit to the City a statement, in writing, that they have read, understand and agree to all conditions of approval contained in this approval, and subsequent amendments to the conditions of Approval. Failure to provide said written statement within thirty (30) days following the date of this approval and subsequent amendments to the conditions of Approval shall render this approval null and void.

PREVIOUSLY CONDITION NO. 4 OF RESOLUTION NO. 2015-102.

AMENDED ON JANUARY 31, 2017 PER RESOLUTION NO. 2017-03.

AMENDED ON FEBRUARY 6, 2018 PER RESOLUTION NO. 2018-07.