

March 29, 2017

**NOTICE OF DECISION**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Rancho Palos Verdes has adopted P.C. Resolution No. 2017-11, denying an appeal of the Director's decision and thereby, conditionally approving a Site Plan Review, allowing the construction of a combination wall up to 14.9' in height to accommodate additional niche and earth interments in the eastern edge of Vista Del Ponte; a water feature, additional earth interments supported by a 14.9' tall combination wall and a stairway that will provide access to the upper existing burial area of Vista Del Ponte and Inspiration Slope; and 793yd<sup>3</sup> of grading to support the proposed improvements (Case No. ZON2016-00332).

**LOCATION:** 27501 Western Avenue (Green Hills Memorial Park)

**APPLICANT/LANDOWNER:** Green Hills Memorial Park

Said decision is subject to the Conditions of Approval set forth in the attached P.C. Resolution No. 2017-11.

This decision may be appealed, in writing, to the City Council. The appeal shall set forth the grounds for appeal and any specific action being requested by the appellant. Any appeal letter must be filed within fifteen (15) calendar days of the date of this notice, or by 5:30 PM on Wednesday, April 12, 2017. A \$2,275.00 appeal fee must accompany any appeal letter. If no appeal is filed timely, the Planning Commission's decision will be final at 5:30 PM on April 12, 2017.

If you have any questions regarding this project, please contact So Kim, Senior Planner, at (310) 544-5228 or via e-mail at [sok@rpv.com](mailto:sok@rpv.com).



Ara Mihranian, AICP  
Community Development Director

**P.C. RESOLUTION NO. 2017-11**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES DENYING THE APPEAL AND UPHOLDING THE DIRECTOR'S DECISION APPROVING A SITE PLAN REVIEW (CASE NO. ZON2016-00332) ALLOWING THE CONSTRUCTION OF A COMBINATION WALL UP TO 14.9' IN HEIGHT TO ACCOMMODATE ADDITIONAL NICHE AND EARTH INTERMENTS IN THE EASTERN EDGE OF VISTA DEL PONTE; A WATER FEATURE, ADDITIONAL EARTH INTERMENTS SUPPORTED BY A 14.9' TALL COMBINATION WALL AND A STAIRWAY THAT WILL PROVIDE ACCESS TO THE UPPER EXISTING BURIAL AREA OF VISTA DEL PONTE AND INSPIRATION SLOPE; AND 793YD<sup>3</sup> OF GRADING TO SUPPORT THE PROPOSED IMPROVEMENTS AT 27501 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 Green Hills Master Plan, which called for development of the Green Hills Memorial Park ("Green Hills") over the next 30 to 50 years, and allows grading and mausoleum buildings to be constructed at various specified locations throughout Green Hills cemetery; and,

WHEREAS, on November 17, 2015, the City Council adopted Resolution No. 2015-102, which, among other things, revised certain conditions of approval, and amending the Green Hills Cemetery Master Plan; and,

WHEREAS, on July 26, 2016, Green Hills (the applicant), pursuant to Council-adopted Resolution No. 2015-102 Condition No. 1k, submitted a Site Plan Review application requesting approvals to construct a 14.9' tall combination wall with 793yd<sup>3</sup> of grading to accommodate, among other things, an additional burial area and columbarium niches in the eastern edge of Vista Del Ponte and stairway access to the upper existing burial area of Vista Del Ponte and Inspiration Slope; and,

WHEREAS, on August 8, 2016, the Site Plan Review application was deemed complete, a public notice announcing the proposed Site Plan Review application for the proposed improvements was mailed to property owners within a 500' radius, and the public notice was published in the *Peninsula News*; and,

WHEREAS, on October 7, 2016, the Community Development Director found that the proposed improvements and grading substantially complied with the Master Plan and approved, with conditions, a request for a Site Plan Review application to allow the construction of a combination wall up to 14.9' in height to accommodate an additional burial area and columbarium niches in the eastern edge of Vista Del Ponte; a water feature; a stairway that will provide access to the upper existing burial area of Vista Del Ponte and Inspiration Slope; and 793yd<sup>3</sup> of grading to support the proposed improvements at Green Hills Cemetery (ZON2016-00332); and,

WHEREAS, on October 7, 2016, a written notice of the Director's decision was provided 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,

WHEREAS, on October 7, 2016, Noel Weiss, on behalf of Sharon Loveys, filed a timely appeal requesting that the Planning Commission overturn the Director's decision (ZON2016-00332) approving a Site Plan Review; and,

WHEREAS, the appeal listed three issues with the Director's decision: (1) there is no provision in the Master Plan to use this portion of the Cemetery as a columbarium and therefore, Green Hills should be required to apply for a Conditional Use Permit to vary from the scope of the Master Plan; (2) the top of the retaining wall is to be used to inter human remains and is in violation of the Master Plan and Green Hills is requesting to inter more human remains than what's called for under its Master Plan and therefore, Green Hills should be required to supplement or amend its Master Plan; and (3) the Public Notice is inaccurate as it does not clearly specify what Green Hills intends to do on Inspiration Slope and therefore should be re-circulated.

WHEREAS, on November 3, 2016, a public notice announcing the date and time of the public hearing on the appeal 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, on November 29, 2016, after considering the proposed project and public testimony, the Planning Commission requested that the applicant clarify the proposed project location, provide the number of niches and interment plots, and obtain an updated aerial map of the existing cemetery; and continued the public hearing to January 24, 2017; and,

WHEREAS, on January 24, 2017, the Planning Commission, at the applicant's request, continued the public hearing on the appeal to February 28, 2017 to allow additional time to compile the information requested by the Planning Commission; and,

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

WHEREAS, on February 28, 2017, the Planning Commission at the applicant's request, continued the public hearing on the appeal to March 28, 2017 and the Commission indicated that the public hearing on the appeal should occur if the appeal has not been withdrawn by the appellant; and,

WHEREAS, the Planning Commission held a duly noticed public hearing on March 28, 2017, at which time all interested parties were given an opportunity to be heard and present evidence; and

WHEREAS, 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), the proposed project has been found to be categorically exempt under Class 3 (Section 15303).

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

**Section 1:** The proposed project involves the construction of a combination wall up to 14.9' in height to accommodate additional niche and earth interments in the eastern edge of Vista Del Ponte; a water feature, additional earth interments supported by a 14.9' tall combination wall, and a stairway that will provide access to the upper existing burial area of Vista Del Ponte and Inspiration Slope; and 793yd<sup>3</sup> of grading to support the proposed improvements.

**Section 2:** The Commission finds that the Director's approval of the Site Plan Review is warranted because pursuant to Condition of Approval No. 2.a(5) of Council-adopted Resolution No. 2017-03, the Director may approve retaining walls that accommodate niche or vault interments. Additionally, the Commission finds that the City's Site Plan Review process, which assesses compliance with the required setbacks and heights of the Cemetery zoning district (RPVDC §17.28), and as conditioned through the property's Conditions of Approval (Resolution No. 2017-03), is appropriate for the Director to determine that the proposed project complies with the Council-adopted Master Plan. More specifically, the Commission finds that the required setbacks from the east (facing Western Avenue) and north property line (facing residential properties along Peninsula Verde) are 25' and 80', respectively, for above ground structures. The proposed project is over 400' from the east property line and over 330' from the north property line and therefore, is in compliance with the minimum required setbacks. Additionally, the maximum allowed heights for customary cemetery related features is 16' (Conditional of Approval No. 2.a.(2)). The proposed height of the proposed water feature is 11.4' and therefore, is in compliance with the maximum allowed height, and is permitted to be administratively approved by the Director through a Site Plan Review application. The Commission, therefore, finds that the proposed improvements substantially comply with the Council-adopted Master Plan.

**Section 3:** The Commission finds that the proposed grading of 793yd<sup>3</sup> is warranted for the proposed 14.9' tall combination walls that will accommodate, among other things, niche and earth interments in the eastern edge of Vista Del Ponte, additional earth interments in the southern end of Inspiration Slope and stairway access to the upper existing burial area of Vista Del Ponte and Inspiration Slope because the grading does not exceed that which is necessary for the permitted primary use of the lot. More specifically, the subject site is in the Cemetery zoning district, which provides for the permanent interment of human remains (RPVDC §17.28.010). Additionally, the following uses, among other things, may be permitted in the Cemetery zoning district pursuant to a Conditional Use Permit: burial park for earth interments and mausoleums for vault or crypt interments and/or columbarium for cinerary interments (RPVDC §17.28.030). The purpose of the proposed grading is to accommodate additional earth interment area (at street level – Long View Drive and upper Inspiration Slope area) and niches for cremation urns (within the new retaining wall), as well as providing additional access (new stairs) to the upper areas of Vista Del Ponte and Inspiration Slope. The Commission finds that the proposed grading and/or related construction will not be readily visible from any of the surrounding properties as the project area is a significant distance away from all property lines (330' to 2,300'), lower than the elevations of abutting burial areas to the west, and will be screened by existing buildings to the north, and the east. Lastly, the proposed grading quantity of 793yd<sup>3</sup> is well within the approved maximum grading quantity of 643,259yd<sup>3</sup> of additional

grading is allowed for all the various proposed mausoleums and ground burials throughout the cemetery site conducted between 2005 and the life of the Master Plan. The Commission, therefore, finds that the proposed grading substantially complies with the Master Plan.

**Section 4:** The Commission finds that the merits of the appeal are not warranted. Each appeal reason is addressed in turn below.

**Appeal Reason (1)** There is no provision in the Master Plan to use this portion of the Cemetery as a columbarium and therefore, Green Hills should be required to apply for a Conditional Use Permit to vary from the scope of the Master Plan. The Commission finds that the Council-adopted Master Plan Conditions of Approval allows the proposed project area to be used for earth interments and allows retaining walls that accommodate niche or vault interments (Resolution No. 2017-03, Condition No. 2.a.5), therefore, Green Hills should not be required to apply for a revision to its Conditional Use Permit to vary from the scope of the Master Plan. Furthermore, according to Resolution No. 2017-03, Condition No. 2.a(3), “...*customary cemetery-related features over 36” in height including but not limited to water features, garden walls...*” can be administratively approved by the Director. As a result, the appellant’s reference to a columbarium is considered a customary cemetery related feature and an allowed use and improvement per the Master Plan and the Council-approved conditions of approval. The Director-approved Site Plan Review application is consistent with the Council-approved Master Plan in that the proposed grading area is identified as a “garden area” that is typically used for earth interments in the Master Plan (Master Plan pages 12 and 13) and may allow for the construction of retaining wall that may accommodate niche or vault interments (Condition of Approval No. 2.a(6)).

**Appeal Reason (2)** The top of the retaining wall is to be used to inter human remains and is in violation of the Master Plan and Green Hills is requesting to inter more human remains than what’s called for under its Master Plan and therefore, Green Hills should be required to supplement or amend its Master Plan. The Commission finds that the top of the retaining wall will not be used to inter human remains and is therefore not in violation of the Master Plan and Green Hills is not requesting to inter more human remains than what is permitted for in the Council-adopted Master Plan. The Commission finds that the Council-approved Master Plan (page 6, paragraph 2, line 10) and Condition of Approval No. 1.g allow additional interment areas (niches and vaults) to be created by retrofitting mausoleums and garden areas. Additionally, the top of the retaining wall cannot be used to inter human remains as a guardrail will be installed on top.

**Appeal Reason (3)** The Public Notice is inaccurate as it does not clearly specify what Green Hills intends to do on Inspiration Slope and therefore should be re-circulated. The Commission finds the Public Notice accurately and clearly describes the proposal requested by Green Hills. Lastly, the Commission finds that the Director-approved project does not involve any improvements on the Inspiration Slope Mausoleum and none are proposed at this time and therefore, the public notice accurately described what was being proposed.

**Section 5:** For the foregoing reasons and based on the information and findings included in the Staff Report, Minutes and other records of proceedings, the Planning Commission of the City of Rancho Palos Verdes hereby adopts P.C. Resolution No 2017-11, thereby denying the appeal and upholding the Director’s approval of a Site Plan Review (ZON2016-00332) to allow the construction of a combination wall up to 14.9’ in height to accommodate additional niche and earth interments in the eastern edge of Vista Del Ponte; a water feature, additional earth interments supported by a combination wall up to 14.9’ in height,

and a stairway that will provide access to the upper existing burial area of Vista Del Ponte and Inspiration Slope; and 793yd<sup>3</sup> of grading to support the proposed improvements at 27901 Western Avenue, subject to the conditions set forth in the attached Exhibit 'A' (ZON2016-00332).

**Section 6:** Any interested person aggrieved by this decision or any portion of this decision may appeal to the City Council. The appeal shall set forth in writing, the grounds for appeal and any specific action being requested by the appellant. Any appeal letter must be filed within fifteen (15) calendar days of the date of this decision, or by 5:30 PM on Wednesday, April 12, 2017. A \$2,275.00 appeal fee must accompany any appeal letter. If no appeal is filed timely, the Planning Commission's decision will be final at 5:30 PM on Wednesday, April 12, 2017.

PASSED, APPROVED AND ADOPTED this 28<sup>th</sup> day of March 2017, by the following vote:

AYES: Commissioners Bradley, Emenhiser, James, Leon, Nelson, Vice Chairman Cruikshank, Chairman Tomblin

NOES: None

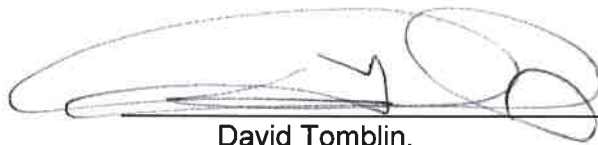
ABSTENTIONS: None

RECUSALS: None

ABSENT: None



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



David Tomblin,  
Chairman

**EXHIBIT 'A'**  
**CONDITIONS OF APPROVAL**  
**SITE PLAN REVIEW (ZON2016-00332)**  
**27901 WESTERN AVENUE (GREEN HILLS MEMORIAL PARK)**

General Conditions:

1. Prior to the submittal of plans into Building and Safety plan check, the applicant and the property owner shall submit to the City a statement, in writing, that they have read, understand, and agree to all conditions of approval contained in this Exhibit "A". Failure to provide said written statement within ninety (90) days following the date of this approval shall render this approval null and void.
2. Prior to conducting any work in the public right of way, such as for curb cuts, dumpsters, temporary improvements and/or permanent improvements, the applicant shall obtain an encroachment permit from the Director of Public Works.
3. 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.
4. The Community Development Director is authorized to make minor modifications to the approved plans and any of the conditions of approval if such modifications will achieve substantially the same results as would strict compliance with the approved plans and conditions. Otherwise, any substantive change to the project shall require approval of a revision by the final body that approved the original project, which may require new and separate environmental review.
5. 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 residential development standards of the City's Municipal Code, Vesting Tract 50667 conditions of approval, including but not limited to height, setback and lot coverage standards.
6. 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.
7. In the event that any of these conditions conflict with the recommendations and/or requirements of another permitting agency or City department, the stricter standard shall apply.
8. If the applicant has not submitted an application for a building permit for the approved project or not commenced the approved project as described in Section 17.86.070 of the City's Municipal Code within 180-days of the final effective date of this approval, the project shall expire and be of no further effect unless, prior to expiration, a written request for extension is filed with the Community Development Department and approved by the Director.
9. Unless otherwise designated in these conditions, all construction shall be completed in substantial conformance with the plans stamped APPROVED by the City with the effective

date of this Exhibit "A".

10. This approval is only for the items described within these conditions and identified on the stamped APPROVED plans and is not an approval of any existing illegal or legal non-conforming structures on the property, unless the approval of such illegal or legal non-conforming structure is specifically identified within these conditions or on the stamped APPROVED plans.
11. 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 not be 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.
12. Permitted hours and days for construction activity are 7:00 AM to 6:00 PM, Monday through Friday, 9:00AM to 5:00PM on Saturday, with no construction activity permitted on Sundays or on the legal holidays specified in Section 17.96.920 of the Rancho Palos Verdes Development Code. 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 7AM Monday through Friday and before 9AM 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.
13. 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.

Project Specific Conditions:

14. This approval is for the following:
  - Conduct 778yd<sup>3</sup> of cut and 15yd<sup>3</sup> over an existing slope located at the eastern edge of Vista Del Ponte (South of Inspiration Slope);
  - Construct a retaining wall in ranging in height from 1' at the southern end to 11.4' at the northern end against the excavated slope area with a 3.5' tall guardrail on top (Vista Del Ponte). The exposed surface of the retaining wall facing the street (Long View Drive) will be designed to contain niches to hold cremation urns;
  - Construct a 11.4' tall retaining wall with a 3.5' tall guardrail on top to accommodate additional earth interments adjacent to existing upper interment areas of Inspiration Slope.
  - Construct a water feature that cascades down from the top of the new retaining wall of Inspiration Slope to the adjacent street level at the north end of the project area;
  - Construct a stairway against the most southerly façade of the Inspiration Slope



Mausoleum that will provide access to the existing upper burial area at Vista Del Ponte and Inspiration Slope.

15. All grading, landscaping and construction activities shall exercise effective dust control techniques, either through screening and/or watering.
16. All applicable soils/geotechnical reports, if required by the Building and Safety Division, shall be approved by the City's geologist prior to Building Permit issuance.
17. Failure to comply with and adhere to all of these conditions of approval and the conditions set forth in City Council Resolution No. 2015-102 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.