

CITY OF RANCHO PALOS VERDES

TO: HONORABLE MAYOR & CITY COUNCIL MEMBERS

FROM: JOEL ROJAS, AICP, DIRECTOR OF PLANNING, BUILDING AND CODE ENFORCEMENT 

DATE: JANUARY 21, 2009

SUBJECT: APPEAL OF THE PLANNING COMMISSION'S CONDITIONAL APPROVAL OF THE PROPOSED ST. JOHN FISHER MASTER PLAN: CONDITIONAL USE PERMIT #96 – REVISION “D”, GRADING PERMIT, MINOR EXCEPTION PERMIT, SIGN PERMIT AND ENVIRONMENTAL ASSESSMENT (CASE NO. ZON2007-00492); PROJECT ADDRESS: 5448 CREST ROAD.

REVIEWED: CAROLYN LEHR, CITY MANAGER 

Project Manager: Leza Mikhail, Associate Planner 

RECOMMENDATION

Staff recommends that the City Council:

- 1) Adopt C.C. Resolution No. 2009 - ___, thereby certifying the Mitigated Negative Declaration and approving the Mitigation Monitoring Program for the St. John Fisher Master Plan Case No. ZON2007-00492; and
- 2) Adopt C.C. Resolution No. 2009 - ___, thereby conditionally approving the St. John Fisher Master Plan, including CUP #96 – Revision “D,” Grading Permit, Minor Exception Permit and Sign Permit Case No. ZON2007-00492.

BACKGROUND

On December 16, 2008, the City Council approved a motion on a 3-0 vote (with Councilmen Gardiner and Mayor Clark absent) to deny the appeal of the Planning Commission's approval of the St. John Fisher Master Plan and adopt the Conditions of Approval identified in P.C. Resolution No. 2008-35, with specific modifications. The specific modifications are identified in the “Discussion” section of this report. At the meeting, the City Council directed Staff to return to the January 21, 2009 City Council meeting with the appropriate resolutions commemorating the City Council's action. The appropriate resolutions have been drafted and Staff is now recommending that the City Council adopt the resolutions certifying the Mitigated Negative Declaration and conditionally approving the St. John Fisher Master Plan.

DISCUSSION

On December 16, 2008, after conducting three public hearings, considering public testimony and reviewing and discussing all evidence within the public record, the City Council denied the appeal brought forward by ten (10) Appellant's and approved the St. John Fisher Master Plan. More specifically, the City Council agreed to retain the Conditions of Approval that were adopted by the Planning Commission in P.C. Resolution 2008-35 with specific modifications that are identified below:

- Modification of Condition No. 73, as set forth in Monsignor Sork's letter dated December 9, 2008, to restrict sports activities in the Parish Activity Center/Gymnasium to 10:00 P.M. unless a Special Use Permit is reviewed and approved by the Director of Planning, Building and Code Enforcement;
- Modification of Condition No. 22, as set forth in Monsignor Sork's letter dated December 9, 2008, with a restriction of outdoor lighting to 9:00 P.M. instead of 10:30 P.M.;
- Confirmation of the planting of non-deciduous trees at the corner of Crest Road and Crenshaw Boulevard;
- A new Condition of Approval for landscaping, requiring the property owner to pay for the installation and maintenance of new street trees along the west side of Crenshaw Boulevard, south of Crest Road and north of the Island View entrance, provided there is individual consent by the four neighbors adjacent to the public right-of-way for the installation of trees directly in front of their properties;
- Amend Condition Nos. 31, 36 and 39, identified in P.C. Resolution No. 2008-35, regarding parking, as set forth in Monsignor Sork's letter dated December 9, 2008, thereby removing the requirement of 38 seasonal/peak parking spaces within the courtyard located north of Barrett Hall;
- In addition to the reviews identified in P.C. Resolution No. 2008-35, include a new condition of approval requiring future reviews of landscaping, lighting, parking and the carillon bells one year and two years after installation, both reviews to be duly noticed and reviewed by the City Council;
- A new Condition of Approval requiring the future review of parking, at any time in the future, to be duly noticed and reviewed by the City Council, if the number of Sunday masses is reduced below four for a period of time exceeding three months;
- Amend all Conditions of Approval related to future reviews before the Planning Commission, to be duly noticed and reviewed by the City Council;

- A new Condition of Approval requiring a two month review of the sanctuary lighting, after installation.

The new and/or modified Conditions of Approval are attached to this Staff Report as an exhibit (Modified Conditions of Approval) that delineates the new language as underlined text and deleted language as ~~striketrough~~. In addition to the inclusion of the abovementioned changes identified in the City Council motion to approve the St. John Fisher Master Plan, Staff has also reviewed the Conditions of Approval to ensure consistency across all conditions and has made minor clarification changes. All changes are shown in the Modified Conditions of Approval exhibit.

ADDITIONAL INFORMATION

Future Reviews of On-Street Parking

At the request of the City Council at the December 16, 2008 City Council meeting, Staff will include a separate City Council Agenda item when St. John Fisher's on-site parking reviews are brought before the City Council. The separate agenda item will allow the City Council to consider further restrictions of on-street parking at Crest Road and Crenshaw Boulevard.

Street Trees

In order to determine whether any of the four neighbors located adjacent to the public right-of-way along the west side of Crenshaw Boulevard, south of Crest Road and north of the Island View entrance object to the planting of trees adjacent to their property to help further screen the proposed sanctuary building, Staff sent a courtesy notice (attached) to the four neighbors. In the letter, Staff noted that the City Council is requiring the installation of street trees within the 8-foot wide public right-of-way, adjacent to their respective homes. Staff asked that if the property owners object to the installation of street trees in front of their homes, along Crenshaw Boulevard, to state their objection via phone or email by 10:00 AM on January 13, 2009, in order to produce said information to the City Council in this Staff Report. Staff did not receive any objections, however Lynn Belusko, property owner at 15 Santa Barbara noted that she wanted to ensure that the trees would be maintained at a height and spread that would not unduly shade their property. It appears that the four property owners may need additional details in terms of the number of trees and the location of the trees in order to make a final decision to have trees planted behind their respective properties, within the public right-of-way. The specific condition of approval (Condition No. 53) that requires the landscaping is written to allow each adjacent property owner to object to the landscaping in writing by June 1, 2009. Prior to the June 1, 2009 deadline, City Staff will work with the four property owners to determine the number of trees and the location of the trees.

Public Comments

Since the December 16, 2008 City Council meeting, Staff has received 3 additional comment letters (attached) which primarily relay the concerns and/or recommendations for

the Conditions of Approval associated with the St. John Fisher Master Plan. More specifically, Lynn Belusko, one of the neighbors adjacent to the proposed street tree landscaping, is not opposed to the installation of new street trees, however she would like further research related to the type of tree and location of tree within the public right-of-way.

As a reminder, Staff has created a website with a listserv feature, where any person can add their email address to receive updates on the proposed project. Anyone can subscribe to the St. John Fisher listserv through the following website by clicking on the subscribe box for St. John Fisher: <http://www.palosverdes.com/rpv/listserv/index.cfm> . If approved, Staff will continue to update all members of the listserv regarding future construction activities for the St. John Fisher Master Plan.

FISCAL IMPACT

Since the appeal resulted in a modification to the Planning Commission approved project, then ½ of the \$1,344 appeal fee shall be refunded to the appellants' who paid the appeal fee. The General Fund bears the cost of the refund.

ATTACHMENTS:

Note: Staff has not attached the previous Staff Report and Attachments dated due to the size of the report and all related attachments. Staff requested that the City Council retain the November 16, 2008 and December 16, 2008 Staff Reports for future reference. Below is a list of all new attachments and information received since December 16, 2008.

1. Modified Conditions of Approval (Exhibit with new underline and ~~strikethrough~~ language)
2. C.C. Resolution No. 2009-___, (Mitigated Negative Declaration and Mitigation Monitoring Program)
3. C.C. Resolution No. 2009-___, (St. John Fisher Master Plan project and Conditions of Approval)
4. Courtesy Notice
5. Public Correspondence

Modified Conditions of Approval (Exhibit)

General

1. All mitigation measures contained in the approved Mitigation Monitoring Program contained in ~~P.C. Resolution No. 2008-34~~ C.C. Resolution No. 2009- for the Mitigated Negative Declaration, shall be incorporated into the proposed Project and adhered to, and are incorporated herein by reference.
2. The proposed Project, including site layout, the building and appearances, and signage throughout the site, shall be constructed and maintained in substantial compliance with the plans reviewed and approved by the ~~Planning Commission on October 14, 2008~~ City Council, and stamped APPROVED by the City with the effective date of the Notice of Decision.
3. The Director of Planning, Building and Code Enforcement is authorized to approve minor modifications to the approved plans or any of the conditions if such modifications achieve substantially the same results as would strict compliance with said plans and conditions. Otherwise, all other modifications shall be subject to review and approval by the ~~Planning Commission~~ City Council.
4. 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 listed below. Failure to provide said written statement within ninety (90) days following the date of this approval shall render this approval null and void.
5. Prior to the submittal of plans into Building and Safety plan-check, the applicant shall obtain an encroachment permit from the Director of Public Works for any curb cuts or any other temporary or permanent improvements within the public rights-of-way.
6. 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.
7. The project development on the site shall conform to the specific standards contained in these conditions of approval or, if not addressed herein, shall conform to the appropriate development and operational standards of the City's Municipal Code.
8. 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.

9. In the event that any of these conditions conflict with the requirements of another permitting agency or City department, the stricter standard shall apply.
10. 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 fixtures.
11. All applicable permits required by the Building and Safety Division shall be obtained by the applicant prior to the commencement of construction.
12. All mechanical equipment, whether roof-mounted or ground-mounted, shall be adequately screened to the extent practicable from other properties and/or public rights-of-way.
13. The project applicant shall maintain, in good condition, two access driveways. One access driveway shall be provided from Crest Road and a second access driveway shall be provided from Crenshaw Boulevard.

Project Description

14. This approval establishes a Master Plan (St. John Fisher Master Plan) for the St. John Fisher property located at 5448 Crest Road. The approved Master Plan identifies a combined total of 32,426 square feet of new building area for a new sanctuary, preschool, administration building, library, art room, storage area, storage garage and offices; 10,329 square feet of existing facilities to be demolished, including offices, a youth building and the existing rectory along the north property line, and 26,544 square feet of the existing facilities to be remodeled, including converting the existing convent into a new rectory, converting the existing sanctuary into a new gymnasium and remodeling existing classrooms and offices.
15. The approved St. John Fisher Master Plan allows for the following additions to the property:
 - ⇒ A new 17,000 square foot sanctuary (to replace the existing 15,402 square foot sanctuary) to be located at the northwest corner of the subject property. The sanctuary also includes a 900 square foot basement for the housing of mechanical equipment. The new sanctuary will be circular in shape, whereby the main structure will range in height from 15'-0" at the northeast end of the structure to 43'-0" at the southwest. In addition, the new sanctuary will include a steeple, at the west end of the structure, with a maximum height of 60'-0" to the top of the steeple and 74'-0" to the top of the cross which will be affixed to the top of the steeple.

- ⇒ A new 9,788 square foot administration building (7,488 square foot first floor and 2,300 square foot basement); and
- ⇒ A 1,074 square foot addition for the creation of two new classrooms for the preschool; and
- ⇒ A new 1,289 square foot art room at the northwest corner of the existing classrooms; and
- ⇒ A new 1,217 square foot school library at the northeast corner of the existing classrooms; and
- ⇒ A 304 square foot expansion to Barrett Hall for storage area; and
- ⇒ A new 454 square foot garage at the southeast corner of the property, adjacent to the priest's new rectory (previously a convent); and
- ⇒ A 400 square foot addition north of the existing music room to accommodate two (2) new offices.

16. The style and exterior materials of the proposed buildings shall be consistent with the architectural plans presented to and approved by the ~~Planning Commission on October 14, 2008~~ City Council.

Lighting

17. Exterior lighting shall be in compliance with the standards of Section 17.56.040 of the Rancho Palos Verdes Development Code and as identified and conditioned in the Certified Mitigated Negative Declaration.
18. All exterior lighting shall be arranged and shielded so as to prevent direct illumination of surrounding property and to prevent distraction of drivers of vehicles on public rights-of-way. Luminaries shall be of a low-level, indirect and diffused type.
19. No one light fixture shall exceed 1,200 watts, and the light source shall not be directed toward or result in direct illumination of an adjacent parcel of property or properties other than that upon which such light source is physically located. All exterior lighting shall be arranged and shielded so as to prevent direct illumination of abutting properties and to prevent distraction of drivers of vehicles on public rights-of-way.
20. No building-mounted outdoor lighting shall be permitted where the light source or fixture is mounted more than sixteen (16) feet above grade, as measured from grade, adjacent to the building.

21. All outdoor lighting, including all outdoor illuminated signs, shall be turned off by ~~4 A.M.~~ 9:00 P.M. Monday through Sunday, except for lighting used for security, lighting of the sanctuary on Christmas Eve and Easter Vigil, which shall be turned off by 2 A.M, and additional security lighting the first Friday of every month. Prior to issuance of a Building Permit or Grading Permit, the applicant shall provide the Planning Department with a lighting plan for review and approval by the Planning Director that indicates the lights that will remain lit throughout the evening for security.
- ~~22. Exterior sanctuary lighting shall be installed prior to issuance of the Certificate of Occupancy for the sanctuary. After installation of all lighting, but prior to Issuance of Certificate of Use and Occupancy of the proposed sanctuary and parking lot, the developer shall request that the City conduct an inspection of the site to ensure that there is no spill-over of light onto adjacent properties. A trial period of six (6) months from issuance of Certificate of Use and Occupancy for assessment of exterior lighting impacts shall be instituted. At the end of the six-month period, the City may require additional screening or reduction in intensity of any light that has been determined to be excessively bright.~~

Grading and Drainage

23. This approval allows a total of 30,688 cubic yards of grading with the following quantity breakdown:
 - a. 19,694 cubic yards of excavation
 - b. 10,994 cubic yards of fill
24. Stockpiling of earthwork shall be limited to a maximum of 200 cubic yards in any given area, shall not be stockpiled on the property for more than a period of six (6) months, and the applicant shall adequately screen the visibility of all stockpiles to the extent practicable from the public right-of-way, as determined by the City's Building Official.
25. A maximum of 8,700 cubic yards of excavation is permitted for export.
26. The applicant is allowed to construct a total of five (5) retaining walls as described below:
 - a. A combination wall along the east property line, adjacent to the existing driveway, shall not exceed a maximum height of 11'-6",
 - b. A combination wall along the west side of the existing driveway, accessed from Crest Road (maximum height of 11'-6"),
 - c. A combination wall to accommodate new parking along the south property line (maximum height of 11'-6"),

- d. A new retaining wall, just north of the proposed parking lot (maximum height of 7'-6",
 - e. An 8'-0" tall retaining wall between the proposed Parish Activity Center/gymnasium and new sanctuary for a columbarium.
27. The applicant shall install wrought-iron or aluminum decorative fencing on top of all proposed combination walls. The wrought-iron or aluminum fencing shall be constructed in a manner by which not less than eighty (80%) of the vertical surface is open to permit the transmission of light, air or vision through said surface in a horizontal plane, as described in the development code definition for a "fence" pursuant to the RPVMC.
 28. Construction of buildings is prohibited on extreme slopes (35% or greater slope).

Parking

29. Only the uses which are listed in the parking analysis that was approved by the ~~Planning Commission on October 14, 2008~~ City Council, shall be allowed to be constructed on the St. John Fisher property. These uses will generally take place in the following structures:
 - Sanctuary (assembly space)
 - Elementary School (classrooms)
 - Preschool (classrooms)
 - Administrative Building (office space)
 - School Library
 - Barrett Hall Complex (including the assembly space)
 - Parish Activity Center/Gymnasium (assembly space)
 - Fireside Room (assembly space)
 - Multi-purpose room (assembly space)
 - Rectory (single-family residential)
 - K-8 Religious education (in existing structures)
 - Art Room (classroom)
30. All facilities, activities and/or uses on the St. John Fisher property shall be operated in such a manner so as not to create simultaneous demand for maximum on-site parking requirements that would exceed 331 spaces when the St. John Fisher School is in session and ~~392~~ 342 parking spaces (331 regular spaces and ~~64~~ 23 seasonal/peak parking spaces) when school is not in session, without approval from the Director of Planning, Building and Code Enforcement of a Special Use Permit. If the church is fully occupied and concurrent Religious Education classes are fully occupied, no other assembly activity can occur on the property unless that activity requires 23 or fewer parking spaces.
31. If an event or activity is proposed that would occupy the parking spaces, thereby reducing available parking by more than 25% of the 331 required parking spaces,

a Special Use Permit shall be required.

32. Of the 331 required parking spaces, 265 standard parking spaces shall be provided, which meet the minimum dimensions set forth in Section 17.50 of the RPVMC (9' width by 20' depth).
33. Of the 331 required parking spaces, a maximum 66 compact parking spaces are permitted, provided the spaces meet the minimum dimensions set forth in Section 17.50 of the RPVMC (8' width by 15' depth).
34. In addition to the required 331 parking spaces, the applicant shall provide a minimum of 3 loading spaces, which shall meet the minimum dimensions set forth in Section 17.50 of the RPVMC (10' width by 20' depth with 14' clearance).
35. In addition to the required 331 parking spaces, the property owner shall maintain ~~64~~ 23 additional seasonal/peak parking spaces for overflow parking. The seasonal/peak parking spaces shall not be used on days when St. John Fisher Elementary School or Preschool is in session.
36. The seasonal/peak parking areas shall be planted and maintained with turf that is wear-resistant.
37. The seasonal/peak parking spaces shall meet the minimum dimensions and requirements for standard parking spaces (9' width by 20' depth) and compact parking standards (8' width by 15' depth). A maximum of 20% of the seasonal/peak parking spaces may be dedicated for compact parking.
38. The seasonal/peak parking areas shall be located in the areas depicted on the City Council-approved site plan. Specifically, a minimum of ~~64~~ 23 seasonal/peak parking spaces shall be located in the turf area just south of Barrett Hall and the courtyard area north of Barrett Hall, south of the existing classrooms.
39. The property owner shall execute an agreement with the property owner of Daughters of Mary and Joseph, to be recorded with the County of Los Angeles, against both the subject property and the Daughters of Mary and Joseph property, prior to issuance of a building permit and/or grading permit, allowing St. John Fisher to use a minimum of 50% of the Daughters of Mary and Joseph paved parking spaces (45 spaces) for overflow parking on Christmas Eve, Easter Sunday and during the construction period.
40. Throughout all phases of demolition, construction and grading, the applicant shall make reasonable efforts to maintain the 331 required parking spaces. ~~However, at a minimum,~~ The property owner shall maintain a minimum of 217 non-seasonal/peak parking spaces for the sanctuary at all times during construction and prior to issuance of the Certificate of Occupancy of the new sanctuary.
41. No overnight parking or storage of vehicles associated with construction shall be permitted in the public right-of-way during construction.

Building Heights and Square Footage

42. The new sanctuary shall not exceed a maximum footprint of 17,000 square feet with a 900 square foot basement beneath the main floor. The new sanctuary shall not exceed a maximum height of 15'-0" at the northeast end of the structure and 60'-0" at the top of the steeple and 74'-0" at the top of the cross that is placed upon the steeple, which is located at the west end of the structure. The sanctuary shall be setback a minimum of 57'-0" from the west street-side property line along Crenshaw Boulevard and 62'-0" from the north street-side property line along Crest Road.

BUILDING AREA CERTIFICATION IS REQUIRED. A LICENSED CIVIL ENGINEER OR SURVEYOR SHALL PREPARE THE CERTIFICATION. CERTIFICATION SHALL BE SUBMITTED TO THE CITY'S BUILDING OFFICIAL FOR REVIEW AND APPROVAL PRIOR TO BUILDING PERMIT FINAL.

SETBACK CERTIFICATION IS REQUIRED. A LICENSED CIVIL ENGINEER OR SURVEYOR SHALL PREPARE THE CERTIFICATION. CERTIFICATION SHALL BE SUBMITTED TO THE CITY'S BUILDING OFFICIAL FOR REVIEW AND APPROVAL PRIOR TO POURING OF FOOTINGS.

BUILDING HEIGHT CERTIFICATION IS REQUIRED. A LICENSED CIVIL ENGINEER OR SURVEYOR SHALL PREPARE THE CERTIFICATION. CERTIFICATION SHALL BE SUBMITTED TO THE CITY'S BUILDING OFFICIAL FOR REVIEW AND APPROVAL PRIOR TO ROOF FRAMING/SHEETING INSPECTION.

43. The new administrative building, along the west side of the existing school, shall not exceed a maximum footprint of 7,488 square feet. Additionally, a 2,300 square foot basement beneath the main floor shall be permitted. The new administrative building shall not exceed a maximum height of 26'-0", as measured from lowest adjacent grade.

BUILDING AREA CERTIFICATION IS REQUIRED. A LICENSED CIVIL ENGINEER OR SURVEYOR SHALL PREPARE THE CERTIFICATION. CERTIFICATION SHALL BE SUBMITTED TO THE CITY'S BUILDING OFFICIAL FOR REVIEW AND APPROVAL PRIOR TO BUILDING PERMIT FINAL.

BUILDING AREA CERTIFICATION IS REQUIRED. A LICENSED CIVIL ENGINEER OR SURVEYOR SHALL PREPARE THE CERTIFICATION. CERTIFICATION SHALL BE SUBMITTED TO THE CITY'S BUILDING OFFICIAL FOR REVIEW AND APPROVAL PRIOR TO BUILDING PERMIT FINAL.

Phasing

44. Installation of any temporary modular buildings, other than those used by the contractor during construction, shall require a Special Use Permit during all phases of the St. John Fisher Master Plan.
45. The proposed St. John Fisher Master Plan may be broken up into two main phases as described below. If within one year of the final effective date of the Notice of Decision, the applicant has not submitted an application for a building permit for the approved project or has not commenced the approved project as described in Phase One below, approval of the project shall expire and be of no further effect unless, prior to expiration, a written request for extension is filed with the Department of Planning, Building and Code Enforcement and approved by the Director. All elements of the approved Master Plan that are not submitted as described in Phase One and Phase Two below, shall require additional future review and approval through the CUP process and additional CEQA review. Phase One and Phase Two are described as follows:
 - a. Phase One: Phase One includes the construction of the new sanctuary, remodel of the existing sanctuary into a gymnasium/parish activity center, construction of a new parking lot, demolition of the existing rectory and youth building on the north and east sides of the property, remodel/conversion of existing convent into rectory and site work that will not be impacted by future phase construction. The Planning Entitlements for all construction described under "Phase One" shall remain in full force and effect for a maximum of one (1) year from the final effective date of the Notice of Decision for the St. John Fisher Master Plan unless construction plans have been submitted to Building and Safety for plan check.
 - b. Phase Two: Phase Two includes the construction of the new administration building, remodel the existing administration building into meeting rooms, construction of a new preschool, library, and art room and remaining site work associated with phase two construction. The Planning Entitlements for all construction described under "Phase Two" shall remain in full force and effect for a maximum of five (5) years from the final effective date of the Notice of Decision for the St. John Fisher Master Plan unless construction plans for the final phase of construction have been submitted to Building and Safety for plan check.

Affordable Housing Requirement

46. The property owner and/or applicant shall provide affordable housing as required by Section 17.11.140(A) (Affordable Housing) of the RPVMC prior to issuance of the first Certificate of Occupancy associated with the St. John Fisher Master Plan, unless the applicant demonstrates to the satisfaction of the Director of

Planning, Building and Code Enforcement that they are exempted from such requirement pursuant to the exemptions described in Section 17.11.140(B) of the RPVMC.

Landscaping

47. A Landscape Plan shall be submitted to the City and approved by the City's Landscape Consultant prior to issuance of a Building Permit or Grading Permit. The proposed landscaping shall be in substantial compliance with the ~~Planning Commission~~ City Council approved Landscape Plan ~~provided on September 23, 2008~~ and shall screen the new sanctuary from neighboring properties and the surrounding rights-of-way, consistent with the Applicant's photo simulations presented to the City Council on December 16, 2008, and shall be in substantial compliance with the site plan reviewed and approved by the ~~Planning Commission on September 23, 2008~~ City Council. The landscaping plan shall also indicate the species, growth rate and maximum heights of all proposed trees.
48. The applicant shall retain a majority of the existing mature trees located along the west street side property line, along Crenshaw Boulevard. Included in the Landscape Plan identified in Condition No. 48 51, the applicant shall submit a Tree Retention Plan indicating which existing trees will be removed and which trees will be maintained in a thriving manner along Crenshaw Boulevard. Said plan shall be reviewed and approved by the Director of Planning, Building and Code Enforcement prior to issuance of grading permits or building permits.
49. All landscaping at the corner of Crest and Crenshaw Boulevard shall be planted and installed prior to issuance of Certificate of Occupancy of the new sanctuary to the satisfaction of the Director of Planning, Building and Code Enforcement.
50. New trees provided for screening of the new sanctuary at the corner of Crest Road and Crenshaw Boulevard shall ~~consist of~~ be non-deciduous trees and shall ~~be reviewed and approved by the City's Landscape Consultant~~.
51. All existing trees that are not affected by the proposed construction, shall be maintained in a thriving manner.
52. Landscaping shall be provided and maintained along south property line, adjacent to the parking lot. In the event the required landscaping is destroyed and/or removed, the property owner shall either install a 5'-0" tall masonry wall along the south property line or restore the landscaping to adequately screen the parking lot from the residential neighborhood to the south, as determined by the Director of Planning, Building and Code Enforcement.
53. Prior to issuance of a grading and/or building permit, the Applicant, St. John Fisher, shall fund a Trust Deposit in an amount of \$18,500 to cover the cost of

the installation and maintenance of City street trees (New Zealand Christmas Trees), along the west side of the Crenshaw Boulevard public right-of-way, south of Crest Road and north of the Island View entrance. The City trees shall be installed prior to the issuance of a Building Permit or Grading Permit and maintained by the City. All costs for installation and maintenance of the trees shall be fully paid for by the Applicant. The initial payment shall be \$18,500 and the trust deposit shall be augmented by the Applicant when required by the City. The Trust Deposit shall maintain a positive balance at all times. The trees shall not be installed adjacent to any property where the owner has notified the City in writing by June 1, 2009 that they do not want trees installed adjacent to their respective property. If all four property owners object to the planting of trees, the Applicant will not be required to pay for the installation or maintenance of trees.

Bell Schedule

54. The carillon bells are permitted to ring on the following days and times only:
 - a. Monday through Saturday at 8:00 AM, 12:00 PM, and 6:00 PM; and
 - b. Either shortly before or at the commencement of Sunday Masses, for a maximum of six (6) times, not before 8:50 AM or after 6:00 PM; and
 - c. Christmas Eve Masses, but at no time before 8:00 AM or after 6:00PM; and
 - d. After Weddings, but at no time before 8:00 AM or after 6:00PM; and
 - e. After Funerals, but at no time before 8:00 AM or after 6:00PM; and
 - f. the following Holy Days: 1) The Assumption of the Blessed Mother (August 15), 2) All Saints Day (November 1), and 3) The Immaculate Conception (December 8), but at no time before 7:00 AM or after 6:00PM.
55. The carillon bells shall not chime for more than a period of 90 seconds at each allotted time.
56. The speakers for the carillon bells shall be directed towards face the interior of the lot and shall not directly face any adjacent residential properties.
57. The speakers for the carillon bells shall not exceed a maximum height of 16'-0", as measured from grade, adjacent to the location of the bells on the sanctuary.
58. The speakers for the carillon bells shall be setback a minimum of 110'-5" from any property line, as noted on the approved project plans.
59. The speakers for the carillon bells shall only be used for the sounding of bells at the approved times.
- ~~60. No later than two (2) months after installation of the carillon bells, the Planning Commission shall review the impacts of the carillon bells to assess the effectiveness of the Conditions of Approval in minimizing the impacts of the bells~~

~~upon neighboring properties. To address this concern, the applicant will be required to submit a Trust Deposit to cover the cost of a City Approved Noise Consultant to measure the decibel rating of the carillon bells and prepare a report that will be presented to the Planning Commission. At that time, the Planning Commission may add, relieve, delete and/or modify any of the respective conditions of approval or may prohibit the use of bells if the Commission determines that the imposed conditions are not effective in minimizing sound effects to neighbors. Said modifications shall not result in substantial changes to the design of the sanctuary or other ancillary structures. Notice of said review hearing shall be published and provided to owners of property within a 500 foot radius of the subject site, to persons requesting a notice, to all affected homeowner associations and to the property owner in accordance with the RPVMC. The Planning Commission may require such subsequent additional reviews, as the Planning Commission deems appropriate. (See Condition No. 75)~~

Signs

61. The signage on the subject property shall be subject to the following conditions:
 - a) One major wall sign at the corner of Crest Road and Crenshaw Boulevard, attached and parallel to the proposed building façade of the new sanctuary.
 - b) The maximum sign area shall not exceed a maximum of 75 square feet (63 square feet proposed).
 - c) The signage shall not be internally illuminated.

Indemnification

62. The owner of the property upon which the project is located shall hold harmless and indemnify the City, members of its City Council, boards, committees, commissions, officers, employees, servants, attorneys, volunteers, and agents serving as independent contractors in the role of city or agency officials, (collectively, "Indemnitees"), from any claim, demand, damage, liability, loss, cost or expense, including but not limited to death or injury to any person and injury to any property, resulting from willful misconduct, negligent acts, error or omissions of the owner, the applicant, the project operator, or any of their respective officers, employees, or agents, arising or claimed to arise, directly or indirectly, in whole or in part, out of, in conjunction with, resulting from, or related to the construction approved by this resolution.

Source Reduction and Recycling

63. Prior to issuance of any Certificate of Occupancy, the applicant shall prepare and submit to the Director of Public Works for review and approval a comprehensive Integrated Waste Management Plan (Plan) that addresses source reduction,

reuse and recycling.

64. Prior to issuance of any building and/or grading permits, an approved Construction and Demolition Materials Management Plan (CDMMP) shall be prepared and submitted to the Director of Public Works for approval.
65. Prior to issuance of any Certificate of Occupancy, a Construction and Demolition Materials Disposition Summary (Summary) shall be submitted to the Director of Public Works upon completion of deconstruction and construction. The Summary shall indicate actual recycling activities and compliance with the diversion requirement, based on weight tags or other sufficient documentation.
66. Where possible, the site design shall incorporate the use of recycled building materials and the re-use of on-site demolition debris.
67. The project site design shall incorporate areas for collection of solid waste with adequate space for separate collection of recyclables.

Miscellaneous

68. The access stairs and ramp at the corner of Crest and Crenshaw shall only be installed if required by the California Building Code or Fire Department, and if required, shall not vary materially from the minimum specifications of size required by law. The applicant shall obtain an encroachment permit for any portion of the stairs or ramp which is located within the public right of way.
69. Prior to issuance of building permits and/or grading permits, the property owner shall submit final geotechnical and soils reports to the City for review and approval by the Building Official and the City's Geotechnical Consultant. All conditions specified in the approved geotechnical and soils reports shall be incorporated into the project.
70. Prior to the issuance of a building and/or grading permit from the City's Building and Safety Division, the applicant shall obtain NPDES approval from the City's NPDES consultant.
71. Prior to issuance of demolition, building, and/or grading permits, a construction haul route plan shall be submitted and approved by the City's Public Works Department.
72. The speakers attached to the existing sanctuary that is proposed to be remodeled into a new Parish Activity Center/Gymnasium shall be removed prior to issuance of certificate of occupancy for the new sanctuary.
73. Evening use of the Parish Activity Center/Gymnasium and/or Barrett Hall Sports Activities in the Parish Activity Center/Gymnasium shall not be permitted after

~~11:00 PM 10:00 P.M. Sundays through Thursdays and 12:00 AM on Fridays and Saturdays~~ without the review and approval from the Director of Planning, Building and Code Enforcement of a Special Use Permit. Bleachers shall not be used in the Parish Activity Center/Gymnasium.

74. The Parish Activity Center/Gymnasium shall not be used by unaffiliated sports leagues of which St. John Fisher is not a member without the review and approval by the Director of Planning, Building and Code Enforcement of a Special Use Permit.

Future City Council Reviews

75. The carillon bells and the exterior lighting of the sanctuary shall be installed prior to issuance of a Certificate of Occupancy for the new sanctuary and shall be installed as shown on the approved plans. No later than two (2) months after issuance of a Certificate of Occupancy for the new sanctuary, the City Council shall review the impacts of the carillon bells and exterior sanctuary lighting to assess the effectiveness of the Conditions of Approval in minimizing the impacts of the bells and exterior sanctuary lighting to neighboring properties. At that time, the City Council may add, relieve, delete and/or modify any of the respective conditions of approval or may prohibit the use of the carillon bells and/or outdoor sanctuary lighting if the City Council determines that the imposed conditions are not effective in minimizing the sound and/or lighting effects to neighbors. Said modifications shall not result in substantial changes to the design of the sanctuary or other ancillary structures. Notice of said review hearing shall be published and provided to owners of property within a 500-foot radius of the subject site, to persons requesting a notice, to all affected homeowner associations and to the property owner in accordance with the RPVMC. The City Council may require such subsequent additional reviews, as the City Council deems appropriate.
76. The effectiveness of the landscaping for screening the sanctuary pursuant to Condition No. 47, exterior sanctuary lighting, parking and the carillon bells shall be subject to review and modification, as deemed necessary and appropriate by the City Council, no later than one (1) year, and subsequently two (2) years, after the Certificate of Occupancy for the new sanctuary is issued. Notice of said review hearing shall be published and provided to owners of property within a 500' 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 add, delete, or modify the conditions of approval as deemed necessary and appropriate by the City Council. The City Council may impose more restrictive standards and conditions to mitigate any impacts resulting from the installation of landscaping, lighting, parking and the carillon bells.
77. The Conditions of Approval contained herein shall be subject to review and

modification, as deemed necessary and appropriate by the ~~Planning Commission~~ City Council, six (6) months after issuance of a final Certificate of Occupancy for all structures within Phase One, as defined in Condition No. 46. The City Council shall review the applicant's compliance with the conditions of approval, and to determine if the conditions are accomplishing their intended purposes. Notice of said review hearing shall be published and provided to owners of property within a 500' 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 ~~Planning Commission~~ City Council may add, delete, or modify the conditions of approval as deemed necessary and appropriate by the City Council. As part of the six month review, the ~~Planning Commission~~ City Council shall consider the on-site lighting, parking conditions, circulation patterns and the hours of operation for the uses permitted on-site, in addition to other concerns raised by the ~~Commission~~ City Council and/or interested parties. The ~~Planning Commission~~ City Council may impose more restrictive standards and conditions to mitigate any impacts resulting from the operation of the Project.

78. At any time in the future, the effectiveness of the parking conditions shall be reviewed by the City Council if the number of Sunday masses is reduced to four (4) or fewer Sunday masses for a period of time exceeding three (3) months. Notice of said review hearing shall be published and provided to owners of property within a 500' 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.

C.C. RESOLUTION NO. 2009-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES ADOPTING A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING PROGRAM PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR CASE NO. ZON2007-00492 (CONDITIONAL USE PERMIT #96 – REVISION “D”, GRADING PERMIT, MINOR EXCEPTION PERMIT, SIGN PERMIT, AND ENVIRONMENTAL ASSESSMENT), FOR PROPERTY AT 5448 CREST ROAD LOCATED AT THE SOUTHEAST CORNER OF CREST ROAD AND HAWTHORNE BOULEVARD.

WHEREAS, on October 5, 2007, Hyndman and Hyndman, representing St. John Fisher Church and School, submitted Case No. ZON2007-00492, applications for a Conditional Use Permit #96 – Revision “D”, Grading Permit, Minor Exception Permit, Sign Permit and Environmental Assessment, for the subject property at 5448 Crest Road (referred to collectively as “the Project”); and,

WHEREAS, on October 29, 2007, the Project was deemed incomplete by Staff pending the submittal of additional information on the project plans and review and approval from the Fire Department, City Traffic Consultant, City Geologist and City’s National Pollution Discharge Elimination System (NPDES) Consultant; and,

WHEREAS, on April 29, 2008, upon submittal of all required information, the Project was deemed complete by Staff; 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 City of Rancho Palos Verdes prepared an Initial Study and determined that, with appropriate mitigation, there is no substantial evidence that the Project would result in a significant adverse effect upon the environment and, therefore, a Mitigated Negative Declaration has been prepared and notice of same was given in the manner required by law; and,

WHEREAS, after notice was issued pursuant to the requirements of the Rancho Palos Verdes Development Code, the Planning Commission held a duly noticed public hearing on June 24, 2008, at which time all interested parties were given an opportunity to be heard and present evidence; and,

WHEREAS, on June 24, 2008, the Planning Commission continued the public hearing to the July 22, 2008 Planning Commission meeting to allow time for the applicant to address concerns about the height of the proposed sanctuary steeple and provide clarification on the methodology used to determine the number of parking spaces that will be provided on site; and,

WHEREAS, on July 2, 2008, the applicant submitted modified plans and updated information to Staff which included the following modifications: 1) a reduction in height of the proposed steeple by 14'-0", 2) an overall reduction in height of the main sanctuary building by up to 6'-0", 3) elimination of the stepped roof lines along the south side of the sanctuary, 4) a reduction in the footprint of the sanctuary by 1,400 square feet, 5) the addition of a 900 square foot basement beneath the sanctuary to accommodate mechanical equipment, 6) an increase in the sanctuary street side yard setbacks by 14'-0" along Crest Road, 7) an increase in the sanctuary street side yard setback by 17'-0" along Crenshaw Boulevard and 8) a reduction in the footprint of the administrative building by 1,480 square feet; and,

WHEREAS, the Planning Commission held a duly noticed public hearing on July 22, 2008, at which time all interested parties were given an opportunity to be heard and present evidence; and,

WHEREAS, on July 22, 2008, the Planning Commission continued the public hearing to the September 23, 2008 Planning Commission meeting to allow time for the applicant to consider providing a sound study to determine if any significant impacts would result from the proposed bells, a shadow study to determine if the height and/or scale of the sanctuary and steeple would create any significant impacts to surrounding properties, a copy of St. John Fisher's recent parking counts, further clarification of the applicant's parking analysis and whether the applicant is willing to provide additional parking on days when the demand for parking is the greatest due to activities at the site; and,

WHEREAS, on September 23, 2008, the Planning Commission held a duly noticed public hearing, at which time all interested parties were given an opportunity to be heard and present evidence; and,

WHEREAS, on September 23, 2008, the Planning Commission conceptually approved the Project and directed Staff to bring back the appropriate resolutions with Conditions of Approval; and,

WHEREAS, on October 14, 2008, the Planning Commission adopted PC Resolution No. 2008-34, adopting a Mitigated Negative Declaration and adopting a Mitigation Monitoring Program and PC Resolution No. 2008-35, approving the St. John Fisher Master Plan, as conditioned; and,

WHEREAS, on October 29, 2008, Case No. ZON2007-00492 was appealed to the City Council, including issues with the Environmental Assessment and CUP findings, a request to analyze Neighborhood Compatibility, impacts due to the size of the sanctuary, inadequate parking, noise impacts due to the use of a gymnasium and the ringing of the proposed electronic bells, the lighting of the sanctuary tower and steeple, concerns with

removal of certain mature trees and to require additional setbacks around the sanctuary (collectively referred to as the "Appeal"); and,

WHEREAS, On November 1, 2008, a Notice of the public hearing on the Appeal was published in the Peninsula News; the City also sent notice of the Appeal hearing to the property owners who reside within 500 feet of the subject property, to all persons listed on the City's Interested Parties List, and to all St. John Fisher list-serve subscribers; and,

WHEREAS, on November 16, 2008, the City Council opened the public hearing on the Appeal, and after hearing the public testimony and considering the information presented in the Staff Report, the City Council adjourned the public hearing to a site visit at the St. John Fisher property to be held on November 22, 2008, to allow the City Council to walk throughout the subject property and surrounding neighborhood to assess the project and its potential impacts; and,

WHEREAS, on November 22, 2008, the City Council conducted the continued public hearing, which was a site visit at the St. John Fisher property, and at the conclusion of the site visit, the City Council continued the public hearing to December 16, 2008; and,

WHEREAS, on December 16, 2008, the City Council conducted the continued public hearing on the Appeal and heard and considered all of the additional materials that have been submitted after the first public hearing and all of the additional testimony that was presented;

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

Section 1: The City Council has independently reviewed and considered the proposed Mitigated Negative Declaration ("MND"), all of the public comments, both written and oral, about the proposed MND, and all of the other evidence that was presented to the City Council, including the staff reports prepared for the City Council and the Planning Commission. For the reasons discussed below, the City Council finds that the MND was prepared in the manner required by law and that there is no substantial evidence in the record of proceedings that, with the imposition of the proposed mitigation measures, the approval of the Project would result in a significant adverse effect upon the environment that would require the preparation of an environmental impact report ("EIR").

A. The proposed Project primarily consists of the construction of new structures and the remodel of some existing structures that are present on the site, to accommodate a church, school, pre-school and related administrative activities. The site was developed with a church, school, parking lot, and other related uses prior to the incorporation of the City. The only proposed new use on the site is a two-room pre-school. A new 17,000 square foot sanctuary is proposed, and the existing sanctuary will be converted into a gymnasium and multi-purpose room to accommodate school and church-related activities.

The new sanctuary will be located on the portion of the site that abuts Crest Road to the north and Crenshaw Boulevard to the west, which is approximately seventy feet wide including public sidewalks on both sides of the street. The closest residences to the proposed new sanctuary are located in the Island View subdivision, which is on the opposite side of Crenshaw Boulevard.

B. Staff prepared an Initial Study for the proposed project pursuant to CEQA. The results of the Initial Study determined that the proposed Project on this developed site will not result in or create any significant adverse environmental impacts, and will have a less than significant impact to Agricultural Resources, Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Transportation and/or Traffic, and Utilities and Service Systems. However, the Initial Study for the Project identified potentially significant impacts to Aesthetics, Air Quality, Geology and Soils, Hydrology and Water Quality, and Noise. After preparing the Initial Study, Staff determined that all of the potentially significant impacts could be mitigated to a less than significant level with the imposition of the mitigation measures identified in the MND. As such, Staff determined that a mitigated negative declaration was the appropriate CEQA document for analyzing and disclosing the proposed Project's potential significant environmental impacts. The City Council has independently reviewed and considered Staff's determination and the Planning Commission's decision, which confirmed Staff's findings, and has reached the same conclusion.

C. Public Resources Code § 21080(c) states that an EIR is not required if the initial study demonstrates that no significant impacts will occur as a result of a proposed project, which cannot be mitigated to an insignificant level by the imposition of mitigation measures. As stated in Public Resources Code § 21064.5, a Mitigated Negative Declaration: "means a negative declaration prepared for a project when the initial study has identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment."

D. An EIR must be prepared if a lead agency is presented with a fair argument, based on substantial evidence, that the project may have a significant environmental impact (CEQA Guidelines § 15064.f.1). Substantial evidence is defined as: "(a)...enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not

contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence, [and] (b) Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts” (CEQA Guidelines § 15384). Additionally, according to Public Resources Code § 21082.2(b): “the existence of public controversy over the environmental effects of a project shall not require preparation of an environmental impact report if there is no substantial evidence in light of the whole record before the lead agency that the project may have a significant effect on the environment.”

E. Several residents have testified that it is their opinion that the proposed sanctuary, which was reduced in height, size, scale and setback farther from the property line by the Planning Commission, will cause a significant impact due to its bulk and mass. In response to those concerns, a professional consultant conducted a study to ascertain if the proposed sanctuary and steeple will cast shadows upon adjacent residential properties. The shadow study concluded that no portion of the proposed sanctuary building would create shadows that affect any residential properties. The City Council finds that the distance between the proposed sanctuary and the nearest residences in the Island View tract, with Crenshaw Boulevard located in between, along with the study that was conducted, negates the opinions of the residents, which are not supported by substantial evidence, that a significant environmental impact will be caused by the new structure. Although opinions have been expressed by some residents that the proposed sanctuary will be visible from surrounding areas thus causing an aesthetic impact, the City Council finds that mere visibility from off-site locations does not constitute a significant environmental impact related to aesthetics. Further, there is not substantial evidence in the record to support the opinion and argument of the residents regarding alleged aesthetic impacts. Accordingly, the City Council finds that the Initial Study and Mitigated Negative Declaration have correctly concluded that the bulk and mass of the proposed sanctuary and steeple will not cause a significant environmental impact that requires the preparation of an EIR, because any environmental impacts from the proposed sanctuary have been mitigated to an insignificant level by the imposition of mitigation measures limiting the height of the proposed structure and requiring it to be located 14'-0" feet from the Crest Road, north street side property line and 17'-0" from the Crenshaw Boulevard, west street side property line.

F. The MND is based upon a Traffic Study and a Parking Analysis, which were prepared by professional consultants, and both of which conclude that there would be no significant adverse traffic or parking impacts as a result of the proposed Project.

1. Parking.

The St. John Fisher Master Plan will have two main operating functions: 1) an elementary school that operates Monday through Friday and, 2) a sanctuary with multiple masses conducted primarily on Saturdays and Sundays and intermittent small masses throughout the week. In addition to the two primary operating functions of the St. John

Fisher property, groups utilize the St. John Fisher facilities after primary school hours to conduct meetings or religious education classes. Due to the fact St. John Fisher is a multi-use property, Section 17.50.030(B) of the City’s Development Code is applicable to the proposed project. This required the applicant to provide a detailed parking analysis that examined the parking demands for each component of the entire St. John Fisher Master Plan so that adequate parking is provided on-site and that there will be no significant impacts upon surrounding residential areas.

The primary daytime uses of the St. John Fisher property that were analyzed in the parking study are the operation of an elementary school, new preschool, administration building and the new gymnasium between Monday and Friday and the operation of a church and religious education classes on Saturdays and Sundays. In addition to these primary uses, Staff identified additional ancillary uses within the St. John Fisher property that were also included in the parking analysis. These ancillary uses include the rectory (single-family residence), new library and the assembly spaces within the Barrett Hall, Fireside Room and Multi-purpose room. Staff required that the Applicant include these uses in a parking analysis to ensure that adequate on-site parking will be provided at all times.

The Applicant proposed to provide 331 parking spaces along the southern portion of the subject property to meet the “worst-case” parking demand scenario that was identified by the detailed analysis that was prepared by the Applicant, which was reviewed and approved by the City’s Traffic Consultant. The parking analysis determined that, in the worst-case scenario (regular Sundays between 10 AM and Noon) and based on the proposed operation of the St. John Fisher facilities, there was a demand for 331 parking spaces every Sunday between 10 AM and Noon. This worst-case scenario assumed the new sanctuary is filled to capacity (870 persons) and used in conjunction with religious education classes and the rectory.

The primary weekday use(s) of the St. John Fisher facilities that are occupied by children enrolled in the school or persons working for the school during regular school hours, Monday through Friday, will be the elementary school, the preschool and the administrative offices. Because the St. John Fisher School is a member of the Catholic Youth Organization and participates in various sport leagues available to the children who are enrolled in the school and the youth organization, Staff also determined that the gymnasium was a primary daytime use Monday through Friday, during school hours. The Development Code requires the following parking for these primary daytime uses:

·	Elementary School	=	18 spaces
·	Preschool	=	8 spaces
·	Administrative Offices	=	37 spaces
·	Gymnasium	=	121 spaces
	<u>TOTAL</u>	=	<u>184 spaces</u>

The Applicant is proposing 331 parking spaces on site, leaving a surplus of 147 additional parking spaces along the southern portion of the subject property for use during regular school hours. Based upon the parking analysis that was prepared by the Applicant and reviewed by the City's Traffic Consultant, in conjunction with the specifically designated classroom uses for religious education, the Applicant meets the requirements of Section 17.50.030 of the Development Code for joint-use and common parking facilities for both weekday and weekend uses. Thus, the Applicant's parking analysis demonstrated that the parking needs for all of the uses that would be conducted concurrently were being satisfied by the Applicant's parking plan. In addition, the City Council incorporated the requirement imposed by the Planning Commission that the applicant enter into an agreement with the owner of the adjacent Daughter's of Mary and Joseph property to allow St. John Fisher to use 50% of the parking (45 spaces) at Daughter's of Mary and Joseph site for overflow parking on Christmas, Easter Sunday and during the construction period. In addition, the 23 surplus seasonal/peak parking spaces located south of Barrett Hall will be provided for overflow parking. Accordingly, with ample parking being provided on-site, pursuant to the mitigation measures and conditions of approval, there will be no significant adverse impact on the environment arising from parking related to activities conducted on the site that cannot be mitigated to a level of insignificance. Accordingly, the preparation of an EIR is not required to address this issue.

2. Traffic.

The Applicant had a licensed traffic engineer prepare an analysis of the impacts on traffic that would be generated by the proposed project. The traffic study, which was reviewed and approved by the City's Traffic Engineer, concluded that the addition of structures on the property, which would accommodate existing uses, plus the addition of the new two-room pre-school, would not cause any significant impacts upon traffic. In addition, the consultant also reviewed the proposed Project along with other projects in the vicinity to determine if there would be any cumulative impacts upon traffic in the area, when other projects are considered, and again determined that the Project would not contribute to cumulative significant environmental impacts upon traffic in the area. The City's traffic consultant reviewed a supplemental cumulative traffic study and agreed with these conclusions. Accordingly, there is no substantial evidence in the record that the Project will cause a significant adverse impact on the environment due to individual or cumulative impacts on traffic.

G. The initial study contained a Staff analysis, which concluded that any potential impacts to aesthetics, air quality, geology, hydrology, noise, and water quality could be mitigated to a less than significant level with the incorporation of appropriate mitigation measures into the project. During the MND's formal comment period, as well as throughout the entire public hearing process before the Planning Commission and City Council, there was no substantial evidence submitted to suggest that the proposed Project, as mitigated, would have a significant adverse effect on the environment. On the contrary, additional evidence was submitted to affirm the MND's conclusions that, as conditioned,

the proposed Project would not have a significant effect on the environment. Specifically, a sound study, which was prepared by a professional consultant, concluded that noise impacts from the proposed carillon bell would not be significant because the bells would not exceed 50 db, when measured at the property lines, which is well below the ambient noise level that occurs from constant daily traffic at the north and west property lines, adjacent to Crest Road and Crenshaw Boulevard. In addition, mitigation measures have been imposed that will regulate the times, duration and loudness of the proposed bells. Thus, the addition of the carillon bells will not create noise that will have a significant environmental impact. Accordingly, the City Council finds that an EIR also is not required to address this issue.

H. Lighting

Under the “aesthetics” section of the Initial Study, the Project was identified to potentially result in an aesthetic impact with regard to the creation of a new source of substantial light or glare, which could adversely affect day or nighttime views in the area. The Initial Study identified components of the photometric site lighting plan to include new light standards within the new parking lot and exterior light fixtures around the new sanctuary. Based on the initial study, mitigation measures were incorporated into the Project to reduce the lighting impacts by requiring shields on lighting fixtures, requiring an inspection to insure no spillover onto adjacent properties and providing a trial period of six months to assess all lighting impacts. The six-month review period allows the City to require additional screening, reduction in intensity of any light or the incorporation of time-restrictions for exterior lighting that is determined to be excessively bright after installation. In addition, conditions of approval also have been imposed to regulate the brightness of, and limit the hours when, the lights that will illuminate the steeple and cross can be turned on. The City Council has reviewed this issue and determined that incorporation of these mitigation measures will result in less than significant impacts from the proposed lights.

Section 2: There are no sensitive natural habitat areas on the subject site, which is currently developed and being used as a church and school. Therefore, the Project will have no individual or cumulative adverse impacts upon resources, as defined in Section 711.2 of the State Fish and Game Code.

Section 3: Based on the foregoing, the City Council finds, based upon its independent judgment and analysis of the proposed Mitigated Negative Declaration and the record of this matter, that with the imposition of the mitigation measures that have been proposed, which address the potential significant impacts of the project upon Aesthetics, Air Quality, Geology and Soils, Hydrology and Water and Noise, and reduce them to an insignificant level, the Project will not have a significant adverse effect on the environment. The City Council further finds that after examining the whole record before the Planning Commission and City Council, including the testimony and studies that have been prepared and presented, the opponents to the Project have not presented a fair argument supported

by substantial evidence in the record, that the Project will have a significant adverse effect on the environment that would require that an EIR be prepared.

Section 4: For the foregoing reasons and based on the information and findings included in the record before the City Council, including the Staff Report, the Initial Study, the studies that have been conducted to evaluate whether the Project would cause significant environmental impacts, the proposed Mitigated Negative Declaration, and the Mitigation Monitoring Program, all of which are incorporated herein by this reference, the City Council of the City of Rancho Palos Verdes hereby certifies that the Mitigated Negative Declaration has been prepared in compliance with CEQA, adopts the Mitigated Negative Declaration and adopts the attached Mitigation Monitoring Program (Exhibit "A"), which is attached hereto and incorporated herein by this reference.

Section 5: The documents, staff reports, technical studies, appendices, plans, specifications, and other materials that constitute the record of proceedings upon which this resolution is based are on file for public examination during normal business hours at the Department of Planning, Building and Code Enforcement, City of Rancho Palos Verdes City Hall, 30940 Hawthorne Boulevard, Rancho Palos Verdes, California 90275.

Section 6: The time within which to seek review of this determination, if any, is governed by the California Environmental Quality Act or other similar shortened period of limitations.

PASSED, APPROVED, and ADOPTED this 21st day of January 2009.

Mayor

ATTEST:

Carla Morreale
City Clerk

State of California)
County of Los Angeles) ss
City of Rancho Palos Verdes)

I, Carla Morreale, the City Clerk of the City of Rancho Palos Verdes, do hereby certify that the above Resolution No. 2008-__ was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on January __, 2009.

AYES:
NOES:
ABSENT:
ABSTAIN:

City Clerk

C.C. RESOLUTION NO. 2009-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, DENYING AN APPEAL, UPHOLDING THE PLANNING COMMISSION'S DECISION WITH MODIFICATIONS AND APPROVING CASE NO. ZON2007-00492 (CONDITIONAL USE PERMIT #96 – REVISION “D”, GRADING PERMIT, MINOR EXCEPTION PERMIT AND SIGN PERMIT), TO ESTABLISH A MASTER PLAN FOR THE ST. JOHN FISHER CHURCH AND SCHOOL PROPERTY INCLUDING THE CONSTRUCTION OF 32,426 SQUARE FEET OF NEW BUILDING AREA, THE DEMOLITION OF 10,329 SQUARE FEET OF EXISTING FACILITIES, A REMODEL OF 26,544 SQUARE FEET, A TOTAL OF 30,688 CUBIC YARDS OF ASSOCIATED GRADING AND A NEW MONUMENT SIGN ATTACHED TO THE NEW SANCTUARY FOR THE PROPERTY AT 5448 CREST ROAD, LOCATED AT THE SOUTHEAST CORNER OF CREST ROAD AND CRENSHAW BOULEVARD.

WHEREAS, on April 23, 1985, the Planning Commission approved Conditional Use Permit #96, thereby allowing the construction of a new social/meeting hall (Barrett Hall); and,

WHEREAS, on July 22, 1986, the Planning Commission approved Conditional Use Permit #96 – Minor Revision, thereby allowing the construction of a 121 square foot trellis over an existing sun deck, located above the garage of the church rectory; and,

WHEREAS, on January 11, 1994, the Planning Commission approved, with conditions, Variance #116 and Conditional Use Permit #96 – Revision “B”, thereby allowing the construction of a 36'-6” tall elevator for access to the lower level meeting room, a 1,004 square foot expansion of the existing sanctuary and a 50'-0” tall bell tower and bells with a 15'-0” tall cross affixed to the top of the tower, for a maximum overall height of 65'-0”; and,

WHEREAS, on February 7, 1994, the applicant submitted a letter to the Planning, Building and Code Enforcement Department stating that the proposed tower and bells were eliminated from Conditional Use Permit #96 – Revision “B” due to funding restrictions and, as a result, would not be constructed; and,

WHEREAS, on February 11, 1997, the Planning Commission approved, with conditions, Conditional Use Permit, #96 – Revision “C”, thereby allowing the construction of 3,189 square feet, in two phases, to provide 10 elementary school classrooms; and,

WHEREAS, on October 5, 2007, Hyndman and Hyndman, representing St. John Fisher Church and School, submitted Case No. ZON2007-00492 including applications for a Conditional Use Permit #96 – Revision “D”, Grading Permit, Minor Exception Permit, Sign Permit and Environmental Assessment, for the subject property at 5448 Crest Road; and,

WHEREAS, on October 29, 2007 the project was deemed incomplete by Staff pending the submittal of additional information on the project plans and review and

approval from the Fire Department, City Traffic Consultant, City Geologist and City's National Pollution Discharge Elimination System (NPDES) Consultant; and,

WHEREAS, on April 29, 2008, upon submittal of all required information, the project was deemed complete by Staff; 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 City of Rancho Palos Verdes prepared an Initial Study and determined that, with appropriate mitigation, there is no substantial evidence that the approval of ZON2007-00492 would result in a significant adverse effect upon the environment and, therefore, a Mitigated Negative Declaration has been prepared and notice of same was given in the manner required by law; and,

WHEREAS, on May 31, 2008, a public notice was mailed to 102 property owners who reside within a 500-foot radius of 5448 Crest Road (St. John Fisher) and concurrently published a public notice in the *Peninsula News*; and,

WHEREAS, on June 4, 2008, a Mitigated Negative Declaration was circulated to the County Recorder for a posting and comment period of at least twenty (20) days and circulated to all appropriate public agencies for comments; and,

WHEREAS, after notice issued pursuant to the requirements of the Rancho Palos Verdes Development Code and CEQA, the Planning Commission held a duly noticed public hearing on June 24, 2008, at which time all interested parties were given an opportunity to be heard and present evidence; and,

WHEREAS, on June 24, 2008, the Planning Commission continued the item to the July 22, 2008 Planning Commission meeting to allow time for the applicant to address concerns with the height of the proposed sanctuary and steeple and to provide clarification on the methodology used to determine the number of provided parking spaces; and,

WHEREAS, on July 2, 2008, the applicant submitted modified plans and updated information to Staff which included the following modifications: 1) a reduction in height of the proposed steeple by 14'-0", 2) an overall reduction in height of the main sanctuary building by up to 6'-0", 3) elimination of the stepped roof lines along the south side of the sanctuary, 4) a reduction in the footprint of the sanctuary by 1,400 square feet, 5) the addition of a 900 square foot basement beneath the sanctuary to accommodate mechanical equipment, 6) an increase in the sanctuary street side yard setbacks by 14'-0" along Crest Road, 7) an increase in the sanctuary street side yard setback by 17'-0" along Crenshaw Boulevard and 8) a reduction in the footprint of the administrative building by 1,480 square feet; and,

WHEREAS, the Planning Commission held a duly noticed public hearing on July 22, 2008, at which time all interested parties were given an opportunity to be heard and present evidence; and,

WHEREAS, on July 22, 2008, the Planning Commission continued the item to the September 23, 2008 Planning Commission meeting to allow time for the applicant to consider providing a sound study to determine if any significant impacts would result from the proposed bells, a shadow study to determine if the height and/or scale of the sanctuary would create any significant impacts to surrounding properties, a copy of St. John Fisher's recent parking counts, further clarification on the applicant's parking analysis and consideration from the applicant to provide additional parking on high peak days; and,

WHEREAS, on September 23, 2008, the Planning Commission held a duly noticed public hearing, at which time all interested parties were given an opportunity to be heard and present evidence; and,

WHEREAS, on September 23, 2008, the Planning Commission conceptually approved Case No. ZON2007-00492 and directed Staff to bring back the appropriate resolutions with Conditions of Approval; and,

WHEREAS, on October 14, 2008, the Planning Commission adopted PC Resolution No. 2008-34, certifying a Mitigated Negative Declaration and adopting a Mitigation Monitoring Program and PC Resolution No. 2008-35, adopting the St. John Fisher Master Plan, as conditioned; and

WHEREAS, on October 29, 2008, Case No. ZON2007-00492 was appealed to the City Council, including issues with the Environmental Assessment and CUP findings, a request to analyze Neighborhood Compatibility, impacts due to the size of the sanctuary, inadequate parking, noise impacts due to the use of a gymnasium and the ringing of the proposed electronic bells, the lighting of the sanctuary tower and steeple, concerns with removal of certain mature trees and to require additional setbacks around the sanctuary; and,

WHEREAS, On November 1, 2008, a Notice of the public hearing on the Appeal was published in the Peninsula News; the City also sent notice of the Appeal hearing to the property owners who reside within 500 feet of the subject property, to all persons listed on the City's Interested Parties List, and to all St. John Fisher list-serve subscribers; and,

WHEREAS, on November 16, 2008, the City Council opened the public hearing on the appeal, and after hearing the public testimony and considering the information presented in the Staff Report, the City Council adjourned the public hearing to a site visit at the St. John Fisher property to be held on November 22, 2008, to allow the City Council to walk throughout the subject property and surrounding neighborhood to assess the project and its potential impacts; and,

WHEREAS, on November 22, 2008, the City Council conducted the continued public hearing, which was a site visit at the St. John Fisher property, and at the conclusion of the site visit, the City Council continued the public hearing to December 16, 2008; and,

WHEREAS, on December 16, 2008, the City Council conducted the continued public hearing on the appeal and heard and considered all of the additional materials that have been submitted after the first public hearing and all of the additional testimony that was presented:

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

Section 1: The site is adequate in size and shape to accommodate the intended use and implementation of the Project, as the site measures 399,804 square feet (9.2 acres), the majority of the site is relatively flat (less than 5% slope) and is large enough to accommodate the construction of a new sanctuary, administration building, art room, library, a new preschool, ancillary offices and storage area, and the elements of the Master Plan comply with the general development standards of the RPVMC. Additionally, the proposed parking and parking analysis were reviewed and determined to be adequate by the City's consulting Traffic Engineer.

Section 2: The site for the proposed uses relates to streets and highways that are properly designed to carry the type and quantity of traffic generated by the subject use as a traffic impact study and supplemental cumulative traffic analysis, which was reviewed and approved by the City's Traffic Engineer, indicate that the increase in trip generation that would be caused by the Project is negligible and would not require mitigation. Further, a parking analysis was reviewed and approved by the City's Traffic Consultant whereby the highest number of parking spaces necessary to accommodate potential vehicles during the highest peak hours of operation for the entire property would be 331 parking spaces. Therefore, the City Council hereby concludes that, as conditioned, the off-street parking that is proposed for the Project will be adequate to accommodate the uses that are conducted on site, even during the days and hours of peak use.

Section 3: There will be no significant adverse effect on adjacent property or the permitted use thereof because mitigation measures have been incorporated that reduce the potential impacts of the Project on Aesthetics, Air Quality, Geology and Soils, Hydrology and Water Quality, and Noise to an insignificant level. Further, additional conditions have been incorporated into the design of the Project that reduce to an insignificant level the potential impacts of the institutional use and related buildings on adjacent properties and the residents thereof. In that regard, a study was conducted to determine if the height of the proposed building and steeple will cast a shadow over adjacent residential properties. The conclusion of that study was that because of the size and configuration of the subject property, the height of the proposed structures will not cast shadows on adjacent properties. Residents in the community also raised concerns about potential impacts that could be caused by the installation of bells near the steeple that will ring periodically. After having heard the sound of the proposed bells, and imposing conditions that will regulate the time of day when the bells can be rung, and limiting the

number of times, volume, and the duration of the ringing, the City Council hereby finds that, as conditioned, the bells will not cause a significant adverse impact upon adjacent properties.

Section 4: The proposed Project is consistent with the General Plan's Institutional land use designation of the site, and with the types of land uses permitted within the Development Code's Institutional zoning district, which includes religious institutions, as the General Plan states that *"the City shall encourage the development of institutional facilities to serve the political, social and cultural needs of its citizens."*

Section 5: Conditions have been imposed to protect the public health, safety and general welfare, which include setback and buffers, lighting restrictions, vehicular ingress and/or egress, landscaping, maintenance of structures, and other conditions, as identified in Exhibit "B," which is attached hereto and incorporated herein by this reference.

Section 6: The proposed grading is necessary for the implementation of the Project and the associated construction for the permitted primary use of the lot due to the size of the lot (9.2 acres) and the fact that a majority of the proposed grading will occur within the developed portions of the property.

Section 7: The proposed grading and/or related construction would not significantly adversely affect the visual relationships with or views from the viewing area of neighboring properties, as a majority of the existing grade elevations will be maintained between grade elevation 1219' and 1222', which are heights that do not interfere with the visual relationships with, or views from, the viewing area of neighboring properties.

Section 8: The proposed grading minimizes disturbances to the natural contours, and the finished contours are reasonably natural, as all grading will include blending man-made or manufactured slopes into the natural topography.

Section 9: The grading would not cause excessive and unnecessary disturbance of the natural landscape or wildlife habitat through the removal of vegetation, as there is no evidence of natural landscape or wildlife on the property or within the surrounding neighborhood.

Section 10: The grading application is consistent with the purpose and intent of the Section 17.76.040 of the Municipal Code, since it provides for the reasonable additional development of the parcel with an institutional use.

Section 11: Approval of the grading permit will not constitute a special privilege with limitations upon other properties in the vicinity, as the surrounding neighborhood is comprised of many hillside properties that utilize retaining walls and grading techniques. Further, the subject property has an existing pad area that will be maximized to accommodate the new construction in the connection with the Project.

Section 12: The proposed grading will not be detrimental to the public safety, or to other properties as the City's geotechnical consultant will be required to approve a soils

engineering report for the grading and retaining walls. Further, all structures and retaining walls will be required to be engineered to meet the requirements of the building code.

Section 13: The proposed grading is acceptable, as the maximum height of cut and/or fill of remedial grading was determined by a geology and soils report submitted by the applicant and approved "in-concept for planning purposes" by the City's Geologist.

Section 14: The minor exception to allow three combination walls to exceed the 6'-0" "by-right" height limit for walls as measured from the highest grade elevation is necessary to avoid inconsistencies with the general intent of Title 17 of the RPVMC, as the Building Code requires a guardrail on top of all walls that exceed 30" in height adjacent to the neighboring properties and/or walkways throughout the subject property. The applicant will be required to construct a guardrail or fence on top of the proposed retaining walls to protect the safety of people on the subject property and adjacent properties.

Section 15: The minor exception for the combination walls is warranted as the height of the combination walls will not be detrimental to the public safety and welfare as the fence on top of the proposed retaining walls will provide a safety barrier for people between the subject lot and the neighboring properties to the south and east as well as safety for the play area for the students and pedestrians in the parking lot.

Section 16: The minor exception for the combination walls is warranted as the line of sight over or through the fences is adequate for safety and the walls do not significantly impair a view from the viewing area of an adjacent parcels, as there are no views over the site that are enjoyed from the viewing areas of adjacent parcels.

Section 17: The minor exception permit is warranted, as the proposed combination walls will be located outside of the intersection visibility triangle.

Section 18: The minor exception permit is warranted ,as the retaining portion of the combination walls does not exceed the grading limits set forth in Section 17.76.040 of the RPVMC.

Section 19: The proposed signs are consistent with the sign standards of the City's Development Code and, accordingly, are approved for that reason.

Section 20: For the foregoing reasons and based on the information and findings included in the Staff Report, Minutes and other records of proceedings, the City Council of the City of Rancho Palos Verdes hereby conditionally approves Conditional Use Permit #96 – Revision "D", Grading Permit, Minor Exception Permit and Sign Permit (Planning Case No. ZON2007-00492) for the establishment of a Master Plan for the development of the St. John Fisher Church and School property, including: 32,426 square feet of new building area for a new sanctuary, preschool, administration building, library, art room, storage area, storage garage and offices; demolition of 10,329 square feet, including the existing rectory, youth building and offices; remodel 26,544 square feet of existing building area, including existing offices, classrooms, converting the existing convent into a new rectory and converting the existing sanctuary into a new gymnasium; a total of 30,688 cubic

yards of grading, including 19,694 cubic yards of raw cut and 10,994 cubic yards of raw fill, resulting in 8,700 cubic yards of exportation; and a new monument sign, attached to the sanctuary, at the corner of Crest and Crenshaw, located at 5448 Crest Road, subject to the conditions of approval in the attached Exhibit 'B', which are incorporated herein and into the project by this reference.

Section 21: 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 and other applicable short periods of limitation.

PASSED, APPROVED, AND ADOPTED this 21st day of January 2009.

Mayor

Attest:

CARLA MORREALE
City Clerk

State of California)
County of Los Angeles) ss
City of Rancho Palos Verdes)

I, Carla Morreale, the City Clerk of the City of Rancho Palos Verdes, do hereby certify that the above Resolution No. 2009-__ was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on January 21st, 2009.

AYES:
NOES:
ABSENT:
ABSTAIN:

City Clerk

Exhibit "B"
Conditions of Approval
Case No. ZON2007-00492
(Conditional Use Permit #96 – Revision "D", et. all.)

General

1. All mitigation measures contained in the approved Mitigation Monitoring Program contained in C.C. Resolution No. 2009-__ for the Mitigated Negative Declaration, shall be incorporated into the proposed Project and adhered to, and are incorporated herein by reference.
2. The proposed Project, including site layout, the building and appearances, and signage throughout the site, shall be constructed and maintained in substantial compliance with the plans reviewed and approved by the City Council, and stamped APPROVED by the City with the effective date of the Notice of Decision.
3. The Director of Planning, Building and Code Enforcement is authorized to approve minor modifications to the approved plans or any of the conditions if such modifications achieve substantially the same results as would strict compliance with said plans and conditions. Otherwise, all other modifications shall be subject to review and approval by the City Council.
4. 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 listed below. Failure to provide said written statement within ninety (90) days following the date of this approval shall render this approval null and void.
5. Prior to the submittal of plans into Building and Safety plan-check, the applicant shall obtain an encroachment permit from the Director of Public Works for any curb cuts or any other temporary or permanent improvements within the public rights-of-way.
6. 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.
7. The project development on the site shall conform to the specific standards contained in these conditions of approval or, if not addressed herein, shall conform to the appropriate development and operational standards of the City's Municipal Code.
8. 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.

9. In the event that any of these conditions conflict with the requirements of another permitting agency or City department, the stricter standard shall apply.
10. 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 fixtures.
11. All applicable permits required by the Building and Safety Division shall be obtained by the applicant prior to the commencement of construction.
12. All mechanical equipment, whether roof-mounted or ground-mounted, shall be adequately screened to the extent practicable from other properties and/or public rights-of-way.
13. The project applicant shall maintain, in good condition, two access driveways. One access driveway shall be provided from Crest Road and a second access driveway shall be provided from Crenshaw Boulevard.

Project Description

14. This approval establishes a Master Plan (St. John Fisher Master Plan) for the St. John Fisher property located at 5448 Crest Road. The approved Master Plan identifies a combined total of 32,426 square feet of new building area for a new sanctuary, preschool, administration building, library, art room, storage area, storage garage and offices; 10,329 square feet of existing facilities to be demolished, including offices, a youth building and the existing rectory along the north property line, and 26,544 square feet of the existing facilities to be remodeled, including converting the existing convent into a new rectory, converting the existing sanctuary into a new gymnasium and remodeling existing classrooms and offices.
15. The approved St. John Fisher Master Plan allows for the following additions to the property:
 - ⇒ A new 17,000 square foot sanctuary (to replace the existing 15,402 square foot sanctuary) to be located at the northwest corner of the subject property. The sanctuary also includes a 900 square foot basement for the housing of mechanical equipment. The new sanctuary will be circular in shape, whereby the main structure will range in height from 15'-0" at the northeast end of the structure to 43'-0" at the southwest. In addition, the new sanctuary will include a steeple, at the west end of the structure, with a maximum height of 60'-0" to the top of the steeple and 74'-0" to the top of the cross which will be affixed to the top of the steeple.

- ⇒ A new 9,788 square foot administration building (7,488 square foot first floor and 2,300 square foot basement); and
- ⇒ A 1,074 square foot addition for the creation of two new classrooms for the preschool; and
- ⇒ A new 1,289 square foot art room at the northwest corner of the existing classrooms; and
- ⇒ A new 1,217 square foot school library at the northeast corner of the existing classrooms; and
- ⇒ A 304 square foot expansion to Barrett Hall for storage area; and
- ⇒ A new 454 square foot garage at the southeast corner of the property, adjacent to the priest's new rectory (previously a convent); and
- ⇒ A 400 square foot addition north of the existing music room to accommodate two (2) new offices.

16. The style and exterior materials of the proposed buildings shall be consistent with the architectural plans presented to and approved by the City Council.

Lighting

17. Exterior lighting shall be in compliance with the standards of Section 17.56.040 of the Rancho Palos Verdes Development Code and as identified and conditioned in the Certified Mitigated Negative Declaration.
18. All exterior lighting shall be arranged and shielded so as to prevent direct illumination of surrounding property and to prevent distraction of drivers of vehicles on public rights-of-way. Luminaries shall be of a low-level, indirect and diffused type.
19. No one light fixture shall exceed 1,200 watts, and the light source shall not be directed toward or result in direct illumination of an adjacent parcel of property or properties other than that upon which such light source is physically located. All exterior lighting shall be arranged and shielded so as to prevent direct illumination of abutting properties and to prevent distraction of drivers of vehicles on public rights-of-way.
20. No building-mounted outdoor lighting shall be permitted where the light source or fixture is mounted more than sixteen (16) feet above grade, as measured from grade, adjacent to the building.
21. All outdoor lighting, including all outdoor illuminated signs, shall be turned off by 9:00 P.M. Monday through Sunday, except for lighting used for security, lighting of

the sanctuary on Christmas Eve and Easter Vigil, which shall be turned off by 2 A.M, and additional security lighting the first Friday of every month. Prior to issuance of a Building Permit or Grading Permit, the applicant shall provide the Planning Department with a lighting plan for review and approval by the Planning Director that indicates the lights that will remain lit throughout the evening for security.

22. Exterior sanctuary lighting shall be installed prior to issuance of the Certificate of Occupancy for the sanctuary. After installation of all lighting, but prior to Issuance of Certificate of Use and Occupancy of the proposed sanctuary and parking lot, the developer shall request that the City conduct an inspection of the site to ensure that there is no spill-over of light onto adjacent properties.

Grading and Drainage

23. This approval allows a total of 30,688 cubic yards of grading with the following quantity breakdown:
 - a. 19,694 cubic yards of excavation
 - b. 10,994 cubic yards of fill
24. Stockpiling of earthwork shall be limited to a maximum of 200 cubic yards in any given area, shall not be stockpiled on the property for more than a period of six (6) months, and the applicant shall adequately screen the visibility of all stockpiles to the extent practicable from the public right-of-way, as determined by the City's Building Official.
25. A maximum of 8,700 cubic yards of excavation is permitted for export.
26. The applicant is allowed to construct a total of five (5) retaining walls as described below:
 - a. A combination wall along the east property line, adjacent to the existing driveway, shall not exceed a maximum height of 11'-6",
 - b. A combination wall along the west side of the existing driveway, accessed from Crest Road (maximum height of 11'-6"),
 - c. A combination wall to accommodate new parking along the south property line (maximum height of 11'-6"),
 - d. A new retaining wall, just north of the proposed parking lot (maximum height of 7'-6",
 - e. An 8'-0" tall retaining wall between the proposed Parish Activity Center/gymnasium and new sanctuary for a columbarium.
27. The applicant shall install wrought-iron or aluminum decorative fencing on top of all

proposed combination walls. The wrought-iron or aluminum fencing shall be constructed in a manner by which not less than eighty (80%) of the vertical surface is open to permit the transmission of light, air or vision through said surface in a horizontal plane, as described in the development code definition for a "fence" pursuant to the RPVMC.

28. Construction of buildings is prohibited on extreme slopes (35% or greater slope).

Parking

29. Only the uses which are listed in the parking analysis that was approved by the City Council, shall be allowed to be constructed on the St. John Fisher property. These uses will generally take place in the following structures:

- Sanctuary (assembly space)
- Elementary School (classrooms)
- Preschool (classrooms)
- Administrative Building (office space)
- School Library
- Barrett Hall Complex (including the assembly space)
- Parish Activity Center/Gymnasium (assembly space)
- Fireside Room (assembly space)
- Multi-purpose room (assembly space)
- Rectory (single-family residential)
- K-8 Religious education (in existing structures)
- Art Room (classroom)

30. All facilities, activities and/or uses on the St. John Fisher property shall be operated in such a manner so as not to create simultaneous demand for maximum on-site parking requirements that would exceed 331 spaces when the St. John Fisher School is in session and 342 parking spaces (331 regular spaces and 23 seasonal/peak parking spaces) when school is not in session, without approval from the Director of Planning, Building and Code Enforcement of a Special Use Permit. If the church is fully occupied and concurrent Religious Education classes are fully occupied, no other assembly activity can occur on the property unless that activity requires 23 or fewer parking spaces.

31. If an event or activity is proposed that would occupy the parking spaces, thereby reducing available parking by more than 25% of the 331 required parking spaces, a Special Use Permit shall be required.

32. Of the 331 required parking spaces, 265 standard parking spaces shall be provided, which meet the minimum dimensions set forth in Section 17.50 of the RPVMC (9' width by 20' depth).

33. Of the 331 required parking spaces, a maximum 66 compact parking spaces are permitted, provided the spaces meet the minimum dimensions set forth in Section 17.50 of the RPVMC (8' width by 15' depth).

34. In addition to the required 331 parking spaces, the applicant shall provide a minimum of 3 loading spaces, which shall meet the minimum dimensions set forth in Section 17.50 of the RPVMC (10' width by 20' depth with 14' clearance).
35. In addition to the required 331 parking spaces, the property owner shall maintain 23 additional seasonal/peak parking spaces for overflow parking. The seasonal/peak parking spaces shall not be used on days when St. John Fisher Elementary School or Preschool is in session.
36. The seasonal/peak parking areas shall be planted and maintained with turf that is wear-resistant.
37. The seasonal/peak parking spaces shall meet the minimum dimensions and requirements for standard parking spaces (9' width by 20' depth) and compact parking standards (8' width by 15' depth). A maximum of 20% of the seasonal/peak parking spaces may be dedicated for compact parking.
38. The seasonal/peak parking areas shall be located in the areas depicted on the City Council-approved site plan. Specifically, a minimum of 23 seasonal/peak parking spaces shall be located in the turf area just south of Barrett Hall and the courtyard area north of Barrett Hall, south of the existing classrooms.
39. The property owner shall execute an agreement with the property owner of Daughters of Mary and Joseph, to be recorded with the County of Los Angeles, against both the subject property and the Daughters of Mary and Joseph property, prior to issuance of a building permit and/or grading permit, allowing St. John Fisher to use a minimum of 50% of the Daughters of Mary and Joseph paved parking spaces (45 spaces) for overflow parking on Christmas Eve, Easter Sunday and during the construction period.
40. Throughout all phases of demolition, construction and grading, the applicant shall make reasonable efforts to maintain the 331 required parking spaces. The property owner shall maintain a minimum of 217 non-seasonal/peak parking spaces for the sanctuary at all times during construction and prior to issuance of the Certificate of Occupancy of the new sanctuary.
41. No overnight parking or storage of vehicles associated with construction shall be permitted in the public right-of-way during construction.

Building Heights and Square Footage

42. The new sanctuary shall not exceed a maximum footprint of 17,000 square feet with a 900 square foot basement beneath the main floor. The new sanctuary shall not exceed a maximum height of 15'-0" at the northeast end of the structure and 60'-0" at the top of the steeple and 74'-0" at the top of the cross that is placed upon the steeple, which is located at the west end of the structure. The sanctuary shall be setback a minimum of 57'-0" from the west street-side property line along Crenshaw Boulevard and 62'-0" from the north street-side property line along Crest Road.

BUILDING AREA CERTIFICATION IS REQUIRED. A LICENSED CIVIL ENGINEER OR SURVEYOR SHALL PREPARE THE CERTIFICATION. CERTIFICATION SHALL BE SUBMITTED TO THE CITY'S BUILDING OFFICIAL FOR REVIEW AND APPROVAL PRIOR TO BUILDING PERMIT FINAL.

SETBACK CERTIFICATION IS REQUIRED. A LICENSED CIVIL ENGINEER OR SURVEYOR SHALL PREPARE THE CERTIFICATION. CERTIFICATION SHALL BE SUBMITTED TO THE CITY'S BUILDING OFFICIAL FOR REVIEW AND APPROVAL PRIOR TO POURING OF FOOTINGS.

BUILDING HEIGHT CERTIFICATION IS REQUIRED. A LICENSED CIVIL ENGINEER OR SURVEYOR SHALL PREPARE THE CERTIFICATION. CERTIFICATION SHALL BE SUBMITTED TO THE CITY'S BUILDING OFFICIAL FOR REVIEW AND APPROVAL PRIOR TO ROOF FRAMING/SHEETING INSPECTION.

43. The new administrative building, along the west side of the existing school, shall not exceed a maximum footprint of 7,488 square feet. Additionally, a 2,300 square foot basement beneath the main floor shall be permitted. The new administrative building shall not exceed a maximum height of 26'-0", as measured from lowest adjacent grade.

BUILDING AREA CERTIFICATION IS REQUIRED. A LICENSED CIVIL ENGINEER OR SURVEYOR SHALL PREPARE THE CERTIFICATION. CERTIFICATION SHALL BE SUBMITTED TO THE CITY'S BUILDING OFFICIAL FOR REVIEW AND APPROVAL PRIOR TO BUILDING PERMIT FINAL.

BUILDING AREA CERTIFICATION IS REQUIRED. A LICENSED CIVIL ENGINEER OR SURVEYOR SHALL PREPARE THE CERTIFICATION. CERTIFICATION SHALL BE SUBMITTED TO THE CITY'S BUILDING OFFICIAL FOR REVIEW AND APPROVAL PRIOR TO BUILDING PERMIT FINAL.

Phasing

44. Installation of any temporary modular buildings, other than those used by the contractor during construction, shall require a Special Use Permit during all phases of the St. John Fisher Master Plan.
45. The proposed St. John Fisher Master Plan may be broken up into two main phases as described below. If within one year of the final effective date of the Notice of Decision, the applicant has not submitted an application for a building permit for the approved project or has not commenced the approved project as described in Phase One below, approval of the project shall expire and be of no further effect unless, prior to expiration, a written request for extension is filed with the Department of Planning, Building and Code Enforcement and approved by the Director. All elements of the approved Master Plan that are not submitted as

described in Phase One and Phase Two below, shall require additional future review and approval through the CUP process and additional CEQA review. Phase One and Phase Two are described as follows:

- a. Phase One: Phase One includes the construction of the new sanctuary, remodel of the existing sanctuary into a gymnasium/parish activity center, construction of a new parking lot, demolition of the existing rectory and youth building on the north and east sides of the property, remodel/conversion of existing convent into rectory and site work that will not be impacted by future phase construction. The Planning Entitlements for all construction described under "Phase One" shall remain in full force and effect for a maximum of one (1) year from the final effective date of the Notice of Decision for the St. John Fisher Master Plan unless construction plans have been submitted to Building and Safety for plan check.
- b. Phase Two: Phase Two includes the construction of the new administration building, remodel the existing administration building into meeting rooms, construction of a new preschool, library, and art room and remaining site work associated with phase two construction. The Planning Entitlements for all construction described under "Phase Two" shall remain in full force and effect for a maximum of five (5) years from the final effective date of the Notice of Decision for the St. John Fisher Master Plan unless construction plans for the final phase of construction have been submitted to Building and Safety for plan check.

Affordable Housing Requirement

46. The property owner and/or applicant shall provide affordable housing as required by Section 17.11.140(A) (Affordable Housing) of the RPVMC prior to issuance of the first Certificate of Occupancy associated with the St. John Fisher Master Plan, unless the applicant demonstrates to the satisfaction of the Director of Planning, Building and Code Enforcement that they are exempted from such requirement pursuant to the exemptions described in Section 17.11.140(B) of the RPVMC.

Landscaping

47. A Landscape Plan shall be submitted to the City and approved by the City's Landscape Consultant prior to issuance of a Building Permit or Grading Permit. The proposed landscaping shall be in substantial compliance with the City Council approved Landscape Plan and shall screen the new sanctuary from neighboring properties and the surrounding rights-of-way, consistent with the Applicant's photo simulations presented to the City Council on December 16, 2008, and shall be in substantial compliance with the site plan reviewed and approved by the City Council. The landscaping plan shall also indicate the species, growth rate and maximum heights of all proposed trees.
48. The applicant shall retain a majority of the existing mature trees located along the

west street side property line, along Crenshaw Boulevard. Included in the Landscape Plan identified in Condition No. 51, the applicant shall submit a Tree Retention Plan indicating which existing trees will be removed and which trees will be maintained in a thriving manner along Crenshaw Boulevard. Said plan shall be reviewed and approved by the Director of Planning, Building and Code Enforcement prior to issuance of grading permits or building permits.

49. All landscaping at the corner of Crest and Crenshaw Boulevard shall be planted and installed prior to issuance of Certificate of Occupancy of the new sanctuary to the satisfaction of the Director of Planning, Building and Code Enforcement.
50. New trees provided for screening of the new sanctuary at the corner of Crest Road and Crenshaw Boulevard shall be non-deciduous trees-
51. All existing trees that are not affected by the proposed construction, shall be maintained in a thriving manner.
52. Landscaping shall be provided and maintained along south property line, adjacent to the parking lot. In the event the required landscaping is destroyed and/or removed, the property owner shall either install a 5'-0" tall masonry wall along the south property line or restore the landscaping to adequately screen the parking lot from the residential neighborhood to the south, as determined by the Director of Planning, Building and Code Enforcement.
53. Prior to issuance of a grading and/or building permit, the Applicant, St. John Fisher, shall fund a Trust Deposit in an amount of \$18,500 to cover the cost of the installation and maintenance of City street trees (New Zealand Christmas Trees), along the west side of the Crenshaw Boulevard public right-of-way, south of Crest Road and north of the Island View entrance. The City trees shall be installed prior to the issuance of a Building Permit or Grading Permit and maintained by the City, All costs for installation and maintenance of the trees shall be fully paid for by the Applicant. The initial payment shall be \$18,500 and the trust deposit shall be augmented by the Applicant when required by the City. The Trust Deposit shall maintain a positive balance at all times. The trees shall not be installed adjacent to any property where the owner has notified the City in writing by June 1, 2009 that they do not want trees installed adjacent to their respective property. If all four property owners object to the planting of trees, the Applicant will not be required to pay for the installation or maintenance of trees.

Bell Schedule

54. The carillon bells are permitted to ring on the following days and times only:
 - a. Monday through Saturday at 8:00 AM, 12:00 PM, and 6:00 PM; and
 - b. Either shortly before or at the commencement of Sunday Masses, for a maximum of six (6) times, not before 8:50 AM or after 6:00 PM; and
 - c. Christmas Eve Masses, but at no time before 8:00 AM or after 6:00PM; and

- d. After Weddings, but at no time before 8:00 AM or after 6:00PM; and
 - e. After Funerals, but at no time before 8:00 AM or after 6:00PM; and
 - f. the following Holy Days: 1) The Assumption of the Blessed Mother (August 15), 2) All Saints Day (November 1), and 3) The Immaculate Conception (December 8), but at no time before 7:00 AM or after 6:00PM.
55. The carillon bells shall not chime for more than a period of 90 seconds at each allotted time.
56. The speakers for the carillon bells shall be directed towards face the interior of the lot and shall not directly face any adjacent residential properties.
57. The speakers for the carillon bells shall not exceed a maximum height of 16'-0", as measured from grade, adjacent to the location of the bells on the sanctuary.
58. The speakers for the carillon bells shall be setback a minimum of 110'-5" from any property line, as noted on the approved project plans.
59. The speakers for the carillon bells shall only be used for the sounding of bells at the approved times.

Signs

60. The signage on the subject property shall be subject to the following conditions:
- a) One major wall sign at the corner of Crest Road and Crenshaw Boulevard, attached and parallel to the proposed building façade of the new sanctuary.
 - b) The maximum sign area shall not exceed a maximum of 75 square feet (63 square feet proposed).
 - c) The signage shall not be internally illuminated.

Indemnification

61. The owner of the property upon which the project is located shall hold harmless and indemnify the City, members of its City Council, boards, committees, commissions, officers, employees, servants, attorneys, volunteers, and agents serving as independent contractors in the role of city or agency officials, (collectively, "Indemnitees"), from any claim, demand, damage, liability, loss, cost or expense, including but not limited to death or injury to any person and injury to any property, resulting from willful misconduct, negligent acts, error or omissions of the owner, the applicant, the project operator, or any of their respective officers, employees, or agents, arising or claimed to arise, directly or indirectly, in whole or in part, out of, in conjunction with, resulting from, or related to the construction approved by this resolution.

Source Reduction and Recycling

62. Prior to issuance of any Certificate of Occupancy, the applicant shall prepare and submit to the Director of Public Works for review and approval a comprehensive Integrated Waste Management Plan (Plan) that addresses source reduction, reuse and recycling.
63. Prior to issuance of any building and/or grading permits, an approved Construction and Demolition Materials Management Plan (CDMMP) shall be prepared and submitted to the Director of Public Works for approval.
64. Prior to issuance of any Certificate of Occupancy, a Construction and Demolition Materials Disposition Summary (Summary) shall be submitted to the Director of Public Works upon completion of deconstruction and construction. The Summary shall indicate actual recycling activities and compliance with the diversion requirement, based on weight tags or other sufficient documentation.
65. Where possible, the site design shall incorporate the use of recycled building materials and the re-use of on-site demolition debris.
66. The project site design shall incorporate areas for collection of solid waste with adequate space for separate collection of recyclables.

Miscellaneous

67. The access stairs and ramp at the corner of Crest and Crenshaw shall only be installed if required by the California Building Code or Fire Department, and if required, shall not vary materially from the minimum specifications of size required by law. The applicant shall obtain an encroachment permit for any portion of the stairs or ramp which is located within the public right of way.
68. Prior to issuance of building permits and/or grading permits, the property owner shall submit final geotechnical and soils reports to the City for review and approval by the Building Official and the City's Geotechnical Consultant. All conditions specified in the approved geotechnical and soils reports shall be incorporated into the project.
69. Prior to the issuance of a building and/or grading permit from the City's Building and Safety Division, the applicant shall obtain NPDES approval from the City's NPDES consultant.
70. Prior to issuance of demolition, building, and/or grading permits, a construction haul route plan shall be submitted and approved by the City's Public Works Department.
71. The speakers attached to the existing sanctuary that is proposed to be remodeled into a new Parish Activity Center/Gymnasium shall be removed prior to issuance of certificate of occupancy for the new sanctuary.

72. Sports Activities in the Parish Activity Center/Gymnasium shall not be permitted after 10:00 P.M. without the review and approval from the Director of Planning, Building and Code Enforcement of a Special Use Permit. Bleachers shall not be used in the Parish Activity Center/Gymnasium.
73. The Parish Activity Center/Gymnasium shall not be used by unaffiliated sports leagues of which St. John Fisher is not a member without the review and approval by the Director of Planning, Building and Code Enforcement of a Special Use Permit.

Future Reviews

74. The carillon bells and the exterior lighting of the sanctuary shall be installed prior to issuance of a Certificate of Occupancy for the new sanctuary and shall be installed as shown on the approved plans. No later than two (2) months after issuance of a Certificate of Occupancy for the new sanctuary, the City Council shall review the impacts of the carillon bells and exterior sanctuary lighting to assess the effectiveness of the Conditions of Approval in minimizing the impacts of the bells and exterior sanctuary lighting to neighboring properties. At that time, the City Council may add, relieve, delete and/or modify any of the respective conditions of approval or may prohibit the use of the carillon bells and/or outdoor sanctuary lighting if the City Council determines that the imposed conditions are not effective in minimizing the sound and/or lighting effects to neighbors. Said modifications shall not result in substantial changes to the design of the sanctuary or other ancillary structures. Notice of said review hearing shall be published and provided to owners of property within a 500-foot radius of the subject site, to persons requesting a notice, to all affected homeowner associations and to the property owner in accordance with the RPVMC. The City Council may require such subsequent additional reviews, as the City Council deems appropriate.
75. The effectiveness of the landscaping for screening the sanctuary pursuant to Condition No. 47, exterior sanctuary lighting, parking and the carillon bells shall be subject to review and modification, as deemed necessary and appropriate by the City Council, no later than one (1) year, and subsequently two (2) years, after the Certificate of Occupancy for the new sanctuary is issued. Notice of said review hearing shall be published and provided to owners of property within a 500' 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 add, delete, or modify the conditions of approval as deemed necessary and appropriate by the City Council. The City Council may impose more restrictive standards and conditions to mitigate any impacts resulting from the installation of landscaping, lighting, parking and the carillon bells.
76. The Conditions of Approval contained herein shall be subject to review and modification, as deemed necessary and appropriate by the City Council, six (6)

months after issuance of a final Certificate of Occupancy for all structures within Phase One, as defined in Condition No. 46. The City Council shall review the applicant's compliance with the conditions of approval, and to determine if the conditions are accomplishing their intended purposes. Notice of said review hearing shall be published and provided to owners of property within a 500' 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 add, delete, or modify the conditions of approval as deemed necessary and appropriate by the City Council. As part of the six month review, the City Council shall consider the on-site lighting, parking conditions, circulation patterns and the hours of operation for the uses permitted on-site, in addition to other concerns raised by the City Council and/or interested parties. The City Council may impose more restrictive standards and conditions to mitigate any impacts resulting from the operation of the Project.

77. At any time in the future, the effectiveness of the parking conditions shall be reviewed by the City Council if the number of Sunday masses is reduced to four (4) or fewer Sunday masses for a period of time exceeding three (3) months. Notice of said review hearing shall be published and provided to owners of property within a 500' 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.



CITY OF RANCHO PALOS VERDES

PLANNING, BUILDING, & CODE ENFORCEMENT

January 8, 2009

SUBJECT: PROPOSED STREET TREES IN THE PUBLIC RIGHT-OF-WAY, ALONG THE WEST SIDE OF CRENSHAW BOULEVARD

Dear Homeowner,

Staff would like to take this opportunity to send a courtesy notice to the four property owners who reside adjacent to the Crenshaw Boulevard public right-of-way, south of Crest Road and north of the Island View entrance.

As you may be aware, the City Council recently approved the St. John Fisher Master Plan. One of the conditions of approval pertains to the planting of trees within the public right-of-way along the west side of Crenshaw Boulevard. The City Council is requiring St. John Fisher to pay for the installation of and maintenance of City trees within the public right-of-way, in front of these four homes.

The City Council directed Staff to find out if the property owners of 17 ½ Santa Barbara, 17 Santa Barbara, 15 Santa Barbara and 8 San Clemente object to trees being planted in front of the respective properties. If you object to trees being planted adjacent to your individual property, please inform Staff (Leza Mikhail, Associate Planner) immediately via email or phone, but no later than 10:00 AM Tuesday, January 13, 2009.

If you should have any questions, or would like further assistance, please feel free to contact me at (310) 544-5228 or via email at lezam@rpv.com.

Sincerely,



Leza Mikhail
Associate Planner

cc: *St. John Fisher Master Plan Interested Parties List*

Leza Mikhail

From: Leza Mikhail [LezaM@rpv.com]
Sent: Wednesday, January 14, 2009 5:39 PM
To: 'Dwight Yoder'
Cc: 'Gary Long'; 'Ron Blond'; 'Betty Coull'; 'Easton, Mark'; 'Carol W. Lynch'; 'joelr@rpv.com'; 'Lynne Belusko'
Subject: RE: Trees on Crenshaw near the Island View

Dear Mr. Yoder,

Although you have not requested a response from Staff, I would like to offer my assistance in explaining the public right-of-way. Staff researched the public right-of-way along Crenshaw Boulevard, adjacent to the Island View Tract, prior to the December 16, 2008 City Council meeting. You are correct in noting that the Island View Tract map illustrates the private Tract properties directly adjacent to the RPV public right-of-way. However, Staff is of the opinion (without seeing your map, but being familiar with Tract Maps) that the Tract Map you have access to does not delineate the area within the public right-of-way that is paved for streets and the area that extends beyond the pavement (beyond the curb), for the total width of the right-of-way that is dedicated City property.

The entire public right-of-way along Crenshaw Boulevard, south of Crest Road and north of the Island View entrance, is 80 feet wide. The paved portion of the right-of-way is only 64 feet wide (32 feet on either side of the street center line). Beyond the 64 feet of paved street, the City's property extends an additional 8 feet on both sides of Crenshaw Boulevard (beyond the curb).

I would be happy to show you the surveys that are on file with the City's Public Works Department depicting this information and further explaining why there might be confusion between the Tract Map you are referencing the City's public right-of-way and property.

Please do not hesitate to contact me prior to the January 21, 2009 City Council meeting so that I may alleviate your concerns. Your email will be provided as public correspondence for the City Council's review.

Thank you for your time,

Leza Mikhail
Associate Planner

City of Rancho Palos Verdes
Planning Department
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275
www.palosverdes.com/rpv/planning/planning-zoning/index.cfm
(310) 544-5228 – (310) 544-5293 f
lezam@rpv.com

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

From: Dwight Yoder [mailto:dwight.yoder@cox.net]
Sent: Wednesday, January 14, 2009 3:42 PM

To: Leza Mikhail
Cc: Gary Long; Ron Blond; Betty Coull
Subject: Trees on Crenshaw near the Island View

Leza

You have requested that certain homeowners in the Island View, with lot lines along Crenshaw Boulevard across from St. John Fisher Church, notify you of their consent to a plan to plant trees on city land along Crenshaw behind their properties. Councilman Stern asserted that the city owned such land, and thus had the authority to plant trees in that location. Based upon such assertion, the city council approved a plan to offer the planting of trees to affected homeowners.

I have just returned from the home of Betty Coull. Betty and Tom Coull were the first Presidents of the Island View Homeowners Association.

Betty has diagrams of the Island View subdivision in her possession, and I have examined them. According to the diagrams I examined, The Island View Homeowners Association owns all land along Crest Road and Crenshaw Boulevard with the exception of two former gas station sites at the corner of Crest and Whitley Collins, and a small parcel of land at the corner of Crest and Crenshaw. As a result, there is no city owned land along Crenshaw Boulevard on which the city could propose to plant trees.

You need to research this matter further, and advise the affected homeowners if, in fact, the city has the right to plant trees behind their houses, or not. Until such time as you are able to clarify this point, I would think your offer to plant trees is not viable, and any deadline you have set for responses from affected homeowners is inappropriate.

You need not negotiate this point with me. This is a matter for the city and the affected homeowners to resolve..

Sincerely
Dwight Yoder

Leza Mikhail

From: Lynne Belusko [torrone@cox.net]
Sent: Tuesday, January 13, 2009 11:21 AM
To: lezam@rpv.com
Subject: FW: Proposed street trees

A final note: This also confirms that in our telephone conversation around 9:00am this morning, you agreed to extend today's deadline for responding to your January 8, 2009 letter from 10am to 1pm.

Lynne Belusko

From: Lynne Belusko [mailto:torrone@cox.net]
Sent: Tuesday, January 13, 2009 11:13 AM
To: 'lezam@rpv.com'
Subject: Proposed street trees

Ms. Mikhail,

In our telephone conversation this morning, you advised me that the public right of way along the west side of Crenshaw Boulevard adjacent to our property extends eight feet from the curb, and that the proposed trees would be planted solely within this eight foot strip.

Based on our conversation, the Beluskos at 15 Santa Barbara Drive do not object to the planting of trees in this strip, so long as the trees are maintained in height and spread so that they do not unduly shade our property.

Lynne Belusko

Please confirm receipt of this message by return email, and keep me informed about this project.

Leza Mikhail

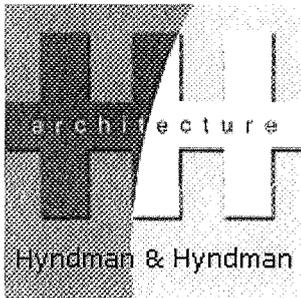
From: Shelly Hyndman [Shelly@hyndman-hyndman.com]
Sent: Tuesday, January 13, 2009 5:09 PM
To: Leza Mikhail
Cc: David Sork; David S. Kurt; Lisa Counts
Subject: St. John Fisher CC Motion Comments
Attachments: ccjan21comments.doc

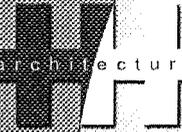
Dear Leza,

Please find attached my comments sent 1/8/09 regarding the new edits/new conditions of approval being prepared and reviewed at the CC hearing scheduled 1/21/09 for use in inclusion into your staff report. I have sent an e-mail to the church to confirm if there were any other lingering concerns that they would like to express and have indicated you would need any items intended for distribution with the staff report by 9am tomorrow morning.

Thanks

Shelly Hyndman
Hyndman & Hyndman Architects
www.hyndman-hyndman.com
shelly@hyndman-hyndman.com
Ph: 760-634-2595
Fx: 760-634-0285





January 8, 2009
Ms. Leza Mikhail, Assistant Planner
City of Rancho Palos Verdes Planning Department
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275

RE: Conditional Use Permit St. John Fisher Church Case No. ZON2007-00492
Comments on City Council Motion on Conditions of Approval Edits

Dear Leza,

Just a few short comments from our perspective on the items that could avoid lengthy discussions at the next hearing which are as follows: (items correspond by number with the numbered items from the city's city council motion)

c) On the non-deciduous trees it would be good if the condition did not attempt to specify Peppers or Pines as we would like to spend more time researching our alternatives and only want to be locked in on the deciduous part. Also, the condition should note that this applies only to trees visible from the corner that are IN FRONT of the church as there are some deciduous trees behind the church that are visible from the corner but have nothing to do with screening the church.

d) The obligation for the church to "maintain" the trees in perpetuity may be logistically difficult due to the fact that the existing irrigation is metered to the city and a private entity maintaining landscape on a public property may have liability issues beyond the trees dying like bodily injury or accidents occurring that would be uninsurable by either party.

f) The added future reviews of landscaping, lighting, parking, and the bells at one year and at two years needs to be curtailed to limit the issues under consideration. As an example, if someone decides a screening tree did not grow enough in one year do we have to yank it out and plant new larger material? Who defines what is "enough". Open season on landscape revisions after installation are pricey, affect irrigation/underground utilities, may require cranes and may not be accessible anymore after construction is complete and is therefore more appropriate to be more heavily burdened at plan review than after installation. There needs to be some limitations on what can occur here or the liability to the church is unlimited. Is the lighting review limited to the cross lighting? If so, it should be noted as such. The bells are easy enough to adjust but the practicality of wholesale adjustments to lighting and landscaping needs confinement.

g) The condition to review parking if masses change needs to read "is reduced below four **morning** masses as this was pointed out at the last hearing that the church was referring to their morning mass schedule not including the pm mass on Sunday.

j) This 2 month review refers to the cross lighting. The "sanctuary lighting" term could mean the interior lighting or any number of things.

I hope these comments are not too cumbersome and will help in your effort to re-draft the conditions affected here.

Thank you,

Shelly Hyndman, Applicant/Project Architect St. John Fisher
Cc; Msgr. David Sork, St. John Fisher

