



PUBLIC HEARING

Date: November 18, 2008

Subject: APPEAL OF THE PLANNING COMMISSION'S CONDITIONAL APPROVAL OF THE PROPOSED ST. JOHN FISHER MASTER PLAN: CONDITIONAL USE PERMIT NO. 96 – REVISION "D" GRADING PERMIT, MINOR EXCEPTION PERMIT, SIGN PERMIT AND ENVIRONMENTAL ASSESSMENT (CASE NO. ZON2007-00492).

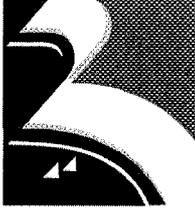
Location: 5448 CREST ROAD

1. **Declare the Hearing Open:** Mayor Stern
2. **Report of Notice Given:** City Clerk Morreale
3. **Staff Report & Recommendation:** Associate Planner Mikhail
4. **Public Testimony:**

Appellant: Lynne Belusko, Dr. Ronald Blond, Bruce Butler, Douglas Butler, Betty Coull, Donna Hulbert, Aaron Landon, Gary Long, Joan Olenick, Dwight Yoder

Applicant: St. John Fisher

5. **Council Questions:**
6. **Rebuttal:** N/A
7. **Declare Hearing Closed:** Mayor Stern
8. **Council Deliberation:**
9. **Council Action:**



CITY OF RANCHO PALOS VERDES

TO: HONORABLE MAYOR & CITY COUNCIL MEMBERS

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

DATE: NOVEMBER 18, 2008

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 ^{(P) for}

Project Manager: Leza Mikhail, Associate Planner ^(LW)

RECOMMENDATION

Staff recommends that the City Council:

- 1) Accept public testimony and review the appeal filed by the 10 residents seeking to overturn the Planning Commission's conditional approval of St. John Fisher's proposed Master Plan;
- 2) Continue the public hearing to an adjourned meeting to be held on Saturday, November 22, 2008 at 9:00 AM at the project site, 5448 Crest Road, to familiarize the City Council with the site and the proposed improvements;
- 3) Select Tuesday, December 16, 2008 as the date of the continued public hearing to consider the merits of the appeal, after the November 22, 2008 site visit.

EXECUTIVE SUMMARY

On October 14, 2008, after conducting four (4) public hearings on the proposal, and hearing from a total of 100 speakers, the Planning Commission conditionally approved the St. John Fisher Master Plan, 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 of existing facilities, a total of 30,688 cubic yards of associated grading and a new monument sign attached to the new sanctuary. The Planning

Commission vote passed (3-2) with Commissioners Knight and Gerstner dissenting, Commissioner Tetreault abstaining and Commissioner Tomblin recused.

On October 29, 2008, the project was appealed to the City Council by the surrounding residents. In their letter of appeal, the Appellants state that:

- ⇒ The project should have required the preparation of an Environmental Impact Report (EIR) instead of a Mitigated Negative Declaration (MND);
- ⇒ The proposed sanctuary violates the basic RPV standards of neighborhood compatibility with regard to design, height, bulk, size and mass;
- ⇒ The proposed sanctuary is massive and will create significant adverse impacts on surrounding residential neighborhoods;
- ⇒ The total number of proposed parking spaces is inadequate and additional parking spaces should be required;
- ⇒ The proposed ringing of bells will create a nuisance and is inconsistent with the General Plan;
- ⇒ The proposed lighting of the steeple and cross has not been addressed;
- ⇒ The proposed removal of mature trees is inconsistent with the impact analysis discussed in the Mitigated Negative Declaration (MND); and
- ⇒ The proposed setbacks for the sanctuary are insufficient and greater setbacks should be required.

The Appellants are requesting that the City Council require an Environmental Impact Report (EIR) be prepared for the proposed project and find that the proposed project will have a significant adverse impact on the adjacent neighboring properties. More specifically, the Appellants request that the City Council take the following actions:

- ⇒ Place further restrictions on the height, bulk and mass of the proposed sanctuary;
- ⇒ Disallow any electronic bells or similar noise-generating devices or require that the decibel level not exceed 35 dba;
- ⇒ Restrict the illumination of the steeple and cross as measured in lumens and restrict the illumination to disallow lighting of the steeple and cross between 9:00 PM and 6:00 AM
- ⇒ Prohibit curbside parking surrounding the Island View development and St. John Fisher property

Staff believes that all of the issues raised in the appeal letter were addressed throughout the Planning Commission public hearings and in the Planning Commission Staff Report and associated studies/reports. Nonetheless, in order to provide the City Council with ample opportunity to hear, understand and digest the issues raised and addressed by the Planning Commission with regard to the proposed project, Staff is recommending that the City Council receive public testimony on November 18, 2008, adjourn to a site visit on November 22, 2008 and continue discussion of the merits of the appeal on December 16, 2008.

BACKGROUND

On June 24, 2008, the Planning Commission considered the above-referenced case for the proposed St. John Fisher Master Plan project. At the time, Staff supported the applicant's request for a Sign Permit, Grading Permit and Minor Exception Permit, however felt that the mandatory findings for the Conditional Use Permit could only be made provided that the height of the steeple on the proposed new sanctuary was reduced.

After hearing public testimony and discussion of the various aspects of the project, the Planning Commission identified concerns with the height of the proposed steeple and requested clarification on the methodology used to determine the number of provided parking spaces. After identifying these concerns, the Planning Commission continued the public hearing to July 22, 2008.

On July 22, 2008, the Planning Commission reviewed a revised sanctuary project, which included the following: 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 from 18,400 square feet to 17,000 square feet, 5) the addition of a 900 square foot basement beneath the sanctuary to accommodate mechanical equipment, 6) an increase in the sanctuary's Crest Road street side yard setback from 48'-0" to 62'-0", 7) an increase in the sanctuary's Crenshaw Boulevard street side yard setback from 40'-0" to 57'-0", and 8) a reduction in the footprint of the administrative building from 8,968 square feet to 7,488 square feet.

After reviewing the modifications to the proposed project and hearing public testimony, the Planning Commission requested that the applicant consider providing the following additional information for review by the Commission: 1) a sound study to determine if any significant impacts would result from the proposed bells, 2) a shadow study to determine if the height and/or scale of the sanctuary and steeple would create any significant impacts to surrounding properties, 3) a copy of St. John Fisher's historic parking counts, 4) further clarification from the applicant on the parking analysis, and 5) consideration from the applicant to create a joint use parking agreement with the adjacent property (Daughters of Mary and Joseph) to provide additional parking on high peak days. In addition, in order to allow time for the City to process public records requests for the St. John Fisher property and allow the recipients of the public records request to review the information, the Planning Commission agreed to continue the public hearing. After identifying these concerns, the Planning Commission continued the public hearing to September 23, 2008 to allow the applicant sufficient time to meet the Commission's requests.

On September 23, 2008, the Planning Commission reviewed additional information submitted by the applicant including: 1) a sound study that identified a maximum sound level of 50 decibels at all property lines and the nearest sensitive receptor locations, 2) a shadow study that indicated that the new sanctuary would not create an adverse effect on adjacent neighboring properties, 3) further clarification on the applicant's parking analysis and 4) the provision to provide an additional 61 overflow parking spaces, per Section 17.50.040(l), on school turf areas to allow extra on-site parking on

Sundays or when the parking demand is increased due to uncommon events.

After hearing public testimony and closing the public hearing, the Planning Commission discussed the project revisions, related studies and Draft Conditions of Approval. The Commission questioned whether the stairs and ramp at the Corner of Crest and Crenshaw were required by code and noted that a condition should be added that the stairs and ramp be eliminated, unless required by applicable law(s). Additionally, the Commission requested conditions to eliminate the current use of speakers on the existing sanctuary which broadcast masses to the exterior courtyard area; limit the use of the Parish Activity Center/Gymnasium by outside sports leagues; require approval of a Special Use Permit whenever a reduction of the required 331 parking spaces is proposed; a six (6) month review period of the uses on the property related to parking, noise not associated with the bells and concurrent use of on-site facilities; and require a condition restricting temporary modular buildings from being placed on-site. At the September 23, 2008 meeting, the Planning Commission adopted a motion to conceptually approve the St. John Fisher Master Plan as proposed and directed Staff to draft the appropriate Resolutions and return to the October 14, 2008 Planning Commission meeting for formal adoption. The motion passed (3-2) with Commissioners Knight and Gerstner dissenting, Commissioner Tomblin recusing and Commissioner Tetreault absent.

On October 14, 2008, the Planning Commission adopted P.C. Resolution No. 2008-34, thereby certifying the Mitigated Negative Declaration and approving the Mitigation Monitoring Program for the St. John Fisher Master Plan (Case No. ZON2007-00492) and P.C. Resolution No. 2008-35, 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). The vote passed (3-2) with Commissioners Knight and Gerstner dissenting, Commissioner Tomblin recusing and Commissioner Tetreault abstaining.

On October 29, 2008, within the allotted time period to file an appeal, an appeal of the Planning Commission Decision was filed by the following appellants: Lynne Belusko (Island View), Dr. Ronald Blond (Island View), Bruce Butler (Island View), Douglas Butler (Island View), Betty Coull (Island View), Donna Hulbert (Del Cerro), Aaron Landon (Island View), Gary Long (Island View), Joan Olenick (Valley View) and Dwight Yoder (Island View). The appeal made reference to issues related to the Environmental Assessment and CUP findings.

On November 1, 2008, a Notice of Appeal was published in the *Peninsula News*. The Notice of Appeal was also sent 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 listserve prescribers.

All of the previous Planning Commission Staff Reports, along with their attachments, associated studies and approved Planning Commission Minutes are attached to this Staff Report.

SITE DESCRIPTION

The St. John Fisher property is located at 5448 Crest Road, on the southeast corner of the intersection at Crest Road and Crenshaw Boulevard. The property is 399,804 square feet (9.2 acres) in area and zoned Institutional. Additionally, the property is currently developed with an elementary school (K-8), administrative/parish offices, a recreational hall (Barrett Hall), rectory (priest's residence), convent building (no longer in use) and sanctuary. The existing campus is sited 15 – 20 feet above the adjacent streets, Crest Road and Crenshaw Boulevard. The main parking lot is located along the south property line and provides 227 parking spaces for everyday use. Additional parking is located near the northwest corner of the property and is currently used as a playground during the regular school hours (Monday through Friday). This parking area provides an additional 132 parking spaces for the property. A total of 359 parking spaces are currently provided on the property.

PROJECT DESCRIPTION

The proposed project involves a request for Conditional Use Permit #96 – Revision "D", a Grading Permit, Minor Exception Permit and Sign Permit to establish a Master Plan for the St. John Fisher Church and School property. The overall project includes a major remodel and expansion of the existing facilities. Details of the project are listed below:

Proposed Construction

A request to construct a combined total of 32,426 square feet of new building area to the existing site as delineated below:

- 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 end. 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. The maximum occupancy of the new sanctuary will be 870 persons, while the maximum occupancy of the existing sanctuary is 650 persons.
- A new 9,788 square foot administration building (7,488 square foot first floor and 2,300 square foot basement)
- A 1,074 square foot addition for the creation of a new two-classroom preschool (currently no preschool on-site)
- A new 1,289 square foot art room at the northwest corner of the existing classrooms

- A new 1,217 square foot school library at the northeast corner of the existing classrooms
- A 304 square foot expansion to Barrett Hall for storage area
- A new 454 square foot garage at the southeast corner of the property, adjacent to the priest's new residence (previously nun's residence)
- A 400 square foot addition north of the existing music room to accommodate two (2) new offices
- New signage, attached to the sanctuary, at the corner of Crest and Crenshaw.

In addition to the proposed new construction, the applicant is proposing to demolish a combined total of 10,329 square feet of the existing facilities (offices, youth building and existing priest residence) and remodel 26,544 square feet of the existing structures (existing nun's residence to be converted to priest's residence, existing sanctuary to be converted to new gymnasium, office areas and classrooms).

Proposed Grading

A total of 30,688 cubic yards of grading is required (19,694 cubic yards of raw cut and 10,994 cubic yards of fill to be reused on-site) to accommodate the new construction, major remodel, proposed retaining walls and new parking lot. A total of 8,700 cubic yards of earthwork will be exported from the property.

Parking

The existing property has a total of 359 parking spaces with 0 loading spaces. As the new sanctuary will be located on a portion of the existing parking lot, the applicant is grading and reconfiguring the parking lot at the south end of the property to accommodate a total of 331 parking spaces with 3 loading spaces. The total number of proposed parking spaces is based on a parking needs analysis for the highest peak hour of operation. The parking needs analysis was prepared by the applicant's professional traffic consultant and then subsequently reviewed and approved by the City's Traffic Engineering Consultant. In addition to providing the 331 required parking spaces, 61 additional seasonal/peak parking spaces, will be provided. These additional spaces will be accommodated just south of Barrett Hall and north of Barrett Hall and are only permitted to be used on days when the St. John Fisher school is not in session.

DISCUSSION

On October 29, 2008, the City received an appeal (attached) from eight (8) residents who reside near the St. John Fisher property. For the purposes of this report, Staff has focused on the issues raised within the appeal letter and how they relate to the various findings of fact made by the Planning Commission in approving the proposed project.

Planning Commission Findings

In conditionally approving the proposed project described in the Project Description section of this Staff Report, the Planning Commission took the following actions:

1. Certified an IS/MND via P.C. Resolution No. 2008-34 (attached), finding that the proposed project would not have a significant effect on the environment if the appropriate mitigation measures identified in the IS/MND are incorporated;
2. Made all of the necessary code required findings for approval of the following applications;
 - a. A CUP Revision (CUP No. 96—Revision “D”) to allow the proposed overall remodel and expansion master plan project.
 - b. A Grading Permit to allow the excavation and fill (grading) described earlier in the Project Description Section of this report.
 - c. A Minor Exception Permit to allow combination walls, up to a maximum height of 11’-6,” along the Crest Road driveway and the southern property line.
 - d. A sign permit to allow a new monument sign, attached to the new sanctuary, to be constructed near the corner of Crest Road and Crenshaw Boulevard.

Aside from challenging the appropriateness of certifying an IS/MND for the proposed project, the appeal challenges the findings made by the Planning Commission for approval of the requested CUP Revision. As such, the specific CUP findings that were made by the Planning Commission, and must be upheld by the City Council in order to approve the proposed project, are listed below:

1. **The site is adequate in size and shape to accommodate said use and for all of the yards, setbacks, walls or fences, landscaping and other features required by this title [Title 17 “Zoning] or by conditions imposed under this section [Section 17.60.050] to adjust said use to those on abutting land and within the neighborhood.**
2. **The site for the proposed use relates to streets and highways sufficient to carry the type and quality of traffic generated by the subject use.**
3. **In approving the subject use at the specific location, there will be no significant adverse effect on adjacent property or the permitted use thereof.**
4. **The proposed use is not contrary to the General Plan.**
5. **If the site of the proposed use is within any of the overlay control districts established by Chapter 17.40 (Overlay Control Districts) of this title [Title 17 “Zoning”], the proposed use complies with all applicable requirements of that chapter.**
6. **Conditions regarding any of the requirements listed in this paragraph, which the Planning Commission finds to be necessary to protect the health, safety and**

general welfare, have been imposed [including but not limited to]: setbacks and buffers; fences or walls; lighting; vehicular ingress and egress; noise, vibration, odors and similar emissions; landscaping; maintenance of structures, grounds or signs; service roads or alleys; and such other conditions as will make possible development of the City in an orderly and efficient manner and in conformity with the intent and purposes set for in this title [Title 17 "Zoning"].

Since the appeal issues focus on the CUP findings, the multiple findings related to the other accompanying applications listed above are not listed here. Nonetheless, all of the other application findings are described in the attached PC Resolution No. 2008-35.

Responses to Issues Raised in the Appeal Letter

Below, Staff has formatted the remainder of this report to address the various issues brought up by the Appellants (shown in bold text) and Staff's responses (shown in regular text) to each issue and how the issues relate to the findings of fact listed above and explained in the attached Planning Commission Resolutions. It is important to note, that all of the issues raised in the appeal are related to the either the CUP findings or the MND.

Appellants' Issue A: A MND does not meet the requirements of the California Environmental Quality Act (CEQA) and an Environmental Impact Report (EIR) shall be required to determine the levels of significant adverse impacts which result from the project. *"For Example, the MND does not address the impact of the approved lighting of the tower and cross, the risk to children of the approved parking plan, the impact on traffic during the construction period, the impact on Crenshaw Blvd traffic south of Crest [and] the environmental impact of noise on the neighborhood from the approved use of Barrett Hall and the new Parish Activity Center until midnight or 1:00 AM."* The proposed mitigation measures related to bulk and mass are inadequate in the MND.

Determination to Prepare Mitigated Negative Declaration (MND)

The proposed project constitutes a "project" requiring compliance with the California Environmental Quality Act (CEQA). State law requires that prior to taking any action on a proposed "project" subject to CEQA, a Lead Agency (the City) shall undertake a formal environmental evaluation of the proposed project.

CEQA requires a Lead Agency (the City) to conduct this formal evaluation through a document referred to as an Initial Study (via a standard Environmental Checklist Form) to determine if the project may have a significant effect on the environment. If, as a result of the Initial Study, the City finds that there is evidence that any aspect of the proposed project may cause a significant environmental impact related to the components listed in the Environmental Checklist Form that cannot be mitigated to an insignificant level, the City shall find that an EIR is warranted to analyze such environmental impacts. However, if on the basis of the Initial Study, the City finds that all of the potentially significant effects on the environment can be mitigated to a less than significant level, through the imposition of mitigation measures to address the potential impacts, then an EIR is not necessary and the Lead Agency (the City) can approve the MND instead.

After the project applications were deemed complete, Staff prepared an Initial Study for the proposed project. The Initial Study (attached) determined that the proposed St. John Fisher Master Plan will not result in or create any significant impacts, or 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 project was identified to potentially create significant impacts to Aesthetics, Air Quality, Geology and Soils, Hydrology and Water Quality, and Noise, unless mitigated with the appropriate measures identified in the Initial Study. Accordingly, a Mitigated Negative Declaration was determined to be the appropriate vehicle for conducting the required environmental review. This document is referred to as the Initial Study/Mitigated Negative Declaration (IS/MND).

As a result of reviewing the IS/MND, the Planning Commission determined that the proposed project would not have a significant effect on the environment if appropriate mitigation measures are incorporated. As a result, the IS/MND for the project was certified by the Planning Commission (P.C. Resolution 2008-34 attached).

Just like an EIR, the certified IS/MND contains analyses of the various topics noted above, which include a description of the potential impacts, an explanation of whether they are considered significant and identification of proposed mitigation measures. All of the pertinent issues identified for analysis would be addressed whether the environmental document is an IS/MND or an EIR. The appellants list a variety of specific impacts that they believe need to be addressed through an EIR. Below is a summary of these specific impacts identified in the letter of appeal along with an explanation of how they are addressed in the IS/MND.

Lighting of the Steeple and Cross (Aesthetics)

The appellants are of the opinion that the IS/MND does not address concerns related to the lighting of the proposed steeple or cross. 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 would adversely affect day or nighttime views in the area. The lighting of the steeple and cross, along with all other exterior lighting of the grounds and buildings, were depicted in the originally submitted photometric plan that was used for analysis through the IS/MND. The IS/MND 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. Further, mitigation measures were identified in the IS/MND and incorporated into the project conditions to reduce the lighting impacts by requiring shields on lighting fixtures, requiring an inspection to insure no spill-over onto adjacent properties and providing a trial period of six months for assessment of all lighting impacts. The Planning Commission determined that incorporation of these mitigation measures will result in a less than significant impact upon aesthetics with regard to lighting. Further the six month review mitigation measure will check on the effectiveness of the mitigation measures and will be all-encompassing with regard to exterior lighting and, by default, the lighting of the steeple and the cross.

The approved Parking Plan's Risk to Children

The existing property is developed with multiple buildings including an elementary school and sanctuary that jointly use the existing parking lot on an as-needed basis. Shared use of the current parking lot is possible since the peak operation of the existing sanctuary and school do not overlap. The applicant is proposing to reconfigure the existing parking lot and maintain the shared use aspect of the parking lot. In reviewing the proposed parking plan, there was no evidence to suggest that the existing shared use is a safety risk for children. Furthermore, no evidence was presented that the proposed parking plan would be a safety risk for children. As such, the IS/MND did not identify this issue as a potentially significant impact.

In response to resident and Planning Commission concerns about having sufficient parking to accommodate the site's peak time parking period (Sundays between 10 a.m. and Noon), in addition to the 331 parking spaces that were deemed acceptable by the City's Traffic Consultant, the applicant identified areas throughout the property that would accommodate an additional 61 parking spaces. These spaces would be available once a week (on Sundays), during high peak seasons (such as Christmas and Easter) or whenever deemed necessary. Since some of these overflow areas would also be used as playground areas during school time use, to ensure the safety of the elementary school children, a condition of approval was added that prohibits the use of the seasonal/peak parking area while the school is in operation.

Construction Traffic (Air Quality/Noise)

The Initial Study identified limited short-term air quality and noise impacts as a result of the proposed construction and grading activities. Although the impacts are considered short-term, in order to ensure that air quality standards are upheld, mitigation measures were identified and incorporated into the conditions of approval. Due to the fact that the impacts would occur as a result of the construction vehicles traveling to and from the project site, a mitigation measure was included requiring the applicant to submit a Construction Traffic Management Plan, to ensure that construction activities will not interfere with peak-hour traffic, will minimize obstruction of through-traffic lanes adjacent to the site, will utilize of electric- or diesel-powered stationary equipment in lieu of gasoline powered engines where feasible and noting that work crews will turn off equipment when not in use. Further, a mitigation measure was identified and incorporated in the conditions of approval, requiring the applicant to submit a Construction Management Plan that specifies that demolition debris hauling shall be limited to the hours between 9:00 AM and 4:00 PM and there shall be no staging of equipment or accumulation of vehicles on the public streets. The Planning Commission determined that incorporation of these mitigation measures will result in a less than significant impact.

Traffic and Parking Impacts (Transportation/Traffic)

The applicant submitted a Traffic Analysis and Parking Analysis to the City for use in preparing the project's IS/MND. Before implementing the findings of the analyses into the IS/MND, the reports were reviewed and approved by the City's Traffic Engineering

Consultant. The IS/MND notes that the study intersections and nearby roadway segments are operating at acceptable levels of service during peak hours for both weekday and Sunday conditions. The IS/MND also notes that the approved Traffic Study states that under “existing with ambient growth and project” conditions, the project is not expected to significantly impact the study locations beyond the threshold limits required by the City. In addition, the IS/MND states that the highest number of parking spaces necessary to accommodate potential vehicles during the highest peak hour of operation, according to the Parking Analysis, for all uses on the property would be 331 parking spaces between 10:00 AM and noon on Sundays. Lastly, the Initial Study cites, and gives reference to, the Traffic Study prepared by KOA Corporation, the applicant’s traffic consultant, and the Parking Tables prepared by the applicant’s architect, Shelly Hyndman. Both analyses were reviewed and approved by the City’s Consulting Traffic Engineer. As a result of these analyses and mitigation measures identified in the IS/MND, the Planning Commission determined that a less than significant impact on the environment would occur as a result of the project’s traffic and parking plan.

It is important to note, as a result of the public testimony heard before the Planning Commission, issues were raised regarding the impacts that could potentially result from use by the new gymnasium by outside sports leagues. Although St. John Fisher has stated that they do not intend use the gymnasium for outside sports leagues and the design of the gymnasium would not accommodate stadium/bleacher seating, the Planning Commission added a condition of approval requiring a Special Use Permit for use of the gymnasium by outside sports leagues.

Potential Noise from Barrett Hall and Parish Activity Center until midnight or 1:00 AM

With regard to environmental impacts that would result by the use of Barrett Hall and the new Parish Activity Center/Gymnasium, the IS/MND concluded that the operation of the project site as a church and school would not result in the generation of noise levels that are excessive. This is because the applicant is not proposing any activities or operations of the site later than what currently occurs. Further, the City does not have specific noise level standards established in either the General Plan or by local ordinance to control the noise levels associated with an Institutional Use.

Bulk and Mass (Aesthetics)

The IS/MND identified potential aesthetic impacts with regard to an effect on scenic vistas and visual character resulting from the proposed new sanctuary building. As a result, the following mitigation measures were identified in the IS/MND:

- 1. If the new sanctuary results in significant view impairment from the viewing areas of surrounding properties, as defined by the City of Rancho Palos Verdes’ Development Code, then elements of the proposed project which significantly impair views shall be reduced to a less than significant impairment; and*
- 2. If the new sanctuary is determined to create bulk and mass impacts, then elements of the proposed project shall be reduced in height or architecturally modified to minimize said impacts.*

Although potential impacts to protected views of the Pacific Ocean and Catalina Island from the new sanctuary were initially cited in the IS/MND, after viewing the silhouette that was constructed for a limited time, prior to the first public hearing before the Planning Commission, it was determined that the proposed sanctuary will not significantly impair any views from neighboring properties. Additionally, after viewing the silhouette, the Planning Commission determined that the height of the steeple created a bulk and mass impact to neighboring properties and required the original height of the steeple to be reduced. The applicant chose to reduce the overall height of the entire sanctuary up to 6'-0" and the height of the steeple by 14'-0" without compromising the design or integrity of the structure and also increased the street-side setbacks well beyond the 25-foot setback required by the Development Code. As a result, it was ultimately concluded by the Planning Commission that bulk and mass impacts had been mitigated to a less than significant level.

Appellants' Issue B: The design, height, bulk, size and mass of the sanctuary is not compatible with the "...basic RPV standards of neighborhood compatibility...The proposed design [of the sanctuary] and its placement on the property violate the requirements of the General Plan that institutional uses be compatible with adjacent sites..." (Relationship to CUP Finding Nos. 1, 3 and 4); and

The City's "Neighborhood Compatibility" standards and analyses are codified in Chapter 17.02 of the City's Municipal Code (Single-Family Residential Districts), and thus apply to single-family residential development and are not applicable to Institutional uses. As referenced in the City's Neighborhood Compatibility Handbook, *"The handbook is intended to assist residents, architects, designers, and real estate professionals in understanding the City's procedure for processing residential development applications requiring the analysis of Neighborhood Compatibility."* Therefore, the City's "Neighborhood Compatibility" review criteria that typically involves the consideration of a project's design in terms of scale, architectural styles and building materials, is not applicable to projects within an Institutional Zoning District.

Although the Development Code does not define "neighborhood compatibility" as a development standard for Institutional districts, General Plan Policy No. 6 (Urban Environment Element IV, Religious Activity, p. 93) recommends that the City *"Review the location and site design of future institutional uses very carefully to ensure their compatibility with adjacent sites."* Although the term "compatibility" is referenced in this General Plan policy, the analysis of compatibility within an Institutional zone refers to the location and layout of buildings, so as not to impact neighboring uses. The policy does not recommend that the City consider architectural design, scale or building materials, as is the case by the codified "Neighborhood Compatibility" analysis required for residential projects.

Throughout the public hearing process, the Planning Commission considered the location of the proposed sanctuary and the site design of the entire property in relation to the surrounding neighborhood. The Planning Commission also considered the fact that the property is not vacant and is currently developed with other structures for the existing operation of an elementary school and church. In order to address 1) the policies outlined in the General Plan, 2) the development code standards within an

Institutional zone and 3) the findings required for a Conditional Use Permit, with regard to the proposed sanctuary, the Planning Commission took into account and addressed the public concerns related to: a) the setbacks provided on the property, b) the height of the steeple, and c) the bulk and mass of the sanctuary. These issues are more specifically discussed in further detail below:

Setbacks

The Development Code requires a 25-foot street-side setback in Institutional zones. As noted in the Background section of this report, the applicant redesigned the originally proposed project, as recommended by the Planning Commission, and increased the setbacks of the sanctuary from the street-side property lines. The sanctuary is proposed to be setback 62'-0" from the Crest Road property line and 57'-0" from Crenshaw Boulevard property line, well outside of the required street-side setback. Further, Crenshaw Boulevard (80 feet wide) and Crest Road (50 feet wide) act as additional buffer zones between the subject property and neighboring residential properties.

Height of the Steeple

The "by-right" height limit in an Institutional zone is 16'-0," unless a CUP is granted. Through a CUP, there is no upper maximum height limit provided all applicable CUP findings for the project can be made. The Planning Commission identified concerns with the original height of the steeple portion of the sanctuary and potential adverse impacts to adjacent neighbors as a result of the height of the steeple. In response to the Planning Commissions concerns, the applicant reduced the steeple to a maximum height of 60'-0" to the top of the steeple and 74'-0" to the top of the cross. In addition, the applicant submitted a shadow study to demonstrate that shadows created by the proposed steeple would not be cast onto adjacent properties due to the size and configuration of the subject property and the location and height of the sanctuary and steeple.

Bulk and Mass

In addition to the height reduction and setback increase described above, the applicant reduced the size of the original sanctuary by 1,400 square feet and reduced the footprint of the administration building by 1,480 square feet. As a result of these project modifications, the shadow study results, and the proposed use of landscaping for screening, the Planning Commission ultimately determined that the bulk and mass of the proposed sanctuary does not result in a significant adverse effect on adjacent properties. In addition, the Planning Commission added a number of conditions of approval related to the design of the project that further reduce the potential impacts of the proposed project on adjacent properties. The conditions imposed by the Planning Commission that address topics related to bulk and mass include:

- Establishing the height and setbacks of the sanctuary and steeple
- Requiring a landscape plan to be approved by the City's Landscape Consultant, including trees required for screening of the sanctuary, as seen

from neighboring properties and adjacent rights-of way

- The retention of a majority of the existing matures trees located along the west street-side property line (Crenshaw Boulevard) and submittal of a Tree Retention Plan identifying which trees will be removed and maintained
- Requiring that all landscaping at the corner of Crest and Crenshaw shall be installed prior to issuance of a Certificate of Occupancy
- Requiring that trees at the corner of Crest and Crenshaw shall be non-deciduous

Appellants' Issue C: *“The proposed massive [sanctuary] will create significant adverse impacts on the surrounding residential neighborhoods and violates RPVMC 17.60.050.3. The Planning Commission’s finding that the proposed structure will not have a significant adverse effect on any adjacent property is not supported by the record...”* (Relationship to CUP Finding No. 3)

As noted in Section 3 of the P.C. Resolution No. 2008-35 and as discussed above (Appellants' Issue A and B), the Planning Commission determined that there would be no significant adverse effects on adjacent property or the permitted use thereof based on the mitigation measures identified by the IS/MND along with the conditions of approval imposed on the project that reduce impacts to an insignificant level.

Appellants' Issue D: *The provided parking is inadequate and additional parking is required.* (Relationship to CUP Finding Nos. 1 and 2)

As noted in previous PC Staff Reports, if the City’s parking requirements are collectively applied to all individual uses within the proposed master plan, the applicant would be required to provide 657 parking spaces. The St. John Fisher site has two main operating functions: 1) an elementary school that operates Monday through Friday and 2) a sanctuary with multiple masses conducted on Saturdays and Sundays and intermittent smaller masses throughout the week. In addition to the two primary operating functions of the St. John Fisher property, outside organized groups utilize the St. John Fisher facilities after school hours to conduct meetings during week nights.

Due to the fact that all uses on the property would not function concurrently and thus all 657 code-required parking spaces would not be utilized at the same time, the applicant prepared a parking analysis that describes the operating facilities on the property throughout a typical week. The analysis found that Sundays between 10:00 AM and 12:00 PM generate the highest parking demand under the assumption that the sanctuary is filled to capacity (870 seats, with a code requirement for 290 parking spaces) and religious education classes occur simultaneously. These classes, by themselves, require 38 parking spaces and the rectory (single-family residence) requires 3 parking spaces. Together, the parking analysis concluded that this worst case scenario generates a parking demand of 331 parking spaces. Thus, a total of 331 parking spaces are being provided to accommodate this worst case parking scenario.

As noted in the July 22, 2008 PC Staff Report, the City has used this approach with other commercial and/or institutional mixed-use properties throughout the City and this parking analysis has been reviewed and approved by the City's Traffic Engineer.

In addition to the 331 parking spaces that were deemed acceptable by the City's Traffic Consultant, given the skepticism by some neighbors and some Commissioners as to the assumptions of the parking study, the applicant identified areas throughout the property that could accommodate an additional 61 parking spaces for overflow parking if needed. These spaces would be available once a week (on Sundays), during high peak seasons (such as Christmas and Easter) or whenever deemed necessary. In order to ensure that the use of the overflow parking areas, some of which would be used as school playground areas, would not adversely impact the elementary school, a condition of approval that prohibits the use of the seasonal/peak parking area while the school is in operation was added. Also, in addition to the on-site parking and overflow parking, the Planning Commission added a condition of approval requiring the property owner to execute an agreement with the adjacent Daughters of Mary and Joseph property, to be recorded with the County of Los Angeles, allowing St. John Fisher to use a minimum of 50% of the parking spaces at Daughters of Mary and Joseph (46 spaces) on Christmas Eve, Easter Sunday and during construction.

As such, based on the parking analysis that concluded that sufficient on-site parking was being provided to accommodate a worst case peak period scenario, the addition of 61 overflow peak parking spaces provided on-site, and the requirement for a formal agreement for overflow parking on the adjacent property, the Planning Commission found that the St. John Fisher Master Plan and associated conditions of approval effectively provide parking for the proposed master plan. In addition, as noted in previous PC Staff Reports, the City's Traffic Engineer reviewed the applicant's parking analysis and determined that the assumptions and conclusions contained in the parking analysis appear to be valid and 331 parking spaces is sufficient to accommodate the highest demand of parking based on concurrent uses.

Appellants' Issue E: An increase in noise levels, as a result of the installation of bells, would create an "...unbearable nuisance to the adjacent and surrounding neighbors and violates the requirements of the General Plan which requires the city to maintain a quiet and serene residential community..." The Planning Commission's decision to allow the bells is inconsistent with a prior decision (Resolution No 77-2 attached) at 5640 Crestridge Road, which required that bells be non-functional. The frequency of the ringing of bells will cause a significant adverse environmental impact. (Relationship to CUP Finding Nos. 3, 4 and 6)

As discussed under Appellant's issue A, the City does not have specific noise level standards established in either the General Plan or by local ordinance. The General Plan only notes that if and/or when the City adopts noise standards, they "...should be geared toward achieving the lowest ambient noise level possible, without inhibiting the activity to hold private conversation at a reasonable distance...[and] they should contain a time of day component to compensate for the changes that occur in the course of a 24 hour day." Notwithstanding the lack of a Citywide noise ordinance, the Planning Commission reviewed and discussed the potential noise impacts that could result from the installation of the bells. The proposed project includes the installation

and operation of carillon bells with a set chime schedule where the bells would be heard at specific, intermittent times of the day (3 times Monday through Saturday and 6 times on Sunday) for a short period of time, (no more than 90 seconds) and no earlier than 8:00 AM or later than 6:00 PM on non-holy days. In addition, the bells would sound after weddings, funerals and on three holy days. During the public hearing process, the applicant obtained a noise study whereby the study determined that the bells would not exceed a decibel level of 50 at any of the subject property lines. At the September 23, 2008 public hearing, the Planning Commission tested the sound of the proposed bells played through a stereo and measured the sound at 54 decibels, at about 20 feet away. As a result, the Planning Commission noted that the audible sound level was low and would not impair or inhibit a private conversation at a reasonable distance. Further, the Planning Commission imposed conditions of approval that regulate the time of day when the bells can be played and limit the number of times and duration of the bells. In addition, the Planning Commission added a condition of approval for a two-month review of the bells to assess the effectiveness of the conditions of approval (see Condition No. 60 in P.C. Resolution No. 2008-35). Therefore, as conditioned, the Planning Commission determined that the proposed bells are consistent with the General Plan and the noise levels created by the bells would not result in a significant adverse effect on adjacent properties.

Appellants' Issue F: Lighting of the structure and tower has no basis in the record. The lighting will cause a constant significant adverse environmental impact to the surrounding residential neighborhood. (Relationship to CUP Finding Nos. 3 and 6)

According to Section 17.26.040(l) (Lighting) of the Development Code, *"all exterior lighting in institutional zoning districts shall conform to the performance standards of Section 17.56.040 (Environmental Protection). Before any development is approved, a plan showing the locations and specifications of all exterior lighting shall be submitted for review and approval by the [Planning Commission]."* As discussed in the IS/MND prior to the first Planning Commission public hearing, *"the applicant is proposing to provide new light standards within the new parking lot and exterior light fixtures around the new sanctuary."* A photometric lighting plan was submitted with the project plans, distributed to the Planning Commission and posted on the City's website before the first public hearing. This lighting plan indicated all proposed exterior lighting on the property, including lighting of the steeple and cross. As referenced in the June 24, 2008 Planning Commission Staff Report and in the P.C. Resolution No. 2008-35, Conditions of Approval were imposed by the Planning Commission to protect the health, safety and general welfare with regard to all the proposed exterior lighting. These conditions include, but are not limited to, 1) requiring shields to prevent direct illumination of surrounding property and prevent distraction of vehicles on public rights-of-way, 2) no building-mounted outdoor lighting shall be permitted where the light source or fixture is mounted more than sixteen feet above grade, 3) requiring all outdoor lighting, with the exception of approved security lighting, to be turned off by 1 AM every night and 2 AM on Christmas Eve, Easter Vigil and additional security lighting the first Friday of every month, and 4) a trial period of six months for assessment of exterior lighting, after which the City may require additional screening or reduction in intensity of any light that has been determined to be excessively bright. As an example, lighting of the steeple and cross would not adversely impact surrounding residents since the conditions prohibit

direct illumination of surrounding properties and all exterior lighting, including the steeple and cross, are limited to a maximum wattage. The Planning Commission allowed the exterior lighting until 1:00 AM since it was requested that the Church keep security lighting on until 1:00 AM, as they presently do. Therefore, as conditioned, the Planning Commission determined that all outdoor lighting would not result in a significant adverse effect on adjacent properties.

Appellants' Issue G: *“The authorization by the Planning Commission of the removal of existing mature trees and landscaping on the corner of Crest and Crenshaw demonstrates the inadequacy of the MND and violates the requirements of RPVMC 17.60.050.3 regarding buffering and screening for institutional districts...”*(Relationship to CUP Finding No. 3 and 6)

The City of Rancho Palos Verdes does not have a tree protection ordinance and the trees located on the subject property are not identified as a scenic resource in the City's General Plan or any other document. As such, removal of existing trees on the subject property does not conflict with the assessment criterion identified within the IS/MND. Further, the Planning Commission imposed Conditions of Approval related to landscaping that require the following: 1) submittal of a Landscape Plan to be approved by the City's Landscape Consultant, prior to issuance of a Building Permit, 2) submittal of a Tree Retention Plan indicating which existing trees will be removed and which trees will be maintained in a thriving manner along Crenshaw Boulevard and 3) new landscaping at the corner of Crest and Crenshaw, consisting on non-deciduous trees that provide some screening of the sanctuary and 4) the maintenance of all existing trees that are not affected by the proposed construction. As conditioned, the Planning Commission determined that the proposed landscaping and the maintenance of mature trees along Crenshaw Boulevard would not create a significant adverse impact on adjacent properties and would help screen the sanctuary as seen from adjacent neighboring properties.

Appellants' Issue H: *“Requiring additional setbacks to the proposed sanctuary is required...” and alternative designs should be considered.* (Relationship to CUP Finding Nos. 1 and 3)

As a result of the public hearing process and review by the Planning Commission, the applicant increased the street-side setbacks to the new sanctuary. As noted above (Appellant's Issue B), the required street-side setback for uses within an Institutional Zone is 25 feet. The sanctuary was originally proposed to be located 48'-0" from Crest Road and 40'-0" from Crenshaw Boulevard. The applicant increased the street-side setback by 14'-0" as measured from Crest Road and 17'-0" as measured from Crenshaw Boulevard. Therefore, the setbacks approved by the Planning Commission are substantially more than those required by City code. The applicant also reduced the size of the administration building and sanctuary, without compromising the design of the sanctuary, in order to accommodate the increased street-side setbacks. Due to the large setbacks from the street to the sanctuary, in combination with the required landscaping and conclusions made by the shadow study, the Planning Commission determined that the site was adequate to accommodate the sanctuary and the location of the sanctuary would not create significant adverse impacts to the surrounding neighborhood.

ADDITIONAL INFORMATION

Correspondence Received:

As a result of the November 1, 2008 public notice, Staff has received 123 comment letters (attached). Some of the correspondence letters voice support of the project while other correspondence letters continue to raise concerns regarding the height of the proposed sanctuary, the sounding of bells on the property, parking and traffic. All of these issues have been addressed in this report, previous Planning Commission Staff Reports and/or the Initial Study / Mitigated Negative Declaration.

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/listserver/index.cfm> . If the appeal is denied and the project is approved, Staff will continue to update all members of the listserv regarding future construction activities for the St. John Fisher Master Plan.

Adjournment to Site Visit

As noted earlier in this Staff Report, in order to provide the City Council with ample opportunity to understand the proposed project, together with the issues of concern explained in the appeal, Staff is recommending that the City Council accept public testimony this evening, review the issues of the appeal and continue the public hearing to an adjourned meeting at the project site. Staff envisions that the purpose of the meeting will be to walk the site, understand the applicant's current operations and view the locations of the proposed Master Plan components. After discussing possible dates with the Applicant that would not conflict with other pre-scheduled operations/activities on the property, St. John Fisher noted that November 22, 2008 at 9:00 AM would work the best to accommodate a public hearing. Staff also conveyed to St. John Fisher the benefit of having a temporary silhouette structure or equipment of some sort, such as a cherry picker and flags, to depict the maximum height of the steeple in its proposed location during the City Council's site visit. St. John Fisher noted that they would consider Staff's request and investigate what they could accommodate to depict the steeple in a manner that is safe and does not impact adjoining school operations.

FISCAL IMPACT

If the City Council overturns the Planning Commission's decision, based on the merits of the appeal, the fees associated with filing the appeal (\$1,344.00) would be refunded to the appellants' in whole, or in part. More specifically, if the appeal results in a modification to the project, other than changes specifically requested in the appeal, then ½ of the appeal fee shall be refunded to the successful appellant. The General Fund would bare the cost of the refund if the appellants' are successful.

ATTACHMENTS:

1. Letter of Appeal
2. Public Correspondence (11-18-08 CC Meeting)
3. Public Correspondence Pre-prepared Binder (11-18-08 CC Meeting)
4. P.C. Resolution No. 2008-34 (MND and MMP)
5. Environmental Assessment (Initial Study/MND)
6. P.C. Resolution No. 2008-35 (Project and Conditions of Approval)
7. October 14, 2008 PC Staff Report
 - Draft PC Resolutions and Conditions
8. October 14, 2008 PC Minutes
9. September 23, 2008 PC Staff Report
 - Draft Conditions of Approval
 - Noise Study
 - Shadow Study
 - Supplemental Parking Data
10. September 23, 2008 PC Minutes
11. July 22, 2008 PC Staff Report
12. July 22, 2008 PC Minutes
13. June 24, 2007 PC Staff Report
 - Traffic Study
 - City Traffic Engineer Memo
14. June 24, 2008 PC Minutes