

RESOLUTION NO. 2009-10

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 SANCUTARY 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

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.

/s/ Larry Clark
Mayor

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

City Clerk