



CITY OF RANCHO PALOS VERDES

TO: HONORABLE MAYOR & CITY COUNCIL MEMBERS

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

DATE: DECEMBER 16, 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 

Project Manager: Leza Mikhail, Associate Planner 

RECOMMENDATION

Staff recommends that the City Council:

- 1) Affirm the Planning Commission's conditional approval of the SJF master plan in terms of proposed building design, size, height and layout;
- 2) Consider modifications to the Planning Commission's conditions of approval to further minimize impacts raised by the surrounding property owners with regards to the project's parking, lighting, noise, and the sanctuary building's bulk and mass; and
- 3) Close the public hearing and direct Staff to bring back the appropriate resolution with final conditions of approval memorializing the City Council's decision at the next City Council meeting.

EXECUTIVE SUMMARY

On November 18, 2008, the City Council opened the public hearing for the appeal of the St. John Fisher Master Plan project that was approved by the Planning Commission on October 14, 2008. In addition, the City Council conducted a site visit at the St. John Fisher property on November 22, 2008. During both of these public hearings, the following issues were raised as a result of hearing public testimony and discussion amongst the City Council:

- Clarification on the appropriateness of certifying a Mitigated Negative Declaration (MND) as opposed to an Environmental Impact Report (EIR) – CEQA Process
- Clarification on the adequacy of the photo simulations that were presented by the Applicant and Appellants
- Clarification on the need for the stairs at the corner of Crest Road and Crenshaw Boulevard
- Further explanation on how the St. John Fisher required parking meets the parking demand for the St. John Fisher Master Plan within the confines of the RPV Development Code
- The need for a formal response from the City's Traffic Consultant regarding the letter submitted by the City of Rolling Hills Estates
- Research of the possibility of requiring the Applicant to pay for additional trees within the public right-of-way along the west side of Crenshaw Boulevard

Staff is now providing additional information addressing the abovementioned items of concern.

As a result of the additional analyses that were submitted to the City and reviewed by Staff, Staff believes that no substantial evidence has been submitted that indicates that the St. John Fisher Master Plan will result in significant adverse impacts to the environment or the surrounding neighborhood with the imposition of the Planning Commission approved mitigation. As such, Staff is recommending that the City Council affirm the Planning Commission's conditional approval of the St. John Fisher Master Plan in terms of height, size and layout of the proposed sanctuary. However, in response to the issues raised, Staff is recommending that the City Council consider modifications to the conditions of approval to further mitigate the impacts and concerns raised by the Appellants.

BACKGROUND

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 having recused himself, 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 the public hearing on the Appeal was published in the *Peninsula News*. The Notice of the Appeal hearing 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 list-serve subscribers.

On November 16, 2008, the City Council opened the public hearing on the appeal. 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.

On November 22, 2008, the City Council conducted the continued public hearing, which was a site visit at the St. John Fisher property. Staff discussed the existing facilities, the proposed project and elements of the proposed Master Plan and issues that have been raised throughout the public hearing process, including, but not limited to, the following: 1) an explanation of the existing buildings that will remain, be remodeled or be demolished, 2) an explanation of the existing parking locations and proposed parking locations, including seasonal/peak parking on-site and overflow parking off-site, 3) site design and site constraints, 4) fire department requirements, including fire lanes and fire access, and 5) visibility of the highest portion of the proposed sanctuary as seen from various points throughout the surrounding neighborhoods, as represented by a "cherry-picker" set at the approved height (60 feet) and location.

At the conclusion of the site visit, the City Council continued the public hearing to December 16, 2008.

All of the previous P.C. Staff Reports, along with their attachments, associated studies and approved Planning Commission Minutes were attached to the November 16, 2008 City Council Staff Report. Only new information or public comments received since the November 16, 2008 City Council meeting are attached to this Staff Report.

DISCUSSION

As noted earlier, ten (10) residents who reside near the St. John Fisher property have appealed the Planning Commission's conditional approval of the proposed St. John Fisher Master Plan. Within the body of the previous November 16, 2008 Staff Report, Staff 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.

In light of the various issues that have been raised by the public and the City Council at the November 16, 2008 and November 22, 2008 City Council meetings, Staff has devoted this report to more specifically address or explain these issues.

CEQA Process

As discussed in the November 16, 2008 Staff Report, the proposed Master Plan and

related development constitutes a “project” requiring compliance with the California Environmental Quality Act (CEQA). As noted in Pub. Res. Code § 21080(a), CEQA applies to discretionary projects proposed to be carried out or approved by a public agency. As identified in the CEQA Guidelines § 15378(a), “projects” are defined as *“the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.”* 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 and any environmental impacts that may occur as a result of the proposed activity.

There are three fundamental determinations that the Lead Agency must make when a proposed activity is considered a “project” under CEQA. (1) First, the Lead Agency shall determine if the project is statutorily or categorically exempt from CEQA. Categorical Exemptions are listed under Article 19 of the CEQA Guidelines, §§ 15301-15332. (2) Next, if the project is determined not to be exempt, as was the case with the St. John Fisher Master Plan project, an Initial Study shall be prepared to analyze whether the project may result in significant environmental effects. (3) Finally, depending on the results of the Initial Study, a Negative Declaration, Mitigated Negative Declaration or Environmental Impact Report (EIR) shall be prepared (Flowchart of CEQA process attached.)

As noted in the November 16, 2008 Staff Report, Staff prepared an Initial Study for the proposed project by using the Environmental Checklist Form that was adopted by the City and recommended by the CEQA Guidelines. The results of the Initial Study, which was prepared by Staff, determined that the proposed project will not result in or create any significant adverse environmental 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. Staff determined that all 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 assessing the proposed project’s potential environmental impacts.

As referenced in Pub. Res. Code § 21080(c), an EIR is not required if the Initial Study demonstrates that no significant impacts will occur as a result of the proposed project, which cannot be mitigated to an insignificant level by the imposition of mitigation measures. As stated in Pub. Res. 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.”

In general, a City must require the preparation of an EIR 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 Pub. Res. 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.*”

The MND is based upon a Traffic Study and Parking Analysis, both of which were prepared by professional consultants, that conclude that there would be no adverse traffic or parking impacts as a result of the proposed project. Furthermore, 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 impact level with the incorporation of appropriate mitigation measures into the project. In the opinion of Staff, during the MND’s formal comment period, as well as the entire public hearing process before the Planning Commission, 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 prepared by a professional consultant concluded that noise impacts from the proposed carillon bell would not be significant. This affirmed the MND’s conclusions regarding noise impacts. Furthermore, a shadow study conducted by a professional consultant concluded that no portion of the proposed sanctuary building would create shadows that would affect any surrounding residential properties. This affirmed the MND’s conclusions about the projects bulk and mass. As a result of considering all evidence presented in the record, the Planning Commission certified the Mitigated Negative Declaration.

If an EIR were prepared for the project, the EIR would contain the same studies that have been prepared thus far. Thus, since the conclusions of the studies would not change, an EIR would also conclude that the proposed project would not have a significant effect on the environment if the appropriate mitigation measures were incorporated.

Furthermore, while an EIR does contain an analysis of alternatives to the proposed project, the fact that an MND has been prepared for this project does not prevent the City Council from directing Staff and/or the Applicant to explore alternative designs that, in the Council's opinion, further mitigate any potential significant adverse impacts. This is because the MND analyzed a "worst case" scenario. Thus, if the City Council wishes to modify the project in any manner to further minimize impacts that already have been analyzed in the initial study and mitigated to an insignificant level, recirculation of the MND is not necessary. (State CEQA Regulation 15073.5(c).)

On the other hand, if new, avoidable significant environmental impacts have been identified after the MND was circulated that can be mitigated to an insignificant level through the imposition of new mitigation measures, or if additional mitigation measures are needed to mitigate a previously identified impact to an insignificant level, then the MND must be revised and recirculated. (State CEQA Regulation 15073.5(b)).

In certifying the MND, the City Council must review the document and independently determine if it currently complies with CEQA. It is Staff's opinion that the MND has mitigated all significant environmental impact to an insignificant level, and that an EIR is not necessary for this project. However, if the City Council disagrees with Staff, the City Council needs to determine whether new mitigation measures must be incorporated into the MND (followed by recirculation) to make it legally adequate, or whether an EIR must be prepared. If the City Council does not certify the current MND or a revised MND, or an EIR for this project, then the project cannot be approved, and the Planning Commission's determinations are of no further effect.

New Photo Simulations from Appellant's and Applicant

At the November 16, 2008 public hearing, the City Council identified concerns relating to the photo simulations that were supplied by both the Appellants and the Applicant. Specifically, the City Council questioned which photo simulation was most accurate or best depicted the proposed sanctuary, as viewed from the surrounding neighborhood. At this meeting, the City Council directed the Applicant, Appellants and Staff to discuss the accuracy of the photo simulations at the next public hearing.

On November 22, 2008 the City Council conducted a site visit at the St. John Fisher property in order to become familiar with the existing development, the proposed development and the visibility of the steeple portion of the sanctuary within the surrounding neighborhood. To assist the City Council in visualizing the proposed sanctuary height, the applicant agreed to provide a "cherry picker" in the location of the steeple. The "cherry picker" represented the tallest point of the steeple (not including the 14'-0" high cross on top of the steeple) for the purpose of viewing the location and height of the proposed steeple from the surrounding neighborhood. During the walk throughout the neighborhood, it became apparent to Staff that there were slight discrepancies between the location of the "cherry picker" and the location of the sanctuary steeple depicted in the photo simulations that were provided by both the Applicant and the Appellants.

After the site visit meeting was adjourned, Staff met with the Applicant's architect and

the architect commissioned by the Appellants in order to address the discrepancies that were apparent in their respective view simulations. Staff requested that both Architects revisit their photo simulations based on the location of the "cherry picker" that represents the most current location of the proposed sanctuary. In order to ensure the accuracy of the "cherry picker" location, Staff required the applicant to erect the "cherry picker" again, two days after the November 22, 2008 site visit, and have it certified by a licensed surveyor for location and height (Certification Form attached). Staff informed both architects that new photographs taken by Staff (attached), along with the requested coordinates (longitude and latitude) and grade elevations of the exact locations of the new photographs, would be provided to both architects to use when revisiting the accuracy of their respective photo simulations. Additionally, the architects were informed that Staff would take new photographs of the "cherry picker" from the same locations of the photographs previously taken by Staff when the original silhouette was erected and from the locations/views of the photo simulations that have been presented in the record thus far, with the exception of one additional photograph that was taken along Gary Long's side yard. For clarification purposes, Staff's photographs were taken with a digital camera. The camera was not zoomed when the photographs were taken (35 mm).

On December 8, 2008, Staff received the revised photo simulations from the Applicant's architect and the Appellants' architect (attached). The photo simulations are different because the Appellants have stressed that their intent is to produce a photo simulation that depicts the massing of the sanctuary, whereas the Applicant's intent is to provide a depiction of the sanctuary that includes structural articulation, coloring and the landscaping required by the Planning Commission. Both architects used the photographs that were supplied by City Staff as the basis of their photo simulations. On December 9, 2008, Staff exchanged both sets of photo simulations with the Applicant and Appellants'. As a result of this exchange, Staff received additional information from the Applicant, whereby both sets of photo simulations were overlaid (attached) to show the differences. This proved to be very helpful in Staff's assessment of the accuracy of the photo simulations.

After viewing both sets of photo simulations in conjunction with the overlaid photo simulations submitted by the Applicant, Staff believes that the location of the steeple and cross appear to be fairly accurate in both the Applicant's and Appellants' photo simulations. However, the depiction of the sanctuary and steeple mass, as seen from certain angles in the Applicant's and Appellants' simulations, seem to vary. Staff also overlaid the newest photo simulations with the original photographs taken by Staff in order to assess the consistency of the photo simulations with the certified "cherry picker" illustrated in Staff's original photographs. As a result of this exercise, it appears that the height of the sanctuary in both the Appellants' and Applicant's simulations line up with the height of the certified "cherry picker" in Staff's photographs.

The discrepancies in the building and steeple massing that exist between the two simulations are due to a number of factors. One, the Applicant's architect and the Appellants' architect admit that they are using different computer programs to create their visual simulations. Furthermore, most importantly, the Appellants' architect is not privy to the detailed building plan information that the Applicant's architect was able to utilize in creating their simulation. Without the same detailed information as the

Applicant's architect, the Appellants' architect must make more inferences and assumptions in creating the visual simulation. Furthermore, it appears that the Appellants' simulation does not reflect the final sanctuary and steeple design that was approved by the Planning Commission. Prior to the July 22, 2008 Planning Commission meeting, the Applicant revised the original design of the sanctuary and steeple by reducing the footprint, height and setbacks of the sanctuary and steeple. In addition, the Applicant significantly narrowed the tower element and reduced the architectural fins that projected from the building façade. It appears that the Appellant's 3-D model does not take these revisions into consideration in the latest photo simulations presented to the City.

Notwithstanding these minor discrepancies, the new, more accurate photo simulations submitted to the City affirm that the potentially significant impacts from the sanctuary's bulk and mass, which are demonstrated in the Appellant's photo simulations, can be mitigated to an insignificant level as a result of the 1) modifications to the height and location of the sanctuary, 2) the modifications to elements of the architectural design of the sanctuary and 3) the inclusion of landscaping, that are demonstrated in the Applicant's photo simulations.

Additional Information from Fire Department

As noted in the November 18, 2008 City Council Staff Report (pages 12-400 through 12-401), Staff researched various sections of the California Building Code and discussed the proposed stairs and ramp at the corner of Crest and Crenshaw with the City's Building Official and the Fire Department. As a result of the research, Staff concluded that the stairs and ramp are necessary to meet the California Building Code and Fire Department requirements.

At the November 22, 2008 City Council site visit, the Appellant's representative questioned the Fire Department's requirements for the stairs. In order to address the Appellant's concerns regarding the Fire Department's requirements, Staff subsequently contacted the Fire Department and requested the applicable Fire Code Sections (attached). In addition, the Fire Department representative provided a copy of the County of Los Angeles Fire Department Fire Code Standard No. 10.207 (B) (attached) and a statement (attached) that notes that unobstructed Fire Department access is required within 150 feet of all portions of the first-story, exterior walls of a building (§ 902.2.1 of the LA County Fire Code). In addition, LA County Fire Code § 902.3.1 states *"an approved access walkway leading from fire apparatus access roads to exterior openings required by this code or the Building Code shall be provided when required by the Chief."* It should be noted that the Fire Department considers the public right-of-way a fire apparatus access road. Ultimately, the Fire Department reviewed, recommended and approved the stairs as an access walkway leading from the fire apparatus access road (public right-of-way), up the steep hillside terrain to the exterior of the new sanctuary, within a maximum of 150 feet.

In discussions with the Fire Department, Staff questioned whether the proposed ramp could be utilized by the Fire Department for access to the proposed sanctuary or if any other feasible alternative could be considered. The Fire Department's representative

stressed that in the case of an emergency, requiring firemen to proceed up a switch-back ramp while carrying heavy equipment was neither feasible nor acceptable by the Chief when access stairs could be provided. In addition, the Fire Department's representative noted that a better alternative that meets the requirements of the Fire Code and is acceptable to the Chief has not been presented.

Additional Parking Information

As noted in previous Staff Reports, 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 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, organized 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 Development Code was applied to the proposed Master Plan 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. This section of the code is cited below in *italics*:

17.50.030 Joint Use and Common Parking Facilities

The Planning Commission may permit the joint use of parking facilities to meet the standards for certain uses under the following conditions:

- (B) The parking facilities required for a primarily daytime use or for specific days of use may be used to satisfy up to fifty percent of the requirements for a church or school auditorium subject to requirements set forth in Section 17.50.030(C) of this chapter.*
- (C) The parties concerned shall show that there is no substantial conflict in the principal operation hours of the building or uses for which the joint use is proposed and shall evidence agreement for such use by a property legal instrument to which the city is a party*

As noted above, and as addressed in further detail in the July 22, 2008 Planning Commission Staff Report (pages 12-949 through 12-952 of the November 18, 2008 City Council Staff Report), the primary daytime use of the St. John Fisher property that was analyzed in the parking study is 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. It is important to note that the school is an active participant in a parochial sports league (Catholic Youth Organization) that is available to the school attendees in grades 6 through 8. The Applicant's parking analysis notes that the school currently utilizes outdoor sports courts (basketball and volleyball) for conducting organized games. The St. John Fisher Master Plan proposes to move the games into the proposed gymnasium. Due to the potential use of the gymnasium during school hours and after school hours by the parochial school sports league, Staff determined the gymnasium to be a primary daytime use. In addition, the Applicant's parking analysis takes into

account the use of the gymnasium after school hours. Although the parking analysis and required parking for the primary daytime uses factors in a code required parking need for an assembly area within the gymnasium, the size constraints of the remodeled gymnasium building inhibit the ability to accommodate bleacher seating. Further, the Applicant has noted that the only seating that will be available in the gymnasium during the parochial school sports league games is a bench on the sidelines of the sports court for parents to watch their children's sports games. Therefore, the Applicant has provided the required parking for the assembly space within the gymnasium as addressed in further detail below and in the Applicant's parking analysis.

In addition to the primary uses noted above, Staff identified additional ancillary uses within the St. John Fisher property that should be included in the parking analysis. These ancillary uses include the rectory (single-family residence), new library and the assembly spaces of the Barrett Hall, Fireside Room and Multi-purpose room. Staff required that the Applicant include these uses in a parking analysis in order to gain a thorough understanding of how the existing facilities are operated and how the proposed facilities will be operated, while ensuring that adequate on-site parking will be provided (see 17.50.030(C) above) at all times.

The Applicant is proposing to provide 331 parking spaces along the southern portion of the subject property to meet the "worst case" parking demand identified by the detailed analysis that was prepared by the Applicant 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, the demand for 331 parking spaces would exist every Sunday between 10 AM and Noon. This worst-case scenario assumed the new sanctuary filled to capacity (870 persons) and used in conjunction with religious education classes.

In order to better explain how the proposed parking meets the parking requirements of the Development Code's joint use parking allowances (Section 17.50.030 above), Staff has provided an explanation of how the code was applied to the required parking for St. John Fisher based on the primary daytime use(s) during the week.

The primary daytime 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. Considering the fact that the St. John Fisher School is a member of the Catholic Youth Organization and participates in various sport leagues available to the children 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. As detailed on page 12-950 of the November 18, 2008 Staff Report, the Development Code requires the following parking for these primary daytime uses:

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

In addition to these primary daytime uses, it was determined that other ancillary uses would be occupied by school attendees during regular school hours. Further, due to the fact that organized groups utilize the St. John Fisher facilities after regular school hours, Staff required the Applicant to address the parking needs for all ancillary uses on the site (i.e. Barrett Hall, the Rectory, the Fireside Room, the Library and the Multi-purpose Room). The purpose of the parking analysis was to demonstrate that there would be no substantial conflict in the principal operation hours of the building or uses for the joint use of the St. John Fisher property, as required by Section 17.50.030(C) of the Development Code (referenced above). As noted above, the required parking for the primary daytime use(s) between Monday through Friday is 184 spaces. The Applicant provided 331 parking spaces, leaving a surplus of 147 additional parking spaces along the southern portion of the subject property 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.

Although the Applicant's parking analysis demonstrates that the parking needs for the site will be met with the provision of 331 parking spaces, the Planning Commission felt the need for a cushion of additional overflow parking in case more than 331 parking spaces were needed on special occasions. In response, the Applicant identified locations on the site that could accommodate an additional 61 overflow parking spaces in order to address concerns raised by the public and the Planning Commission. The Planning Commission required that these overflow parking areas be provided through conditions of approval. As noted in the Applicant's latest letter, the Applicant is now requesting that the City Council modify the Planning Commission conditions of approval so that the portion of the overflow parking that is proposed to occur in the present school courtyard (38 spaces) be eliminated. Although required by the Planning Commission to address the public concerns, the additional 61 overflow parking spaces are not considered necessary for the St. John Fisher Master Plan to meet the parking demands identified in the Applicant's parking analysis. Thus, if the City Council agrees to eliminate these 38 additional overflow spaces, the minimum required parking for the St. John Fisher Master Plan is still being provided (331 spaces). Furthermore, the MND conclusions would not change, as the overflow parking went beyond the conclusions made in the parking analysis that was reviewed and approved by the City's Traffic Consultant.

In addition to the overflow parking proposed by the Applicant, the Planning Commission required that a legal agreement be entered into between St. John Fisher and the abutting 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 on an as-needed bases.

Additional Traffic Information

On June 18, 2008, the City received comments from the City of Rolling Hills Estates on the Traffic Study prepared by KOA Corporation and subsequently reviewed and approved by the City's Traffic Consultant (pages 12-1202 through 12-1204 of the November 18, 2008 City Council Staff Report). On June 19, 2008, Staff forwarded the

comments to the City's Traffic Consultant and requested that they be prepared to answer any questions that the Planning Commission may have at the September 23, 2008 public hearing (see attached email).

At the November 18, 2008 City Council public hearing, the Appellant's noted that a formal written response to the comments received from the City of Rolling Hills Estates was not prepared. In order to address this concern, Staff requested that the City's Traffic Consultant provide a written response to the City of Rolling Hills Estates comments. In addition, in response to one of the comments contained in the City of Rolling Hills Estates letter, the Applicant's Traffic Consultant provided an updated cumulative traffic analysis (attached) that included four additional projects within the City of Rancho Palos Verdes and within a 2-mile driving radius of the subject property. The supplemental traffic memorandum concluded that, even with the addition of the four cumulative projects, the outcome would not change, as there would be no cumulative projects impacts at the study intersection or roadway segments. This supplemental memorandum was forwarded to the City's Traffic Consultant for review. The City's Traffic Consultant has reviewed and approved the updated cumulative traffic analysis.

On December 8, 2008, Staff received a formal written response from the City's Traffic Consultant (attached) addressing the comments identified in the letter from the City of Rolling Hills Estates. Specifically, the City's Traffic consultant noted that 1) the Traffic Study recently addresses additional cumulative projects within the City of Rancho Palos Verdes that did not alter the conclusions of the Traffic Analysis, 2) the City of Rancho Palos Verdes allows for the analysis of roadway segments based on average daily traffic, and Table 2 of the Traffic Analysis indicates the LOS for the roadway segments based on weekday and Sunday daily volume, 3) the Traffic Analysis should clarify how the roadway segment was completed for clarification purposes, and 4) the Traffic Analysis identified the construction haul route (page 21).

The City Traffic Consultant's conclusions, with regard to the City of Rolling Hills Estates comment letter and the updated cumulative traffic analysis, affirmed the previous findings that the St. John Fisher Master Plan project would not have any significant adverse impacts to traffic, circulation or the environment.

Additional Landscaping Information

At the November 22, 2008 City Council site visit, the City Council, Staff, the Applicant and the Appellants visited the rear yards of the two closest properties to the proposed sanctuary building within the Island View neighborhood. As a result of visiting the back yards of these properties, Councilman Stern asked about the feasibility of planting trees within the public right-of-way, along the west side of Crenshaw Boulevard, in order to provide additional screening of the sanctuary steeple from these properties. In response to this inquiry, Staff asked the City's Public Works Department to investigate the feasibility of installing trees within the public right-of-way, along the west side of Crenshaw Boulevard.

On December 4, 2008, Staff received a memorandum (attached) from the Public Works Department noting the following:

- The public right-of-way along the west side of Crenshaw Boulevard, south of Crest Road extends 8 feet beyond the curb.
- The entire 8-foot right-of-way segment in front of the two properties visited on November 22, 2008 is dedicated to an asphalt sidewalk.
- The 8-foot wide asphalt sidewalk can be reconstructed to a 4-foot wide sidewalk and the remaining 4 feet can be planted with trees.

Staff requested that the Public Works Department provide a rough cost estimate to modify the existing sidewalk adjacent to the homes closest to the sanctuary (Mr. Long and Mr. Blond) to allow the trees to be planted within this area of the public right-of-way. According to Public Works, the total cost estimate for planting 20, 24-inch box trees in tree wells, cut into the existing sidewalk, would be approximately \$18,500. If the City Council feels that the additional landscaping within the public right-of-way would further minimize the view of the proposed sanctuary building from these properties, Staff would recommend a condition of approval requiring the Applicant to provide a Trust Deposit to the City in the amount of \$18,500 for the reconstruction of the sidewalk and the planting of trees within the public right-of-way, along the west side of Crenshaw Boulevard.

Modifications to Conditions of Approval

Since the November 16, 2008 City Council meeting, Staff has received three sets of proposed modifications to the P.C. Resolution No. 2008-35 conditions of approval from the following people: 1) the Applicant, 2) the Appellants and 3) Douglas Butler. The proposed modifications are attached for the City Council's review. It is important to note, the Applicant has proposed to turn the lighting of the steeple off at 10 PM, with the exception of Christmas Eve and Easter Vigil. In addition, the Applicant has proposed to limit the decibel level of the carillon bells to 50 dBA at the St. John Fisher property line.

ADDITIONAL INFORMATION

Carillon Bells

At the request of Councilman Steve Wolowicz, the Applicant set up a date and time (December 1, 2008) to erect and play the proposed carillon bells on the subject property. The Applicant, Councilman Wolowicz and Staff walked throughout the neighborhood for a period of one hour while the carillon bells were being played at the respective height and location that was approved by the Planning Commission. During the demonstration, Staff utilized a hand-held decibel meter to assess the sound of the bells. The sound reading obtained by Staff were consistent with the sound levels documented in the Sound Study. The exercise of walking around while the carillon bells played also seemed to demonstrate that the ambient noise at the intersection of Crest Road and Crenshaw Boulevard would be louder than the bells.

Correspondence Received:

Since the November 18, 2008 City Council meeting, Staff has received 58 additional comment letters (attached). The majority of the correspondence continues to raise

address concerns regarding the height and/or mass 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 Staff Reports and/or the 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/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

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 bear the cost of the refund if the appellants' are successful.

ATTACHMENTS:

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

1. "Cherry Picker" Certification Form
2. Staff's Photographs of Certified "Cherry Picker"
3. Applicant's Revised Photo Simulations
4. Appellants' Revised Photo Simulations
5. Overlaid Photo Simulations submitted by Applicant
6. Additional Information from Fire Department
7. Additional Information for Religious Education
8. Formal Response to City of Rolling Hills Estates
9. Supplemental Traffic Analysis and Comments
10. Landscaping along West Side of Crenshaw Boulevard
11. Proposed Modified Conditions from Applicant
12. Proposed Modified Conditions from Appellants'
13. Proposed Modified Conditions from Douglas Butler
14. Additional Public Correspondence
15. Applicant's Pre-prepared Binder
16. Appellants' Pre-prepared Binder
17. Flowchart of CEQA Process