

**MINUTES**

**REGULAR PLANNING COMMISSION MEETING**

**MARCH 17, 2003**

A regular meeting of the Planning Commission of the City of Rolling Hills Estates was called to order at 7:30 p.m. in the City Hall Council Chambers, 4045 Palos Verdes Drive North, by CHAIRMAN SOMERS.

2. **PLEDGE OF ALLEGIANCE**

CHAIRMAN SOMERS led the assembly in the Pledge of Allegiance to the Flag.

3. **ROLL CALL**

Commissioners Present: Rein, Conway, Killen, Zerunyan, Bayer, O'Day  
Chairman Somers

Commissioners Absent: None

Staff Present: Director Wahba, Assistant Planner Tran

4 **APPROVAL OF MINUTES** (March 3, 2003)

COMMISSIONER ZERUNYAN, seconded by COMMISSIONER BAYER

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING of MARCH 3, 2003.

There being no objection, CHAIRMAN SOMERS so ordered.

5 **AUDIENCE ITEMS**

None

6. **CONSENT CALENDAR**

The following routine matters will be approved in a single motion with the unanimous consent of the Planning Commission. There will be no separate discussion of these items unless good cause is shown by a member of the Commission or the public expressed under audience items prior to the roll call vote. (Items removed will be considered under Business Items.)

- a. Waive reading in full all resolutions that are presented for Planning Commission consideration on tonight's agenda and all such resolutions shall be read by title only.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER KILLEN

TO APPROVE THE CONSENT CALENDAR AS READ.

AYES: Bayer, Rein, Killen, Conway, Zerunyan, O'Day, Chairman Somers

NOES:

ABSTAIN:

ABSENT:

8. **BUSINESS ITEMS**

None

## 9. PUBLIC HEARINGS

### A. PLANNING APPLICATION NO. 04-03; APPLICANT: THE CONNOISSEUR; LOCATION: 627 SILVER SPUR ROAD; A CONDITIONAL USE PERMIT TO PERMIT WINE TASTING THAT IS INCIDENTAL TO A WINE-SELLING ESTABLISHMENT

At the meeting of March 3, 2003, the Planning Commission opened the public hearing, took public testimony, and continued the application to the next meeting to allow staff to work with the Department of Alcoholic Beverage Control (ABC) to obtain samples of conditions for approval of an alcoholic beverage license. The Commission also requested the following items:

- Draft resolution with conditions of approval;
- Additional census statistics of nearby cities; and
- Total number of existing alcoholic beverage licenses for restaurants in the City's Census Tract No. 6704.03. (Commercial District).

Planner Tran gave a staff report (as per written material) and recommended that the Planning Commission take public testimony; close the public hearing; discuss the issues; and adopt Resolution No. PA-04-03 recommending that the City Council approval Planning Application No.04-03.

COMMISSIONER KILLEN asked why Staff recommended the combination of wine tasting and classes be three times a month and how they came to that conclusion. Planner Tran responded it was their interpretation from the previous meeting that this was the Planning Commission's recommendation.

COMMISSIONER CONWAY stated that when this issue comes up again, in a year, the Commission can reconsider the issue. Planner Tran responded that the Commission could reconsider this issue of allowing additional "special event" times per month.

COMMISSIONER ZERUNYAN asked for clarification of what the Planning Commission is requested to do in this matter, in response to information presented in the Staff Report. Planner Tran responded that the Commission is requested to make a recommendation to the City Council to approve or deny the project.

COMMISSION ZERUNYAN again asked for clarification of their authority, based on the information as stated in the Staff Report. Director Wahba stated that the Planning Commission does review Conditional Use Permits for alcohol and this application is rather unique due to the differences in reviewing for a license for restaurants and on-sale and on-site consumption, that is the reason why it is a recommendation on the findings of necessity or findings of convenience. He further stated the Commission would be looking at the Conditional Use Permit uses in the resolution, reviewing the typical findings that the Planning Commission will make such as not being adjacent to a school, children's type of uses, hours of operation and parking, and reviewing typical items relating to the consumption of alcohol.

COMMISSION ZERUNYAN asked if the Planning Commission is recommending to the City Council to adopt the findings that the Staff Report suggests. He further asked if the City Council could add or subtract from the findings that are recommended, and whether or not the findings or recommendations would bind the City Council in any fashion or form.

Director Wahba responded to the questions that yes, the Planning Commission is recommending to the City Council and that City Council could add or subtract from the findings that are recommended. In response to COMMISSIONER ZERUNYAN's question of "binding" City Council, he stated that this would be a legal issue.

COMMISSIONER ZERUNYAN stated that the authority of making the findings as a matter of law does not lay with the Planning Commission. He stated that he is prepared to vote and suggest that these finding be part of the record of City Council. He asked if City Council could do as they will with findings, add, subtract and not be bound. Director Wahba stated that yes it was correct, that City Council could add and/or subtract as necessary.

CHAIRMAN SOMERS stated that the Public Hearing is still open and asked the applicant to sign in.

The applicant, Mr. Andrew Di Girgis, stated that he did have a concern on the conditions of approval of item No. 4 in the Staff Report to have live entertainment. He asked why this condition was included in the Staff Report.

Director Wahba suggested to the Commission that they might want to hear from the ABC representative because this issue goes along with this type of application.

COMMISSIONER CONWAY asked the applicant if this were the only issue he had with the Staff Report. The applicant indicated this was his only issue.

COMMISSIONER BAYER asked the applicant if he was satisfied with only three times a month to have the wine tasting. The applicant indicated that he had originally asked for seven times a month, but would like to be met halfway and four times a month would be satisfactory at this time.

The ABC representative, Mr. Richard Henry, stated that he was present to answer any questions. He indicated he was questioning the reasoning for having live entertainment when the intent was to taste wine for purchase.

COMMISSIONER KILLEN commented that he felt the distinction in this application is referring to special wine tasting events or classes, where they would be a group of people assembled to be educated on how to select wines with a dinner, and felt it does differ from buying a case of wine, they may want to taste first. He stated that he felt the Commission is to try to limit having events at the location and the live entertainment may go along with the weekly events.

Mr. Henry responded that there is a reference to limitation to live entertainment is routine to issuance of an ABC license is incorrect. He stated that live entertainment restrictions on any license is as a result of disturbance of persons in close proximity to the location.

COMMISSIONER CONWAY stated that any questions he may have had were stated in the Staff Report and he was in support of the recommendation to City Council.

COMMISSIONER KILLEN asked in regard to other cities and how do they determine licenses that are permitted in areas and how many are actually permitted in areas. He stated that the permitted sales throughout the City of Rolling Hills Estates on-premise sales and permitted off-premises sales is well below the set limits in comparison to other cities. He asked Mr. Henry if this were common.

Mr. Henry responded that it is uncommon to count the entire city for licenses permitted if one took a look at the census tracts based on population. He stated the statue is misconstrued, and one would want to put these licenses in the areas that are in commercial and industrial areas, consequently you would have over concentration in particular census tracts that do not have population but are geared for commercial purposes, and the findings of public necessity or public convenience that may be served by placing another license in an over concentrated area.

Ms. Peggy Bacon, resident, asked if this was the wine store upstairs from the yogurt store, where the high school students hang out and if so, can the wine parties be done at a time when the high school students are not present. She additional asked if the signs could be placed on in a location where the high school students cannot see them.

CHAIRMAN SOMERS stated the address of the applicant, as 627 Silver Spur Road, Suite 300.

COMMISSIONER BAYER responded that the wine tasting classes would be conducted after business hours from 7:00 p.m. to 10:00 p.m.

Mr. Sandy French, President of the Connoisseur Franchise Corporation in Redondo Beach, stated that he did not want the wine tasting to get too carried away. He has been in the Redondo Beach location for 28 years and they are a specialty wine company. He stated that in order for their clients to order their wine for specialty events, it is necessary to taste the wine. The customers have special labels made on the bottles, for weddings, corporate events, but the customer always wants to be assured that the wine they are presenting is a good wine. The age for wine tasting is 21 years of age; therefore the high school students would not be allowed to come in. The issue of the live entertainment he wished had not been brought up, because in 28 years the only live entertainment they have had was a two-piece band to sing Happy Birthday.

CHAIRMAN SOMERS asked if there was anyone else wishing to speak.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER KILLEN

TO CLOSE THE PUBLIC HEARING FOR PLANNING APPLICATION NO 04-03.

AYES: Bayer, Rein, Killen, Conway, Zerunyan, O'Day, Chairman Somers  
NOES:  
ABSTAIN:  
ABSENT:

COMMISSIONER BAYER moved, seconded by COMMISSIONER KILLEN

TO ADOPT RESOLUTION PA 04-03 RECOMMENDING CITY COUNCIL APPROVE PA 04-03 WITH WINE TASTING EVENTS TO BE FOUR TIMES A MONTH INSTEAD OF THE STAFF RECOMMENDED THREE TIMES.

AYES: Bayer, Rein, Killen, Conway, O'Day,  
NOES: Zerunyan, Chairman Somers  
ABSTAIN:  
ABSENT:

Director Wahba stated that the Planning Commission has approved Resolution PA 04-03 and will be presented to City Council for review and adoption at the first meeting in April 2003.

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CHAIRMAN SOMERS discussed the procedures for the PA-29-01 meeting. It would begin with the presentation of the of the Staff Report, followed by opening of the meeting for public testimony, presentations by the applicant and Homeowners Coalition, and other public comments. He stated that in order to be fair to all parties, the public comments would be afforded 30 minutes for those in favor of the project and 30 minutes for those opposed to the project. He stated that he would like to have the Commission begin their discussion by about 10:30 p.m.

B. PLANNING APPLICATION NO. 29-01; APPLICANT: ROLLING HILLS COVENANT CHURCH; LOCATION: 2221/2222 PALOS VERDES DRIVE NORTH. A REQUEST FOR TWO GENERAL PLAN AMENDMENTS TO CHANGE THE LAND USE DESIGNATION FOR CERTAIN PROPERTY WITHIN A GENERAL PLAN LAND USE DESIGNATION OF "LOW DENSITY RESIDENTIAL" AND "OPEN SPACE TO "INSTITUTIONAL", AND TWO RELATED ZONE CHANGES FOR SAME PROPERTY TO ALLOW 1) PROPERTY LOCATED IN THE RESIDENTIAL (RA-20,000) ZONING DISTRICT (ON THE NORTH SIDE OF PALOS VERDES DRIVE NORTH, EAST OF PALOS VERDES DRIVE EAST AND ADJACENT TO THE PROPERTY AT 2221 PALOS VERDES DRIVE NORTH AND 2) PROPERTY LOCATED WITHIN THE "OPEN SPACE RECREATION" (OSR) ZONING DISTRICT (LOCATED ON THE SOUTH SIDE OF PALOS VERDES DRIVE NORTH, EAST OF PALOS VERDES DRIVE EAST AND ADJACENT TO THE WEST OF PROPERTY AT 2222 PALOS VERDES DRIVE NORTH) TO BE REZONED TO "INSTITUTIONAL", A VARIANCE TO EXCEED THE HEIGHT LIMIT OF THE INSTITUTIONAL ZONE FOR A PROPOSED 5-LEVEL, 500 SPACE PARKING STRUCTURE; A CONDITIONAL USE PERMIT TO ALLOW FOR THE CONSTRUCTION OF A NEW 2,250 SEAT SANCTUARY AND TO CONVERT THE EXISTING SANCTUARY TO A MULTIPURPOSE FACILITY AND FOR ADDITIONAL RELATED SITE IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO, DEVELOPMENT OF A "SERENITY GARDEN," ALTERATIONS OF SURFACE PARKING, DRIVEWAY ENTRANCE AND EXITS, LANDSCAPING AND RIGHT OF WAY IMPROVEMENTS; A NEIGHBORHOOD COMPATIBILITY DETERMINATION FOR THE PROPOSED BUILDING IMPROVEMENTS, A GRADING PERMIT TO EXPORT APPROXIMATELY 20,000 CUBIC YARDS OF EARTH FROM THE SITE AND, A SPECIAL USE PERMIT TO ALLOW ADDITIONAL EXTERIOR LIGHTING FOR THE PROJECT. THE PLANNING COMMISSION WILL CONSIDER THE INFORMATION PRESENTED IN THE FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) PREPARED FOR THE PROJECT. AT THE CONCLUSION OF THE HEARING, THE PLANNING COMMISSION WILL RECOMMEND TO THE CITY COUNCIL WHETHER TO

CERTIFY THE FEIR AND GRANT OR DENY THE REQUESTED GENERAL PLAN AMENDMENTS, ZONE CHANGES, VARIANCE, AND CONDITIONAL USE PERMIT, NEIGHBORHOOD COMPATIBILITY DETERMINATION, GRADING PERMIT AND SPECIAL USE PERMIT.

Director Wahba introduced Ms. Debra Linn, Project Planner for the Staff Report. Planner Linn gave a staff report (as per written material) and recommended that the Planning Commission open the public hearing; take public testimony; discuss the issues; close the public hearing; and direct Staff to prepare the appropriate resolutions, recommending that the City Council:

- a) Certify the Final Environmental Impact Report (FEIR); and
- b) Deny PA 29-01

Mr. Tony Locacciato, Principal of Impact Sciences, presented the Final Environmental Impact Report (as per written material).

CHAIRMAN SOMERS commented that he is a member of the Chandler Reuse Committee and there was a reasonable possibility that there may be construction that will take place at the Chandler site in the near future. He asked Mr. Locacciato why did the FEIR not consider development at this site.

Mr. Locacciato responded there are standards in CEQA for which projects need to be considered in the cumulative impact analysis. He stated there was a list of projects compiled and no proposed project at that site at the time the City began review. He stated there would be planning studies for the potential reuse of that site in the future.

COMMISSIONER CONWAY asked for a clarification on the parking numbers that are presented. The numbers equal 961 spaces. And in Response to Comments, in the FEIR, the main campus should be 688 parking spaces. The proposed facility North Campus surface parking at 255, and in Response to Comments, indicate 252 parking spaces. He further commented that subtracting 961 from 1,049 does not achieve 84 spaces. He also asked about Table 3, page 10, the Parking Requirements/Use Requirements. He asked about how the parking spaces were determined.

COMMISSIONER CONWAY asked about the multi-purpose facility is shown to be 9,745 sq. ft. of seating area, the entire existing sanctuary is 3,900 sq. ft., where did the 9,475 sq. ft. come from. The sanctuary, one space per 33 sq. ft. of seating area, it shows 14,595 sq. ft. of seating area though the sanctuary is 88,000 sq. ft. where does the 14,595 sq. ft. come from. In the Draft EIR there was an assumption made that there would be three passengers per car coming to the sanctuary, using that with 2,250 seats in that sanctuary, he comes up with 750 parking spaces. He requested clarification.

Ms. Linn responded that they would research this and get back to him. Mr. Locacciato, also responded that the traffic experts tried to complete the complicated math in the traffic and parking study, and they tried to provide further explanation of how those calculations were arrived at. He stated that the parking analysis looked at the peak parking demands on a Sunday, given the proposed schedule of activities and the overlap of those activities.

COMMISSIONER CONWAY asked about the "full" sanctuary and requested further clarification. He asked about what is considered "full" – 68% of the full condition in the existing "full" condition or 2,250 seats.

Mr. Locacciato responded referenced a Table in the FEIR, Figure 5, that follows page 3-120 or rather Table 5. This table tries to summarize those by the peak parking demand and showing the assumptions and listing the key assumptions underneath, which includes average vehicle rider ship, capacity and use of the facility.

COMMISSIONER CONWAY stated that 68% of the 2,250 seats is full capacity.

Ms. Linn responded to COMMISSIONER CONWAY'S question on Table 3, on page 10 of the Staff Report, the parking code for the Institutional zone sets forth the parking requirements for the sanctuary space at one space per 33 sq. ft. of seating area. The information comes from the applicant provided square footage breakdown allocation for both of the facilities to derive the seating area, which is what the parking code is based on. She stated that the information came from the project architect and is available for review in project files.

COMMISSIONER CONWAY calculated that 68% of 2,250 seats divided by three would be about 500 spaces.

Ms. Linn stated that in the appendix section there is a breakdown of the square footage in the seating area in Appendix D of the technical appendices for the multipurpose facility. Mr. Locacciato added that there is a floor plan that was provided in the FEIR which shows the layout of the basketball court and bleacher seats and calculates that assuming separation on the seats of 18 inches, one could get 234 people on the bleachers for a basketball game, and with spacing of 22 inches one could get 190 people.

COMMISSIONER CONWAY stated that if the bleachers are pushed against the wall and there is only an open seating area, are we *multiplying* or *dividing* by 33 sq.ft. to determine the parking. Ms. Linn responded that the seating area was derived on how much seating area there would be with bleacher seating within the multipurpose facility.

COMMISSIONER CONWAY asked whether the appendix referencing this information is Appendix D. Mr. Locacciato stated that the FEIR in Appendix D shows the floor layout of the basketball court for the seating arrangements and the calculations for seating capacity.

COMMISSIONER CONWAY stated it may be there but would it show the 9,745 sq. ft somewhere. Ms. Linn responded that they would bring the detailed breakdown that was provided by the project architect.

COMMISSIONER O'DAY asked for clarification on separate parking for office staff. Ms. Linn responded that the parking code does not describe a separate parking requirement for office space, it only describes parking requirements for sanctuary space, other assembly areas, such a high school, gymnasium and things of that nature, and then does describe a parking requirement for the preschool and the daycare, which are included in Table 3 Parking Analysis.

COMMISSIONER O'DAY stated that he remembered classrooms in the lower area, and the count of three occupants per car, in some of those will be children in the classroom at the time, and therefore perhaps cause some of the calculations to be off.

Mr. Locacciato responded that in relation to the parking demand, again focusing that analysis was on the peak parking requirements on Sundays, and that considers the scheduled worship services, the overlap of those the timing and proposed attendance at adult classes that would be permitted in between, in use of that multipurpose facility for youth and child classes, so that was all considered in the peak parking demand analysis, of course those attending youth and child services will be driven in cars their parents are driving, so that was factored in.

COMMISSIONER CONWAY asked if he could do one follow-up question. He stated he did a little bit of quick math, approximately 68% of full capacity, or 68% of 2,250, which is full capacity is 1,575 seats, and the DEIR report, and the FEIR indicated a ridership of three per vehicle, so it seems that a minimum we should have 525 parking spaces for the sanctuary, though only 442 are being required. He requested they need to address that as a condition. He further asked if there is an explanation why one methodology was used as opposed to the other.

Ms. Linn responded that staff is required to analyze the project based upon the requirements of the zoning code and these were the requirements. Due to the fact that this project is requiring approval of the Conditional Use Permit, the Planning Commission has the authority to impose conditions to require additional parking if they believe it is warranted.

Mr. Locacciato stated that there are a couple of methodologies used. The staff report looks at the code requirements, as the City's code is 1,001 spaces. The purpose of the EIR to determine if the parking is adequate and whether there would be any adverse impact related to the parking supply not being sufficient. The analysis looks at the specific uses and activities purposed on Sundays, and calculates that peak parking demand and as a result, the code required parking is 1,001 spaces. The parking analysis determines there be 1,017 peak parking spaces required in addition to such key impacts of the project that the third party consulting traffic engineer did a set of calculations, and that came up with 1,025 for the peak parking demand. The calculations that the applicant's traffic engineer did looked at 15 minute increments, the City Traffic

Engineer did five minute increments and we recalculated everything. So we have a code requirement of 1,001 spaces, we show parking analysis looks like the peak on a Sunday being between 1,017, 1,024, 1,025 spaces, and 1,049 spaces are the most. So based on all that analysis the conclusion in the parking analysis supply would be adequate to meet the demand of the project that's proposed.

COMMISSIONER CONWAY stated he was not convinced of the 1,049 but felt it was 1,046. He stated that it goes back to verifying those numbers on Table 1.

CHAIRMAN SOMERS asked Mr. Locacciato why the EIR did not consider the fact that the Rolling Hills Covenant Church could move to an off site location. Mr. Locacciato responded that what they went through in the Alternative Section were the requirements in CEQA. In the requirements the EIR needs to look at alternatives that can feasibly meet the basic objectives of a project while avoiding or lessening impact. The more feasible the alternatives are, the more analysis is provided in this case. The objective of the project for the Rolling Hills Covenant Church is to meet the needs of their congregation on this campus. Off-site and other locations aren't alternatives that can feasibly meet the basic objectives of the project and under Alternative Impact analyses is required for those alternatives that can't meet these basic objectives, and more analysis is required for those that could meet the basic objectives in the project.

COMMISSIONER KILLEN stated that one of his concerns is the scale of this structure as it relates to the community. The existing structures there are 35 feet, which exceed the 27-foot height for institutions. He asked if there was a Variance at one point granted for that for that 35-foot height limit. Director Wahba responded it required a Conditional Use Permit, per the "I" zone, that allows sanctuaries to exceed 27' under a Conditional Use Permit.

COMMISSIONER KILLEN moved, seconded by COMMISSIONER ZERUNYAN

TO OPEN THE PUBLIC HEARING.

AYES: Bayer, Rein, Killen, Conway, O'Day, Zerunyan, Chairman Somers

NOES:

ABSTAIN:

ABSENT:

CHAIRMAN SOMERS stated that when a speaker comes to the podium, they are to write down their name, address and then verbally state their name, and at least the city they live in, because due to the fact that this is on television, and they may not want to give their exact address. He wanted everyone to keep in mind that all Planning Commissioners have read everything presented to the Commission from the DEIR, the FEIR, and have read every single letter that has been presented by the public, except for the ones that were presented just before the meeting started.

Reverend Vergil Best, Pastor at Rolling Hills Covenant Church, said he has been part of the church for the last 33 years and thanked the Planning Commission for their leadership and service to the community.

He stated that while the Church wants to provide a large enough facility for those who choose to worship there, their vision is for the souls of the people and the community, and how they can better share the gospel and administer to them. He said that after seeing the staff report, understanding the EIR, and hearing from the community, they were now in a better situation to understand the project. He said that they had not had a chance to sit with the staff, hear what their thoughts were and spend time adjusting the project until they received the Staff Report, which was received at the same time as everyone else, nor did they have input into the EIR, the Draft or the Final, outside of the public meeting, and the time they could address it by letters. He said that they have not had adequate time to design the project as explained in the EIR and had they had that opportunity the project could of been different to some extent.

He said that traffic seemed to be the lightning rod for the project and agreed that although traffic is very congested the Church should not be held responsible for it because the Church usually impacts the traffic at an off-peak time, on weekends, and not during the daily rush hour times which are often frustrating to all of us.

He spoke about the many good and positive things that the Church does every day of the week for the many people who have needs, and are spiritually and often physically ministered to each day, and the 1,500 children and students that receive religious

training, counseling, encouragement, in their times of need, instructing them how to live good and respectable lives. He said they also provide facilities for the Boy Scouts, the Pioneer Girls Clubs, and Boys Clubs, and a Preschool, of which about 50% of the enrollment is for those outside of our church. The Arts and Drama area, the Pageant of our Lord, the Peninsula Symphony, the Seniors Adult Center. MOPS, (Mothers of Preschoolers) and "Moms Day Out" where moms can drop their children off for the Church to baby-sit them while they have a day out to do chores and shopping. The Church has facilities for weddings and large memorials, for example, the weekend following 9/11, over 4,000 came seeking to be comforted and receive encouragement. On the first anniversary of 9/11 they had a remembrance service for the community and many of the fire and policeman, and government representatives were there, and were recognized for their service. He stated that the Church was prepared for what may happen because of the pending War with Iraq.

He said that tonight they will hear from people in the community who may be against the project, or even the Church itself, and while will respect their rights for freedom of speech, they would ask that their rights also be recognized. They do not want to be at odds with anyone in the community because the Church has been here for 46 years with little or no complaints about the church, or operation. They want to be good neighbors but understand that change is difficult for many. He said that changes take place everyday and any change affects and sometimes inconvenience people but they want to minimize the inconvenience with this project.

He stated that they heard that their attorney's recent letter was interpreted as a threat to sue the City because the City did not meet the one year certification of the EIR. Because of that they wanted to show an offer of good faith by submitting a letter releasing the City of all responsibilities for the delay, and to show that a lawsuit was not in their plans. He said if they had enough time with Staff, there would be a win-win project plan that might satisfy everyone. He read the letter (per written material).

He stated he wanted to say two things. One was to mention that they don't have a lot of their people here tonight because they asked them not to come because of space. Secondly, he introduced the Church's "team" -- Mr. Craig Knickerbocker, Mr. Rob Orr, Mr. George Wentz, Ms Clair Look-Yeager, and Ms Kim Whitcomb.

CHAIRMAN SOMERS asked Reverend Best for clarification of his comments. He added that he wanted to make it clear that the Planning Commission does not render advisory opinions, but only considers the application that is presented to them. He further asked Reverend Best what the North campus was going to look like, in five years from now, 10 years from now, and 15 years from now.

Reverend Best responded by stating outside of a little bit of a rearrangement for parking lots, they don't expect to make any changes, and they have no plans for any change for the future.

CHAIRMAN SOMERS asked the applicant if they intended to purchase the residence on the plans. Reverend Best responded they would like to purchase the residence when it's available and they have made an effort to buy it. He stated that the gentleman who lives there, wants to live there for the rest of his life, or as long as he can.

CHAIRMAN SOMERS asked if the Church had an option to purchase that residence at this time. Reverend Best stated they did not at this time.

In response to a question from the audience, Reverend Best stated that he lived in San Pedro.

Mr. Craig Knickerbocker, representative for the Rolling Hills Covenant Church, presented the Rolling Hills Covenant project (as per written material).

COMMISSIONER KILLEN asked why the architectural staff of the Church was not present to discuss the issues. Mr. Knickerbocker responded that there were some issues that were not clear and some issues about the EIR because the Church staff never had the opportunity to discuss the issues in the Staff Report with City Staff.

COMMISSIONER O'DAY asked if there were any plans to lower the height of the sanctuary. Mr. Knickerbocker responded that their Pageant of the Lords, requires the height, but they would be willing to consider any options to satisfy the community, but



would prefer to not make changes. He responded that a gymnasium is essential to the community, because of a lack of this type of space.

COMMISSIONER ZERUNYAN complimented the Church that they have been willing to work with the Staff and the community, but had a concern about the request of the extension of time. He stated that the public and others were present to discuss this project, but how can they be assured this would not be a 'moving target' in complying with the zoning laws. He stated his concern was with the presence of many people in the room wishing to express their concerns, either for or against their project.

Mr. Knickerbocker responded to the question by first stating that he had worked on this project for over eight years but had never received or had the opportunity to discuss with Staff their issues and concerns, until the Staff Report was issued. He indicated they had suggested to reconsider their project, but was advised they needed to be present for the Public Meeting. He stated they would really love to address the concerns expressed in the related reports.

COMMISSIONER ZERUNYAN responded that the proposed changes are significant and felt they had a very competent architectural staff, that they would be knowledgeable in the zoning laws. Mr. Knickerbocker responded that they had asked for a Variance on the parking structure, which he read in the DEIR, and had not been aware of the concern.

COMMISSIONER CONWAY asked for a clarification on the project objectives. He stated that the Church's objectives are to eliminate conflicts and disjointed relationships between Church activities resulting on the North and Main campuses as stated in the EIR objectives. He asked if they were embracing that project objective, and added that the Main Campus couldn't function without the North Campus. Mr. Knickerbocker responded that he was not prepared to answer the question.

Reverend Best responded that he was not aware of this interpretation. He stated that the North and South Campus are one project and that is how it was submitted. He added that they would use the Main facility for the adult services, for example, the 9:00 a.m. service. He stated that there would not be another adult service at the same time.

COMMISSIONER CONWAY asked whether the anticipated site plan design was anticipated to eliminate the current connection to the North Campus. Reverend Best stated that it was not.

Mr. Richard Terzian, City Attorney, stated that he would like address a comment by Mr. Knickerbocker, in regard to a continuance, and that the decision rests with the Planning Commission, with specific conditions. One is to hear from the members of the public, that want to be heard, his recommendation if they choose to consider a continuance, that it be conditional on the waiver of the right to the timing of the certification; another recommendation is to consider 30 days rather than 60 days.

Reverend Best stated he spoke with the architect and designer on whether they could turn around the suggested adjustments, that the 60 days would be outside the time but that 30 days would be insufficient.

CHAIRMAN SOMERS suggested they consider the continuance after they have heard from the Coalition and the public.

COMMISSIONER CONWAY stated that the applicant is seeking to revise his site plan, and comments might be focused more on overall issues rather than just specific design issues.

COMMISSIONER O'DAY suggested that the applicant may be interested in hearing the comments from the public, because they had had indicated a desire to work with the community.

CHAIRMAN SOMERS requested a five-minute break to allow the Coalition time to set up.

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Ms. Bridget Carmen, President of the Rolling Hills Estates Neighborhood Coalition presented the Coalition opinion (as per written material).

Mr. Tim Scott, President of the Montecillo Homeowners Association in conjunction with the Rolling Hills Estates Coalition presented his letter (as per written material).

COMMISSIONER CONWAY expressed concern of a reference of 108 parking spaces, when their calculations stated 88 parking spaces, and his calculation was 85 parking spaces. Mr. Scott, stated that there are some miscalculations

COMMISSIONER ZERUNYAN stated that the EIR should be prepared with sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes into account environmental consequences. The CEQA guidelines require a recirculation of a Draft EIR prior to certification under certain circumstances, when significant information is added to the EIR after it is circulated for the public review. There is an exception to that where circulation is not required, when the new information added to the EIR merely clarifies or amplifies this information. He asked Mr. Locacciato if this was sufficient to consider it new information or is it a clarification or amplification.

Mr. Locacciato said that CEQA is about having documents circulated for public information and for comment, where significant impacts are involved. Minor corrections, elaborations, clarifications do not constitute significant new information under that standard. The question is do you have a new significant impact, will it be substantially more severe than identified. There were responses provided to each comment. From our point of view, we will leave the resultant elaborations and clarifications on the basic conclusions to further inform you about the potential impacts of the project.

COMMISSIONER ZERUNYAN thanked him for his comments. He suggested to CHAIRMAN SOMERS, in light of the hour to consider if the Commission is inclined to grant an extension of time, rather than spend another hour or so of testimony. He stated this may give the presenters an opportunity to revise their effort, the Church might make.

CHAIRMAN SOMERS asked the Coalition presenters how much time they may need.

Ms. Kathleen Schwallie, representing Rolling Hills Estates Neighborhood Coalition, asked would they please hear the consensus of the Coalition about the issue of a continuance and she would be happy to do as the Commission decided.

She continued the Coalition presentation (as per written material).

COMMISSIONER ZERUNYAN asked Ms. Schwallie, to clarify a comment in regard to her suggestion that the EIR is not prepared with the sufficient degree of analysis to provide the decision-makers the information to enable them to take into account all of the environmental consequences. Ms. Schwallie, indicated that "Yes" she is stating that.

COMMISSIONER CONWAY added that if the project were substantially redesigned to fall within the envelope of the EIR, then would the EIR be adequate.

Margaret Sohagi, Legal Counsel regarding special CEQA issues, stated that they are not able to reach a conclusion until they see the exact revisions that are submitted, at that time it would be appropriate for the Staff to review the revisions, in light of the EIR and make a determination as to whether further environmental review is necessary.

COMMISSIONER CONWAY responded that are they to assume it would be inadequate if there were going to be a modification in the near future. Ms. Sohagi, responded that it is presumptuous to fit the existing document to a project we are yet to see.

Ms. Schwallie asked if it would be appropriate for the Counsel to comment on the authority of the City to terminate the application.

Mr. Terzian responded that the Commission has authority to certify or not certify the EIR, and/or to deny the various discretionary applications. He added that the City cannot order the applicant to terminate the application but they can deny the application, which would put the applicant in a position to either take their appeal to the City Council or submit a new application. The City has suggested in the past, if the applicant wants to change their proposed project, that it withdraw their current application and submit a new application, but the City cannot say or order them to voluntarily withdraw the application. CHAIRMAN SOMERS interceded and stated that the applicant does not want to withdraw his application and that is where we stand. He suggested the Commission have their discussion and leave the Public Hearing open. He suggested that they

consider the applicant's request for a continuance. The alternative is to deny, and vote; consider a 30-day continuance, a 60-day continuance or whatever they decide within their discretion.

COMMISSIONER ZERUNYAN commented that he was not thrilled about the delayed continuation. He added that in light of the Counsel's last comment, we are in a very precarious position if we summarily stop this process and deny, without even knowing what they are going to get. He understood the concern of the public, but at the same time, he would like to give the applicant the opportunity to develop their property according to City guidelines, and zoning laws. His concern is if they do not allow such time, they do not know what project they have at the end of the day. He added they are put in a difficult position, and he did not know how they can say no to a certain continuance, with of course, certain conditions imposed. He stated he is not prepared to throw away all the work that has been done so far from the Staff and the applicant's point of view.

COMMISSIONER BAYER agreed that the applicant's request for a continuance be granted, although she added that the request, coming on the eve of the meeting, seemed somewhat disingenuous. She indicated that the initial responsibility to evaluate the project lay with the Planning Commission and in doing so, the Commission should be acutely aware of and responsive to the concerns of the community while remaining open-minded to the project. She requested the applicant carefully evaluate the project in light of the issues raised by the community, including the applicant's prior representation that there would be no further expansion of the church. In addition, the applicant should work toward eliminating the need for Variances and Zone Changes and develop the project within the City's statutory guidelines. If the Commission agreed to continue the matter, 60 days would be appropriate.

CHAIRMAN SOMERS stated that he was not happy with the continuance at all, but he said he would go along with it, but wanted it well understood that they are coming back in 60 days for a hearing and not to come back and have it continued again. He stated he would like this to move along and get this done and that the applicant would need to do whatever they need to do maybe within the next 30 days, to have City Staff have time to work on this and prepare a report and the Homeowners' Coalition to have sufficient time for review. He stated he appreciated their input, and added that they would come back in 60 days and they needed to understand they would have to present to Staff much earlier to be heard in 60 days.

COMMISSIONER CONWAY commented that the continuance is appropriate at this time, but he would be looking at a revision of the site plan and that the applicant might carefully consider submitting a new application. He stated that there has been substantial testimony that Main Campus needs to be developed as a separate parcel. He stated it would need to comply with all of our Institutional zone guidelines, density coverage, FAR, landscaping, etc. He stated that if that is the application that would be coming back to them, then they might as well withdraw the application. He added that if they were coming back with an application that still connects the North and South Campus, they would not have him as a supporter.

COMMISSIONER O'DAY asked Counsel if it would be possible to get a memorandum to determine if it is a single parcel or two parcels. Mr. Terzian stated that he could prepare a memo prior to the expiration of the 60-day period.

COMMISSIONER KILLEN concurred that the 60 day continuance is appropriate at this time. He commented that it would be a tight schedule for review. He offered the applicant a comment from a professor that said, "constraint is freedom of design" and suggested that they embrace the constraints of the site and try to design from that position. He again expressed his concern that the architectural staff was not present and could not provide "substance" to that they are trying to disseminate.

COMMISSIONER ZERUNYAN asked that there be conditions of the continuance. He asked that the following language be considered for a waiver, as a condition to this continuance, which "The applicant, Rolling Hills Covenant Church, hereby agrees to waive the one year time period set forth in public resources code section 21-15151.5 and CEQA guidelines section 15-108 to complete and certify the EIR for the Rolling Hills Covenant Church expansion project application No. PA-29-01, in conjunction with this waiver, the applicant Rolling Hills Covenant Church also agrees to waive any claims for a temporary taking of private property or other damages arising from this extension of the City of Rolling Hills Estates deadline, for processing the above referenced

Environmental Impact Report". He stated that it is a more appropriate waiver, and appropriate for an extension of time.

COMMISSIONER ZERUNYAN moved, seconded by COMMISSIONER KILLEN

TO A 60-DAY EXTENSION, WITH THE CONDITION THAT THE APPLICANT WAIVES THE ONE YEAR TIME REQUIREMENT AS OUTLINED BY THE DOCUMENT READ INTO THE RECORD.

Director Wahba requested that a specific date be determined at this time.

COMMISSIONER ZERUNYAN amended his motion, seconded by COMMISSIONER BAYER

TO A DATE CERTAIN, MAY 19, 2003, WITH THE CONDITIONS THAT THE APPLICANT PROVIDE THE NECESSARY PLANS OR DOCUMENTATION NO LATER THAN APRIL 17, 2003, AND THE APPLICANT SIGN THE WAIVER LANGUAGE, THAT WAS READ INTO RECORD AND CONSIDER THE CITY ATTORNEY OPINION ONCE IT GETS TO THE COMMISSION.

AYES: Bayer, Rein, Killen, Conway, Zerunyan, O'Day, Chairman Somers

NOES:

ABSTAIN:

ABSENT:

9. COMMISSION ITEMS

None.

10. DIRECTOR'S ITEMS

Director Wahba asked if anyone from the Commission was interested in attending the Planner's Institute.

Director Wahba requested the need for a subcommittee for the SW corner of PV Drive North and PV Drive East to consider the reuse of the property near the Nature Center. COMMISSIONER KILLEN recommended COMMISSIONER O'DAY, and COMMISSIONER CONWAY recommended COMMISSIONER BAYER. No objections were raised in the appointing of COMMISSIONERS O'DAY and BAYER.

11. MATTERS OF INFORMATION

A. Park and Activities Minutes (March 4, 2003)

B. City Council Actions (March 11, 2003)

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER

To receive and file items 11A, and 11B.

12. ADJOURNMENT

At 11:28 p.m. CHAIRMAN SOMERS adjourned the Planning Commission meeting to the meeting of March 31, 2003, at 7:30 p.m.

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Judith Trujillo  
Minutes Secretary

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Douglas R. Prichard  
City Clerk