

**MINUTES**

**REGULAR PLANNING COMMISSION MEETING**

**MAY 19, 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: Conway, Rein, Zerunyan, O'Day, Bayer, Chairman Somers

Commissioners Absent: Killen

Staff Present: Director Wahba, Counsel Terzian

3a. **CLOSED SESSION.**

CONFERENCE WITH LEGAL COUNSEL – THREATENED LITIGATION.

Pursuant to Government Code Section 54956.9(b)(1) there is a significant exposure to litigation based upon a written communication from a potential plaintiff threatening litigation.

4. **APPROVAL OF MINUTES**

A. Planning Commission meeting of May 5, 2003

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING of May 5, 2003

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

NOES:

ABSENT: Killen

ABSTAIN:

5. **AUDIENCE ITEMS**

None.

6. **CONSENT CALENDAR**

None.

7. **BUSINESS ITEMS**

None.

## 8. PUBLIC HEARINGS

- A. 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 WEST OF PROPERTY AT 2221 PALOS VERDES DRIVE NORTH), TO BE REZONED TO "INSTITUTIONAL"; A CONDITIONAL USE PERMIT TO ALLOW FOR THE CONSTRUCTION OF A NEW 1650 SEAT SANCTUARY AND TO CONVERT THE EXISTING SANCTUARY TO A MULTI-PURPOSE FACILITY AND FOR ADDITIONAL RELATED SITE IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO , DEVELOPMENT OF A "SERENITY GARDEN", ALTERNATIONS 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 OT EXPORT APPROXIMATELY 34,400 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, CONDITIONAL USE PERMIT, NEIGHBORHOOD COMPATIBILITY DETERMINATION, GRADING PERMIT AND SPECIAL USE PERMIT.

Project Planner Linn summarized the Staff Report (as per written material). She stated that staff recommends that the Planning Commission: Continue to 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) Approve the project with conditions, should the Commission determine that the applicant has complied with the Commission's direction provided on March 17, 2003 or c) Deny the project should the Commission determine that the applicant has not complied with the Commission's direction provided on March 17, 2003.

Mr. Tony Locacciato discussed the significant impacts that were in the Draft and Final EIR topic by topic and the type and levels of impact of the revised proposed project as contained in the staff report.

COMMISSIONER O'DAY expressed his concern with the pedestrian traffic and the potential risk of danger with the volume of pedestrian crossings between the north and south campuses for the two services and asked if any analyses had been conducted.

Mr. Locacciato responded that the applicant had proposed a shuttle that would transport the visitors on Sundays between the lots and they have sufficient capacity to shuttle, so further analyses was needed as proposed.

COMMISSIONER O'DAY responded that pedestrians would attempt to cross the streets.

Planner Linn responded that the shuttle is used to discourage pedestrian traffic and there are no traffic/pedestrian problems reported to the Sheriff's department to date that staff has researched.

COMMISSIONER O'DAY responded that he had seen people crossing Palos Verdes Drive North, and that he personally had a pedestrian crossing incident. He stated that this gives him cause for concern.

COMMISSIONER CONWAY asked if the traffic lights would still be warranted under the revised proposed project.

Mr. Locacciato explained the analysis conducted and details of the technical warrants to justify the signals and operate safely.

COMMISSIONER ZERUNYAN asked for clarification of the Staff Report recommendation under item 4 and Ms. Linn indicated that the third option should be identified as "c" in the report.

CHAIRMAN SOMERS discussed his plan for the presentation of the applicant and the public present to speak in support of the project and then those members of the public wishing to speak against the proposed project.

COMMISSIONER ZERUNYAN asked CHAIRMAN SOMERS if he would consider having the Neighborhood Coalition speak the first 30 minutes, as they did not have sufficient time at the last meeting.

CHAIRMAN SOMERS responded that he would prefer to stay with the proposed procedure.

Mr. Vergil Best, Pastor of Rolling Hills Covenant Church and Chairman of the Expansion Committee, stated that he had received many complaints that those present to speak at the last meeting, were not able to speak due to the Neighborhood Coalition extended time allotment. He stated he appreciated the 60-day continuance to work with the staff and bring the project more in line with the City EIR.

He stated that his organization heard the voice of the community and staff and downsized the project to the alternative listed in the EIR. He stated that he and the members of the church want to be an asset to the community and have been for the past 46 years. He stated that they are trying to keep up with the needs of the community, such as 9/11 and others.

Mr. Best stated that they have spent money for the many changes that they have been required to make, and did not get staff support. He stated that according to the City notices that it is their responsibility to read into the record their concerns or they stand the risk of not being able to refer to them at anytime in the future. He discussed the groups that are against the church who claim they represent the homeowner groups may be anti-church, anti-religion and anti-God and anti-growth, and he stated that although the Church may disagree with them, they would stand firm to protect their rights, but he stated they also have some religious rights, the most basic kind such as the right to assembly, under the Constitution. He stated these rights are guaranteed to them as a Christian church as they are to all faiths and he stated they are important. He added that to use parts of the local laws and codes to deny those rights violates their constitutional rights, federal rights and their religious rights.

Mr. Best stated that they have been in the project approval process for over eight years. He added that they believe they had been discriminated against in several ways and asked the Commission to take that into consideration. He used the comparison of the major expansion of the Peninsula Center with no EIR study conducted. He stated that they have incurred cost of about \$125,000 for various traffic studies and consultants and legal counsel to protect the City. He added that they also have been required to spend an additional several thousands of dollars revising and redesigning their plans over and over again. He stated their project has cost over \$500,000.00 in the eight years and this is the first time they have had an opportunity to present their project to the Planning Commission. He stated they believe they have been delayed and restricted from using their property, through unreasonable zoning and land use interpretation. He referred to Dapplegray School opening and causing traffic problems seven days a week, with no traffic study nor EIR conducted and the response they would get to their inquiry about this was "We have no control over them". We have a licensed preschool and share institutional zoning. He stated they believe they should be compared and treated more like schools rather than residential homes, but with their project there seems to be excessive involvement and restrictions by City government, as to when, how and who can use their facilities and at what time, in addition to normal codes and safety guidelines established by the County Fire Department. He stated that originally the City determined that their project needed an Initial Study, \$13,000.00 and then with pressure from some individuals, then the City added an EIR at a cost of \$29,000.00. He added that when that EIR was completed, and they did not accept that EIR and contracted for an additional EIR at a cost to the church to equal \$125,000.00. He added that it is his understanding that they were only the second project in 10 years to require an EIR and they have had two. He stated that the Peninsula Center mall that took one year and

Dapplegray School opened without any City involvement and the church project has taken eight years. He stated that they believe they have been treated very different and they have been discriminated against.

Mr. Best told the Commission that they have a very difficult decision to make but that their decision would be easy if they respected their constitutional rights, their religious rights and the Federal laws because in order to deny their project, they would have to deny their constitutional rights, their religious rights and Federal RLUIPA law to protect churches and institutions, such as theirs. He stated they have cooperated and furnished everything that had been requested of them concerning their project. He added that they have a good project and would have loved to have a larger auditorium for themselves and the community. They believe they can accomplish our ministry goals for many years to come with a smaller project. He felt they had a good and reasonable project and felt it can be approved on it's own merit. He stated that they want to submit their downsized project tonight and asked the Commission to take into consideration his comments, and consider and approve their project.

Mr. Best introduced their team Mr. Craig Knickerbocker, Mr. Rob Orr, Clare Look-Jaeger, Kid Whitcomb, George Wents, Neil Drinkwood, and many others. (team members did not sign in)

Mr. Craig Knickerbocker, resident of Rolling Hills Estates, expressed his disappointment and commented about the 60-day extension in order to work with staff, the staff report, the EIR and the neighborhood concerns. He stated that he would address and clarify comments made by the neighbors at the last meeting. He felt it was important for the community to perceive their intent as straightforward and honest.

Mr. Knickerbocker's clarifications refer to items such as:

1. The high school numbers are higher than the EIR states. He responded they did not understand that a church group could have a certain number of members when on any given Sunday only a certain number will show up. He added that there was no intent to deceive as was suggested.
2. The neighbors claimed the green space on the North campus was misleading on the plan, when in fact they did not understand that it was proposed green space at the chapel area. He stated that again there was no intent to deceive.
3. The neighbors representatives showed maps claiming the reservoir and the cemetery were residential zones and open space zones, that their proposed buildings would not be compatible. He stated that the closest residential neighbor is over 1,250 feet away and the reservoir is not green space but is concrete with an ugly dark cover.

Mr. Knickerbocker stated that this brings up the issue of neighborhood compatibility and that the City specifically rezoned their church to an Institutional zone; therefore one must assume they must follow Institutional zoning standards. He stated that if one takes a common sense approach in an Institutional zone, it would seem that they might want to look at the closest proposed buildings and not the closest single family residential. He wanted to compare the reservoir, a concrete, barbed wire structure, and black structure and stated that their church would exceed the reservoir look and the office-building look at the PV Drive intersection. He commented about Larga Vista, and stated that only two homes can view the proposed structure at over 1,250 feet away and across the canyon. He added that since they are an Institutional zone and they have the MWD property as a 1,250 feet buffer space, they hope that a common sense approach would prevail. He continued his analysis and added that the cemetery is not actually in Rolling Hills Estates, and that it gives the church a very large green buffer zone. He commented that this is a subjective determination and should also be considered in the neighborhood compatibility and hope they would not want their buildings to look like the mausoleum next door. He mentioned the condominiums next door in the City of Lomita and stated that they do not want to look like high density condo's, and also mentioned the carwash and the Jack in the Box. He discussed the North campus building and suggested it was a great buffer zone in the neighborhood and they do not plan to build on the North side. The pumping stations and the Kramer Club are also considered buildings that are not in their plans to be compatible with these sites. The PV Drive Corridor and the proposed parking structure are only 16.5 feet high and virtually hidden from view.

Mr. Knickerbocker stated that his team of experts, consultants and advisors do not understand how City staff can make a positive determination on virtually every criteria that is objective in nature and then ignore the cemetery, the reservoir, the high density condo, the car wash, the Kramer Club, the office buildings, and the Jack in the Box to make the subjective determination that their style, height, and massing were not neighborhood compatible. He added that this situation seems totally to contradict the Institutional zone standards. He asked how could staff refer to a rural residential neighborhood while totally ignoring every one of their closest and contingent neighbors.

Mr. Knickerbocker wanted to discuss the objective issues, and as promised, to reduce the impact of their project to the community. The Institutional zone does not have a height restriction for the church sanctuary. He stated that this was done on purpose by the City in order to allow for a taller sanctuary structure. He stated that they do understand how the City staff want to take it back by saying they are not neighborhood compatible. He added that they are to be neighborhood compatible with the reservoir. He said they have compromised and lowered the sanctuary. He continued his comparisons and identified the compromises the church and their proposed project has made to be neighborhood compatible. He wanted to state that they fit into the guidelines of the EIR and no longer need a height variance, they would outclass the reservoir and far more tasteful than the Jack in the Box, and less visible than the high density condos from the Drive, and more green space than the Kramer Club, less noise than the pumping stations, and the proposed structures are over 1,200 feet away from the nearest views of homes. He stated that neighborhood compatibility depends on who your neighbors are and what their uses are. He stated that they believe that if they were zoned by the City to be Institutional and meet all of the objective criteria, it is not fair to pretend their closest neighbors do not exist when determining the other neighborhood compatibility. He added that the ugliest building in California has signs that point people to this site, encouraging them to spend money there and they wonder why they were not required to complete an EIR and traffic study.

Mr. Knickerbocker quoted the RLUIPA law as follows: "The State or local government must not treat a religious assembly or institution on less than equal terms with a non religious institution or assembly". He asked if the Rolling Hills Covenant Church (RHCC) was receiving equal treatment with the mall. He asked why the mall passed so quickly under subjective review and why the church under objective review, but not under subjective review and thanked everyone for their time and consideration. He passed on the podium to Mr. Rob Orr.

Mr. Orr advised the Commission of his membership in the RHCC expansion committee, since January 1994, and have waited to present their expansions plans since that time. He advised the Commission that he is an attorney and presented an old law school phrase of "law often ends up being that which is forcefully asserted and plausibly maintained", similarly he commented that statistical data and technical reports can be used through argument and persuasion to support almost any point one may want to make and conclusion one may want to reach. He asked the Commission to not get bogged down in the swamp of statistical data. He stated that one could find code violations or items not in compliance in any building, or in the Commissions homes or their own homes. He stated that they have their own technical experts and they could go "toe to toe" with the City's experts and with those in opposition to their project and could overwhelmingly demonstrate that their project is legal, doable, build-able and be an asset to the community both aesthetically and spiritually and in the end one could reach the conclusion they want to reach. He stated that RHCC is in an Institutional zone at the far eastern end of a long beautiful semi-rural residential corridor and he felt that the original planners placed the zone in that spot on purpose, so that it could exist with a minimal intrusion on the residential zone, with the intent that the Institutional zone was necessary for the type of uses it would maintain. He stated that the Institutional zone does not intrude into the residential community, rather the residential communities have become an incursion into the Institutional zone. He stated that they can disagree under religious purposes underlying the existence of any church but what goes on at RHCC is a good thing.

Mr. Orr discussed the drug awareness that goes on in the community and with his family due to the learning process at RHCC. He discussed the "scare tactics" of those in opposition to the expansion and presented a flyer that had been distributed and stated that the RHCC was a compound such as Jim Jones or David Karesh. He pointed out some of the community reach-out programs such as the Pageant of Our Lord, the Peninsula Symphony, Feed My People, and hosting of the skateboard park. He stated they have tried to be good neighbors and surveyed the ministry in 1994 and determined

that a 2,500 seat auditorium was necessary and after listening to the community had scaled back the auditorium to 1,650 seats. He stated that they had planned to have an easy to build and inexpensive parking lot but so as not to offend their neighbors at Larga Vista, they opted to build a more expensive parking structure and then to satisfy the concerns of the Monticello community, they have further expensed themselves by sinking the parking structure further underground. He stated that nothing further could be done to accommodate the community and keep the project intact and now he believes they have a project that balances their needs with that of the community.

Mr. Orr asked the Commissioners to look beyond the statistical arguments and see the fundamental foundations of each side of this matter. He asked the Commissioners to make their decision not based on the will of the majority of the community but on the guiding principals of which this country was founded and exists today. He added that the right of the opposition to be heard tonight is interwoven with their right to practice their faith as they see fit. He added that as American citizens they have been given rights such as freedom of speech; freedom of religion and freedom of assembly and freedom of political expression and added that if one of those rights is removed or impinged upon, then all of them are threatened. He asked that their rights to worship be protected as they see fit. He stated that each Commissioner is a public servant and politician stands on the shoulders of a long line of freedom loving democratic pioneers and history of those pioneers. He reminded the Commissioners that their purpose is the freedom to worship and not the freedom to be free from places of worship that must be protected here. He mentioned comments from the last meeting, including from the Chairman, asking if they had explored moving somewhere else to build this project. He stated that there is nowhere else in this City or on this hill that the project can be built. He commented that sounds like they are saying "get out of our community, we don't want you" and added that even if those opposed are trying to say this is not about religion, he stated that he felt this is what this is about. He pointed out that if each of the Commissioners voted against this project then they are saying that they do not want the people of Palos Verdes to worship as they choose. He added that he urged the Commissioners not to put themselves in that position and instead approve their project and uphold the freedom of worship in their community.

Mr. Nick Roberts, architect with Leo Dailey & Associates, has been working with the RHCC for over six years. He presented the revised site plan with coverage 20% below the zoning code and the landscape percentage above the 30% required by zoning code. He addressed the site lighting in conformance with the required code. He discussed the separation of the existing sanctuary and parking garage by a corridor of space to reduce the effect of the building on site. He presented photographs of the site. He discussed the decreased seating of the worship space by increasing the pitch of the seating; this is beneficial to the congregation by more readily accommodating those arriving late by easily finding seats.

Mr. Roberts discussed the parking garage and the reduction in height from 44' to 16½' high and changed the architectural character of the parking garage and one would only see the architecture of plaster, stone and roofs. He added that they have done their best to have a building that is compatible with the landscape and surrounding topography that addresses the needs of the community and of staff.

COMMISSIONER CONWAY stated to Mr. Roberts that the separation between the proposed parking structure and the existing sanctuary is quite narrow, and asked if they anticipated any engineering issues with a subsurface garage that may effect the existing sanctuary foundation and the ground water table.

Mr. Roberts responded that they have kept it about 5 to 7 feet away from the existing foundations and believe there would be some shoring involved. He added that the garage would act as a retaining wall and the ground water is lower there.

Ms. Clare Look-Yeager, principal with Linscott, Law, and Greenspan Engineers, was responsible for the traffic studies incorporated into the final impact report. She discussed the existing access and circulation to the campus and the proposed access. She discussed the two campuses, the North and the Main campus. Current access to the North campus is via two driveways, the west driveway and the east driveway, both driveway accommodate inbound and outbound traffic. She stated that the Main campus has three driveways: west, center, and easterly. Access is controlled with the existing raised median. The current existing conditions analysis, conducting traffic counts, flow and visual observations of traffic flows. She discussed their observation of several traffic concerns upon exiting from their services and discussed their solutions to minimize

traffic concerns and proposal for safe and efficient flow. She discussed the circulation flow for the site is counter-clockwise, to enter from the west end and exiting on the east end for simplification. She emphasized that their main goal is to make it safe. She stated that the concerns for the signal warrants were met and the church services on the weekend were a recurring condition, happening every week.

Ms. Look-Yeager addressed the issue of the EIR of "full actuation" of the traffic signals. She quoted the FEIR as "full actuation involves interconnected traffic signals through the use of fiber optic conduit, installation of loop detection at intersection approaches (sensors in pavement), state of the art traffic signal controllers, and use of closed circuit television cameras to observe conditions and adjust preprogrammed signal timing, full actuation means that all approaches to a signalized location are equipped with loop detection." She stated that their proposal is the left turn movements be equipped with loop detectors and right turn movements would not need loop detectors and added that this means that traffic signal would give a red indication for Palos Verdes Drive North motorist only when the signal is actuated or tripped. She discussed the Palos Verdes Drive Corridor and the project design future and the signals are based upon their recommendation and the full costs of the signal borne by the applicant and discussed the details of one or two signals could be worked out at a later time.

Ms. Look-Yeager concluded that it is their recommendation that the counter-clockwise circulation pattern, entering on the west end and exiting on the east end and that the signals be timed and fully coordinated would result in the safest and most efficient movement for Palos Verdes Drive North traffic and clearing the anticipated cues.

COMMISSIONER ZERUNYAN asked about how the traffic signals would work on Palos Verdes Drive East and Palos Verdes Drive North, and if there would be additional stoplights.

Ms. Look-Yeager responded that the signals would be fully interconnected and were dependent upon if there were a vehicle wanting to make a left turn from the site, that would trigger a signal call and timing could be set to coordinate with Palos Verdes Drive East and Rolling Vista Drive to get groups of vehicles to progress from one intersection to the next, providing they are going the speed limit, or 85% of the limit, signals could be timed.

COMMISSIONER ZERUNYAN commented that if there was one car wanting to exit, 50 cars would be required to stop for one car.

Ms. Look-Yeager responded that timing, etc., could be worked out and lessen the impact on Palos Verdes Drive North.

COMMISSIONER O'DAY asked about the interconnected timing of the traffic signals and asked about any plans for the pedestrian cycles.

Ms. Look-Yeager discussed the signal on the east driveway exit. She said depending on the progression on Palos Verdes Drive North and one would get their green indication for their left turn, but on the west driveway, the west bound traffic would not stop at that signal. She stated their were no plans for pedestrian cycles and that pedestrians are not allowed to cross Palos Verdes Drive North, as shuttles are provided and would continue on Sundays.

COMMISSIONER CONWAY asked about the shorter storage for the left turn lane into the main campus and if a site plan or overlay has been prepared that identifies how many of the mature trees would be removed as a result.

Ms. Look-Yeager responded that they have not reviewed this. She said a site survey would be necessary and an overlay to count how many would be taken out and that the DEIR did call out 9 to 13 trees. She stated she was not aware of how many and if the pocket were to be shortened which ones would be saved and that this could be worked out, but she was not aware of the specific details at this time.

CHAIRMAN SOMERS asked if there were any other questions. With no more questions, he stated that the applicant completed their presentation and he would continue with the public comments.

Mr. Craig Huey, of Larga Vista, stated that he has lived in Rancho Palos Verdes for over 10 years and has a business here. He chose Rolling Hills Estates for the rural community. He discussed his concern with the distortion of RHCC he began the Peninsula Residence for a Better Community. He stated he did this with no financial support and no direction from the RHCC. He stated that over 600 people responded to his plan and would be publicly recognized in support of the RHCC right to expand if they so desire. He added that 200 are from Rolling Hills Estates, with 40 to 50 not wanting their names publicized. He stated that those who responded are not members of RHCC, but that they believe in the constitutional right of the church to expand. He discussed many of the programs the church offers. He stated that he has asked a few of those members to make some comments.

Mr. Henry Kline, Jr. has lived in the area since 1961. He stated that they are one of the closest neighbors to the church and the church is a good neighbor. He stated that they have had friends experienced the youth programs of RHCC. He added that traffic is very bad and getting worse but the church traffic is not a big impact.

Mr. Cam Garcia, resident, has lived here for 17 years. He stated that in his opinion the opposition misrepresents the facts in the reports regarding traffic and the environment, and felt that the church's impact is miniscule in comparison to the past construction projects in the Peninsula. He concluded that he travels Palos Verdes Drive North at all times of the day and the impact of the church traffic is miniscule.

Ms. Leah Marintovich, Rancho Palos Verdes resident, commented that she felt more people were in favor of RHCC expansion. She stated this institution had provided so many things for kids to do, and it is a needed resource and a desired resource in the community.

Mr. Otto Neely, resident, stated that the church has assisted their granddaughter to avoid the temptations youths are in contact with. He feels that the church has tried to be a good neighbor and they are asked to respect the neighbors by reducing the noise and lights. He stated that it appears the applicant is being attacked in subjective issues by strongly held opinions of a very vocal, and well-organized minority of the community that claim to represent the majority. He added that it appears that all of the good face efforts of the applicants and the significant and major changes to the submission and compliance of what was required was just not enough to satisfy some. He concluded by calling upon the Commission to vote swiftly to approve this application.

CHAIRMAN SOMERS advised the public that there will be a recess and the meeting will resume at 10:00 p.m. and hear from the Neighborhood Coalition.

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Mr. Tim Scott, representing the Montecillo Homeowners Association stated that he has not had time to completely review the revised data and presentation. He stated that the church is a welcome institution in this community and this is not about the church, it is about expansion of a large traffic generating, impact generating project. He stated that the changes do not satisfy any of the concerns raised in their letter of March 17, 2003 and his comments. He stated that he will only comment on "new" or those not fully developed in the staff report.

Mr. Scott said his concerns are concentrated on the analytical basis of the EIR and as stated in the staff report, he stated that they object to the continued combination of the campuses for application of the City's development standards and they do not object to the one EIR review of the project and feel it is within the scope of CEQA, however local development standards are not CEQA review process, they are local development standards and are not applied the same way, they should be applied to properties. He stated that the staff report asserts that nothing in the City's codes or ordinances prohibits the City from exercising its legislative discretion in making a policy decision to review a project in its entirety for purposes of imposing land use controls regardless of the project configuration.

Mr. Scott continued that the staff report goes on to say the City has a policy of looking at combined properties (Norris Theatre), the North Campus and the South campus are multi-parcel properties, and stated that they do not object to treating the North campus as one property and the South campus a separate property. They do not believe that those analogies to shopping centers where there are five or nine parcels are relevant and are contiguous properties and agree to the same application here. He stated that



the Norris Theatre complex and that the buildings are 100 feet apart, across a very narrow two lane street in the Peninsula Center and are visually and proximately close to each other. He felt that the property is about first impression when it comes to the City reviewing how to apply development standards to multiple parcels in a configuration such as this application. He stated that the North and Main campus structures are nearly 400 feet apart across a four lane divided roadway, further landscaping and the roadway divider obscures any potential visual continuity between the campuses, further, the roadway is a scenic corridor and what is in the Peninsula Center is not and that the structures are in the associated campuses are neither physically nor visually proximate in any way comparable to the Norris Theatre. He stated that staff has stretched from unrelated historical practice and in the process has exercised legislative discretion and made policy without any direction or any sound basis for that interpretation by the City's policy-making bodies. He stated that at the City's policy planning session earlier this year, the City Council reviewed this issue as one of first impression and concluded that properties divided across the scenic corridor will be reviewed by the City as separate properties even where the development is related and this does not affect the contiguous parcels issues, it is a scenic corridor issue. He stated that in their March 17, 2003, letter they provided a chronology of how the campus have been treated separately by both applicant and the City and none of the past actions have effectively merged these sites as a single property. He added that they had noted that even applicant until forced to combine the campuses by the City staff promoted a stand alone main campus development even in this project and now note that the applicant now continues to treat it's campuses separately. He continued that only last week, the Peninsula News reported Vergil Best comments as follows "It is a little unreasonable to expect the church to look like the residential neighborhood across the street, particularly when canyons, a cemetery, a reservoir are RHCC's current neighbors on the south side of PV Drive North. He added that Craig Knickerbocker tonight tells us that their nearest neighbor is 1,250 feet away, however, he pointed out that near a signal intersection, there is a Montecillo home being ignored along with the North Campus within 1,250 feet. He stated that he has heard that same comment in other presentations that they are treating the properties as separate and the City has also. He stated that there are different conditions on both properties, and that since 1978 to 1992, the church was under obligation to sell the North Campus and was only as an accommodation, because they had run out of parking on their inadequate Main Campus that they were able to use the North Campus and facilities. He stated that the church wants it both ways, they want to be one campus and deny they have neighbors, he believes the power is in the Planning Commission to direct staff to analyze these properties on a stand alone basis as originally presented by the applicant.

Mr. Scott discussed the second major issue, the main sanctuary seating or all sanctuary seating. A second manifest error in the analytical basis of the EIR is the failure to account for all seating available that may be concurrently used. He stated this error is reiterated in the staff report despite the showing they had made in March and he spoke with the City's Environmental Engineer and was told his questions had been answered. He stated that he felt they had not been answered. He would again iterate that the staff report is internally inconsistent and relies on the applicant's assertions. He said that the staff report states "on Sundays the multipurpose facility will be used for youth services at the same time that the sanctuary is in use for regularly scheduled services", he added that the report states on the same page "as indicated in the schedule the multipurpose facility is not purposed for use during Sunday worship services". He stated that if one would go to Carlson Hall, that it is standing room only kids coming out the doors because they have ancillary services in that sanctuary downstairs, which is a sanctuary on Sunday mornings for the youth program. He stated that similarly, they hear that the strip center in Harbor City, at the Starbucks Center, a large group of high school students meet, generates at least 75 cars on a weekend, with shuttle buses and parents drop off, he does know how many kids are there, but a lot of kids are there, but that never the less, he feels the analysis in the EIR when counting seating and counting bodies, counts the seats in the main sanctuary only, but when you count cars they rely on three people per car, he asks the question, how do you get to three people per car? He commented that three people per car because there is a kid in the car that goes to youth services downstairs or at the Starbuck Center, therefore they are counting cars on one basis, most advantageous to them, they are counting seats on another basis, that is most advantageous to them also, and they are ignoring hundreds of seats and demand that will continue to grow with their congregation, because they rightfully reach out to youths and have programs they are proud of, and they ought to be accounting for these wonderful youth programs when they talk who is on campus for worship. He added that if those kids were in the main sanctuary, they would be taking up seats, and we would be talking about many more seats to accommodate them, since they put them in a

different room, they ignore the seats but they still count them in the cars so that they can use three per car for parking. He stated that the analysis is fallacious, and the applicant knows and the City must recognize that they use multiple rooms for concurrent worship services and their practices cannot change on that, because that is when the families come to church, and when will the applicant account for the youth ministries that they are so rightfully proud of and why do they ignore the impacts of the junior high group and why do they absolutely ignore the existence of the high school group in the EIR, what they are so anxious to bring them back on campus, hundreds of worshipers and seating capacity for 1200 which is the permitted capacity of the multipurpose facility are ignored for worship seating. He stated that the staff reports asserts that the Sunday youth services in the multipurpose facility serve persons under the legal driving age and no additional parking spaces would be required to serve that facility, and no additional parking spaces, because those kids are that third person in the car. He added that again the applicant gets it both ways, they get more uncounted seats for youth services, which have no impact on cars, but added that when you look at trips and parking, applicant relies on the unsubstantiated three persons per car number which depends on youths coming with their parents, but they count only main sanctuary seats when they talk about how many cars they need to generate, they count those seats, divided by three, but some portion of those kids are downstairs.

Mr. Scott wanted to address two variances required that were discussed at the March 17, 2003, meeting, it seems that one may have been pulled off the table tonight. He stated that the parking spaces violated the code standards, at this time, the applicant has 941 spaces; 668 on the main campus and 273 on the North Campus, of these 139 are less than 15% are compact, and added that none of the compact spaces are on the Main Campus, which was built to serve that facility. He stated that the applicant proposes 1049 spaces; 755 on the Main Campus and 294 on the North Campus, however 416 existing, full size spaces on the Main Campus are eliminated and replaced with 500 spaces and a parking garage, of these 210 are substandard spaces, consequently, substandard parking on Main Campus increases from 0 to 28% and substandard parking for the combined campuses increases from less than 15% to over 33%, this greatly exceeds any minor deviation standard unless requests for and consideration for a variance that the church has known about all along and has not addressed. He added that the staff report stated that this is addressed in the FEIR under MHA 31 and he asserts that that assertion is utterly false, the commented MHA 31 and the FEIR response related solely addressed the placement of parking spaces that would impede traffic flow into and out of the campus and in fact, the EIR does not provide the information to identify this issue, and this information only came out in the staff report in March and therefore first appeared in numerical fashion in our letter on March 17, 2003.

Mr. Scott discussed the landscaping coverage, saying it violates the code standards because they had discussed it last time (he used pictures to depict the location), the loss of this landscaping would cause them to drop below 30% even on a combined basis, no matter how it was dealt with, but as of this meeting, the applicant (Craig and Vergil) have stated that they would take this property out of pavement and make it landscaping. He added that this is another example of like February and like March of changing the ball. He stated that he had discussed this issue with them at the March meeting, and asked them if they had any plans to make it landscaping, and they had indicated they had no plans to change the configuration of the property, and under pressure, Director Wahba has brought this to their attention and now they have agreed to take it out and the ball keeps shifting, and we are not quite sure of what we are looking at. He stated that they do not have good data on too many points.

Mr. Scott concluded that for these reasons and the reasons on their March 17, 2003, letter they concluded that the analysis on EIR is deficient under the standards of CEQA and the deficiencies are exclusively due to the failure of the applicant to provide the data necessary to conduct a thorough and honest analysis of identifiable impacts, we urge the Planning Commission reject certification of the EIR and believe it is unavoidable based on the showings that have been made, that this project has substantial negative consequences that cannot be mitigated or justified, therefore he stated that they urge the Commission to reject this proposal.

Mr. Warren Schwarzman of Monticello neighborhood discussed that they have lived here since 1962 and that the RHCC was a small inconspicuous building, and they have heard all about the good things that required the church expansion. He stated that the church became quite noisy and after complaints from the Montecillo residents, they fixed the noise problem. He discussed how the new site (South Campus) seemed to be the

perfect solution to the noise problem and that they would sell the North Campus property. He stated that they did not sell the North Campus and the City did not document their requirement to sell the North Campus, and the result is two facilities on opposite sides of the street. He stated that now the church wants to utilize the open space on the North Campus to decrease the density on the South Campus. He stated that it is necessary to look at this carefully and consider what kind of parking is required for all of the buildings that can be occupied and clearly we would see that the requirements for parking and other things are not compatible with our requirements and recommends that the project be denied.

Ms. Bridget Carmen, president of the Larga Vista HOA, asked the members of the Larga Vista residents to stand, and stated that they are not any of the things that they have been called. She discussed the rights of the homeowners and the City and that a portion of the church will be built on public land. She stated that this is our land that is on a lease and not just church property. She discussed the open space that has butterflies, birds and is quiet. She stated that the views from Paseo Del Mar are just as worthy of protection as the view from Carriage Drive and Larga Vista. She wanted to discuss the facts on this project not other people's personal beliefs. She stated that this is a matter of scale, that they are talking about a regional facility that wants to draw in all they can. She stated that in Larga Vista as substantiated by the staff report and the DEIR and the FEIR, there would be considerable noise and light pollution, view degradation and traffic congestion on PV Drive North, and incomplete analysis prohibits informed community participation in the fact that they have still to get the actual facility uses and intensity. She stated that the Planning Commission graciously offered a two-month continuation and the applicant was to have their documentation in, in one month and they were delayed, and the community has had less than five days to review the plan changes, and the concessions to be met. She discussed that at the last hearing, she spoke extensively on the non-conformance of this project to the General Plan and the impact on the City and all they are asking is that the law be enforced and no one is being discriminated against. She pointed out that they expect the construction noise to last over three years and that 34,000 cubic yards of fill will be stocked within yards at the cemetery, and close their only horse trail because of construction. She added that there is no mitigation plan for that, and that three years of construction is not temporary for her. She stated that the landscape plan does not adequately screen the facility.

Ms. Carmen stated that Mr. Best stated in the Peninsula News that he was not aware of any promise by the RHCC to cease operations on the North side. She then went back to a Planning Commission Resolution of 2-11-1978 and an excerpt read " the intent of this proposal, the revision as negotiated, is a promise by church officials that they will cease operations of their existing property of the North side of the drive for church related purposes." She concluded by stating that the Larga Vista HOA supports the staff conclusion to deny the RHCC expansion.

Mr. Kirk Mueller, President of the Georgette Canyon HOA, stated the church does serve the community, but that they must not let it ruin the charm and the nature of the City for that purpose. He stated that one statement " you know that no other side of the hill is appropriate for expansion of the church" and he commented that the constitutional right of the church to expand but not to take over the community. He suggested that the Commission deny the project.

Mr. Mike Russo, President of the Bridlewood HOA, stated that he supports the people who have spoken before him and wanted to discuss the concerns of his association. He discussed the traffic situation, talked about the Chandler project, of 150 to 200 homes, about 900 trips per day and the traffic along PV Drive North. He discussed the neighborhood compatibility issue and in 1965 he developed the Rolling Vista Townhouses on PV Drive North, and in 1968 developed the Peninsula Verde homes, off of Western Avenue, and neither one required an EIR and in 1974 developed the property of Bridlewood, and was told he would need do an EIR, so that if someone was going to do a project now, they would need to do an EIR and they have been around a long time and now we have CEQA guidelines that need to be followed. The Coalition, which is members of homeowners associations from the east side of the City, was formed to look at projects coming up in their area. Mr. Russo said that he has sat in many meetings and never heard anyone say they are against the church. He stated that their concern is the size of the project and congestion that will come with it and he supports denial of the project.

CHAIRMAN SOMERS advised the public that those opposed to the project will now be afforded the opportunity to speak.

Professor Ed Rectin, stated that the real problem is the dividing road between the campuses, and he feels that traffic analyses has it could be easily remedied.

Dr. Stuart Forbes of Larga Vista, a retired engineer and a physicist, stated that the expansion is completely out of character with the rural spirit of the General Plan. He said that the rural atmosphere is a rare asset, has an exceptional quality of life and financial values that should not be lightly abandoned and every concession that compromises this concept makes the next request more difficult to resist, and each concession has led to the new challenges to the rural concept and urges that the City resist further erosion of their uniquely valuable community asset. He added that Ms. Bridget Carmen had been characterized, as a lone voice speaking for herself and that is not true. He added that there are many people who have appreciated her vigorous and continued efforts to keep them advised about the whole process and she is not alone.

Mr. Bruce Edson of Larga Vista stated that his neighbors on Carriage Drive have a good view of the project and stated that there is not enough room on the site for any more additions, due to the earlier additions. He heard that the church wants to be a good neighbor, but they seem to minimize the citizens concerns. He suggested that the church could have more satellites as so many are not residents of the Peninsula and keep the church, as it is, enormous, instead of gigantic.

Mr. Larry Keese, who lives on Carriage Drive, stated that that earlier speakers said the staff was not favorable to the RHCC, but he stated that they apply the same standards for everyone. He concluded that having viewed this earlier and he did not understand the difference between a gymnasium, auditorium and sanctuary and how do you count how many people are in the cars and how many people are on PV Drive North.

Mr. Clark Davis, member of the Coalition but speaking for himself, understands the traffic issue, but is opposed to the traffic problems. He stated that he has lived in the area all his life and what a wonderful place to live. He has worked very hard to earn the money to buy his property and is willing to live with the traffic that exists today, but that anything beyond that and to reach out to communities that are 25 miles away from his home, seems to be outlandish and those are the facts. He stated that the applicant has said that over 50% of their people do not come from the hill.

Ms. Stacy Potrzuski of Larga Vista has grown up here and back in 1978 she knows many people who donated money, with the understanding that the church would not have to expand and feel they have been lied to. She stated that many of those people now go to other churches because of the overcrowding at RHCC. She discussed the wildlife concerns, the quality of life, country area, and to accommodate the traffic of such a large place, they would need to take out the sidewalks and put in more road, it is unreasonable and the traffic is chaotic and the magnitude would intensify the chaos and destroy the way of life in the community.

CHAIRMAN SOMERS stated that he would like the applicant to speak.

Mr. Vergil Best began his discussion and expressed concern that the allotted time for their group to speak has been limited.

CHAIRMAN SOMERS advised Mr. Best that he is incorrect and that the applicant has had twice as much time as they had recommended, and suggested he continue with his rebuttal, and that if he elects to give up his 15 minutes of rebuttal time to allow those in favor to speak, that would be acceptable.

Mr. Boyce Ahlport, of Larga Vista and resident for 40 years and a member of the church for 35 years. He stated that there is a need for youth services that need to be local and not in other areas. He stated that his children have attended the church and benefited. He discussed the traffic problems, environmental issues, air, traffic, etc. He said the church has much to offer the community and it needs a different proportion of buildings and size to handle youth, and the community needs to look at a balance in the area.

Mr. Anthony Galante, member of Georgette Canyon HOA, said that a church program had helped them so much with the dealing with his family health problems. He said the program was invaluable and that they have many other valuable programs and hope that they would be allowed to expand.

Ms. Joan Ibelle, resident for 30 years and their property view of PV Drive East and PV Drive North said that traffic has nothing to do with the church. She stated that developments over time have impacted the traffic. She commented that the opposition to the church's expansion is cancelled out by the overwhelming positive influences in our City.

Mr. Henry Gray, resident, met with the church before they moved here, and moved here to be close to the church, and stated that they are sympathetic to the concerns the opponents have raised and the traffic analyses conducted, each missed significant issues, but that all the objective standards have been met and the church has compromised and incorporated all that has been suggested and they are left with subjective matters of taste. He discussed the issue of the religious land use law, the legislative issues at hand, and said he felt that the opposition is overstated. He encouraged the Commission to be objective and above the rhetoric and recognize the compromises the church has made.

Mr. Brian Foster, a member of the church, was here for his children, explained that the facilities are not sufficient, and the church does need to expand and increase their services. He is convinced the church is trying to do a best fit to what the city staff and community are asking for. He does not feel that the traffic problem is because of the church. He also discussed the North Campus and the "promise" and that they have tried to sell it, but that zoning was an issue and that only another church would have bought it.

Mr. John Rellos, resident, discussed his family involvement with the church and stated that they have great groups for children. He said the church has downsized their project and hopes for an approval.

Mr. Greg Stager, resident, attends the church with his family. He discussed the impact on his family. He commented that he hoped the Commission would vote with their conscience.

Mr. Kit Fox, Planner at City of Rancho Palos Verdes and discussed noise impacts and air quality due to the transportation of soil from the church site to the Green Hills Memorial Park, these impacts directly and negatively affect the residents in the Rolling Hills Riviera in RPV, the quantity of grading export has increased by 75% and the duration and the severity of these impacts upon RPV residents would be proportionately greater as well and wanted to remind the Planning Commission of key issues:

- Green Hills Memorial Park does not have permission to import fill from any sources, although they have applied and their application is not complete at this time.
- Final EIR does include an alternative that the excess soil can be exported to the Chandler quarry or other approved site, and would not affect the design or function of the church expansion and would eliminate the significant adverse and unavoidable construction related impacts to Rancho Palos Verde's residents and not contingent upon Rancho Palos Verde's approval.

Mr. Fox stated that they strongly support the incorporation of the Chandler quarry export alternative into the FEIR and the project design. He concluded that the City of Rancho Palos Verdes is concerned that their citizens would bear the brunt of the construction related impacts of the project without the benefit or protection of any meaningful or effective environmental mitigation, however the FEIR does identify a project alternative that clearly meets the project objective while eliminating these adverse impacts to Rancho Palos Verdes residents, they have urged the Planning Commission to include the Chandler quarry alternative in their recommendation to City Council with regard to the FEIR.

Mr. Frank Langdon of Larga Vista discussed the issue of tax exemption of the church and sees no benefit of having the church in their community and only sees additional expenses such as traffic delay, more smog, wear and tear on the road, sewer system, view deterioration, decreased property values, and delayed response time in emergencies. He strongly urged the Commission to deny.

Ms. Ingrid Neat, resident for over 40 years, discussed that the City has voted down the proposal because they value their rural atmosphere, but are against the mega church, but the footprint of the building has not changed. She expressed her concern about the traffic and adding two more traffic signals on PV Drive North, could cause a big traffic jam and building of a big church would destroy their rural atmosphere.

Mr. John Maselter, resident, briefly discussed the history of the previous church expansion and the agreement reached back in 1978 between Montecillo HOA (MHOA) and RHCC where it was promised they would vacate the North Campus and never expand further. Due to these promises, MHOA reversed their position from being opposed to being in favor of the new church on the South Campus. He stated that based upon this position, the City Council reversed the Planning Commission and approved the new church on the South Campus. He stated that Mr. Best has said repeatedly that the other "promise" to never expand further is not enforceable.

Mr. Maselter said he had sent a letter stating his points and authorities that the "promise" is enforceable. He stated that if the church sued the City, he wanted to indicate his intention and reserved that right to do this later, so he has hired a law firm to work with him. He said he would file an intervener in that action on the side of the City and ask the court to declare that they made an enforceable promise "to never expand further." He would ask the court to issue an injunction prohibiting them from expanding further.

CHAIRMAN SOMERS allowed Mr. Vergil Best an opportunity to a rebuttal.

Mr. Best discussed the comments that they were to vacate the North Campus property. He stated that they have found no promise but that they did agree to move out of the North Campus within five years and lease it. At a later time the property was up for sale and it was not sold. Potential buyers tried to rezone and the City did not want to rezone it. They had no offers for purchase and it was vacant for a number of years. He stated that they came back and the City granted them the use again of the property. He stated that it was proposed green space. He discussed the seats in the Worship Center and one cannot just move or change the seats. He stated that the City and the people who developed the EIR also knew that. He stated that they are not trying to misuse the property and the City has dictated what they need to present and he stated that the speakers were to remind you of their rights and concerns and take the information as presented. He stated that they have a project that fits the community and they have spent a lot of time and money and request they approve the project tonight.

The Chairman stated that all person wishing to speak for and against the project have now been heard from, there being no further comments form the public, asked if there was a motion.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER

TO CLOSE THE PUBLIC HEARING.

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

NOES:

ABSENT: Killen

ABSTAIN:

COMMISSIONER ZERUNYAN thanked the public for their concerns and was glad to see so many present for the public hearing. He wished that more of them were present for other matters when applicants stand before them and say they are looking at subjective things as opposed to objective things and he stated that one could look at that argument and give it merit there would be no application denied and everyone would get their way in the City. He added that is not to demean the project and not to say one way or the other for or against, the proposition before them. He commented that he had always thought that his profession had ranked always number one, with two and three with used car salesman and insurance men, but now he, he was sorry to say for Planning Director Wahba, Planners are number three. He stated that Planners could do no right tonight. One side said everything that Director Wahba said objectively they had met and everything that subjectively Director Wahba said is wrong and the other side adding insult to injury said that it was not specific enough or good enough and the information that was provided is not good enough that Director Wahba had very little to do. COMMISSIONER ZERUNYAN complimented the Planning staff for the report they have completed and that it was not an easy task.

COMMISSIONER ZERUNYAN stated that there are 13 items that the staff has commented on and for example, he read, "Item 1 - the revised project is consistent with this standard" and no one said anything about that. He continued that the next item that he sees that the project is consistent with the standard, relates to style, and the facade treatments, and the roof design, same thing, the revised project is consistent with the

standard, the privacy, the project is consistent with the standard, the landscaping and views. He stated that no one mentioned anything to this effect. He stated that this was very, very important that everyone see what a tough job our Planners have to do in trying to reconcile all these sites and putting it together for the Commission. He added that if Mother Teresa were reincarnated today decided to have Calcutta West on the corner of PV Drive North and East, in a 10 story building, would we permit it? He assured the public that they are as tough on anyone that appears before them asking for a variance, a homeowner, or commercial, he has heard many comments and wanted Director Wahba to explain that. He heard that the commercial property in their City gets a free ride and that it is an easy ride, he begged to differ and homeowners also do not get a free ride. He stated that they do not discriminate against anyone and are paid the big bucks to do this, even double what they are being paid tonight. He stated that what is important is the enforcement of their laws, the same constitution they alluded that gives government the right to make and pass, and enforce laws and the characterization of what they are doing to be anything different, was not well taken. As far as their definition of what is anti-God/religion, he assured them that on the scales of justice were laws, and all that rhetoric about discrimination was non-existent for him and his colleagues. He stated that the tough job before them is based solely on the laws they have, whether they like it or not, that the same laws apply to all. He commented that the project, The Avenue was not an easy ride and they are not aware of a false premise that they are acting favorable for one rather than another.

Director Wahba commented about The Avenue of the Peninsula, that they had conducted an Initial Study, which is part of the CEQA process and a Mitigated Negative Declaration was done for that project, with a traffic study to support it. He stated that the zoning allows a lot more intensive development than in the Institutional zone and it was not subject to neighborhood compatibility, and as far as the lot coverage, they are allowed greater coverage in a commercial zone.

COMMISSIONER ZERUNYAN asked Director Wahba for an explanation about the Institutional zone. When it was recommended or not recommended in the report that the project is compliant, when it is said that the project is not compliant, were they looking at the Institutional zone laws and not any other laws? Director Wahba confirmed this information to be the Institutional zone.

COMMISSIONER CONWAY thanked the public for their interest and wished he had this many at other hearings as well. He stated that the EIR document has reasonably investigated the impacts that the proposed project may have on the environment, and while there may be some conflicts relative to the number of parking spaces are provided and how many peak hour traffic trips, it is his opinion that the EIR has adequately investigated and identified the impacts of this proposed project.

COMMISSIONER CONWAY added that there were some comments made about the Institutional zone being on the far east side of the City. He stated that he lives on the far east side of the City and looks at that that location as more of a gateway into Rolling Hills Estates. He finds that gateway to be a statement that he would like to see for the City and that statement should not be one of a massive nature. He discussed the services of the church and that they are a great benefit to the City and he appreciated that. He had been there for eight years and said that he has not had any traffic issues relative to the church operations but that is not the issue before them. He discussed some of the landscaping and views of the construction and how the landscaping would camouflage the new sanctuary and garage structure, he stated that if the project were compatible, it would not need to be camouflaged. He applauded the church for coming up with a substantially reduced project, but the scale and massiveness of the project remains the same. He stated that the seating has been reduced but the sanctuary size was not. He said the parking structure has been substantially reduced and he applauds the church for that, although he is not supportive of losing any open space whether through rezoning or loss of a median on PV Drive North, and in that regard aesthetics from the standpoint of the scale and bulk of the project are unavoidable impacts, traffic signals are unavoidable impacts and the air quality of a permanent nature are all unavoidable impact and together do not enable him to support the project as currently designed, but that he would support the recommendation to certify the EIR.

COMMISSIONER BAYER, wanted to applaud the church and those present for their interest. She stated that the church has tried very hard to make accommodations and has worked with staff over the last nine years and unfortunately she still feels there is still a ways to go. She stated that the City has guidelines, statutes and rules they all must follow, and although she is an attorney, she does not practice in this area, as she is a

child abuse attorney, but she understands what it means to have statutes and rules to follow and areas that one must be compatible with in order to get things passed. She stated that the Planning Commission has made a lot of tough decisions, and people sometimes go away very unhappy, but they have had someone come back who has thanked them for giving them advice and help. She added that if they are to go forward and allow the church to expand and not comply with the City's ordinances, then the next person that comes in could say, "Well you did it for RHCC, why can't you do it for us?" She stated that the community has expressed their concerns and some concerns are overstated, and added that the church has done an outstanding service to the community. She related a past experience with her daughter and the church, and stated that she has had good feelings and impact from the church, but believes that she must honor the ideals of the City and must honor the open space and see the bulk and mass reduced, must watch the impact of the traffic because it is very significant because to change the median would be like changing and expanding PV Drive North. She stated that she is in favor of certifying the EIR but cannot support the project as presented.

COMMISSIONER REIN reiterated that the Planning Department has expended a great deal of time looking at all the issues and that the EIR is comprehensive and conclusive and supports certifying the EIR, although having read the staff report of the revised design of the church expansion, he feels that the project is still out of scope with respect to the rest of the City and cannot support the application at this time.

COMMISSIONER O'DAY began his discussion about his neighbors on each side of him, one in support of the church and the other opposed and he is in the middle, in a perfect world they would reconcile and in a perfect world, people would wait for the shuttle, and in a perfect world, all cars would have three people or more in them and then we would not have the environmental problems we have today; and people would not jaywalk across PV Drive and risk their lives, and cars don't run red lights. He stated that he feels they have a safety problem at that location and does not feel that the current configuration where the property is divided by a four-lane road allows for a safe environment for children and the elderly. He stated that adding would only encourage the illegal and dangerous activities on part of the parishioners. He added that he is concerned with the current situation and was pleased that the traffic representative acknowledged that people cross those two lanes to make that U-turn and had almost been broad-sided by someone doing that. He was discouraged through personally viewing that with the cones up, and personnel there to watch as people jaywalked and did nothing to prevent this. He discussed that scenario of possibly going to the church with his daughter and having to park across the PV Drive and his daughter running across the street and being killed. He discussed that they have made an analogy of treating the church like a school, the LAUSD had a similar situation that is divided by streets for example on Palms Avenue, a middle school and they put up 8 foot high fences and built an underground walkway to make it safe and this is not in the proposal or that he would like in the proposal but the kind of concern he would need to see or perhaps more parking on the proper side of the road to maintain sufficient parking, so that both campus could be independently utilized with all the parking sufficient for that campus being on the proper side of the road. He had a concern at Easter time with the parking being on the shoulder on the road and the church has placed tape around the grass, so they would not park on the grass, so they parked in front of the reservoir and there was a lot of foot traffic across PV Drive North and coming around, and they had shuttles running to the parking and there were not sufficient or frequent shuttles. He believes that the City should look at this issue now, through more signage or something. He stated that if this lot were on one side it would be easier to approve this project for him.

COMMISSIONER ZERUNYAN continued with a story about a commercial developer that came before them a number of times and had grown weary of the situation and had hoped that the give and take would sometime stop, he stated that he had hoped for the same flexibility here, and work with staff, hear the concerns of the community and see if some sort of project can come out of this. He continued his story and the frustration and at the end of the day, they approved the developers project with the give and take and he hoped that the comments made here, which they are bound under their obligation to make, with respect to things as they see them, and he pointed out that he is voting his conscience, whether along or with his colleagues, and he knows that he is doing the right thing for his City and for his community and hopefully for the church. He stated that he has also benefited from the church presence and hoped that they would continue to work with staff.



COMMISSIONER ZERUNYAN stated that they were obligated to read the EIR and exercise their independent judgment and state unequivocally is legally adequate and he was prepared to do that as well, he added that the EIR is a informational document, whether they agree with the content or not, as long as the EIR raises all of the issues with respect tot this project, and he believes there is not a stone unturned in this process. He believes the EIR is legally adequate and therefore he believes he would support the findings that need to be made to support this position that his colleagues have set forth and he is about to set forth himself. He stated that he wished that the church would work with staff with respect to neighborhood character. He believes that the report is right on point and that all theses people would not be here if it were not. He believes that both sides are approaching this from a good faith belief that they are each right, and this is an important issue, and agrees with COMMISSIONER CONWAY that the Rolling Hills Estates sign at the divider and he is delighted to be home and that is important. He discussed another issue that the capacity was reduced in seats that the footprint remained the same, he wished a resolution or something was done to still accommodate as many people as you can, he stated that he is not there to deny the right to have as many people as they can accommodate provided that this can be done within the guidelines set forth here. He addressed the height issue and the open space between the buildings, he agreed with COMMISSIONER CONWAY that there is hardly any space between the buildings and that is problematic and hoped that it can be worked on; the bulk of the building, he discussed that the all of them contend that it is not to be seen; he assured them that he has heard this before, that it would not work for others and would not work for them. He added that their closest neighbors are homes near the North Campus and they have not pointed out, he added that they couldn't have the benefit of the North Campus and deny the actual existence of the homes right next to you. He added that he would suggest that they satisfy those neighbors and should go out of their way to do so and believes they could and that is troubling to him that he is frustrated that this application ultimately can be right, but they would need to work at it and the neighbors need to be happy with it and that they could do it, he gave an example of other projects with opposition from the neighbors, but as the designed changed, the opposition changed and ultimately the approval. He encouraged the applicant and those in opposition to work with staff and not feel there is a line drawn in the sand, but that they all have the best interest of the City in their hearts but that they view it differently and that is okay, and he indicated that he also could not support the application as it stands at this time for the reasons stated.

CHAIRMAN SOMERS wanted to thank the applicant, the homeowner's coalition, and the staff for all their hard work and this is some of the finest work he has seen and certainly the most thorough, from the standpoint of making arguments and supporting the arguments with facts, it was as thorough as he had ever seen.

CHAIRMAN SOMERS said it is important to note that no one is saying that they do not want the Rolling Hills Covenant Church in the City. He stated that Robb Orr commented that the Chairman had said he wanted the church out of the City, Chairman Somers adamantly denied this comment. He stated that this issue is only about the further expansion of the Rolling Hills Covenant Church and there is a tremendous difference between telling a church we don't want you to operate in our community as opposed to saying no further expansion. He added that whatever decision is made, does not infringe upon anyone's religious freedom. The size of the building, the shape of the building or the aesthetics of the building that does not deal with the freedom of religion at all. He added that the church and its members can have any beliefs they want and no one has a concern with that, the Planning Departments concern is a land planning issue and the entire revised plan is predicated on the fact that they went down from a much larger church to 1,650 seats. One problem was that they originally wanted a facility that was twice as large to meet all their constituents, just because they have fewer seats does not mean you have fewer members, there may be more members.

CHAIRMAN SOMERS said his greatest concern was the traffic impact and the staff report states "the revised project will continue to have a significant impact on PV Drive North and installation of two signals on PV Drive North are not warranted." He added that there is no documented roadway hazard to put a signal in the middle of the street, and certainly this would not be anticipated by the drivers and so many signals in a very short area, and that would take away from the semi-rural atmosphere having that many signals in a short area and nobody raised this issue. He stated one last item was the Conditional Use Permit and that was the biggest problem for him, how in the world would it be enforced?

CHAIRMAN SOMERS had a concern that was not considered in the staff report and has not been brought up, the possibility that the Chandler site may be developed. We stated that there was a high probability that the site will be developed at some point, and the problem was that it was not considered. His primary concern is that if the application were approved as submitted, there would be more traffic on PV Drive North and it is now at a gridlock stage, what would happen when the Chandler developers in a year or two, come before the Commission, what would we tell them, that we are grid locked now and cannot even consider their application. He used the vote of the Montecillo HOA by secret ballot and the decision of the City Council on the Dapplegray speed bump issue, was voted on by the neighbors and wanted it. He stated that he is ready to approve the FEIR and not prepared to approve the application as he indicated.

COMMISSIONER CONWAY moved, and seconded by COMMISSIONER ZERUNYAN

TO DIRECT STAFF TO PREPARE THE APPROPRIATE RESOLUTIONS RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE FINAL IMPACT REPORT.

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

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER

TO DENY THE PROJECT

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

Director Wahba stated that they would bring back appropriate resolutions at the next meeting on June 2, 2003.

9. COMMISSION ITEMS

None.

10. DIRECTOR'S ITEMS

None.

11. MATTERS OF INFORMATION

- a. Park and Activities Minutes (May 6, 2003)
- b. City Council Actions (May 13, 2003)

COMMISSIONER CONWAY moved, and seconded by COMMISSIONER BAYER

TO RECEIVE AND FILE ITEM 11 A and 11 B

They're being no objection, CHAIRMAN SOMERS so ordered.

12. ADJOURNMENT

At 1:00 a.m. CHAIRMAN SOMERS adjourned the Planning Commission meeting to the meeting of June 2, 2003 at 7:30 p.m.

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Judith Trujillo  
Minutes Secretary

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Douglas R. Prichard  
City Clerk