

LUPC Staff Report for the St. Joseph Center Application, May 26, 2010

Summary

The St. Joseph Center shares a “Campus” with the St. Clement Church and the Catholic Charities Services offices. All three uses share the two parking lots on the Campus (upper and lower). An unknown number of parking spaces in the lower lot are leased to third parties, presumably on a month-to-month basis, and the lower lot is leased to a management company and is open to the public for paid daily parking. The property underlying the St. Joseph Center is zoned residential, and it is surrounded on three sides by a residential neighborhood.

Everyone in the community strongly supports the mission and the programs of the St. Joseph Center, and everyone wants the St. Joseph Center to succeed in helping people improve their lives. In the past, some of the clients, services, and programs of the St. Joseph Center were found to be incompatible with a residential neighborhood, having drawn homeless, crime, and drug use to the surrounding neighborhood. Additionally, there is a severe shortage of street parking in the area. For these reasons, when the new, expanded, St. Joseph Center was approved in 2003 and 2004, 38 Conditions Of Approval were negotiated with the neighbors and the community, in an attempt to minimize the impact on the neighborhood. These Conditions Of Approval included limitations on hours and capacity, and limitations on programs and services so that other St. Joseph Center locations outside the residential neighborhood would service homeless, drug addicts, and mentally ill clients.

The St. Joseph Center opened in July, 2008, and the Conditions Of Approval require that a Plan Approval proceeding be filed after one year “in order to evaluate the effectiveness of and compliance with the conditions of approval regarding the operations and physical improvements of the facility.” It appears that the St. Joseph Center is currently in violation of twelve of its 38 Conditions Of Approval, and has little or no credibility with its neighbors. For example, the St. Joseph Center seeks to modify the Conditions of Approval to allow one of its programs to be the relocated from its Lincoln Boulevard location, onto the premises. The neighbors noticed that the St. Joseph Center’s web site described this program as providing services to the homeless, to drug addicts, and to the mentally ill, despite the agreement with the community that it would not service such clients on the premises. When this disparity was raised by the neighbors, the St. Joseph Center immediately changed its web site to delete the types of clients served. Later, the St. Joseph Center admitted that the original description of the program was accurate. Additionally, the St. Joseph Center is already renting out its teaching kitchen to the general public, in clear violation of its Conditions Of Approval, and was duplicitous when confronted with this violation.

In August, 2009, even though it had only been open for about one year, the St. Joseph Center concurrently filed an application to modify its Conditions Of Approval to expand its maximum occupancy, its hours and its programs, and to allow rental of its space to the general public and to other social service organizations.

The community may be open to modifying some of the Conditions Of Approval, but not at this time, for four reasons. First, the requested expansion will increase noise, traffic, and street parking impacts at night and on weekends in a residential area. Second, it would be illogical to allow any modification of the Conditions Of Approval to permit additional activities at the St.

Joseph Center, when it is currently in violation of existing conditions. Third, the St. Joseph Center has only been open since July, 2008, and admits that it is not yet operating at full capacity, so it is not possible to assess the full burden on the neighborhood of the activities and operations as currently allowed. It makes more sense to see how operations at full capacity impact the community, particularly noise and parking, before allowing expansion. Fourth, the St. Joseph Center refuses to provide any information on the current staffing, attendance, schedules, and hours of operation of the St. Joseph Center, leases of parking spaces to third parties, or information concerning the other two uses on the Campus which share the 134 off-street parking spaces. This information was required by the City and by the Coastal Commission in 2003 so that the Parking Management Plan could be independently evaluated. The information provided in 2003 was “projected” numbers because the new building had not yet been built, and parking conditions for the Church and the Catholic Charities Services offices have changed in the last 7 years. Updated information is required as part of the Plan Approval process, and updated information would presumably be required when this application goes before the Coastal Commission.

The Plan Approval process should be utilized to impose appropriate measures to require the St. Joseph Center to comply with the existing Conditions Of Approval, and to impose new or modified conditions to lessen the impact of the St. Joseph Center on its neighbors. After the St. Joseph Center has established a track record of compliance and has gained some credibility with its neighbors, and after its operations have moved closer to full capacity, modification of the Conditions Of Approval to expand operations and hours can be re-evaluated.

Project Description

Project Address: 204 Hampton Drive

Applicant: St. Joseph Center

Case Numbers: APCW 2003-3304(SPE)(CU)(ZAD)(SPP)(CDP)(PAI)
Approval of Plans
CEQA No. ENV 2009-2308-CE

The APCW case number is the original case number filed in 2003 for building the new St. Joseph Center, and approved in 2004. The Certificate Of Occupancy was issued on July 21, 2008.

The owner of the property is the Roman Catholic Archdiocese of Los Angeles and its agents. The property on which the St. Joseph Center is built is consists 5 parcels, two of which are owned by the Archdiocese of Los Angeles Education and Welfare Corporation, and three of which are owned by the Roman Catholic Archbishop of Los Angeles. In addition to the St. Joseph Center, the St. Clement Church and the Catholic Charities Services occupy the “Campus,” which includes the parking lot shared by all three users of the parcel, and which extends into the City of Santa Monica to the north. The Archdiocese executed a Master Land Use Covenant And Agreement at the time of approval of the new St. Joseph Center in 2006, agreeing that the Archdiocese would comply with all 38 of the Conditions Of Approval.

The Applicant's representative is John V. Chibbaro of the law firm Latham & Watkins. His direct telephone number is: (213) 891-7881, and his email address is John.Chibbaro@LW.com.

Size of parcel: 108,430-square feet, with street frontage on Hampton Drive, 3rd Avenue, and Navy Street (the latter being in the City of Santa Monica).

The St. Joseph Center is located on a large rectangular parcel between Hampton Ave. and Third Street, north of Rose Ave. and continuing north into the City of Santa Monica. On three of the four sides, the parcel is surrounded by a residential neighborhood.

Size of project: The building on the parcel is approximately 30,000 square feet.

Zoning: RD 1.5-1

General Plan Land Use: Low Medium II Residential

Venice Subarea: Oakwood, Milwood, Southeast Venice

Hearings And Meetings Conducted:

The LUPC conducted hearings on this application on January 27, February 24, May 12, and May 26, 2010. Community meetings were held on February 18 and April 7, 2010. The February 18, 2010 community meeting was held at the St. Joseph Center. However, after the February 24, 2010 LUPC meeting, the St. Joseph Center refused to either participate or host any further community meetings or LUPC meetings.

Description of Application:

There are two separate but related proceedings. First is a one-year Plan Approval, a proceeding which was required by the Condition Of Approval "in order to evaluate the effectiveness of and compliance with the conditions of approval regarding the operations and physical improvements of the facility." The Conditions Of Approval may be added or modified as appropriate. Second, the St. Joseph Center is using the Plan Approval process to seek modifications of the Conditions Of Approval. The proceedings are described as follows:

Pursuant to Section 12.24-M of the Los Angeles Municipal Code, a Plan Approval for review of compliance with conditions as required by Condition No. 8 of APCW-2003-3304 SPE-CU-CDP-ZAD-SPP, and to permit the modification of Condition Nos. 11, 12, 21, 28, 29 and 34, on an approximately 30,000 square-foot Non-Profit Social Service Center run by the Archdiocese of Los Angeles, on an approximately 108,430-square-foot site in the RD 1.5-1 Zone.

The St. Joseph Center is requesting that the Planning Department find that it is in compliance with all 38 Conditions Of Approval. The St. Joseph Center has submitted a "Conditions Of Approval Compliance Matrix" listing the 38 Conditions Of Approval and evidence that the St. Joseph Center is in compliance with each condition.

The St. Joseph Center seeks to modify Conditions Of Approval numbers 11, 12, 21, 28, 29 and 34, as follows:

Condition Of Approval number 11:

This Condition limits the hours of operation and the capacity of each program, class, event, or meeting.

Social Services Programs: The St. Joseph Center is requesting that the permitted closing hours for social service programs be extended from 6:00 P.M. to 9:00 P.M., Monday through Friday, *with no limit whatsoever on the number of persons who may attend after 6:00 P.M.*

Events/Meetings:

Weekdays: The St. Joseph Center is currently allowed to hold events or meetings until 9:00 P.M. on weekdays. However, after 6:00 P.M., there is a limit of 75 persons and five events or meetings per month. The St. Joseph Center is requesting that the limit of 75 persons for events or meetings after 6:00 P.M. be removed so that the limit of 75 persons instead extends until the 9:00 P.M. closing time on weekdays.

Weekends: The St. Joseph Center is requesting that the permitted closing hours for events and meetings be extended from 5:00 P.M. to 9:00 P.M. on Saturdays, and from 1:00 P.M. to 9:00 P.M. on Sundays, and that the limit of 75 persons after 6:00 P.M. be removed so that up to 75 persons can attend until the closing time of 9:00 P.M. on weekends.

Any Day Of The Week: The St. Joseph Center is requesting, in addition to the above, that it be permitted to hold six events and meeting per year with the maximum number of people being increased from 75 people, to 100 people, and that the closing hours for those six events be extended to 11:00 P.M., with no restriction on which days of the week these larger events may be held.

Religious Use: Education/Counseling/Meetings: The St. Joseph Center is currently allowed to hold religious education/counseling/meetings until 9:00 P.M. every day of the week. However, after 6:00 P.M., there is a limit of 75 persons and five religious education/counseling/meetings per month. The St. Joseph Center is requesting that the limit of 75 persons after 6:00 P.M. be removed so that the limit of 75 persons instead extends through to 9:00 P.M. every day of the week.

Condition Of Approval number 12:

This condition sets forth limitations on the use and occupancy of the premises.

The St. Joseph Center is currently prohibited from hosting “athletic or other competitions, swap meets, bake sales, private rentals or any use of the site by any organizations other than the center.” The St. Joseph Center is requesting permission to sublet approximately 900 square feet of administrative office space to social service organizations that offer programs and services similar to those offered by St. Joseph Center. The sublet offices would be limited to

administrative uses, and no clients of the social services organizations would be permitted on the premises.

Condition Of Approval number 21:

This condition limits the types of programs allowed to be conducted on the premises, requires that the programs be associated with a church on the premises, and limits the consumption of the food prepared in the culinary training program to the students and staff on the premises.

The St. Joseph Center is requesting permission to move its personal money management program, the Monetary Advisory Program (hereinafter “MAP”) and “other similar programs” to the premises, although they are currently provided at other existing St. Joseph Center locations.

The St. Joseph Center is requesting the deletion of the requirement that the programs provided at the premises be associated with a church on the premises.

The St. Joseph Center is requesting the deletion of the condition that limits the consumption of the food prepared in the culinary training program to the students and staff on the premises. The St. Joseph Center is requesting permission for the kitchen of the culinary training program to be used for catering the events and meeting held on the premises.

Condition Of Approval number 28:

This condition requires the construction of a fence on an adjacent property, and that property owner has determined that a fence is unnecessary and has released the St. Joseph Center from this obligation. The St. Joseph Center is requesting the deletion of the requirement.

Condition Of Approval number 29:

This condition requires that “The Applicant shall restrict access to the roof of the Project to authorized staff personnel.” The St. Joseph Center is requesting that this condition be clarified so that the roof deck above the lunch room “may be used as an outdoor lunch or break space for center staff and lessees and shall not be accessible to clients or other event guests.”

Condition Of Approval number 34:

This condition specifies that the number of shared parking spaces on the “campus” that includes the St. Joseph Center, is 146. The St. Joseph Center requests that this number be changed to 132 parking spaces to reflect the correct number of parking spaces.

Analysis Of Plan Approval Issues

Two separate Planning Department proceedings are involved, and consolidated, in this matter. First is a Plan Approval, which is a proceeding required to be filed by the St. Joseph Center one year after commencement of activities under the Conditions Of Approval. As part of this Plan Approval proceeding, the St. Joseph Center is required to provide appropriate

documentation to substantiate ongoing compliance with each of the 38 Conditions Of Approval, including a shared parking study, "in order to evaluate the effectiveness of and compliance with the conditions of approval regarding the operations and physical improvements of the facility." New Conditions Of Approval may be added if needed, and the existing Conditions Of Approval may be modified, if needed. The St. Joseph Center has submitted a "Conditions Of Approval Compliance Matrix" listing the 38 Conditions Of Approval and evidence that the St. Joseph Center is in compliance with each condition.

It appears that the St. Joseph Center is in violation of twelve of the Conditions Of Approval, as discussed below. Most of these violations are clear and open, but others are based on evidence provided by the adjoining residents, and verified as much as possible by this staff member.

Parking: Conditions Of Approval numbers 8, 11, 33, and 35:

The St. Joseph Center has refused to provide current information which describes the specific nature of the uses and activities on the Campus, staffing (employees and volunteers), number of clients, schedules and hours of operation, events, parking requirements, allocation of parking spaces for the three uses on the Campus, and the contract(s) or agreements for the leasing of parking spaces. The information on shared parking previously provided by the St. Joseph Center to the City and to the Coastal Commission, dated November, 2003, was projected numbers for the expanded building, and not actual numbers. The document is entitled "St. Joseph Center Existing And Projected Future Staffing And Program Activity."

Now that the new building has been completed and has been operational since July, 2008, the St. Joseph Center should provide actual, current information concerning the three uses on the Campus, and the leases to third parties, which share the 134 off-street parking spaces. The St. Joseph Center has refused to do so, making it impossible to assess the accuracy of the parking study and the sufficiency of parking on the premises. Instead, the St. Joseph Center has submitted Parking Monitoring Reports which count the number of empty parking spaces during the course of the day, for the period studied. These studies conclude that, on weekdays, peak use is Monday between noon and 1:00 P.M., and that only 58% of the parking spaces are occupied. On weekends, these studies conclude that peak use is on Sunday between 1:00 and 2:00 P.M., and that 83% of the parking spaces are occupied at that time. The St. Joseph Center takes the position that parking is sufficient to accommodate all of the requested increases in capacity and hours because they will not affect parking during the peak hours identified in the Parking Monitoring Reports.

The adjacent residents vociferously dispute the findings of the Parking Monitoring Reports and state that it is flawed. Although the Parking Monitoring Reports found that the parking lots were never full, the adjacent residents report that the parking lots are often full, particularly the upper lot. The adjacent residents state that the parking attendant at the lower lot, where parking spaces are leased to third parties, as a rule turns away people who are coming to the St. Joseph Center and re-directs them to the unattended upper lot, which causes the appearance of empty parking spaces in the lower lot, even when the upper lot is full. The adjacent residents are uniformly in agreement that persons coming to the St. Joseph Center and employees from the Catholic Charities Services facility are parking on the adjacent residential streets and causing, or contributing to, a major shortage of parking on the adjacent streets. The

adjacent residents state that the employees of the Catholic Charities Services facility park on the residential streets instead of the on-site parking lot, and that this building rents offices to sub-tenants who also park on the residential streets instead of in the on-site parking lot. None of these circumstances were considered in the original shared parking study or the parking operations plan; nor were they considered in the Parking Monitoring Reports prepared on behalf of the St. Joseph Center.

The St. Joseph Center states that the Archdiocese leases the lower parking lot to third parties on a monthly basis with no overnight parking allowed, and that the Archdiocese uses the lower lot for paid daily parking open to the public, by leasing the lower parking lot to a company that manages it for this purpose. The St. Joseph Center states that it can not obtain any additional information from the Archdiocese concerning the leases to third parties or the parking lot management or the paid daily public parking.

Condition Of Approval number **8** sets forth some of the Plan Approval requirements, including:

The applicant/owner shall provide appropriate documentation to substantiate **ongoing compliance with each of the conditions contained herein**, including a shared parking study in accordance to Section 12.24-X, 20, of the Los Angeles Municipal Code, at the time of filing the Approval of Plans review application. Conditions may be added or modified as appropriate.

Condition Of Approval number **11** requires, in relevant part, that “Any modification of those hours or days shall require a plan approval application and revision of the shared parking analysis.”

Condition Of Approval number **33** requires, in relevant part:

The applicant and parties operating the shared parking facility shall submit written evidence in a form satisfactory to the Office of Zoning Administration which **describes the specific nature of the uses, hours of operation, parking requirements, and the allocation** of parking spaces, and which demonstrates that the required parking **for each use, including leased parking, will be available taking into account their hours of operation. This information shall be provided for the uses on the entire church site.** (emphasis added.)

The Coastal Commission expanded the nature of this obligation when granting the Coastal Development Permit for this project:

4. Parking Management Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a parking management plan for the management of its work schedules, hours of operation, and of all 134 parking spaces on Campus as shown in Exhibit 66 and outlined in the parking analysis found in the Crain & Associates report of December 12, 2003 as amended by the applicant’s revised plan of December 15, 2004 (Exhibit 66). The applicants and owners of each use or structure on the

Campus shall share the parking pursuant to Special Condition 1, above, and shall manage the development/activities on the 12-acre site such that all parking generated by daily and weekly activities described in this application, including Saturday and Sunday activities, can be accommodated within the 134 spaces in the parking lots identified Exhibit 66. Methods of management shall include validation for the use of the spaces in the lower lot by owners, employees, occupants, students and visitors to the structures identified as Convent/Catholic Charities, the St. Joseph's Center, the St. Clement Rectory, and St. Clement Church, and designation of no fewer than 10 drop off/short term spaces in the various lots.

The Conditions Of Approval acknowledge that some of the parking spaces in the lower parking lot are leased, and Condition number **35** requires:

Leased parking spaces shall be limited to the lower parking lot located along Hampton Drive. Prior to the issuance of a Certificate of Occupancy, a parking operations plan shall be submitted to the Zoning Administrator for review and approval. **The parking operations plan shall ensure that the needs of all on-site users are adequately met before making spaces available for public use.** The Zoning Administrator may require the recommendation of Department of Transportation prior to approval. **A shared parking survey and analysis shall be provided with any plan approval application and shall be reviewed by the Department of Transportation prior to submission.** (emphasis added.)

The Conditions Of Approval quoted above require the St. Joseph Center to provide documentation of the specific nature of the uses and activities on the Campus, staffing (employees and volunteers), number of clients, schedules and hours of operation, events, parking requirements, allocation of parking spaces for the three uses on the Campus, and the contract(s) or agreements for the leasing of parking spaces. There is ample basis for requiring the St. Joseph Center to provide this information, instead of relying on Parking Monitoring Surveys which counts the empty parking spaces and are subject to inaccuracy because the parking attendant does not allow parking in the lower lot, and because employees and sub-tenants of one building park on the residential streets. It is undisputed that some basic information is needed to assess the sufficiency of the on-site parking lot to serve three shared uses, such as the hours of operation and the number of employees and usual visitors for each of the uses made by all of the users of the parking lot. This information is necessary to independently review and evaluate the validity of the shared parking study and the parking operations plan, and the sufficiency of the arrangements to share the 134 parking spaces between all uses of the "Campus" and third parties who lease parking spaces from the Archdiocese.

The Shared Parking Study conducted by Crain & Associates dated December 12, 2003, concluded, in part, that "Weekend parking conditions will be unaffected by the proposed St. Joseph Center project." The St. Joseph Center seeks to expand its hours of operation and the capacity on the weekends, specifically the permitted closing hours for events and meetings be extended from 5:00 P.M. to 9:00 P.M. on Saturdays, and from 1:00 P.M. to 9:00 P.M. on Sundays, and that the limit of 75 persons after 6:00 P.M. be changed to allow up to 75 persons until 9:00 P.M. on weekends. Yet the St. Joseph Center refuses to provide any of the actual, current, information needed to substantiate the validity of the shared parking study.

A current Shared Parking Study is necessary to identify the time periods when either of the other two users of the Campus are holding events requiring substantial parking, as it would be reasonable to require the St. Joseph Center to hold large events, meetings, and classes only during time periods when it is not being used by either of the other two users of the parcel, and when the Applicant notifies all persons attending the event that free valet parking will be provided, along with a map showing the preferred parking entrance to be on Hampton Avenue, and not on Third Street.

The St. Joseph Center has an obligation to provide this information not only concerning its own activities, but also for the activities of the St. Clement Church and the Catholic Charities Services facilities. Instead, the St. Joseph Center claims that it is unable to obtain any information concerning the other two uses by the Archdiocese and the leases to third parties by the Archdiocese. However, the shared parking study applies to all three uses sharing the parking, and the Archdiocese recorded a "Master Covenant And Agreement" which expressly obligates the Archdiocese to "comply with Condition Nos. 1 through 38" which are attached thereto.

As part of the Plan Approval process, the St. Joseph Center should be required to provide current, updated information on the uses of the shared parking by all users, including the leases to third parties. It is neither reasonable or logical to find that the St. Joseph Center is in compliance with these four conditions so long as it refuses to provide this information.

Condition Of Approval 12.b.:

This Condition Of Approval is entitled "Limitations on Use/Occupancy," and provides, in relevant part, "The center shall not host athletic or other competitions, swap meets, bake sales, private rentals or any use of the site by any organizations other than the center."

The adjacent neighbors have provided irrefutable evidence that the St. Joseph Center is renting out the kitchen to private parties for cooking classes open to the general public. The St. Joseph Center was confronted with this violation and would not commit to cessation of the violation, and instead provided a meaningless and obfuscating response. As part of the Plan Approval process, the St. Joseph Center should be required to provide a satisfactory explanation in writing for its violation of this Condition, and should be required to confirm that it is aware that no private rental of the premises is permitted, and that no private rental will be made in the future.

The St. Joseph Center is also using the teaching kitchen to sell cooking classes open to the general public as a source of fund raising, though it is not clear that this is prohibited by the Conditions Of Approval. The Plan Approval process should be used to clarify whether this use is permitted or prohibited. If this use is permitted, the question should be addressed of whether the limitation on class size in the Culinary Training Program is applicable to this use.

Conditions Of Approval 14.a. and c.:

Condition number 14 is entitled "Complaint Response/Community Relations."

Subpart 14.a. states: “ Complaint monitoring. A 24-hour "hot line" phone number shall be provided for the receipt of complaints from the community regarding the subject facility and shall be:

- 1) Posted at the entry.
- 2) Provided to the immediate neighbors, schools, and local neighborhood association, if any.

Subpart 14.c. states: “The property owner/operator shall designate a community liaison. The liaison shall meet with representatives of the neighborhood and/or neighborhood association, at their request, to resolve neighborhood complaints regarding the subject property.

In a written response to written questions from the City Planning Commission dated December 17, 2003, the St. Joseph Center promised to address the neighbors’ security concerns as follows:

“St. Joseph Center will post a phone number at the proposed Hampton Drive site. This phone number connects to an answering service 24-hours per day, which immediately contacts the center’s Director of Operations and Executive Director to alert them to the neighbors’ concerns. It is staff’s responsibility to reasonably address these concerns in an expedient manner.”

The adjacent property owners state that the St. Joseph Center has failed to designate any person as a liaison to the adjacent residents, and have no live answering service. The adjacent property owners state that the “hot line” is cold and not hot, as it is an answering machine, whereas it should be a live person during business hours, and there should be an after-hours method to contact 24-hour security guard who is required to be on the premises by Condition Of Approval number 17.

Condition Of Approval 15:

This Condition Of Approval is entitled “Debris Removal/General Appearance, and provides, in relevant part: "The applicant shall clean up the public right-of-way within one block of the subject center once per day when the center is open to clients. Such clean up shall be limited to Hampton Drive from Marine Street to Rose Avenue, Third Avenue from Marine Street to Rose Avenue, Marine Street from Hampton Drive to Third Avenue, and Rose Avenue and alley from Hampton Drive to Third Avenue, and be generally limited to items such as feces, vomit, bottles, cans, paper and needles.”

The adjacent property owners state that the St. Joseph Center does not clean the premises as required. The St. Joseph Center should be required to keep a log of the date and time of each daily clean-up, and make the log available to the public immediately upon request.

Condition Of Approval 16:

This condition concerns the noise created by the child care center being immediately adjacent to residences, and requires that “Noise attenuating materials shall be utilized in the children’s play area to minimize any noise impact to the southerly and easterly residences.”

The adjacent property owners claim that this condition has been ignored, and that the noise of the child care center serving over 30 children is unreasonable in a residential zone. The St. Joseph Center admits that this condition has been ignored, and promised in late January, 2010, to look into it. The St. Joseph Center offers no explanation for its failure to do comply with this Condition, and the adjacent residents state that there has been no change.

As part of the Plan Approval process, "Conditions may be added or modified as needed," and the pre-school should be given a deadline to relocate the child care center to a portion of the Campus that is not adjacent to residential uses. The St. Joseph Center should also be required to comply with existing Condition Of Approval number 16 by commissioning a study and then installing recommended noise-attenuating materials to ensure that the noise is below a certain decibel level at the property line adjoining residential areas.

Condition Of Approval 18.e.:

This Condition Of Approval provides, in relevant part: " All staff and client parking shall be onsite and not on adjacent residential streets." As discussed above in relation to Condition Of Approval number 8, the neighbors report that the Catholic Charities Services employees and subtenants park on the street, and many visitors to the St. Joseph Center also park on the street. As part of the Plan Approval process, all staff and clients the St. Joseph Center, St. Clement Church, and the Catholic Charities Services should be required to park in the off-street parking lot, and improved signage and communication should be required so that visitors are directed to off-street parking in a manner that seeks to make off-street parking more convenient than street parking.

Condition Of Approval 21:

This Condition Of Approval provides, in relevant part: "The family center, food pantry, culinary training program, affordable housing program and senior center outreach program shall be programs only associated with a church on the subject property." As discussed above in relation to Condition Of Approval number 12.b., the St. Joseph Center is renting out the kitchen to private parties for cooking classes open to the general public.

Condition Of Approval 29:

This Condition Of Approval provides, in relevant part: "An architectural lattice or similar screening material shall be erected at the southerly edge of the roof deck to visually buffer the deck from the apartment building to the south. Landscaping materials shall be incorporated into the lattice." People on the roof deck have a direct view into the windows of the adjacent residential property, and the St. Joseph Center has not installed full and complete screening of the adjacent residential windows from the roof deck, yet the Applicant seeks to modify this Condition Of Approval to allow use of the roof deck.

Condition of Approval 38.c.:

This Condition Of Approval provides that “Outdoor lighting shall be designed and installed with shielding, so that the light source can not be seen from adjacent residential properties.” The adjacent residents report that both indoor and outdoor lighting intrudes into residential areas. The outdoor lighting on tall poles in the parking lot is not shielded from the adjacent residential properties, although the St. Joseph Center has recently made an effort to lessen the problem by turning off the large lights on poles in the parking lots at an earlier time. The adjacent residents request that the parking lot lights be shielded as required, and that indoor lighting at the southeast end of the building on the second floor be turned off no later than 10:00 P.M.

Analysis Of Application To Modify Conditions Of Approval Numbers 11, 12, 21, 28, 29 and 34

There is no substantive objection to the modification of Conditions Of Approval numbers 28 and 34 as requested by the St. Joseph Center.

The remainder of the proposed modifications seek to expand the hours of operation to later hours, increase the number of persons allowed at events, meetings, and classes, move the personal money management program and unspecified “other similar programs” to the St. Joseph Center, delete the requirement that the programs provided at the premises be associated with the church, delete the condition that limits the consumption of the food prepared in the culinary training program to the students and staff on the premises, and allow staff to use the roof deck above the staff break room.

In essence, the St. Joseph Center seeks to modify the Conditions Of Approval to allow a change of use from church-affiliated social service programs, to a meeting and event center with a catering and teaching kitchen available for rental by the public for functions of any kind, until 9:00 P.M. every day of the week, with a limit of 75 attendees after 6:00 P.M., and annual limits on the number of public events after 6:00 P.M.

The St. Joseph Center’s proposed modifications of the Conditions Of Approval were described above. The objections which have been made by the adjacent residents to the proposed modifications Condition Of Approval numbers 11, 12, 21, and 29 are discussed below.

Condition of Approval 11:

The St. Joseph Center seeks to modify the condition which limits the hours of operation and the capacity of each program, class, event, or meeting. This Condition was not clearly drafted in the original version, and is no clearer in the proposed revisions.

The adjacent residents have conveyed the previous history of detailed and drawn-out negotiations in 2003 to allow the St. Joseph Center to build the new, expanded facility which opened in July, 2008. One set of issues was that some of the clients served and the programs run by the St. Joseph Center were not compatible with a residential neighborhood because they brought homeless, drug addicts, and mentally ill persons into the residential area, exacerbating crime, trash, defecation, and public intoxication. Another issue was a shortage of street parking, and questions as to the sufficiency of the shared the use of the off-street parking with a Church and offices that also brought

many people and cars into the residential neighborhood. A third issue was controlling the increase in traffic and noise attendant to the expansion of the St. Joseph Center. At the time, the adjacent residents felt that the neighborhood was already burdened by the uses of the Church on the weekends and the Catholic Charities Services offices during the day, and they did not want to increase the traffic, noise, and parking problems by having the St. Joseph Center's expansion include large night and weekend events, meetings, and classes.

The adjacent residents feel that much time and effort was expended in 2003 to arrive at the Conditions Of Approval, particularly the limitations on the hours of operation and the capacity of each program, class, event, or meeting.

The representative of the St. Joseph Center states that the expanded hours are to be used primarily for staff meetings and nutrition classes, but there is no such limitation proposed.

The community is open to some minor modifications to some of the Conditions Of Approval which expand the hours and the maximum number of visitors, but not at this time, for four reasons.

First, this is a residential neighborhood and the proposal for increasing the number of people attending events, meetings, and classes at night, and the proposal for significantly later closing hours on weekends, will result in increased traffic, noise, and use of residential streets for parking at night, every day of the week. St. Clement Church events take place primarily on weekends, and the adjacent residents desire some respite from the noise and traffic at night.

The proposed modifications of the Conditions Of Approval would allow 75 people to depart from events, meetings, and classes on the premises at 9:00 P.M. every day of the week, including week nights and on Sunday nights. The modifications of the Conditions Of Approval proposed by the St. Joseph Center would allow social service programs to be held until 9:00 P.M. on week nights with no limit whatsoever on the number of persons who may attend.

The adjacent residents feel that the proposed expansion of hours and capacity will result in increased noise, traffic, and street parking by clients and visitors, and this would be too much of an increased burden on the residential community. This concern is reasonable due to the residential nature of the surrounding neighborhood.

Second, it would be illogical to allow any modification of the Conditions Of Approval to permit additional activities at the St. Joseph Center, when it is currently in violation of so many of the existing Conditions Of Approval, as discussed above in relation to the one-year Plan Approval application.

Third, the St. Joseph Center has only been open since July, 2008, and admits that it is not yet operating at full capacity with respect to the number of events, meetings, and classes, the number of people attending the events, meetings, and classes, and the nighttime hours of events, meetings, and classes. Therefore, it is not possible to assess the full burden on the neighborhood of the activities and operations as currently allowed. It makes more sense to see how operations at full capacity impact the community, particularly noise, traffic, and parking, before allowing expansion.

Fourth, as discussed above relating to the one-year Plan Approval application, the St. Joseph Center is required by Conditions Of Approval numbers 8, 11, 33, and 35, to prepare and provide a revised shared parking study and analysis with its Plan Approval application, including written evidence describing the specific nature of the uses, the required parking for each use, the third-party

leased parking agreements, the hours of operation, and the allocation of parking spaces for each use, for the entire Campus, not just the St. Joseph Center. The St. Joseph Center is required to provide documentation substantiating that the required parking for all of the uses and activities on the Campus are adequately met, otherwise no parking can be leased to third parties or otherwise made available for public use.

However, the St. Joseph Center refuses to provide any information on the current uses, programs, activities, staffing (employees and volunteers), schedules, number of clients, hours of operation, allocation of parking spaces, or third-party parking lease arrangements on the Campus, including the St. Joseph Center and the other two uses on the Campus, all of which share the 134 off-street parking spaces. This information was required by the City and the Coastal Commission in 2003 so that the Parking Management Plan and shared parking study could be independently evaluated. The information provided in November, 2003, relating to the St. Joseph Center was “projected” information because the new building had not yet been built, and parking conditions for the St. Joseph Center, the Church, the Catholic Charities offices, and the third-party parking leases would certainly have changed in the last 7 years.

Absent current information concerning all uses of the “Campus,” no informed evaluation of the sufficiency of the shared parking can be conducted, and the request for modification is premature.

Each of the above four reasons alone would justify denial of the request to expand the hours and capacity of the St. Joseph Center, and maintain the restrictions on hours and capacity that were originally negotiated.

Condition of Approval 12:

The St. Joseph Center seeks to modify this Condition Of Approval, which prohibits “private rentals or any use of the site by any organizations other than the center,” to allow rental of approximately 900 square feet of office space for administrative purposes only to social service organizations that offer programs and services similar to those offered by St. Joseph Center. The St. Joseph Center has agreed to expressly limit the subtenants to office-related administrative uses, with no clients permitted on site, but that is not clearly specified in the proposed modified Conditions Of Approval.

As discussed above with respect to the one-year Plan Approval application, the St. Joseph Center is already in violation of this Condition by renting out the Culinary Training Kitchen to private parties for cooking classes open to the general public.

As discussed above with respect to the refusal of the St. Joseph Center to provide the required documentation regarding the specifics of all of the uses on the Campus, it is impossible to analyze the sufficiency of the shared parking arrangements. It would be premature to consider sub-leasing office space and bringing more employees and cars onto the premises when it is uncertain that the off-street parking is sufficient to accommodate the existing uses.

Condition of Approval 21:

This Condition limits the types of programs that the St. Joseph Center can conduct on the premises, requires that those programs be associated with the Church, and limits the consumption of the food prepared by the trainees of the Culinary Training Program to those students and staff:

The family center, food pantry, culinary training program, affordable housing program and senior center outreach program shall be programs only associated with a church on the subject property. The class size for the Culinary Training Program shall not exceed 16 trainees. All food prepared in the culinary training institute will be for consumption by the students and staff on the premises.

As discussed above with respect to the one-year Plan Approval application, the St. Joseph Center is already in violation of this Condition and Condition number 12.b. by renting out the Culinary Training Kitchen to private parties for cooking classes open to the general public.

The St. Joseph Center proposes four modifications to this Condition of Approval.

First, the St. Joseph Center seeks to modify this Condition of Approval to allow the relocation of the Monetary Advisory Program ("MAP"), and "other similar programs," from the Lincoln Boulevard location, onto the premises. The Applicant's web site describes the MAP program as providing money management services to the homeless, to drug addicts, and to the mentally ill, which are exactly the type of clients that are considered inappropriate to draw into a residential neighborhood.

When the adjacent residents expressed concern that the relocation of the MAP to the St. Joseph Center would violate the understanding that programs drawing homeless, drug addicts, and the mentally ill clients would not be offered in the residential neighborhood, the St. Joseph Center quickly revised its web site to omit any reference to homeless, drug addicts, and mentally ill clients being served by MAP. This type of response reinforced the community's existing lack of trust, and the lack of credibility, of the St. Joseph Center. When asked, the St. Joseph Center explained that the original MAP description on its web site was accurate, but that only a portion of the clients of the MAP would be moved to the St. Joseph Center, none of them homeless, drug addicts, or mentally ill. The St. Joseph Center could not explain why it changed the description on its web site, even though that description was accurate.

If this Condition Of Approval were to be modified to allow the MAP to be partially relocated to the St. Joseph Center, it would have to expressly reaffirm that bringing homeless, drug addicts, or the mentally ill clients into the residential neighborhood is prohibited. The St. Joseph Center states that the existing Conditions Of Approval already prohibit this, but no such express prohibition exists. The St. Joseph Center has offered to condition the relocation of the MAP to state: "Programs at the center shall not include a substance abuse rehabilitation program." This language does not expressly state that the MAP shall not serve homeless, drug addicts, or the mentally ill clients at the St. Joseph Center.

Second, the St. Joseph Center proposes to include authorization to conduct "other similar programs" on the premises, but this is far too vague, and should be rejected.

Third, the St. Joseph Center proposes to eliminate the requirement that the only programs allowed are "programs only associated with a church on the subject property." The St. Joseph Center

proposes to replace this with language requiring that all programs conducted at the St. Joseph Center are “associated with the center,” but this proposed language is vague and meaningless, as any program conducted at the center is, by nature, associated with the center. The adjoining neighbors are strongly opposed to this modification. The neighbors state that this limitation was specifically negotiated so that all of the programs and services offered by the St. Joseph Center are sponsored by the Archdiocese, and not by any third party. The neighbors state that approvals for the project were based on its characterization as a church, and the parking calculations used to construct the St. Joseph Center were expressly based on its use as a church, and not as a community center.

The distinction between “church” and “center” may be subtle and difficult to comprehend, but is best explained by the example of the St. Joseph Center’s current violation of the requirement that the Culinary Training Kitchen only be used for programs associated with the church. The St. Joseph Center is currently renting out the kitchen to private parties for programs not associated with the church, specifically cooking classes open to the general public. If the language was changed to allow the St. Joseph Center to use the Culinary Training Kitchen only for programs associated with the center, it could reasonably be claimed that renting out the Culinary Training Kitchen to the general public for cooking classes is “associated with the center,” since it takes place at the center.

When faced with the adjacent neighbors’ strong objection to this proposed modification, the St. Joseph Center appeared to vacillate between withdrawing the proposed modification, and seeking it. The St. Joseph Center states that the modification to use of the term "center" instead of “church” is solely to be consistent with other Conditions of Approval. If this were true, when informed of the existence and nature of the strong objection from the neighbors, the St. Joseph Center should have withdrawn its proposed modification. The adjacent residents then assume an ulterior motive, thereby feeding the complete lack of trust and credibility of the St. Joseph Center in the eyes of the surrounding residents.

The fourth proposed modification of this Condition of Approval is to change the requirement that all food prepared in the culinary training institute (i.e., the kitchen) must be consumed “by the students and staff on the premises,” and allow the food prepared in kitchen to be consumed “in connection with permitted events on the property.” This proposed modification lays to rest any question as to the St. Joseph Center’s intentions in seeking to cast aside the requirement that all uses of the premises be associated with the Archdiocese. It appears that the intention of many of the proposed modifications is to convert this provider of Church social services into an event center open to the public with full catering on the premises. If this is the case, a significantly higher number of parking spaces would presumably be required.

The adjacent neighbors state that the Conditions Of Approval were negotiated to limit the uses of the premises to those associated with the Archdiocese’s social service programs, which included limiting the use of the kitchen to the Culinary Training Institute. The neighbors are understandably concerned that the St. Joseph Center, by seeking a few seemingly minor modifications, is trying to change the use of the premises to allow rentals for catered functions of up to 75 people any night of the week until 9:00 P.M., up to 60 times per year.

Condition of Approval 29:

This condition requires that “The Applicant shall restrict access to the roof of the Project to authorized staff personnel.” The St. Joseph Center is requesting that this condition be clarified so that the roof deck above the lunch room “may be used as an outdoor lunch or break space for

center staff and lessees and shall not be accessible to clients or other event guests.”

As discussed above with respect to the one-year Plan Approval application for this Condition, the St. Joseph Center is currently in violation of this Condition because it has not installed full and complete screening of the adjacent residential windows from the roof deck. Without full screening, persons on the roof deck can look right into the windows of the adjacent apartment building to the south. Additionally, the St. Joseph Center has not proposed to limit the hours to lunch hours or otherwise. The proposed modification is ambiguous because the language allows lessees to use the roof deck, which would include those who rent the facilities, even though the proposed language excludes “clients or other event guests” from using the roof deck.

This concludes the Staff Report.

Respectfully submitted,

Robert A. Aronson
LUPC Member