

**CALIFORNIA COASTAL COMMISSION**

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Hearing Date: Sept. 10, 2004  
Commission Action:

**Fri 14b**

**STAFF REPORT: APPEAL**  
**SUBSTANTIAL ISSUE**

**LOCAL GOVERNMENT:** City of Los Angeles

**RECORD PACKET COPY**

**LOCAL DECISIONS:** Approval with Conditions

**APPEAL NUMBER:** A-5-VEN-04-315

**APPLICANT:** St Joseph Center (Attn: Rhonda Meister)

**AGENT:** Charlene Dekker, DMJM

**APPELLANTS:** Steve Aguilar, Joe Bates, Todd Flournoy, George Gianfrancisco, Barbara Gibson, Tom Gibson, Marie Hammond, Anita Holcomb, Jon Huertas, Jason Teague and Roger Webster.

**PROJECT LOCATION:** 204 Hampton Drive, Venice, City of Los Angeles.

**PROJECT DESCRIPTION:** Appeal from decision of the City of Los Angeles approving Local Coastal Development Permit No. APCW2003-3304 for the demolition of an 11,000 square foot school building/community service center (St. Joseph Center), and construction of a new two story church as an expansion to an existing church (St. Clement's) and a 41-foot high, 30,000 square foot building for the provision of non-profit community services to indigents (e.g. child care, counseling, classes, culinary training and referral services).

**SUMMARY OF STAFF RECOMMENDATIONS**

The staff recommends that the Commission, after public hearing, determine that **a substantial issue exists** with respect to the proposed projects' conformance the Chapter 3 policies of the Coastal Act for the following reasons:

The local coastal development permit approves demolition of an 11,000 sq. ft. former school building (now St. Joseph Center) currently used for church offices and operation of a food pantry/social service center, and construction of a 30,000 square foot institutional building across five residentially designated lots for the same uses. The building is located in a sixteen-lot area now occupied by a former nunnery, a church and a public parking lot. The 41' high building will exceed the 25-to-30-foot height limit established for residential and commercial uses in the Oakwood area in the City's certified Land Use Plan (LUP) for Venice and does not conform to LUP development standards for lot combination. The new structure

includes no parking. Instead, the applicant proposes to provide parking for the proposed development on an existing parking lot owned by St. Clement's Church that the St. Joseph Center, Saint Clement's Church and other institutions on the campus now use. St. Clement's Church owns and operates two parking lots on its 12-lot campus (Exhibits 4 and 5). Both lots are included in a parking plan that the City approved in as part of the Zoning Administrator's Determination approving this project. The lower lot, which the applicant proposes to landscape as part of this development, is a separate legal lot and located in the City of Santa Monica, and is metered to allow public parking. In order to secure the shared parking conditions, the City CUP requires that the applicant record a statement of agreement to all terms and conditions over the entire church property, including the portion within the City of Santa Monica. The proposed parking plan and the proposed project's height, land use, setbacks and design raise substantial issues concerning the Chapter 3 policies of the Coastal Act, specifically Sections 30222, 30251 and 30252.

The **motion** to carry out the staff recommendation is on **Page 6**.

#### **SUBSTANTIVE FILE DOCUMENTS:**

1. City of Los Angeles certified Land Use Plan for Venice, 6/14/01.
2. City of Los Angeles Specific Plan for Venice, Ordinance No. 172,897, 12/22/99.
3. City of Los Angeles Local Coastal Development Permit No. APCW2003-3304.
4. City of Los Angeles Mitigated Negative Declaration No. ENV-200-330-MND.

#### **I. APPELLANTS' CONTENTIONS**

The Los Angeles City Council's action to approve Local Coastal Development Permit No. APCW2003-3304 for the proposed project located at 204 Hampton Drive in the Oakwood area of Venice has been appealed by Steve Aguilar, Joe Bates, Todd Flournoy, George Gianfrancisco, Barbara Gibson, Tom Gibson, Marie Hammond, Anita Holcomb, Jon Huertas, Jason Teague and Roger Webster.

The grounds for appeal raised by the appellants are:

1. Lot Consolidation -- the Certified Venice LUP limits lot consolidation to three lots; the 30,000 sq. ft. structure extends over five lots; the façade is not "broken up" to reduce massing as required in the LUP.
2. The proposed building is out of scale with the existing community character; the height will extend 41 feet above the street in an area where the LUP establishes a height limit of 30 feet above the centerline of the road.
3. Community character. Because the building is elevated on a pad above the street, it is incompatible with preserving the pedestrian environment of Venice as identified in the certified LUP.
4. Land Use -- The LUP designates these lots as Medium Density Residential and the zoning of the lots is RD1.5. There is no "Community Center" or "Institutional Use"

envisioned in the certified LUP, and no provision in the certified LUP for allowing these uses as a conditional use.

5. The applicant's proposal is essentially an office building on residentially designated lots. The building could be sold to a third party as an office building, which is inconsistent with the LUP.
6. Parking – The project provides no on-site parking; the shared parking is not sufficient for all uses sharing it; the shared use parking is not sufficiently protected in event the building is sold.
7. Parking – The shared parking lot is metered and is currently used for parking by beach goers, customers of commercial uses and local residents. The loss of this local parking supply may have adverse impacts on coastal access. This issue merits scrutiny by the Commission in order to determine whether such impacts can be mitigated. [Coastal Act Section 30211.]
8. The project will be a bad precedent for "grandfathering" existing non-conforming uses that are inconsistent with the LUP.
9. The exceptions to the height and development standards that the City permitted are a bad precedent, because they will inevitably be applied to commercial uses.

The full text of the appellants' assertions is found in Exhibit 7.

## **II. LOCAL GOVERNMENT ACTION**

The applicant submitted the application for the proposed development to the City of Los Angeles Planning Department in the spring of 2003. The proposed project required approval of the following discretionary actions:

1. Local Coastal Development Permit No. APCW2003-3304.
2. Venice Specific Plan Project Permit.
3. Specific Plan Exception
4. Conditional Use Permit.
5. Zoning Administrator's Determination (Shared Parking).
6. Mitigated Negative Declaration No. ENV-2003-3305-MND.

City records state that on July 17, 2003, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued a mitigated negative declaration and determined that by imposing conditions, the impacts could be reduced to a level of insignificance. On February 18, 2004, the West Los Angeles Planning Commission considered the Specific Plan Exception/Conditional Use/Coastal Development Permit/Zoning Administrator's Determination and Specific Plan Project Permit at one public hearing and approved the proposal with administrative conditions and conditions specifically relating to each action. The decision was issued on March 22, 2004. Under the terms of the City Charter, the Conditional Use Permit was appealable to City Council; the other actions, including the coastal development permit, were not.

The City provided the Commission and interested parties of the West Los Angeles Planning Commission decision on March 22, 2004, noting that the decision on the Conditional Use Permit could be appealed to the City Council. Because a substantive part of the City's

possible action was pending, the City provided no Notice of Final Action to the Coastal Commission at the end of the appeal periods established by the March 22, 2004 West Los Angeles Planning Commission Determination.

The City Council received four appeals of the Conditional Use Permit within the 15-day appeal period, including an appeal by the applicant. On Wednesday June 2, 2004, the Planning and Land Use Management Committee (PLUM Committee) of the Los Angeles City Council held a hearing on the appeal of the conditional use permit. On June 22, 2004, the Los Angeles City Council considered and adopted the report from the West Los Angeles Area Planning Commission in approving the Conditional Use Permit, as modified by the PLUM committee at its June 2, 2004 hearing.

The conditions imposed (Exhibit 6) require that:

"An acknowledgment and agreement to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and be binding on any subsequent owners. ... The agreement shall be recorded over the entire church property, including the portion within the City of Santa Monica, in order to secure the shared parking conditions and conditional use for the church use expansion."

The City permit also includes conditions to address height and to relieve the visual impact of the façade along Hampton Drive; other conditions address neighborhood compatibility issues including the hours of operation, hiring a security guard, fencing the parking lot, limiting the number of children enrolled in the child care center, uses by other organizations, noise, clean up of streets and the behavior of clients. The applicant is also required to construct a wall to provide privacy for a nursery school located on the west side of Hampton Drive, and provide a 24-hour hot line for neighborhood complaints. Other conditions address water quality impacts of the parking lot; construction impacts, debris removal, landscaping of the parking lot, and require the applicant to obtain a permit from the City of Santa Monica for improvements to the parking lot. The special conditions imposed by the City Council are found in Exhibit 6.

The City, in its combined action imposed conditions on the coastal development permit; Venice Specific Plan Project Permit, the Specific Plan Exception (height and bulk), and the Zoning Administrator's Determination are found in Exhibit 6. The West Los Angeles Planning Commission imposed Condition 4 addressing compliance with plans and Condition 32 addressing the coastal development permit:

Condition 4. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action. Minor deviations may be allowed in order to comply with provisions of the Municipal Code and the intent of the subject permit authorization, and if the applicant is unable to obtain approvals from the City of Santa Monica for any improvements to the parking lot areas located in the City of Santa Monica.

Coastal Development Permit

32. Any changes to the project as permitted by Condition No.4, and any portions of the project not detailed herein shall comply with the applicable provisions of the Venice Local Coastal Program Land Use Plan.

The City Council action, which includes all conditions, is found in Exhibit 6. The City Council adopted the West Los Angeles Planning Commission findings, which are founding Exhibit 6.

### III. APPEAL PROCEDURES

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program (LCP), a local jurisdiction may, with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval or denial of a coastal development permit. Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local coastal development permits.

Sections 13302-13319 of Title 14 of the California Code of Regulations provide procedures for issuance and appeals of locally issued coastal development permits. Section 30602 of the Coastal Act allows *any* action by local government on a coastal development permit application evaluated under Section 30600(b) to be appealed to the Commission. The standard of review for such an appeal is the Chapter 3 policies of the Coastal Act.

After a final local action on a local coastal development permit, the Coastal Commission must be noticed within five days of the decision. After receipt of such a notice which contains all the required information, a twenty working-day appeal period begins during which any person, including the applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission (Coastal Act Section 30602).

The appeal and local action are then analyzed to determine if a substantial issue exists as to the conformity of the project to Chapter 3 of the Coastal Act [Section 30625(b)(1)]. If the Commission finds that the appeal raises a substantial issue, the Commission then holds a public hearing in which it reviews the coastal development permit as a de novo matter.

At this point, the Commission may decide that the appellants' contentions raise no substantial issue of conformity with the Coastal Act, in which case the action of the local government stands. Alternatively, the Commission may find that a substantial issue exists with respect to the conformity of the action of the local government with the Coastal Act if it finds that the appeal raises a significant question regarding consistency with the Chapter 3 policies of the Coastal Act. If the Commission finds that a substantial issue exists, then the hearing will be continued as a de novo permit request. Section 13321 of the Coastal Commission regulations specifies that de novo actions will be heard according to the procedures outlined in Section 13114.

#### **IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE**

The staff recommends that the Commission determine that a substantial issue exists with respect to whether the approval of the project is consistent with the provisions of Chapter 3 of the Coastal Act (commencing with Section 30200), pursuant to PRC Section 30625(b)(1).

Staff recommends a **NO** vote on the following motion:

**MOTION:** *"I move that the Commission determine that Appeal No. A-5-VEN-04-315 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed."*

Failure of the motion will result in a de novo hearing on the application and adoption of the following resolution and findings. A majority of the Commissioners present is required to pass the motion.

#### **Resolution to Find Substantial Issue for Appeal A-5-VEN-04-315**

The Commission hereby finds that Appeal No. **A-5-VEN-04-315** presents a substantial issue with respect to conformity with the Chapter 3 policies of the Coastal Act.

#### **VI. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

##### **A. Project and Area Description**

The proposed project is the demolition of an 11,000 square foot school building now used as a community center and construction of a 41-foot high, 30,000 square foot institutional building for the provision of non-profit community services to indigents (e.g. childcare, counseling, classes, culinary training, and referral services).

According to the West Los Angeles Planning Commission staff report, the project is located on a church campus that includes 16 record lots that is located on the south side of Marine Street (in Santa Monica) and extends into Venice. The church campus is bounded on the north by Marine St., on the west by Hampton Drive, on the east by Third St. and on the south by private development (See Exhibits 3, 4 and 5) between Second Street and Hampton Drive and Second and Third Streets in Santa Monica. The eight lots in the City of Los Angeles are located along Hampton Drive, and on the southwest side of Third Street. The campus is located both in the City of Santa Monica and in the Oakwood Planning Area of Venice, in a neighborhood bordered by Rose Avenue on the south, the City of Santa Monica border on the north and Hampton and then Main St. on the west and Lincoln Boulevard on the east. Hampton Drive is one block east of Main Street; the beach lies two blocks west of Main Street; Rose extends to Lincoln, which is the coastal zone boundary, and further east. The 11,000 sq. ft. building that is to be demolished extends over five lots and fronts Hampton Drive. The existing building is currently used for the operation of the St. Joseph's Center food pantry and

counseling services as well as offices and meeting rooms, which are used by both the church and the St. Joseph's Center; other existing uses on the property include St. Clement's Catholic Church, the St. Clement's rectory and a convent (Exhibit 4).

Hampton Drive is a northwest-southeast street that parallels an older railroad right of way, which curves northwest through Venice. This property is located on the transition area between the older industrial spine of Venice and the residential community of Oakwood to the east. The land to the west of Hampton Drive has been long zoned and developed for light industrial uses. After the abandonment of the railroad right-of-way in the nineteen-seventies, many older industrial buildings were demolished or converted to modern commercial, industrial and office uses including film editing; theaters, and cafes. West of Hampton Drive, across from the applicant's site there is a temple and nursery school. Several "artist's lofts" have been constructed along Hampton Drive south of Rose Avenue; a four story office multi-story gym has been constructed to the west of Hampton, facing Main Street. There is a strip of commercial, multi-family and light industrial uses along Rose Avenue to the east of Hampton Drive, while the side streets north of Rose Avenue are designated for residential use and developed with duplexes and a few older single-family houses and apartment buildings. The land is hilly and slopes up toward the Ocean Park district of Santa Monica. Current uses and zoning are shown in Exhibit 3

The property subject to this application is designated Medium Density Residential in the Certified Land Use Plan and zoned RD1.5. The three different uses identified in the Land Use Plan and the current zoning all are reflected in the development surrounding this project. The certified Land Use Plan and the current zoning designate the lots west of Hampton "Limited Industry" (or M1-1) and further west, along Main Street as Commercial and Medium Density Residential. The Land Use Plan designates the five lots abutting Rose Avenue and directly south of the project as Medium Density Residential. East of Third Street, the lots fronting Rose Avenue are designated Neighborhood Commercial and the lots on the side streets (Third through Seventh Streets) both north and south of Rose Avenue are designated Medium Density Residential (Low Medium 2). The Zoning Ordinance allows churches, community centers and nursery schools as a conditional uses in a residential area; the zoning ordinance allows public benefit projects in industrial, commercial, and high-density residential zones; the Certified Land Use Plan is silent on Conditional Uses and on institutional uses. The zoning for the Venice LCP has not yet been certified by the Commission.

The building is proposed as a two level structure built around a central courtyard, with two levels built above existing finished grade, and a small basement under one wing. The courtyard is planned on the western (Hampton Drive) side of the structure. According to the City report, the site slopes approximately 30 feet from Hampton Drive to the eastern property line, creating a 10 foot grade differential from the curb to the buildable pad. Because of the slope, the courtyard and building entrances will be located ten feet above street level and accessed by staircases. A truck delivery entrance from Hampton Drive serves a basement level that is under the northern wing. The basement includes storage and security offices; the ground floor level of the structure will house a nursery school/day care center, a large meeting room, three small classrooms, church offices and an industrial kitchen intended to serve as a culinary arts school. On the upper level, the applicant proposes 29 small counseling offices, a conference room and an open hall. The applicant proposes a landscaped 2:1 slope between the street and the western side of the building. To reduce the visual impact of the structure,

the City required the second story to be set back ten feet behind the first story and required offsets and changes in color and texture every twenty feet. After granting the exceptions (height, setback and lot combination), the West Los Angeles Planning Commission imposed the following special condition:

The building shall be designed as follows:

- a. The building facade along Hampton Drive shall be designed with visual breaks or Architectural Features, including balconies or terraces, with a change of material or a break in the plane every 20 feet in horizontal length and every 15 feet in vertical length.
- b. The first story of the building shall be limited to a height of 25 feet. The northerly portion of the second story shall be stepped back at least 10 feet behind the front yard set back of the first story and shall be limited to a maximum height of 41 feet. All building heights shall be measured in accordance to Section 9, B of the Specific Plan. The second story portion of building may be located 5 feet closer to the rear property line, resulting in a 10-foot rear setback, in order to compensate for the additional front setback.
- c. The colors utilized for the building materials shall be generally per the drawings submitted to the Area Planning Commission and consistent with the nature of the adjacent residential area. Where brick is used, the color shall be generally red or neutral. Prior to the issuance of any permits a rendering showing the colors of the building shall be submitted to the Council Office for review and the Zoning Administrator for approval.

The roof parapet extends 41 feet above Hampton Drive, but according to the applicant, the bulk of the building is 25' 4" above average finished grade; the parapet extends 30 feet above the level of the finished floor, which is about 11 feet above Hampton Drive.

The project required exceptions from the height and setback requirements of the Venice Specific Plan, which the West Los Angeles Planning Commission granted to take into account the slope of the lot, and to allow "flexibility in design."

## **B. Factors to be Considered in Substantial Issue Analysis**

Section 30625(b) (1) of the Coastal Act states that the Commission shall hear an appeal of a local government action carried out pursuant to Section 30600(b) unless it finds that no substantial issue exists as to conformity with Chapter 3 of the Coastal Act. The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission's regulations simply indicates that the Commission will hear an appeal unless it "finds that the appellant raises no significant questions". In previous decisions on appeals, the Commission has been guided by the following factors.

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and,



5. Whether the appeal raises local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

Staff is recommending that the Commission find that a **substantial issue** does exist with respect to whether the approval of the project is consistent with the provisions of Chapter 3 of the Coastal Act for the reasons set forth below.

### **C. Substantial Issue Analysis**

As stated in Section III of this report, the grounds for an appeal of a coastal development permit issued by the local government prior to certification of its Local Coastal Program (LCP) are the Chapter 3 policies of the Coastal Act. In considering the consistency with Chapter 3, Section 13311 of Title 18 of the California Code of Regulations specifies that the local government should consult the Interpretive Guidelines and the Commission's prior actions. Any such local government coastal development permit may be appealed to the Commission. The Commission shall hear an appeal unless it determines that no substantial issue exists as to conformity with Chapter 3 policies of the Coastal Act. In this case, staff has recommended that a substantial issue does exist in regards to the appeal.

The appeals assert that:

1. Lot Consolidation -- the Certified Venice LUP limits lot consolidation to three lots; the 30,000 sq. ft. structure extends over five lots; the façade is not "broken up" to reduce massing as required in the LUP. The project does not conform to the development standards in the LUP that apply to these lots
2. The proposed building is out of scale with the existing community character; the height will extend 41 feet above the street in an area where the LUP establishes a height limit of 30 feet above the centerline of the road.
3. Community character. Because the building is elevated on a pad above the street, it is incompatible with preserving the pedestrian environment of Venice as identified in the certified LUP
4. Land Use -- The LUP designates these lots as Medium Density Residential and the zoning of the lots is RD1.5. There is no "Community Center" or "Institutional Use" envisioned in the certified LUP, and no provision in the certified LUP for allowing these uses as conditional use.
5. The applicant's proposal is essentially an office building on residentially designated lots. The building could be sold to a third party as an office building, which is inconsistent with the LUP.
6. Parking -- The project provides no on-site parking; the shared parking is not sufficient for all uses sharing it; the shared use parking is not sufficiently protected in event the building is sold.

7. Parking – The shared parking lot is metered and is currently used for parking by beach goers, customers of commercial uses and local residents. The loss of this local parking supply may have adverse impacts on coastal access. This is an issue that merits closer scrutiny by the Commission in order to determine whether such impacts can be mitigated. [Coastal Act Section 30211.]
8. The project will be a bad precedent for “grandfathering” existing non-conforming uses that are inconsistent with the LUP.
9. The exceptions to the height and development standards that the City permitted are a bad precedent, because they will inevitably be applied to commercial uses.

**1. Public Access Parking.** The appellants contend that the project will have impacts on public access because it increases the demands on an existing multi-use parking lot. Specifically, the appellants contend: that the project provides no on-site parking; the shared parking is not sufficient for all uses sharing it; the shared use parking is not sufficiently protected in event the building is sold. They further contend that the shared parking lot is metered and is currently used for parking by beach goers, customers of commercial uses and local residents and that the loss of this local parking supply may have adverse impacts on coastal access. They assert that this is an issue that merits closer scrutiny by the Commission in order to determine whether such impacts can be mitigated. [Coastal Act Section 30211.]

Coastal Act Section 30210 provides for maximum access; Section 30211 provides that existing access must be protected; Section 30212.5, requires public facilities to be distributed through the coastal zone, Section 30223 requires upland areas suitable for recreation support to be reserved for that purpose, and Section 30252 requires development to provide adequate parking facilities or substitute means of serving the development with public transportation

**Section 30210 Access; recreational opportunities; posting**

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. (Amended by Ch. 1075, Stats. 1978.)

**Section 30211 Development not to interfere with access**

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

**Section 30212.5 Public facilities; distribution**

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

**Section 30223 Upland areas; recreation:**

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

**Section 30252 Maintenance and enhancement of public access**

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The City approved a Zoning Administrator's Determination of a shared parking plan that allowed the new structure to share use of two existing parking lots owned by St Clement's Church. The lot is now used by the St. Joseph Center, the St. Clement's Church, the current nursery school, and by other services that the church and center run. One lot, the "lower lot" is also metered so that patrons of Main Street establishments can park there. The lot is located in the City of Santa Monica. The City of Los Angeles reviewed and approved with conditions, (Exhibit 6) a parking plan that concluded that because of the different times of peak demands of the various uses sharing the lot, there would be adequate parking even with the expanded structure. In order to assure that the lot continued to be available for St. Joseph Center, the City Council required an agreement to that effect and its adopted conditions to be recorded against all 16 lots on the church campus. The City Council rejected a condition imposed by the West Los Angeles Area Planning Commission that required that the lots be tied.

With regard to parking, the LUP establishes ratios that are identical to the Commission's Interim Guideline parking standards, which are derived from studies conducted by the City of Los Angeles. The City acknowledges that this project is inconsistent with LUP parking standards. However, the LUP also allows for consideration of shared parking for commercial uses if a study shows that there is adequate parking due to differing time demands of different uses that share the lot. The proposed development does not add a new use, but instead expands a structure that accommodates a current use. However, the building is significantly expanded, which is normally associated with increasing the number of clients and employees and an increased parking demand.

In approving the parking, the City found:

LUP Policy II.A.11 states "Shared parking arrangements may be permitted to accommodate new commercial uses and intensification of existing commercial uses provided that a detailed parking study demonstrates that the proposed shared parking arrangement will not negatively affect coastal access or access to public recreational facilities. Public beach parking shall not be used for shared parking arrangements." The LUP does not address institutional uses, such as the St Joseph Center. Notwithstanding, a detailed parking study has been conducted for the project and shows that the proposed shared parking arrangement would not negatively affect coastal access or access to public recreational facilities. As conditioned, this shared parking plan complies with those elements of the General Plan. Conditions have been imposed to lock in the uses, the days and hours of operation and the leased parking spaces. Furthermore, the project parking is not public beach parking. Conditions have been imposed to clarify the uses and hours of the parking spaces and to ensure that there will be adequate parking during peak periods.

Therefore, as conditioned, this shared parking plan complies with those elements of the General Plan.

The Commission has also approved shared parking plans, some of them in Venice. It has normally reviewed parking plans very carefully because of potential impacts on access and recreation. The proposed development is located more than 300 feet from the inland extent of the beach. In fact, it is located about four blocks inland of the beach and likely to be used for parking only during times of very heavy use. It is however very close to the Main Street commercial area, which is a visitor serving and restaurant center. A project in this location that does not provide for the parking that it generates could have an impact on public access and recreation. Moreover, the appellants contend that the building could be sold or recycled and a new commercial use, with different scheduling and client mix could occupy the site. The coastal zone of Venice is deficient in parking, so a development that is short of parking could have significant impacts on its neighbors and on the public. Therefore, the resolution of the parking issues by allowing shared use of the present lots when the new structure is nearly three times as large raises a substantial issue with the public access and recreation policies of the Coastal Act. Lastly, while the applicant has provided the parking study to the staff, the City has not yet provided the record for this appeal.

## **2. Community Character and Scale.**

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253 of the Coastal Act states in part:

New development shall: ...

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

These policies of the Coastal Act require that development protect visual resources, community character and special communities. The Commission has limited height and scale of structures in its approvals in Venice, and the City incorporated many of those limitations into the certified Venice Land Use Plan (LUP), which the Commission certified on June 14, 2001. One of the methods that the Commission has used to protect community character and scale has been to limit the height of new development and number of lots across which a building may extend – the width of the structure as viewed from the street. These methods of

protecting character and scale are found in the policies of the certified LUP, and are intended to carry out Sections 30251 and 30253(5) of the Coastal Act

**(a) Lot consolidation.** The Commission has considered that the number of lots that a building extends over affects the apparent scale of the structure. This is most evident in north Venice where existing one and two story buildings are found next to older three story apartments, but where most of the existing structures occupy only one 30-foot wide lot. In such neighborhoods, the Commission has consistently heard testimony concerning the small scale of existing development. While Oakwood includes six-unit sixties apartment buildings and at least 20 newer denser apartment buildings that extend over approximate six lots, many existing structures are older one and two story bungalows. In response to concerns about scale and neighborhood character, the Venice LUP for Oakwood Millwood and Southeast Venice allows no more than three adjacent legal lots to be consolidated, and requires when the lots are consolidated that there be visual breaks in the façade of the structure.

#### **I. A. Residential Land Use and Development Standards**

##### **• Policy I. A. 1. Residential Development.**

- b. Residential Lot Consolidations.** In order to preserve the nature and character of existing residential neighborhoods, lot consolidations shall not be permitted in the Venice Canals and Silver Strand residential neighborhoods. No more than two lots may be consolidated in the Ballona Lagoon West, Ballona Lagoon (Grand Canal) East, Southeast Venice, Milwood, North Venice and Oxford Triangle neighborhoods and on walk streets. Lot consolidations of not more than three lots shall be permitted in the Oakwood and Marina Peninsula residential neighborhoods. Lot consolidations may be permitted only subject to the following limitations:
- i.** No building or structure shall be constructed on what were more than two contiguous lots prior to lot consolidation with the exception of subterranean development that is entirely below street elevation.
  - ii.** Building facades shall be varied and articulated to provide a pedestrian scale which results in consistency with neighboring structures on small lots. Such buildings shall provide habitable space on the ground floor, a ground level entrance and landscaping and windows fronting the street. No increase in the number of units shall result from the lot consolidation.
  - iii.** Front porches, bays and balconies shall be provided to maximize architectural variety.

LUP Commercial Development Standards also limit building over more than three lots (with certain exceptions), require ground level development to have street level windows at least one door, breaks on the façade of the street wall and also require that 50 percent of the ground floor street wall shall be developed with pedestrian entrances, or display windows affording views into retail office, gallery, or lobby space, and that blank walls shall be limited.

**I. B. Commercial Land Use and Development Standards**  
**Policy I. B. 7. Commercial Development Standards**

Lot Consolidation. Two commercial lots may be consolidated, or three with subterranean parking with the following restrictions:

1. Methods for insuring that the structure does not look consolidated (breaks in front wall of ten feet minimum) shall be utilized.
2. Subterranean parking shall be fully depressed with roof at natural grade.

*Exception:* Lot consolidation of more than two lots shall be permitted for mixed-use projects which conform to the existing scale and character of the surrounding community and provide adequate on-site parking.

Building Separation: A minimum of five feet between commercial and residential buildings (except for mixed-use projects).

In approving this present project, The City approved a structure that extends of over five legal lots. The City noted in approving the project that the new counseling center/community center was replacing a building that also extended across five legal lots. It further found:

Lot Consolidation: The proposed new building will replace an existing building on the subject property that now straddles five lots. The new building is proposed to straddle those same five lots and does not change the consolidation of those five lots. The provisions of the specific plan limiting lot consolidation to three lots was intended to preclude large buildings which would have been out of scale with the existing neighborhood. In this case, the property already consists of five consolidated lots, and is surrounded by two- and three-story structures. In addition, the property is opposite from industrially zoned properties and a four- story office building.

Strict application of the Venice Specific Plan would not allow the replacement structure to occupy the same number of lots as the existing structure. Also, dividing the project into two or three pieces located on separate lots would be impractical due to the resulting limitations on the widths of separate buildings, the inefficient use of the site resulting from applicable widths, and separate side yard setbacks. The existing services provided by the applicant would not be able to continue with these restrictions, which, as discussed above, would be inconsistent with the general purpose and intent of the Specific Plan and impose an unnecessary hardship upon the applicant. Since the proposed design of the building achieves the purposes of the Specific Plan by addressing the scale and massing of the building and would include a 15-foot setback from the street, the building is in line with the residential buildings to the south, and will be consistent with all of the surrounding uses. Therefore, the specific plan exception is, consistent with the intent of the Venice Specific Plan.

In response to the LUP standards, the City required visual breaks in the façade and found that the provision of a courtyard in the middle of the building reduces the apparent bulk of the building as seen from Hampton Drive. However, the project appears to be inconsistent with the certified LUP and with the Commission's past actions in limiting the horizontal extent of structures as seen from the street. Moreover the City has considered the scale of buildings in the industrially zoned area of Venice that are across the street from this site in considering the applicant's request for an exception to limits on scale that apply in a residentially zoned area.

Because it is located at the top of a 10-foot high 2:1 slope, the building does not provide ground level entrances and exits or windows that open up the building to the street.

**(b) Height.** The opponents assert that the project raises substantial issue with the standards of the Coastal Act protecting community character and scale because the project exceeds the height limits established in the Venice specific plan and LUP. They contend that the proposed building is out of scale with the existing community character; the height will extend 41 feet above the street in an area where the LUP establishes a height limit of 30 feet above the centerline of the road.

The Venice LUP states:

**Height:** Oakwood, Milwood, and Southeast Venice: Not to exceed 25 feet for buildings with flat roofs; or 30 feet for buildings utilizing a stepped back or varied roofline. The portion that exceeds 25 feet in height shall be set back from the required front yard one foot for every foot in height above 25 feet. Structures located along walk streets are limited to a maximum of 28 feet. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16).

While the interpretive guidelines allow for adjusting height measurement to the slope of a lot by measuring from the grade as the slope rises, the land use plan does not incorporate this technique. Because most of Venice is comparatively flat the Commission has approved few developments on hillside lots in Venice. In approving the project, the City granted a specific plan exception based in part on the slope of the lot, finding that because of the slope, the height of the structure should be measured from existing grade and that the height limit should be applied with consideration of the topography. The City also noted that an existing structure directly adjacent to and south of the proposed structure is 35 feet high.

In making this exception, the City analyzed the effects of the height of the structure on views to and along the coastline, from the street and on neighborhood character and scale. The City noted the height of the adjacent structures that may be higher and on the presence of the existing larger scale church campus. The City findings noted that the residential structure to the east, due to the hill would be height than the proposed new structure. The commercial structures to the west, the older non-conforming structure directly to the south of the development and the church campus were viewed as establishing the scale of the surroundings. The City staff report, basing a conception of the community character on the existence of several higher structures in the neighborhood, concluded that the development was consistent with the character and scale of the community in spite of its inconsistency with the standards of the Land Use Plan.

**c. Pedestrian environment.** The appellants argue that because the building is elevated on a pad above the street, it is incompatible with preserving the pedestrian environment of Venice as identified in the certified LUP and as required in the commercial and residential development standards quoted above. As noted above, because it is located at the top of a 10-foot high 2:1 slope, the building does not provide ground level entrances and exits or windows that open up the building to the street. Access to the structure is by two staircases leading from Hampton Drive. The courtyard and other amenities are not visible from Hampton Drive. The appellants also point out that the existing parking lot, that is located in the city of Santa Monica and not part of this application presents a five-foot high-unbroken wall along Hampton drive.



The City considered the opponents' suggestions that to alleviate the difference in grade between the ground floor and the street, the applicant could excavate the site. The City found that requiring this grading was not feasible. However, the courtyard of the new structure will not be visible from the street. Instead, the applicant will landscape the slope leading up from the street.

While the Commission may eventually agree with the City's evaluation, (a) the project is higher than the certified LUP allows; (b) the building extends laterally along five lots, instead of three as the LUP allows, (c) the building appears to be higher than a significant number of residential structures in the immediate community to the east, and (d) the structure, because of the topography, is visually removed from street level and not visually accessible to pedestrians or from street level. The LUP and the Commission's prior actions only provide guidance, and are not the final standards of approval; the standard of review is the Chapter 3 policies of the Coastal Act. However, the project's inconsistency with the LUP and the Commission's past actions addressing the height and bulk of structures in Venice raises substantial issues concerning the Chapter 3 policies of the Coastal Act, specifically Sections 30251 and 30253.

### **3. Land Use**

The appellants argue that the certified LUP designates these lots as Medium Density Residential and the zoning of the lots is RD1.5. They further argue that there is no "Community Center", "Church", or "Institutional Use" envisioned in the certified LUP, and no provision in the certified LUP for allowing these uses as a conditional use. They further contend that the applicant's proposal is essentially an office building on residentially designated lots. The building could be sold to a third party as an office building, which is inconsistent with the LUP.

As noted above, the standard of review in the issuance of a coastal development permit prior to certification of the LCP is the consistency of the project with the Chapter 3 policies of the Coastal Act, and whether the approval of the project prejudices the ability of the local government to adopt an LCP that is consistent with the Coastal Act.

Section 30604 (a) of the Coastal Act states that:

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

The Coastal Act provision to avoid prejudicing the development of an LCP does not require the Commission to impose uniform land use designations on all areas of a neighborhood. The requirement to plan does not forbid the inclusion of institutions, or other community serving land uses as part of the pattern of development of a community. Instead of imposing uniformity of use and protecting property values (as envisioned in the early years of the zoning movement), the Commission is responsible for protecting the



coastline and its unique resources, some of which are communities. The Coastal Act requires that the Commission approve development in the coastal zone based on priorities set in the Coastal Act.

**Section 30255 Priority of coastal-dependent developments**

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

Thus, uses near and adjacent to beaches are encouraged to provide public recreation. Because residential use does not enhance public use of the coastline, it is the lowest priority. Because commercial and institutional uses serve more people, they are favored over residential uses if their operation is otherwise consistent with the Coastal Act. Therefore, the presence of an institutional use in a residential area is not in itself a substantial issue. Moreover, the City Zoning and Municipal Codes, which are still the applicable local standards, allow churches, community centers and schools as conditional uses in all residential areas.

In certifying the Land Use Plan, the Commission found that it was consistent with the Coastal Act. The lots subject to the present application are designated residential in the certified Land Use Plan even though the church and its ancillary schools and charitable institutions have long occupied them. The Land Use Plan does not provide for the expansion or the continuation of any existing nonprofit institutions on residentially designated lots anywhere in Venice. The lots on which other institutions such as the Vera Davis Center and a number of churches are located are also residentially designated. The Commission has not yet not considered or certified the implementation program for Venice. In most LCP's, the provisions for conditional uses are developed as part of the implementation ordinance. In nearby communities such as Rancho Palos Verdes, Redondo Beach and Marina del Rey, the land use designations are tempered in the implementation ordinance with a provision that allows community or visitor serving uses in residential zones based on a conditional use permit. Because the use is inconsistent with the certified Land Use Plan, the approval of the new St. Joseph's Center building raises a substantial issue of consistency with the provisions of the Coastal Act that provide that permit approvals shall not prejudice the adoption an LCP that is consistent with the Coastal Act.

**4. Nonconforming Uses and Structures.** The opponents argue that the project will be a bad precedent for "grandfathering" existing non-conforming uses that are inconsistent with the LUP, and that the exceptions to the height and development standards that the City permitted are a bad precedent, because they will inevitably be applied to commercial uses. An LUP policy addresses nonconforming structures, but no policy addresses non-conforming uses. The LUP policy that addresses nonconforming structures states:

- **Policy I. E. 5. Nonconforming Structures.** Where extensive renovation of and/or major addition to a structure is proposed and the affected structure is nonconforming or there is another nonconforming structure on the site, or a project is proposed that would

greatly extend the life of a nonconforming structure or that eliminates the need for the nonconformity, the following shall apply:

Unless the City finds that it is not feasible to do so, the project must result in bringing the nonconforming structure into compliance with the current standards of the certified LCP, unless in its nonconformity it achieves a goal associated with community character (i.e. the reuse and renovation of a historic structure) or affordable housing that could not be achieved if the structure conforms to the current standards of the certified LCP.

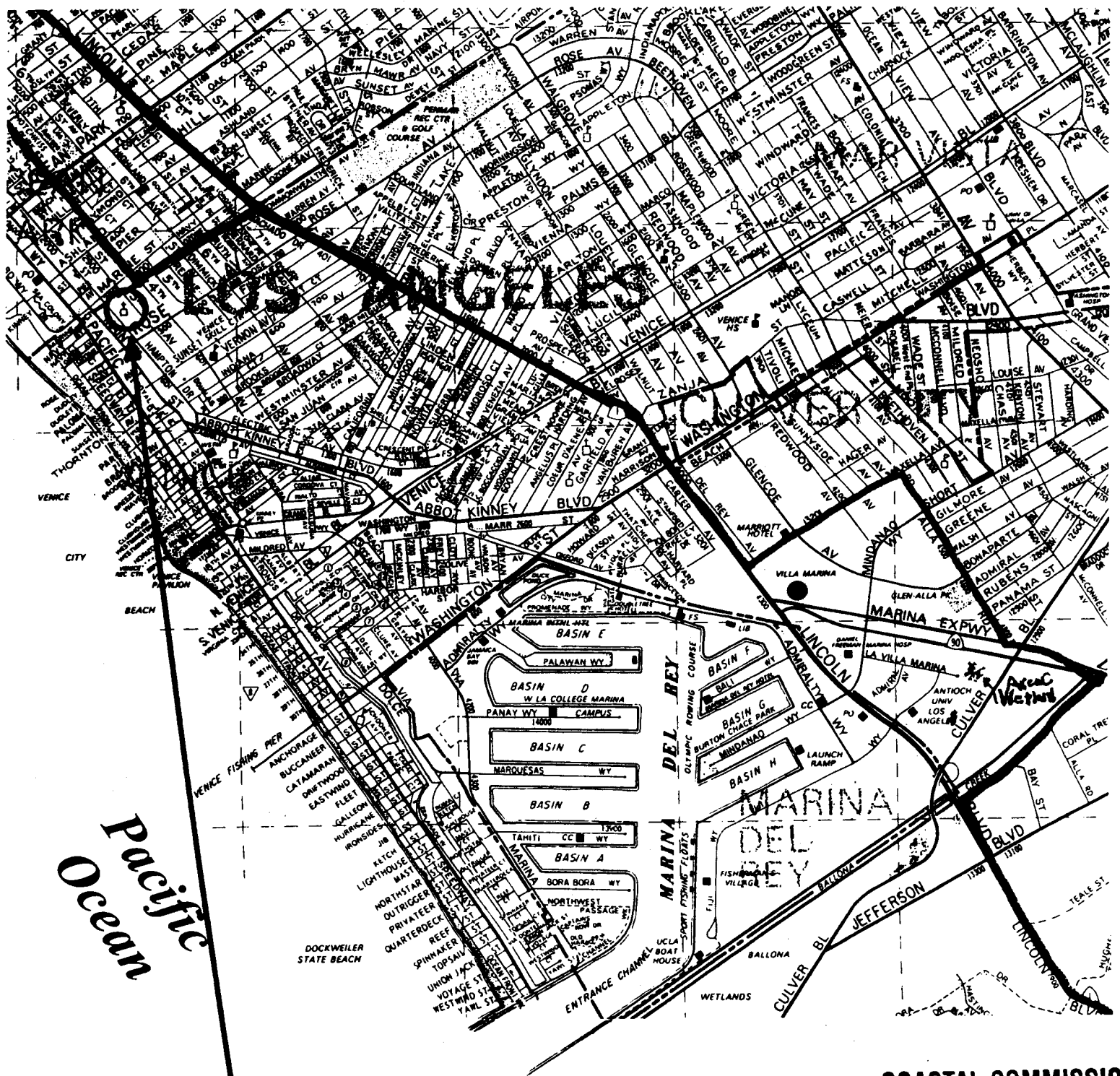
Because the City was administering the pre-certification permit issuing program, based on the Coastal Act and not the LCP, and because the City was at the same time administering its own zoning laws and conditional use permit process, based on the Municipal Code, the action cannot show how the City would administer the LCP. The implementation ordinance, which will attempt to combine both processes, has not been approved; the Commission and City staffs are still discussing what parts of the City Code should be considered. In approving this development, the City followed provisions of its Zoning Code and its Municipal Code that allow certain community serving uses as conditional uses. The applicant argues that the approval of this project under the Municipal Code raises no substantial issue with respect to the future administration of the LCP. However, the LUP, which the Commission has recently used for guidance in Venice, is quite clear about the continuation of non-conforming structures on commercial and residential lots. This existing structure will be completely demolished and the new structure will not conform to the development standards in the LUP for commercial and residential lots. The Commission certified this Land Use Plan. Therefore the rebuilding of this structure over five lots raises a substantial issue of conformance with the community character and design policies of the Coastal Act.

**Conclusion.** Because of the importance of many of the Coastal Act issues raised to by the appellants, the proposed project should be reviewed and considered by the Commission pursuant to the Chapter 3 policies of the Coastal Act. The Commission finds that a substantial issue exists with respect to the proposed project's conformance with the Chapter 3 policies of the Coastal Act and with the City's approval of the project. The Commission will have the opportunity to review and act on the proposed project at the subsequent de novo hearing on the appeal A5-VEN-04-315. The de novo hearing will be scheduled at a future Commission meeting. The Commission's actions on the appeal at the de novo hearing will ensure that the proposed development is consistent with the Chapter 3 policies as guided by the specific building standards of the certified Venice LUP.

# **EXHIBITS**

Exhibit #1	Venice Location Map
Exhibit #2	Venice Location Map & Height Limits
Exhibit #3	Project Neighborhood Zone Map
Exhibit #4	Project Site Plan - Existing
Exhibit #5	Project Site Plan - Proposed
Exhibit #6	City Record
	City Findings (ps. 8-22)
	City Conditions (ps. 23-35)
Exhibit #7	Grounds for Three Appeals
Exhibit #8	Applicant's Project Data
Exhibit #9	Interpretive Guidelines for Parking

# VENICE, CA



COASTAL COMMISSION  
A5-VEN-04-315

Project Site: 204 Hampton Dr.

EXHIBIT # 1  
PAGE 1 OF 1

# North Venice

- F** 30' with a flat roof  
35' with varied or stepped back roofline  
28' along walk streets

**Notes:**

\*All building heights shall be measured from the elevation of the fronting right-of-way, except in the Venice Canal Subarea (E) where all building heights shall be measured from the elevation of the adjacent alley.

\*Roof access structures shall be set back at least 60 horizontal feet from the mean high tide line of the fronting canal.

\*Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet.

\*See Policy I.A.1 for policy limiting roof access structures.

\*See Policy I.B.7 for commercial and mixed-use development standards.

# Maximum Building Height

# Oakwood

- G** 25' with a flat roof  
30' with varied or stepped back roofline  
28' along Walk streets

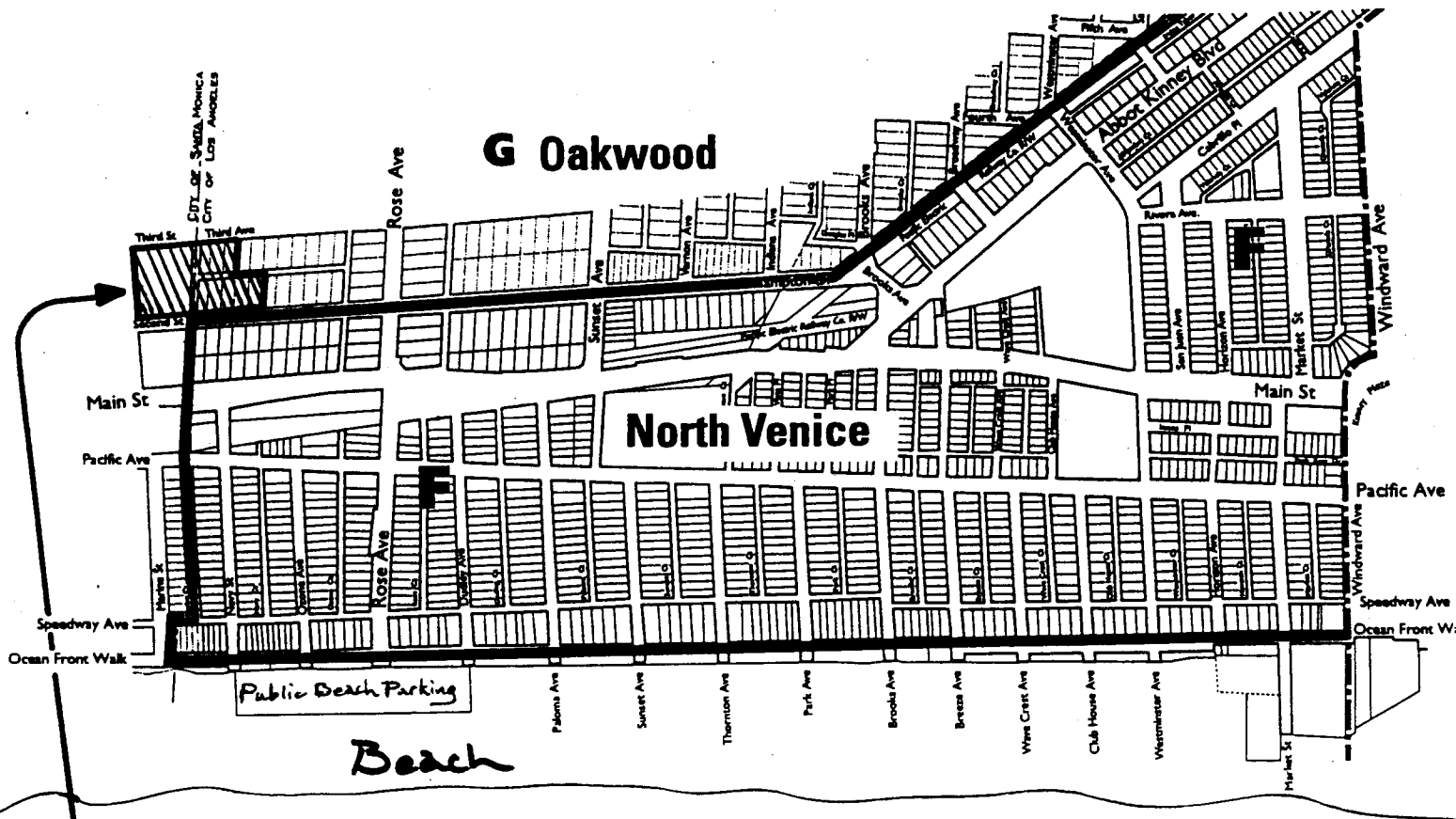
**Notes:**

\*All building heights shall be measured from the elevation of the fronting right-of-way.

\*Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet.

\*See Policy I.A.1 for policy limiting roof access structures.

\*See Policy I.B.7 for commercial and mixed-use development standards.



Project Site: 204 Hampton Drive

COASTAL COMMISSION  
AS-VEN-04-315

EXHIBIT # 2

PAGE 1 OF 1

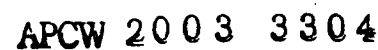
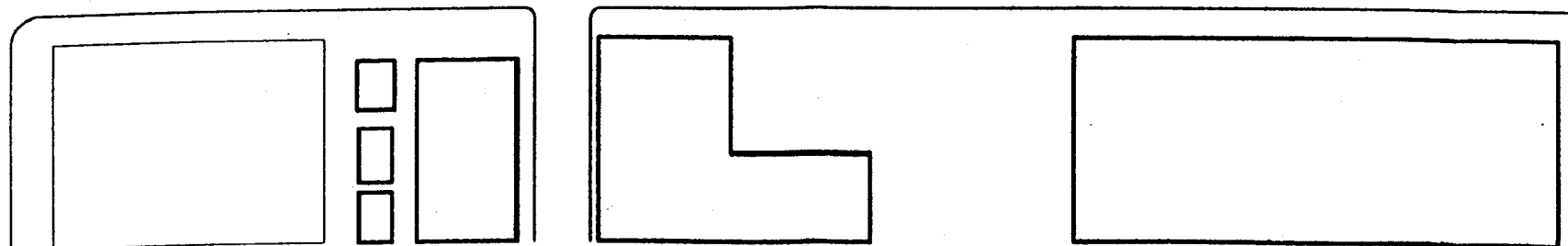
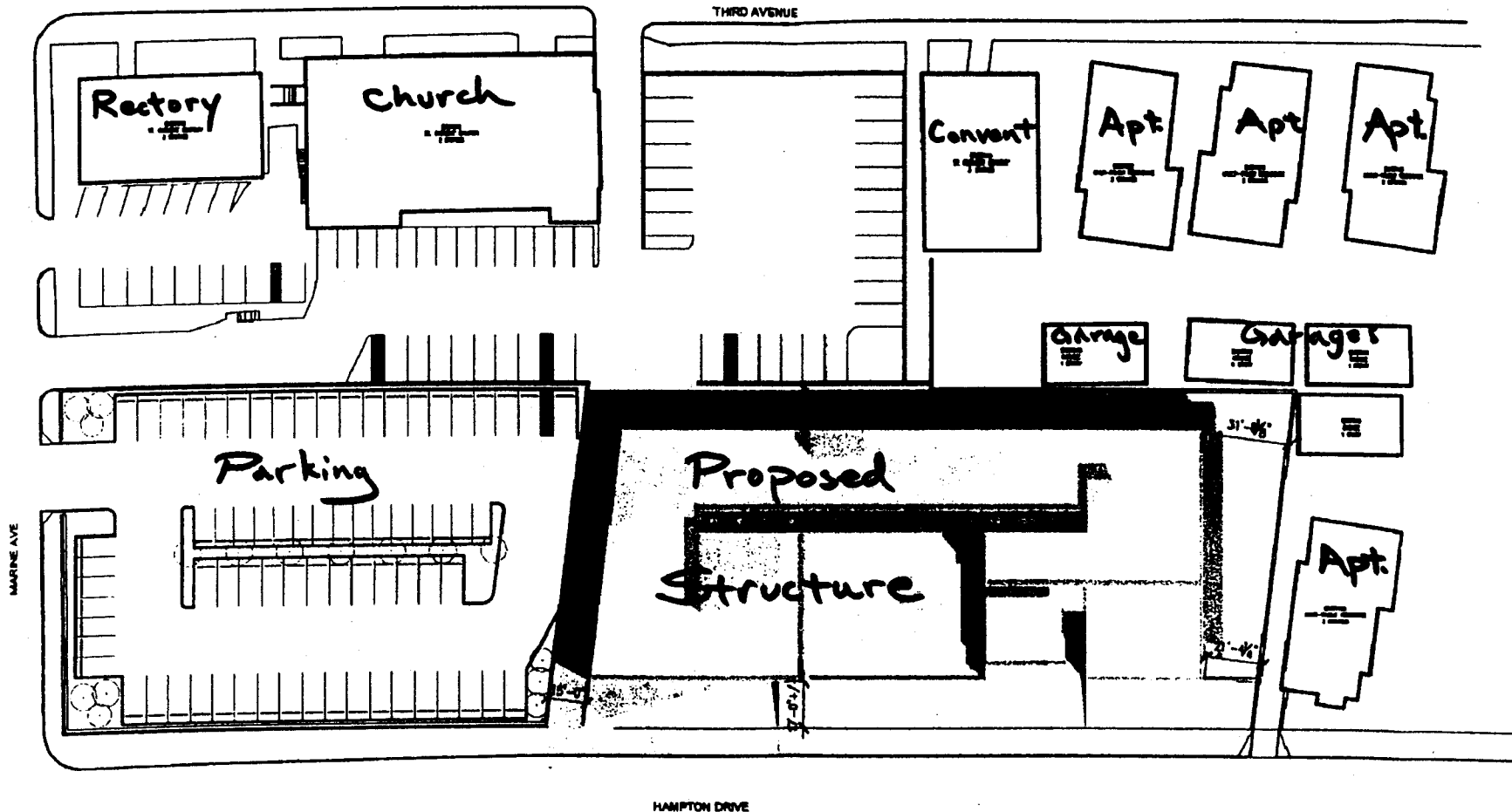


EXHIBIT # 3  
PAGE 1 OF 1





CONCEPTUAL PROJECT AND SITE LAYOUT



COASTAL COMMISSION  
A5-VEN-04-315

EXHIBIT # 5  
PAGE 1 OF 1



J. MICHAEL CAREY  
City Clerk

FRANK T. MARTINEZ  
Executive Officer

When making inquiries  
relative to this matter  
refer to File No.

CITY OF LOS ANGELES  
CALIFORNIA



JAMES K. HAHN  
MAYOR

Office of the  
CITY CLERK  
Council and Public Services  
Room 396, City Hall  
Los Angeles, CA 90012  
Council File Information - (213) 978-1043  
General Information - (213) 978-1133  
Fax: (213) 978-1040

HELEN GINSBURG  
Chief, Council and Public Services Division

CF 04-0676  
APCW 2003-3304 SPE CU CDP ZAD SPP-2A  
CD 11

**RECEIVED**  
South Coast Region

JUL 07 2004

CALIFORNIA  
COASTAL COMMISSION

July 2, 2004

Executive Director of the  
California Coastal Commission  
South Coastal Area Office  
200 Oceangate, Ste. 1000  
Long Beach, CA 90802

COASTAL DEVELOPMENT PERMIT FOR PROPERTY AT 204 HAMPTON DRIVE (ST. JOSEPH CENTER)

At its meeting held June 22, 2004, the Los Angeles City Council considered and adopted the report from the West Los Angeles Area Planning Commission (WLAAPC) in approving the Conditional Use Permit as modified by the Planning and Land Use Management Committee on June 2, 2004, from the determination of the WLAAPC in approving a Specific Plan Project Compliance review, Specific Plan Exception, Conditional use Permit, and a Coastal Development Permit for the proposed demolition of an existing 11,000 square foot community service center (St. Joseph Center), and the construction, use and maintenance of a new two-story church (as an expansion to an existing church, St. Elements), to include a non-profit center and child care facility within a new 30,000 square foot building located at 204 Hampton Drive.

Please be advised that the City Council is the last appellate body for all actions pertaining the above-referenced project with the exception of the Coastal Development Permit which is appealable to your Commission. Attached are the Council's approval letter, Planning and Land Use Management Committee report, Conditions of Approval and Findings for the project at 204 Hampton Drive.

Should you require further assistance, please contact Ms. Barbara Greaves of my staff at (213) 978-1068.

Sincerely,

J. Michael Carey  
City Clerk

JMC:KC:BG

#040676ltrA

**FINAL LOCAL  
ACTION NOTICE**

RECEIVED

REFERENCE #

APPEAL PERIOD

7/7/04

APCW 2003-3304

8/4/04

COASTAL COMMISSION  
AS-VEN-04-315

EXHIBIT # 6  
PAGE 1 OF 35

J. MICHAEL CAREY  
City Clerk

FRANK T. MARTINEZ  
Executive Officer

When making inquiries  
relative to this matter  
refer to File No.

CITY OF LOS ANGELES  
CALIFORNIA



JAMES K. HAHN  
MAYOR

Office of the  
CITY CLERK  
Council and Public Services  
Room 395, City Hall  
Los Angeles, CA 90012  
Council File Information - (313) 978-1043  
General Information - (313) 978-1133  
Fax: (313) 978-1040

HELEN GINSBURG  
Chief, Council and Public Services Division

04-0676

CD 11

June 29, 2004

CU-SPR-DA  
CPC 2002-7016  
RETD. PLAN COMM.

California Coastal Commission  
South Coastal Area Office  
200 Oceangate, Ste. 1000  
Long Beach, CA 90802

Los Angeles County Assessor  
500 West Temple Street  
Los Angeles, CA 90012

Councilmember Miscikowski  
Office of the Mayor  
Director of Planning  
cc: Office of Zoning Administration  
cc: Geographic Information Section  
Attn: Fae Tsukamoto  
Bureau of Engineering,  
Land Development Group  
Department of Transportation,  
Traffic/Planning Sections  
Fire Department  
Information Technology Agency  
Los Angeles Housing Department

Department of Building & Safety  
c/o Zoning Coordinator  
cc: Residential Inspection Unit  
Bureau of Street Lighting,  
"B" Permit Section

City Planning Department,  
Attn: David Kabashima  
City Planning Commission,  
Attn: Gabriele Williams,  
Department of Water and Power

(see attached notification list)

RE: APPEAL ON A SPECIFIC PLAN PROJECT COMPLIANCE REVIEW, SPECIFIC PLAN  
EXCEPTION, CONDITIONAL USE PERMIT, AND A COASTAL DEVELOPMENT PERMIT  
FOR PROPERTY AT 204 HAMPTON DRIVE (ST. JOSEPH CENTER)

At the meeting of the Council held June 22, 2004, the following action was  
taken:

Attached report adopted.....	_____X_____
FORTHWITH.....	_____
Ordinance adopted.....	_____
Ordinance number.....	_____
Effective date.....	_____
Posted date.....	_____
Mitigated Negative Declaration adopted.....	_____X_____
Findings adopted.....	_____X_____
Mayor concurred.....	_____6-28-04_____

*J. Michael Carey*  
City Clerk  
crm

COASTAL COMMISSION

EXHIBIT # 6  
PAGE 2 OF 35

TO THE COUNCIL OF THE  
CITY OF LOS ANGELES

FILE NO. 04-0676

Your

PLANNING AND LAND USE MANAGEMENT

Committee

reports as follows:

	<u>Yes</u>	<u>No</u>
Public Comments	<u>XX</u>	<u>—</u>

MITIGATED NEGATIVE DECLARATION and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to appeal on a Specific Plan Project Compliance review, Specific Plan Exception, Conditional Use Permit, and a Coastal Development Permit for property at 204 Hampton Drive (St. Joseph Center).

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. FIND that this project will not have a significant effect on the environment, pursuant to the City's Environmental Guidelines and in compliance with the California Environmental Quality Act; that the Mitigated Negative Declaration reflects the independent judgment of the lead agency, City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in Council file No. 04-0676 in the custody of the City Clerk and in the files of the Department of City Planning in the custody of the Environmental Review Section; and ADOPT the Mitigated Negative Declaration [ENV 2003-3305 MND].
2. ADOPT the FINDINGS of the West Los Angeles Area Planning Commission (WLAAPC) as the Findings of Council.
3. RESOLVE TO GRANT APPEAL filed by St. Joseph Center, Rhonda Meister from part of the determination of the WLAAPC in approving Condition Nos. 7, 8, 9.c, 11, 13, 14.b, 15, 17, 18.d and f., 29 and 35, as required conditions under the Conditional Use Permit, and as modified by the Planning and Land Use Management Committee from the determination of the WLAAPC in approving a Specific Plan Project Compliance review, Specific Plan Exception, Conditional Use Permit, and a Coastal Development Permit for the proposed demolition of an existing 11,000 square foot community service center (St. Joseph Center), and the construction, use and maintenance of a new two-story church (as an expansion to an existing church, St. Clements), to include a non-profit center and child care facility within a new 30,000 square foot building located at 204 Hampton Drive.
4. RESOLVE TO DENY APPEALS filed by: Steve R. Aguilar, et al. from part of the determination of the WLAAPC in approving a Specific Plan Exception request for 41 feet in height at the proposed construction; and the appeals filed by A. Holcomb and Tom Fuller from the entire determination of the WLAAPC.

Applicant: St. Joseph Center, Rhonda Meister

APCW 2003-3304 SPE CU CDP ZAD SPP 2A

Fiscal Impact Statement: None submitted by the Planning Department. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

TIME LIMIT FILE - JULY 11, 2004

(LAST DAY FOR COUNCIL ACTION - JULY 9, 2004)

COASTAL COMMISSION

Summary:

At their meeting held on June 2, 2004, the Planning and Land Use Management Committee conducted a public hearing on appeals filed in whole or part from the determination of the West Los Angeles Area Planning Commission in approving a Specific Plan Project Compliance review, Specific Plan Exception, Conditional Use Permit, and a Coastal Development Permit for the proposed demolition of an existing 11,000 square foot community service center (St. Joseph Center), and the construction, use and maintenance of a new two-story church (as an expansion to an existing church, St. Clements), to include a non-profit center and child care facility within a new 30,000 square foot building located at 204 Hampton Drive, in Council District 11.

The appeals are as follows:

- a. Appeal filed by: St. Joseph Center, Rhonda Meister from part of the determination of the WLAAPC in approving Condition Nos. 7, 8, 9.c, 11, 13, 14.b, 15, 17, 18.d and f., 29 and 35, as required conditions under the Conditional Use Permit.
- b. Appeal filed by Steve R. Aguilar, et al. from part of the determination of the WLAAPC in approving a Specific Plan Exception request for 41 feet in height at the proposed construction.
- c. Appeal filed by A. Holcomb from the entire determination of the WLAAPC.
- d. Appeal filed by Tom Fuller from the entire determination of the WLAAPC.

Many speakers spoke in support of the St. Joseph Center expansion. It was reported that the center has helped children, low income families, and the homeless with meals, legal services, and family services. One speaker testified the expansion of the facility was needed to provide continued and improved services. Others reported no negative impact on the neighborhood, as a result of the expansion of St. Joseph Center.

Speakers in opposition to the expansion spoke favorably of the services provided by St. Joseph Center. However, opposition was expressed regarding the 30,000 square foot Commercial project in the residential neighborhood. In addition, it was reported that the facility did not provide adequate on-site parking and relied too heavily on shared parking located in the adjacent City of Santa Monica. It was further reported that events held in the evening hours would negatively impact parking in the neighborhood, and would also create noise impacts and additional traffic. Several speakers opposed the 41 feet in height proposed construction, and claimed that the project was too tall. It was reported that the 41 feet height violates the 25 feet allowed under the Venice Specific Plan. Other issues were addressed regarding the need for a hot line to address problems reported, and security and fencing at the site. Some speakers requested that the expansion be denied, and if not that the Council maintain the conditions approved by the WLAAPC, and if possible, even strengthened the conditions.

The Chief Deputy for Council District 11, speaking on behalf of Councilmember Miscikowski of Council District 11, reported that the Councilmember supports the project, and thanked St. Joseph Center representatives and the neighbors for working so hard on the project which has had a controversial history. In addition, the Deputy reported after meeting with the neighbors and the Center, it was determined that further amendments were needed relative to Condition Nos. 7, 9, 11, 13, 14, 15, 17, 18. The modified Conditions were submitted to the Committee and are part of the record in Council file No. 04-0676.

After careful review of the testimony provided by staff and by those in support and in opposition to the project, the Committee recommended that Council grant the appeal filed by Rhonda Meister (filed on behalf of the St. Joseph Center), from part of the determination of the WLAAPC in approving Conditions Nos. 7, 8, 9.c, 11, 13, 14.b, 15, 17, 18.d and f., 29 and 35, as required conditions under the Conditional Use Permit, and modify the Conditions, as recommended by Council District 11 (See attached modified Conditions of Approval). The Committee also

**COASTAL COMMISSION**

recommended that Council deny the appeal filed in part by filed Steve R. Aguilar, et al.; and deny the appeals filed by A. Holcomb and Tom Fuller from the entire determination of the WLAAPC.

The matter is hereby forwarded to Council for its consideration.

Respectfully submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE

*Edu P. Reyes*

*AM WAK*

<u>MEMBER</u>	<u>VOTE</u>
REYES:	YES
CARDENAS:	YES
WEISS:	YES

BG:ys

6-11-04

Enc: APCW 2003-3304 SPE CU CDP ZAD SPP 2A

Attachment: Conditions of Approval  
(as modified)

CD 11

Note: (Notice has been published not less than 24 days prior to the public hearing date pursuant to Sections 12.24 I3 and 12.24 D2(b) of the Los Angeles Municipal Code).

**RPT.  
ADOPTED**

JUN 22 2004

**LOS ANGELES CITY COUNCIL**

**M.T. NEG. DEC. ADOPTED  
FINDINGS ADOPTED  
PUBLIC HRC. CLOSED**

#040876

**COASTAL COMMISSION**

COUNCIL VOTE

Jun 22, 2004 11:09:58 AM, #8

ITEM NO. (12)

Voting on Item(s): 12

Roll Call

CARDENAS	Yes
GARCETTI	Yes
GREUEL	Yes
HAHN	Yes
LABONGE	Yes
LUDLOW	Yes
MISCIKOWSKI	Yes
PARKS	Yes
PERRY	Yes
REYES	Yes
SMITH	Yes
VILLARAIGOSA	Yes
WEISS	Yes
ZINE	Yes
*PADILLA	Yes

Present: 15, Yes: 15 No: 0

COASTAL COMMISSION

EXHIBIT # 6  
PAGE 6 OF 35

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SUBJECT TO MAYOR'S APPROVAL

COUNCIL FILE NO. 04-0676

COUNCIL DISTRICT NO. 11

COUNCIL APPROVAL DATE June 22, 2004

RE: APPEAL ON A SPECIFIC PLAN PROJECT COMPLIANCE REVIEW, SPECIFIC PLAN  
EXCEPTION, CONDITIONAL USE PERMIT, AND A COASTAL DEVELOPMENT PERMIT FOR  
PROPERTY AT 204 HAMPTON DRIVE (ST. JOSEPH CENTER)

LAST DAY FOR MAYOR TO ACT JUL 06 2004  
(10 Day Charter requirement as per CHARTER SECTION 341)

DO NOT WRITE BELOW THIS LINE - FOR MAYOR OFFICE USE ONLY

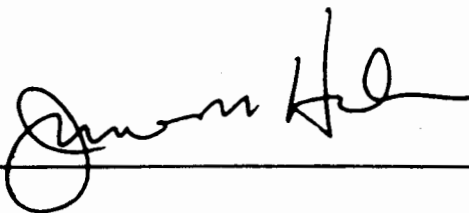
APPROVED

\*DISAPPROVED

\*Transmit objections in writing  
pursuant to CHARTER SECTION 341

DATE OF MAYOR APPROVAL OR DISAPPROVAL JUN 28 2004

MAYOR



BY \_\_\_\_\_  
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COASTAL COMMISSION

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EXHIBIT # 6  
PAGE 7 OF 35  
JUN 29 2004

## FINDINGS

### SPECIFIC PLAN EXCEPTION FINDINGS

In order for exceptions from provisions of the specific plan to be approved, the legally mandated findings delineated in Municipal Code Section 11.5.7-F.2, must be made in the affirmative. The findings and the application of the relevant facts support the approval of the requested specific plan exception:

1. **The strict application of the regulations of the specific plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the specific plan.**

The proposed project is consistent with the general purpose and intent of Specific Plan Sections 3, A, 3, C, and 3, F. Under Section 3, A, a purpose of the Specific Plan is to implement the goals and policies of the Coastal Act. A goal of the Coastal Act, Public Resources Section 30001.5(a) is "to protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources." The proposed project will replace an existing, substandard building on the subject property with a new building with modern facilities. In addition, one purpose of the St. Joseph Center programs is to assist low income individuals in becoming stable, productive citizens of the community, thereby improving the overall quality of the surrounding environment.

A further goal of the Coastal Act, Public Resources Section 30001.5(b), is to "assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state." The programs of St. Joseph Center provide vitally needed programs to low income individuals in the Venice community. One of the Center's programs provides much needed childcare and nursery school services to low income families in the community.

Under Section 3, C, a purpose of the Specific Plan is "to protect, maintain, enhance and, where feasible, restore the overall quality of the Coastal Zone environment and its natural and manmade resources." As discussed above, the proposed project will replace an existing outdated building on the subject property with a new building with modern facilities.

Another purpose of the Specific Plan (Section 3, F) is "[t]o regulate all development, including height, density, setback, buffer zone and other factors in order that it be compatible in character with the existing community and to provide for the consideration of aesthetics and scenic preservation and enhancement, and to protect environmentally sensitive areas." As redesigned, the height and design of the subject building would be consistent with the purpose and intent of the Specific Plan. The building would be set back 15 feet and the majority of the two-story portion of the building would be located toward the interior of the property, leaving an open landscaped courtyard toward the street frontage. Also, a one-story portion of the building would be located adjacent to and would be compatible with neighboring residential properties to the south. To further ensure that the building is compatible with the existing community, the second floor of the north building has been stepped back 10 feet to add extra dimension to the facade. A landscaped berm located along Hampton Drive would also assist in reducing the massing and soften the appearance of the building from the street. Therefore the new proposed building will not be out of scale with the existing neighborhood

Ex. 4 C p. 1



**Lot Consolidation:** The proposed new building will replace an existing building on the subject property that now straddles five lots. The new building is proposed to straddle those same five lots and does not change the consolidation of those five lots. The provisions of the specific plan limiting lot consolidation to three lots was intended to preclude large buildings which would have been out of scale with the existing neighborhood. In this case, the property already consists of five consolidated lots, and is surrounded by two- and three- story structures. In addition, the property is opposite from industrially zoned properties and a four-story office building.

Strict application of the Venice Specific Plan would not allow the replacement structure to occupy the same number of lots as the existing structure. Also, dividing the project into two or three pieces located on separate lots would be impractical due to the resulting limitations on the widths of separate buildings, the inefficient use of the site resulting from applicable widths, and separate side yard setbacks. The existing services provided by the applicant would not be able to continue with these restrictions, which, as discussed above, would be inconsistent with the general purpose and intent of the Specific Plan and impose an unnecessary hardship upon the applicant. Since the proposed design of the building achieves the purposes of the Specific Plan by addressing the scale and massing of the building and would include a 15-foot setback from the street, the building is in line with the residential buildings to the south, and will be consistent with all of the surrounding uses. Therefore, the specific plan exception is consistent with the intent of the Venice Specific Plan.

**Building Height:** The subject property is on a relatively steep up slope lot, unlike most lots subject to the jurisdiction of the Venice Specific Plan. The site slopes approximately 30 feet from Hampton Drive to Third Street, creating a 10 foot grade differential from the curb to the buildable pad off Hampton Drive. This is significantly different from the majority of properties located within the Venice Specific Plan area.

As originally proposed at a height of 41 feet, this building would have been out of scale with the present residential to the south and the denial of the original request is consistent with the intent of the specific plan to avoid buildings out of scale with the existing neighborhood and the stated practical difficulties and unnecessary hardships is consistent with the intent of the specific plan.

However, the strict application of the Venice Specific Plan height requirement would unnecessarily restrict development on this hillside site to one-story, which is inconsistent with surrounding two- and three-story developments and inconsistent with the intent of the Venice Specific Plan's stated purpose to regulate development so that it will be compatible and in character with the existing community. Existing buildings at the rear location of the subject property already exceed the height limit due to their location further up the hill from the street. As approved and conditioned by the Commission to require stepping back of the second story at least 10 feet and providing a landscaped berm at the first story, the scale of this building is substantially reduced and is consistent with the intent of the specific plan. The building would exceed the 25-foot height limit as it progress up the slope and to the rear of the property. At the Hampton frontage the building would be lower in height than the southerly adjacent apartment building and is clearly in scale with the street. Also, the revised building design would provide for an open landscaped courtyard fronting the street.

Denial of this request would result in substantial grading as the subject building would be

**COASTAL COMMISSION**

EXHIBIT # 6 P. 9

required to be built into the existing slope of the property. Such grading poses a practical difficulty not only for the physical and cost implications to the applicant, but, also, for the surrounding uses which would be subjected to extensive grading and hauling activities. The existing building to be demolished already exceeds the Specific Plan height limit and it would be an unnecessary hardship on the applicant to reduce the new building to comply with contemporary standards which, in this case, are unnecessarily restrictive. Additionally, the applicant indicates that there would be design difficulties in the integration of the various functions of the center building and that more of the functions would spill on to the Hampton Drive frontage.

An exception to the Venice Specific Plan height requirement is necessary in order to provide an appropriate site layout and design on this site. Thus, denial of the requested Specific Plan exceptions would result in practical difficulties and unnecessary hardships, which would be inconsistent with the general purpose and intent of the Venice Specific Plan. The requested exceptions would have no significant environmental impacts and would enable the applicant to effectually utilize the site and continue to provide much needed social services that are in short supply. Without the requested exceptions, the long-term viability of the uses at this location would be uncertain.

2. **There are exceptional circumstances or conditions applicable to the subject property involved or to the intended use or development of the subject property that do not apply generally to other property in the specific plan area.**

Lot Consolidation: There are exceptional circumstances applicable to the subject site that do not apply generally to other property in the Specific Plan area. The subject property is currently developed on five consolidated lots. The proposed project seeks to occupy the same lots and generally the same area. Additionally, this property is not developed as a multiple family residential use as are some of the other properties on the block. Rather, it is a part of a larger church campus, which, by its nature, requires buildings which are of a different scale and configuration than residential buildings to accommodate the programmatic goals of the existing and proposed uses. The subject building is a institutional type of use not directly addressed by the Specific Plan and, unlike other properties in the area, having nonconforming status for the existing five lot consolidation.

Building Height: The entire church campus at this location is a large parcel of land composed of 16 record lots located on the south side of Marine Street between 2<sup>nd</sup> Street/Hampton Drive and 3<sup>rd</sup> Street/3<sup>rd</sup> Avenue. That portion of the property that fronts on Marine Street between 2<sup>nd</sup> and 3<sup>rd</sup> Streets is located in the City of Santa Monica (i.e. 8 record lots) having a variable depth of approximately 180 feet to 218 feet. The remaining eight lots, consisting of the property subject to this application, are located in the City of Los Angeles having respective frontages of 270 feet on the northeast side of Hampton Drive and 170 feet on the southwest side of 3<sup>rd</sup> Street. The subject property is classified as a RD1.5-1 Zone in the City of Los Angeles and developed with the St. Clement's Catholic Church, the St. Clement's Rectory and a convent, in addition to the St. Joseph Center.

As discussed above, the subject property has a substantial up slope. As measured by the Specific Plan, there is a ten foot grade differential between the height at the curb and the height of the buildable pad along Hampton Drive. Unlike other zoning regulations in Los Angeles, the Venice Specific Plan does not contemplate any allowance for development on

Ex. #6.

up slope lots, likely due to the fact that there are few up slope lots in the Specific Plan area. The subject property's topographical character is unique within the Specific Plan area and creates an exceptional circumstance, which results in unnecessary restrictions to the development of the property. Although there are some other properties in the area on sloping lots, they are not faced with such an extreme grade differential and are therefore not practically limited to one-story development, pursuant to the Specific Plan.

Also, these residential buildings are built on relatively small residential lots and do not constitute a large expanse of land such as the subject property where, as conditioned, the scale of the proposed building will be consistent with the scale of the parcel.

The Specific Plan limit of 25 feet on the subject property is an unnecessary restriction. For example, the subject property project height at its rear location is measured from Hampton Drive, whereas the existing adjacent residential buildings were not subject to such a restrictive provision. If the subject building is limited to 25 feet as measured by the Specific Plan, at that point on the property, it would be lower than the adjacent residential buildings which were permitted without a Specific Plan exception. As such, without an exception to the Specific Plan the proposed project would not be consistent with the character of surrounding uses.

For all these reasons, there are exceptional circumstances and conditions applicable to the subject property and the intended development of the property that would apply to few, if any, other properties within the Venice Specific Plan area.

3. **An exception from the specific plan is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the specific plan area in the same zone and vicinity but which, because of special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.**

Lot Consolidation: The other properties in the area are improved with two-story, four-unit apartments on lots that the Specific Plan now limits to three units. They are permitted to continue as nonconforming pursuant to Section 12.23 of the Los Angeles Municipal Code. Properties located opposite the subject site on Hampton Drive are zoned for manufacturing uses and are occupied with industrial, religious and parking uses. The subject center in replacing its presently inadequate building, however, is not able to maintain its nonconforming status due to its special circumstances and practical difficulties described above. Without the subject lot consolidation it will not be able to continue to provide the programs currently being provided and it will be deprived of the nonconforming rights enjoyed by the other properties in the area. Additionally, the northerly portion of the subject property within the City of Santa Monica, apparently, is not restricted by any limits on lot consolidation. The proposed project would replace the existing structure in the same location and seeks to be on par with other properties in the area that have undergone modification or addition.

Building Height: The applicant seeks to permit a building with portions up to 41-feet in height, as measured by the Venice Specific Plan. Because of the site's up slope topographical character, there are practical difficulties and unnecessary hardships in developing the site in a manner possessed. The proposed height is, as conditioned, actually lower than those buildings at the Hampton Drive frontage and only increases as it progresses towards the rear of the property. The subject exception would compensate for the lack of height at the front of

EX.#6 p. 11

the building by permitting greater height towards the rear of the lot and grants the subject building a general overall height commensurate with that enjoyed by other buildings in the area. Additionally, in the City of Santa Monica portion of the subject property the height of buildings are permitted to be 30 feet above the adjacent slope and would result in buildings generally of the same height as proposed here.

Therefore, the unique circumstances presented by the subject property and the existing institutional structure at this location create practical difficulties which require the requested exceptions in order for the applicant to be able to re-invest in the community, upgrade its services, and guarantee its long-term viability, as have other uses in the area.

**4. The granting of an exception will not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property.**

The subject property has a long established history of use as a church complex with counseling, childcare and educational uses. This institutional project will compliment the existing uses of the site by continuing counseling, education and child care/nursery school uses. The proposed project represents development which will enhance the character of the community by providing much needed religious and philanthropic services to the community. The site is currently developed with a building housing similar uses, but the building is outdated and overcrowded.

**Lot Consolidation:** The construction of the existing school building in 1960, now being used as a child care and counseling facility, tied the five subject lots together. Although, the structure is somewhat institutional in appearance and the frontage marginally landscaped, the relatively low profile has minimized its impact on the surrounding area and has not had a detrimental impact on the area. The continued consolidation for a project as recommended would not adversely impact the area and would not be detrimental to the public welfare or injurious to adjacent properties. The project, as recommended at a reduced height along the frontage and with a greater frontage setback, would be in scale with the surrounding area as intended by the Specific Plan.

**Building Height:** As originally proposed by the applicant, the subject building would have been out of scale with the remainder of this residential block which consists of fourplexes uniformly setback at least 15 feet and approximately 25 feet in height above finished grade but between 30 and 35 feet per the specific plan. As conditioned by the Commission the building at the frontage will be set back 15 feet instead of 12 feet and the second story will be stepped back an additional 10 feet. This will be consistent with the scale of the block as developed and consistent with the development potential of the City of Santa Monica portion of the property. Across the street from the subject property are commercial properties which are permitted by the specific plan to be at a height of 30 feet or 35 feet with a varied roof.

Stepping the building back at the second level and not permitting any portion of the building to exceed 25 feet height at any point (41 feet per the specific plan definition) would be consistent with the scale of the block. There may still be minor view encroachments to the rear, easterly residences, however, a condition has been imposed to require landscape screening along that side of the property. Potential noise impacts to apartments adjacent to the children's play area are possible and have been addressed by conditions to require a

masonry wall on the southerly side and the use of noise attenuating materials in the play area. Also, the project would provide sufficient access to local streets and adequate on-site parking, thereby eliminating potential impacts on adjacent properties.

The building design provides for visual breaks and articulations as required by the Specific Plan by concentrating the majority of the two-story portion of the building within the interior of the subject property and providing visual breaks and change in materials for every 20 feet in horizontal length and every 15 vertical feet. This will be accomplished by using smooth textures (including smooth and rough stucco, bricks and split face blocks) and different colors.

Because the proposed building is merely a replacement building serving similar low intensity uses, the project would not be injurious to adjacent properties. Rather, the project would continue to quietly coexist with surrounding properties just as the previous uses have done for approximately 15 years.

5. **The granting of an exception will be consistent with the principles, intent and goals of the specific plan and any applicable element of the general plan.**

Lot Consolidation: Lot Consolidation: Section 9, A, 1, d of the specific plan provides that a maximum of three lots may be consolidated if, "the building is designed with visual breaks or any Architectural Features, including balconies or terraces, with a change of material or a break in the plane every 20 feet in horizontal length and every 15 feet in vertical length...." The intent of this provision was to avoid development out of scale with adjacent properties.

In this case five lots are proposed to be consolidated and conditions have been imposed to provide for the visual breaks required by the specific plan by requiring the stepping back of the second story, increasing the front yard setback and articulating the building footprint with a courtyard to appear as two buildings to minimize the scale of the proposed building. Therefore, this exception is consistent with the provisions of the specific plan. No other elements of the General Plan appear to address the subject of lot consolidation.

Building Height: One of the purposes of the Specific Plan (Section 3, F) is, "To regulate all development, including height, density, setback, buffer zone and other factors in order that it be compatible in character with the existing community and to provide for the consideration of aesthetics and scenic preservation and enhancement, and to protect environmentally sensitive areas." As originally proposed, the height and design of the subject building conflicted with this specific plan purpose. As approved and conditioned, the stepping back of the second story at least 10 feet, having no portion of the building exceed the 25-foot height at any point above adjacent grade, providing a landscaped berm along Hampton Drive and providing visual breaks and changes in materials is consistent with the purpose of the Specific Plan.

Also, the Specific Plan exception and accompanying project are in keeping with the following goals of the Los Angeles General Plan:

"Program resources in a manner that encourages appropriate development, housing opportunities, transit service and employment generation in all areas of the City, with particular emphasis on those portions of the City which historically have not received a proportional share of such opportunities, consistent with the City's overall economic policies."

(Objective 7.10)

"Focus available implementation resources in centers, districts, and mixed-use boulevards or 'communities of need'." (P35)

"Support efforts to provide all residents with reasonable access to transit infrastructure, employment, and educational and job training opportunities." (P3, P44)

"Determine appropriate levels of service for, but limited to, educational facilities, hospitals, job training and referral centers, and transportation opportunities in the 'communities of need'." (P3, P28)

### CONDITIONAL USE PERMIT FINDINGS

In order for a conditional use permit ("CUP") for a childcare and church non-profit center to be approved, the legally mandated findings delineated in Municipal Code Sections 12.24-U, 4 and 12.24-W, 9, must be made in the affirmative. The following findings support the approval of the requested CUP:

**6. The proposed location will be desirable to the public convenience or welfare.**

The subject property is owned by the Roman Catholic Archdiocese of Los Angeles. St. Joseph Center and/or St. Clement's Church have been offering counseling, childcare, education and religious services on the subject property since approximately 1960, and was previously approved in two CUPs for child care and family counseling. St. Joseph Center already provides on the subject property many of the services proposed for the new building. St. Joseph Center already is located on St. Clement Church property and in a location which already has proven convenient to its clients. It has operated in a manner that has been compatible with the surrounding neighborhood for many years.

Providing services to low income persons and families is an inherently beneficial use to our society and, without significant adverse impact, denial of such uses would not further any legitimate purpose. Testimony at the public hearings found few persons in opposition to the programs provided by St. Joseph Center, even by those opposed to the building height and setback. The existing building now housing these services is outdated and severely overcrowded and no longer meets the programmatic goals of the Center. Through the years, this location has been clearly desirable to the public convenience and welfare, as measured by the continued success of the Center and its ability to continue to help those in need. Conditions of approval have been imposed to mitigate any adverse impacts of these uses.

**7. The location is proper in relation to adjacent uses or the development of the community.**

The subject site is proper in relation to adjacent uses and development in the area in that such uses are permitted by right or by CUP in the residential zones, there are similar properties throughout Los Angeles used as child care facilities, church and church-related uses, and environmental mitigation measures and conditions of approval would ensure compatibility of the proposed project with its surroundings.

COASTAL COMMISSION

EXHIBIT # 6 p.14



34. Reserved or otherwise restricted spaces shall not be shared. No spaces shall be reserved for any particular user, including lease parking spaces. The entire ~~134~~ 146 parking spaces must be made available to all of the uses, except that leased parking (as set out below) may be confined to the lower parking lot.
35. 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.
36. Prior to the issuance of any permits, a Additional documents, covenants, deed restrictions, or other agreements shall be executed and recorded as may be deemed necessary by the Zoning Administrator, in order to assure the continued maintenance and operation of the shared spaces, under the terms and conditions set forth in the original shared parking arrangement. Any changes to the participating uses or hours (includes portions within the City of Santa Monica) shall require a plan approval application and a public hearing.

#### Specific Plan Project Permit

37. Except as otherwise provided herein all requirements of the specific plan shall apply to any deviations permitted by Condition No. 4 and for any project details not disclosed herein. Prior to the issuance of any permit, the applicant shall secure the review of plans and recommendation for sign-off from the Planning Department Venice Specific Plan staff to the Zoning Administrator.
  - a. Prior to the issuance of a building permit the applicant shall submit a landscape and automatic irrigation plan prepared by a licensed landscape architect and in compliance with Section 11, B, 6, of the Specific Plan.
  - b. Trash enclosure for regular and recyclable trash shall be provided.
  - c. Any roof structures shall comply with Section 9, C, of the Specific Plan.

#### 38. ENVIRONMENTAL CONDITIONS

The following environmental mitigation measures shall apply only to the building site (Lots 27-31, Rosemont Terrace Tract)

- a. Aesthetics (Landscaping):

All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the Planning Department.

community liaison for the community, provide reasonable hours of operation, and assure proper maintenance. Conditions and approvals related to the height of the building, setback of the building and the provision of parking spaces are contained within those separate entitlements and further mitigate the impacts of this project.

**9. The proposed location will be in harmony with the various elements and objectives of the General Plan.**

The Community Plan designates the property for Low Medium II Residential land uses with corresponding zones of RW1, RD2, and RD1.5, and Height District No. 1. The property is within the area of the Venice Specific Plan Ordinance No. 175,693. The subject conditional uses are not directly addressed by the plan but are conditional uses permitted within the corresponding zones. The Specific Plan exception and Project Permit approval would ensure compliance and harmony with the General Plan. In addition, the proposed project is in harmony with the objectives of the Los Angeles General Plan listed below:

"Program resources in a manner that encourages appropriate development, housing opportunities, transit service and employment generation in all areas of the City, with particular emphasis on those portions of the City which historically have not received a proportional share of such opportunities, consistent with the City's overall economic policies." (Objective 7.10)

"Focus available implementation resources in centers, districts, and mixed-use boulevards or 'communities of need'." (P35)

"Support efforts to provide all residents with reasonable access to transit infrastructure, employment, and educational and job training opportunities." (P3, P44)

"Determine appropriate levels of service for, but limited to, educational facilities, hospitals, job training and referral centers, and transportation opportunities in the 'communities of need'." (P3, P28)

**COASTAL DEVELOPMENT PERMIT FINDINGS**

In order for a Coastal Development Permit to be granted, all of the requisite findings maintained in Section 12.20.2-G of the Los Angeles Municipal Code must be made in the affirmative. The following findings and the application of facts support the approval of the requested Coastal Development Permit:

**10. The development is in conformity with Chapter 3 of the California Coastal Act of 1976 (commencing with Section 30200 of the California Public Resources Code).**

The subject property is located within the "Oakwood-Milwood-Southeast Venice" subarea of the Venice Specific Plan. The Project will not change the existing use of the property. The property is not adjacent to the shoreline, and will not affect visual, scenic, or ecological coastal resources, nor archeological or paleontological resources. The project will not require any significant grading.

Environmental impacts found due to the proposed project are identified in the attached

*Ex. #6 p.16*



environmental clearance. The Mitigated Negative Declaration also identified mitigation measures to reduce those impacts to a level of insignificance. Those mitigation measures are included as conditions of approval.

The California Coastal Commission pursuant to the California Coastal Act of 1976 has certified the Land Use Plan (LUP) portion of the Venice LCP. The proposed project, as conditioned, is consistent with the LUP. The portions of the LUP relating to building height and lot consolidations relate to residential development and therefore do not apply to the proposed project at hand. The proposed project is not located within the Beach Impact Zone, so employees and clients will not compete with beach goers for parking. Policy II.A.11 indicates that shared parking arrangements may be permitted to accommodate intensification of existing commercial uses, provided a detailed parking study demonstrates no negative effect on coastal access or access to public recreational facilities. This project is an institutional project and not a commercial project. However, a detailed parking study has been conducted for the project and demonstrates the self-sufficiency of the shared parking as proposed.

11. **The permitted development will not prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter, 3 of the California Coastal Act of 1976.**

The California Coastal Commission certified the Land Use Plan portion of the Venice LCP on June 14, 2001, pursuant to the California Coastal Act of 1976. The proposed project, as conditioned, will not have any significant effect on the approval of the LCP as the project presently complies with the provisions of the Specific Plan inclusive of exception provisions. In the interim, the Coastal Commission's certified coastal Land Use Plan and the Venice Specific Plan serve as the functional equivalent to the LCP.

12. **The Interpretive Guidelines for Coastal Planning and Permits established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed, and considered in light of the individual project in making its determination.**

The referenced interpretive guidelines are designed to provide direction to the decision-making authority in rendering discretionary determinations on requests for coastal development permits pending adoption of a Local Coastal Program. The Coastal Commission Regional Interpretative Guidelines are silent as to institutional uses. In this instance, the provisions of the certified Venice Land Use Plan and the Venice Specific Plan reflect more updated standards for the Oakwood-Milwood-Southeast Venice area. Inasmuch as the LUP has been certified, the project does not conflict with any of the guideline provisions of the LUP for the involved area. The proposed project, though an institutional use, will be consistent with the LUP, as conditioned.

13. **The decision of the permit-granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code.**

The Commission has consistently indicated concerns for public views of important resources, accessibility improved access to recreational opportunities for the public and impacts to

Ex. #6 p. 11

marine resources and sensitive habitats. The subject project, due to its location and nature, is not impacted by these concerns. The subject project is located three blocks from the beach and within a fully developed area of residences and commercial uses. The proposed project is designed to maintain the scale and character of the neighborhood and does not affect significant ocean views or accessibility to important resources. The proposed project includes the replacement of an existing outdated structure currently used as the St. Joseph Center with a new structure and the improvement of the overall site, and does not involve or impact marine or sensitive resources. Nevertheless, the implementation of Best Management Practices during construction will minimize stormwater runoff to the Santa Monica Bay.

- 14. If the development is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, that the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.**

The proposed project is not located between the nearest public road and the sea or shoreline of a body of water located within the coastal zone and the nearest public road to such geographical features.

#### **SHARED PARKING FINDINGS**

Los Angeles Municipal Code Section 12.24-X, 20 (Shared Parking) states that a Zoning Administrator may, upon application, permit two or more uses to share their off-street parking spaces, if the Zoning Administrator, or in this case, the Commission determines that a lower total number of parking spaces than would otherwise be required will provide adequate parking for these uses.

- 15. Approval of the subject use is in conformity with the public necessity, convenience, general welfare and good zoning practice.**

Shared parking provides for the most efficient use of parking facilities by different uses with different peak parking demand periods to use the same parking spaces. In the coastal area, this is especially critical due to the lack of area available for parking and the high parking demand in the area. One of the goals of the project is making much-needed parking available to the public and surrounding community. Approval of the shared parking spaces will help meet the public's need for additional parking in the area, as well as maintain adequate parking for the proposed project site. A detailed parking analysis has been conducted and demonstrates that shared parking is appropriate for the subject site. The available parking on the subject property is convenient in relation to the public who would use the spaces and would therefore benefit the general welfare of the surrounding community. As this is a more efficient use of a parking area and provides for adequate parking for the proposed uses, it is in conformity with good zoning practices.

- 16. This action will be in substantial conformance with the various elements and objectives of the General Plan.**

The Community Plan does not directly address shared parking. The Specific Plan would permit shared parking pursuant to the Los Angeles Municipal Code. The LUP permits shared parking as a policy for commercial developments as long as it does not affect coastal access

Ex.#6 p.

LUP Policy II.A.11 states "Shared parking arrangements may be permitted to accommodate new commercial uses and intensification of existing commercial uses provided that a detailed parking study demonstrates that the proposed shared parking arrangement will not negatively affect coastal access or access to public recreational facilities. Public beach parking shall not be used for shared parking arrangements." The LUP does not address institutional uses, such as the St Joseph Center. Notwithstanding, a detailed parking study has been conducted for the project and shows that the proposed shared parking arrangement would not negatively affect coastal access or access to public recreational facilities. As conditioned, this shared parking plan complies with those elements of the General Plan. Conditions have been imposed to lock in the uses, the days and hours of operation and the leased parking spaces.

Furthermore, the project parking is not public beach parking. Conditions have been imposed to clarify the uses and hours of the parking spaces and to ensure that there will be adequate parking during peak periods. Therefore, as conditioned, this shared parking plan complies with those elements of the General Plan.

### **PROJECT PERMIT COMPLIANCE REVIEW FINDINGS**

When the subject request was filed, the specific plan required a project permit. The new specific plan under Ordinance No. 175,693, now terms it to be a project permit compliance review instead, but the requirements are the same. In order for a project permit compliance review for this project to be approved, the legally mandated findings delineated in Municipal Code Section 11.5.7-C must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts to same.

**17. The project substantially complies with the applicable regulations, standards and provisions of the specific plan.**

The project complies with the applicable regulations, standards and provisions of the specific plan relative to parking and facade articulation except those exceptions requested herein. The specific plan is silent relative to this specific use. Child care and church related community service facilities are permitted uses, subject to the filing and approval of a CUP. Where elements of the proposed building plan were vague relative to the specific plan requirements, those requirements (roof structures, trash enclosure and landscaping) have been included as conditions of approval.

Conditions have also been added to require landscaping, building facade articulation and a 10-foot second story setback to assure that the building is compatible with the existing neighborhood and so that the project will not be visually detrimental to the area.

**18. The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project to the extent physically feasible.**

A Mitigated Negative Declaration (MND) was prepared and circulated for the proposed Project. The MND concluded that the proposed project would not result in any significant impacts after mitigation. All of the mitigation measures identified by the MND have been incorporated as conditions of approval. In general, these conditions are monitored by the various administrative and enforcement provisions of the Municipal Code

*Ex.#6 p.1*

Additional conditions are imposed to ensure the project remains compatible with the surrounding area and operates in harmony with other uses, to address concerns raised at the public hearing by the community, and to minimize the use of limited public resources with which to monitor the subject facility and enforce applicable laws.

The conditions established herein are a protective measure for residents and visitors to the area and to clearly define the operation parameters for use of the site. Many of the conditions are operational and will continue to protect the community with the continued cooperation of the current or future owner/operator. Therefore, self-policing and enforcement by the property owner and management are important, if the use is to operate without significant adverse impacts to the community. To ensure such enforcement, a six month and one year plan approval has been required to evaluate compliance to and the effectiveness of these mitigation measures and the conditions specific to the various entitlements. Given the dynamics of this project, it is expected that there will be multiple plan approvals during the life of the use and, consequently, more monitoring here than with most projects.

In order for a Project Permit Compliance Review for this project to be approved, the legally mandated findings delineated in Venice Coastal Zone Specific Plan Section 8, C, must also be made in the affirmative. The following findings and the application of the relevant facts support the approval of the Project Permit:

- 19. That the Project is compatible in scale and character with the existing neighborhood, as defined by the Coastal Commission Regional Interpretative Guidelines, and that the Project would not be detrimental to adjoining lots or the immediate neighborhood.**

The referenced Interpretive Guidelines are designed to provide direction to the decision-making authority in rendering discretionary determinations on requests for coastal development permits pending adoption of a Local Coastal Program. The Coastal Commission Regional Interpretative Guidelines are silent as to institutional uses. In this instance, the provisions of the certified Venice Land Use Plan and the Venice Specific Plan reflect more updated standards for the Oakwood-Milwood-Southeast Venice area. Inasmuch as the LUP has been certified, the project does not conflict with any of the guideline provisions of the LUP for the involved area. The proposed project, though an institutional use, as conditioned, will be consistent with the LUP.

Upon approval, the proposed project would be compatible in scale and character with the existing neighborhood. The building would not result in a massing effect on the street frontage, and instead the majority of the two-story portion of the building would be set back from the street toward the rear of the property. The second floor of the north portion of the building has been stepped back 10 feet to add extra dimension to the facade. Also, the building provides visual breaks and change in materials for every 20 feet in horizontal length and every 15 vertical feet. This is accomplished by using smooth textures (including smooth and rough stucco, bricks and split face blocks) and different colors. A one-story portion of the building would be adjacent to and compliment the size and scale of neighboring residential properties to the south. Also, the building design would provide for a landscaped courtyard fronting the street. The project would also make available much needed parking to the surrounding neighborhood, while at the same time meeting all of the site's parking demands. Furthermore, the project would enable St. Joseph Center to better continue its philanthropic

Ex #6 p1

services to the immediate neighborhood, as it has been doing since 1970.

**20. The Project is in conformity with the certified Venice Local Coastal Program.**

The Community Plan designates use of the site for residential uses with corresponding zones of RW1, RD2 and RD1.5. However, the Venice Specific Plan does not address institutional uses, including the St. Joseph Center.

Also, one of the purposes of the Specific Plan (Section 3, F) is, "To regulate all development, including height, density, setback, buffer zone and other factors in order that it be compatible in character with the existing community and to provide for the consideration of aesthetics and scenic preservation and enhancement, and to protect environmentally sensitive areas." As redesigned, the design of the subject building would be consistent with the purpose of the specific plan.

The Land Use Plan (LUP) portion of the Venice LCP has been certified by the California Coastal Commission on June 14, 2001, pursuant to the California Coastal Act of 1976. In the interim, the coastal Commission's certified Coastal Land Use Plan and the Venice Specific Plan serve as the functional equivalent to the LCP. The proposed project, as conditioned, is consistent with the LUP. The portions of the LUP relating to building height and lot consolidations relate to residential and commercial development and therefore do not apply to the proposed project at hand. The proposed project is not located within the Beach Impact Zone, so employees and clients will not compete with beach goers for parking. Policy II, A, 11, indicates that shared parking arrangements may be permitted to accommodate intensification of existing commercial uses, provided a detailed parking study demonstrates no negative affect on coastal access or access to public recreational facilities. This project is an institutional project and not a commercial project. However, a detailed parking study has been conducted for the project and demonstrates the self-sufficiency of the proposed shared parking proposed. Therefore, the project is consistent with the goals of the California Coastal Act.

**21. That the applicant has guaranteed to keep the rent levels of any Replacement Affordable Unit at an affordable level for the life of the proposed Project and to register Replacement Affordable Units with the Los Angeles Department of Housing.**

This requirement is inapplicable to the proposed project; no residential units will be demolished.

**22. That the Project is consistent with the special requirements for low and moderate income housing units in the Venice Coastal Zone as mandated by California Government Code Section 65590 (Mello Act).**

This project does not involve any demolition of existing residential structures and does not include any new housing development; therefore this project is exempt from the replacement and inclusionary residential requirements of the Mello Act.

**ADDITIONAL MANDATORY FINDINGS**

**COASTAL COMMISS**

**23. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard**

Management Specific Plan adopted by the City Council by Ordinance No. 154,405, have been reviewed and it has been determined that the property is located in Zone C, areas of minimal flooding

24. On July 17, 2003, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. ENV-2003-3305-MND (Article V - City CEQA Guidelines) and determined that by imposing conditions the impacts could be reduced to a level of insignificance. The Commission certifies that this mitigated negative declaration reflects the independent judgment of the lead agency.
25. Fish and Game: The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.

COASTAL COMMISSION

EXHIBIT # 6  
PAGE 22 OF 35

CONDITIONS OF APPROVAL as Modified

**ADMINISTRATIVE**

1. **Approval verification and submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approvals, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
2. **Definition.** Any agency, public official, or legislation referenced in these conditions shall include agencies, public officials, legislation or their successors, designees or amendments to any legislation. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this approval.
3. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Zoning Administrator and any other designated agency, or the agency's successor, and in accordance with any stated laws or regulations, or any amendments thereto.
4. **Plan.** The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action. Minor deviations may be allowed in order to comply with provisions of the Municipal Code and the intent of the subject permit authorization, and if the applicant is unable to obtain approvals from the City of Santa Monica for any improvements to the parking lot areas located within the City of Santa Monica.
5. **All other use, height, and area regulations of the Municipal Code and all regulations of other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.**
6. **A copy of the first page of this grant and all conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be printed on the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.**
7. **Prior to the issuance of any permits relative to this matter, an acknowledgment and agreement to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and be binding on any subsequent owners; heirs or assigns. The agreement with the conditions of approval attached must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date must be provided to the Zoning Administrator for attachment to the file.**

The agreement shall be recorded over the entire church property, including the portion within the City of Santa Monica, in order to secure the shared parking conditions and conditional use for the church use expansion.

**COASTAL COMMISSION**

8. In order to provide for reexamination in six months (for parking review only) and one year of the matter in light of any changed conditions in the neighborhood or operation of the project and in order to evaluate the effectiveness of and compliance with the conditions of approval regarding the operations and physical improvements of the facility, the applicant/operator or owner shall file for an Approval of Plans. Said application must be filed with the Zoning Administrator no later than six months and one year after the issuance of a certificate of occupancy but not sooner than five months and nine months, respectively, from that time. The application shall be accompanied by the payment of appropriate fees, as governed by Section 19.01-I of the Los Angeles Municipal Code, and must be accepted as complete by the Planning Department public counter. The completed application shall be accompanied by tenant/owner notice labels for 500-foot radius and include the individuals on the interested parties list related to the subject authorization for the purpose of a public hearing.

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.

## ENTITLEMENTS AND CONDITIONS

### Specific Plan Exceptions

9. The building shall be designed as follows:
- a. The building facade along Hampton Drive shall be designed with visual breaks or Architectural Features, including balconies or terraces, with a change of material or a break in the plane every 20 feet in horizontal length and every 15 feet in vertical length.
  - b. The first story of the building shall be limited to a height of 25 feet. The northerly portion of the second story shall be stepped back at least 10 feet behind the front yard set back of the first story and shall be limited to a maximum height of 41 feet. All building heights shall be measured in accordance to Section 9, B of the specific plan. This second story portion of building may be located 5 feet closer to the rear property line, resulting in a 10-foot rear setback, in order to compensate for the additional front setback.
  - c. The colors utilized for the building materials shall be generally per the drawings submitted to the Area Planning Commission and consistent with the nature of the adjacent residential area. Where brick is used, the color shall be generally red or neutral. Prior to the issuance of any permits a rendering showing the colors of the building shall be submitted to the Council Office for review and the Zoning Administrator for approval.

### Child Care and Non-Profit Church Center

10. Any reduction in the total church and project site shall require an application for a plan approval pursuant to the provisions of 12.24.M of the Los Angeles Municipal Code.



11. The building shall be limited to the following hours of operation for the subject uses:

Social Services Programs:	8:30 a.m. 6 to p.m., Monday - Friday
Child Care:	7:30 a.m. to 6 p.m., Monday - Friday
Events/Meetings (Not to exceed 75 persons after 6 p.m. - on yearly average not more than five times per month)	no later than 9 p.m., Monday - Friday 9:00 a.m. to 5:00 p.m., Saturday - on yearly average not more than 3 times per month 1:00 p.m. to 5:00 p.m., Sunday - on yearly average not more than two times per month
Religious Use: Education/ Counseling/Meetings: (Not to exceed 75 persons after 6 p.m. - on yearly average not more than five times per month)	8 a.m. to 9 p.m., Monday - Sunday
Deliveries:	8 a.m. to 6 p.m., Monday - Friday

The required plan approval shall review these limits. Any modification of those hours or days shall require a plan approval application and revision of the shared parking analysis. These limitations on hours of operation shall not apply to staff, on an occasional basis, and janitorial activities.

12. Limitations on Use/Occupancy.

- a. Child care enrollment shall be limited to 48 children.
- b. 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.
- c. An emergency access for the child care center may be located on the southwest corner of the property. The exterior gate to that area shall be equipped with panic hardware and shall be restricted to emergency access only. This gate shall not be utilized for the drop-off or pick-up of children.

13. During periods after the operating hours of the uses, the parking lots shall be secured by a locked gate, attendant, or automatic gate, which will provide access to permit holders only. The perimeter of the parking lots shall be enclosed by wrought iron style fencing approximately 6 feet in height, or that height as approved by the City of Santa Monica. The existing chain link fencing shall be removed. Landscaping shall be provided around and within the parking lots generally as shown on Exhibit A, dated February 18, 2004.

14. Complaint Response/Community Relations.

- a. Compliant 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:

COASTAL COMMISSION

- 1) Posted at the entry and posted on the bulletin board (required by Condition 24) and be readable from the sidewalk.
  - 2) Provided to the immediate neighbors, schools, and local neighborhood association, if any.
- b. Log. The property owner/operator shall keep a log of complaints received, the date and time received and the disposition of the response. The log shall be submitted to the Council Office for review once every three months or upon request from the Council Office and for consideration by the Zoning Administrator at the one year plan approval.
  - c. 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.
15. **Debris Removal/General Appearance.** The site shall at all times be kept clear of weeds, rubbish, and all types of litter and combustible materials. Trash receptacles shall be located throughout the site.
- The applicant shall clean up the public right-of-ways 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.
16. A decorative masonry wall at least 8 feet in height above the play area level shall be constructed along the southerly lot line of the play areas adjacent to the residential units to the south. Tall shrubs or small trees shall be provided on the east side of the children's play area to provide screening for the easterly adjacent apartments. Noise attenuating materials shall be utilized in the children's play area to minimize any noise impact to the southerly and easterly residences.
17. At least one, uniformed, state licensed security guards shall patrol the subject property and immediately surrounding area and shall be provided on a 24-hour basis. The security guard shall advise all loiterers that loitering is not permitted and shall take all reasonable actions to request that such loiterers leave the subject property and any sidewalk areas adjacent to the subject property, including the Hampton Drive frontage. As appropriate, the security guards shall contact the Los Angeles Police Department and shall cooperate fully with law enforcement personnel.
18. **Parking/Circulation.**
- a. Prior to the issuance of any building permits parking and driveway plans shall be submitted to the Department of Transportation and the City of Santa Monica for

approval. Minor deviations may be permitted to comply with the City of Santa Monica requirements.

- b. The applicant shall indicate an on-site drop-off and pickup area within the parking lot with appropriate signage and encourage its use.
  - c. A minimum of ten parking spaces shall be designated within the adjoining parking areas for drop-off and short-term parking for clients of and visitors to the facility.
  - d. Vehicles exiting the lower parking area shall be limited to left turns only. A sign shall be posted at the exit side of the Marine Street driveway directing exiting vehicles to turn left. The Third Avenue ramp shall be used for ingress only.
  - e. All staff and client parking shall be onsite and not on adjacent residential streets.
19. Public Services (Fire Department). Submit plot plans for Fire Department review and approval prior to the issuance of any permits (Hydrant and Access Unit).
20. Signs. Prior to the issuance of a building permit, a master sign plan shall be submitted indicating the general type, size, and location of any identification sign, parking signs, directional signs, or other type of sign. The signs shall be in easy to read lettering, shall be sensitive to the residential nature of the area and not exceed a total of 25 square feet for all signs visible from the street. Except for directional and emergency signs, no illuminated signs shall be permitted. The sign plan shall be to the satisfaction of the Zoning Administrator.
21. 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.
22. No showers or lockers shall be permitted at this building. The building shall not include any feeding programs such as a soup kitchen type of activity. No lodging or housing shall be permitted.
- Clients may continue to use 204 Hampton Drive as a mailing address, however, all mail shall be distributed to clients at an off-site location. Clients of the facility may not pick up mail addressed to them at the subject property.
23. The applicant will continue to advise all clients that loitering around the center is unacceptable and may result in termination of service. The applicant will require clients to respect the quiet, privacy and property of residents in the area. Written warnings shall be issued for any violations of any of these conditions. After two warnings to a client, service to that client shall be terminated for at least six months.

COASTAL COMMISSION

24. In order to notify the community of future events, the applicant shall provide an activities bulletin board on the subject property frontage listing those events. The board shall not exceed a dimension of 3 feet by 5 feet and shall be readable from the sidewalk on Hampton Avenue and shall be designed to the satisfaction of the Zoning Administrator. Prior to submission to the Zoning Administrator the design shall be submitted to the Council Office for review. Additionally, a calendar of such future events shall be posted on the St. Joseph Center website. The area of this sign shall not be subject to the limitation upon sign area required by Condition No. 20.
25. **Project Setbacks.** The building setback from the southern property line will be no less than 21 feet, provided that a shade canopy may be located within 15 ½ feet of the southerly property line. The setbacks from the northern, western, and eastern property lines will be no less than 15 feet each except as permitted by Condition No. 9, b, relative to the eastern set back for a portion of the second story.
26. The front yard setback along Hampton Drive shall be landscaped, irrigated, maintained and sloped up to the building at an approximately 2:1 slope (as shown on the attached plans at Exhibit A) to soften the appearance of the building and to discourage transient loitering in the landscaped area. Such planting shall include a wall hugging vine to minimize the scale of the retaining wall and to discourage graffiti.
27. There shall be no construction on Saturdays and Sundays and all construction parking shall be on-site or leased off-street parking. There shall be no audible exterior demolition or construction activities on all Jewish Holy Days until 1:00 p.m. and all day on Yom Kippur. Jewish Holy Days shall be limited to the following 13 days:
- Rosh Hashana (2 days)  
Yom Kippur (1 day)  
Shavout (2 days)  
Sukkot ( 2 days at beginning; 2 days at end)  
Passover (2 days at beginning; 2 days at end)
- Further, no construction activities may be undertaken from 4:00 p.m. on the eve of Rosh Hashana, nor from 4:00 p.m. on the eve of Yom Kippur until the first business day following Yom Kippur.
28. The Applicant shall fund the construction of a fence for the Mishkon Tephilo Congregation located across Hampton Drive at 201 Hampton Drive. The fence shall provide reasonable visual privacy for the childcare play yard along the Hampton Drive frontage at the Mishkon Tephilo Congregation property.
29. The Applicant shall restrict access to the roof of the Project to authorized staff personnel. 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.

30. During demolition and construction, the Applicant shall erect barriers on the subject property to shield construction activities.
31. The Applicant and its contractors shall coordinate with the Mishkon Tephilo Congregation to minimize construction noise to the extent feasible.

#### Coastal Development Permit

32. Any changes to the project as permitted by Condition No. 4, and any portions of the project not detailed herein shall comply with the applicable provisions of the Venice Local Coastal Program Land Use Plan.

#### Shared Parking

33. 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.
34. Reserved or otherwise restricted spaces shall not be shared. No spaces shall be reserved for any particular user, including lease parking spaces. The entire 146 parking spaces must be made available to all of the uses, except that leased parking (as set out below) may be confined to the lower parking lot.
35. 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.
36. Prior to the issuance of any permits, additional documents, covenants, deed restrictions, or other agreements shall be executed and recorded as may be deemed necessary by the Zoning Administrator, in order to assure the continued maintenance and operation of the shared spaces, under the terms and conditions set forth in the original shared parking arrangement. Any changes to the participating uses or hours (includes portions within the City of Santa Monica) shall require a plan approval application and a public hearing.

#### Specific Plan Project Permit

37. Except as otherwise provided herein all requirements of the specific plan shall apply to any deviations permitted by Condition No. 4 and for any project details not disclosed herein. Prior

to the issuance of any permit, the applicant shall secure the review of plans and recommendation for sign-off from the Planning Department Venice Specific Plan staff to the Zoning Administrator.

- a. Prior to the issuance of a building permit the applicant shall submit a landscape and automatic irrigation plan prepared by a licensed landscape architect and in compliance with Section 11, B, 6, of the Specific Plan.
- b. Trash enclosure for regular and recyclable trash shall be provided.
- c. Any roof structures shall comply with Section 9, C, of the Specific Plan.

**38. ENVIRONMENTAL CONDITIONS**

The following environmental mitigation measures shall apply only to the building site (Lots 27-31, Rosemont Terrace Tract)

**a. Aesthetics (Landscaping):**

All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the Planning Department.

**b. Aesthetics (Surface Parking):**

A minimum of one 24-inch box tree (minimum trunk diameter of 2 inches and a height of 8 feet at the time of planting) shall be planted for every four parking spaces (34 trees for 134 parking spaces). The trees shall be dispersed within the parking area so as to shade the surface parking area and shall be protected by a minimum 6-inch high curb, and landscape. Automatic irrigation plan shall be approved by the City Planning Department.

**c. Aesthetics (Light):**

Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.

**d. Tree Removal**

- 1) Prior to the issuance of a grading permit, a plot plan prepared by a reputable tree expert as defined by Ordinance 153, 478, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval by the Department of City Planning and the Street Tree Division of the Bureau of Street Maintenance. All trees in the public right-of-way shall provided per the current Street Tree Division standards.

- 2) The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Mitigation measures such as replacement by a minimum of 24-inch box trees in the parkway and on the site, on a 1:1 basis, shall be required for the unavoidable loss of desirable trees on the site, and to the satisfaction of the Street Tree Division of the Bureau of Street Maintenance and the Advisory Agency.

**Note:** Removal of all trees in the public right-of-way shall require approval of the Board of Public Works. Contact: Street Tree Division at 213-485-5675.

**e. Seismic:**

The design and construction of the project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety.

**f. Erosion/Grading/Short-Term construction Impacts:**

**1) Air Quality:**

- a) All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- b) The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind.
- c) All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- d) All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- e) All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- f) General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

**2) Noise:**

- a) The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent

uses unless technically infeasible.

- b) Construction shall be restricted to the hours of 7 a.m. to 6 p.m. Monday through Friday, and 8 a.m. to 6 p.m. on Saturday.
- c) Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- d) The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- e) The project sponsor must comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.

3) General Construction:

- a) All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non recyclable materials/wastes must be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.
- b) Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- c) Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.
- d) Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
- e) Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.
- f) Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop clothes to catch drips and spills.

g. Explosion/Release (Asbestos Containing Materials)

Prior to the issuance of the demolition permit, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no ACM are present in the building. If ACM are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403

COASTAL COMMISSION



as well as all other state and federal rules and regulations.

- h. **Parking Lots with 25 or more spaces or 5,000 square feet of lot area. (Residential, Commercial, Industrial, Public Facility)**
- 1) **Project applicants are required to implement stormwater BMPs to retain or treat the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.**
  - 2) **Post-development peak storm water runoff discharge rates shall not exceed the estimated pre-development rates and shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.**
  - 3) **Concentrate or cluster development on portions of a site while leaving the remaining land in a natural undisturbed condition.**
  - 4) **Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.**
  - 5) **Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.**
  - 6) **Promote natural vegetation by using parking lot islands and other landscaped areas.**
  - 7) **Preserve riparian areas and wetlands.**
  - 8) **Cut and fill slopes in designated hillside areas shall be planted and irrigated to prevent erosion, reduce runoff velocities and to provide long term stabilization of soil. Plant materials include: grass, shrubs, vines, ground covers, and trees.**
  - 9) **Incorporate appropriate erosion control and drainage devices, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code. Protect outlets of culverts, conduits or channels from erosion by discharge velocities by installing rock outlet protection. Rock outlet protection is physical device composed of rock grouted, riprap, or concrete rubble placed at the outlet of a pipe. Install sediment traps below the pipe-outlet. Inspect, repair and maintain the outlet protection after each significant rain.**
  - 10) **All storm drain inlets and catch basins within the project area must be stenciled**

**COASTAL COMMISSION**

with prohibitive language (such as "NO DUMPING - DRAINS TO OCEAN") and/or graphical icons to discourage illegal dumping.

- 11) Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.
- 12) Legibility of stencils and signs must be maintained.
- 13) Materials with the potential to contaminate stormwater must be: (a) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (b) protected by secondary containment structures such as berms, dikes, or curbs.
- 14) The storage area must be paved and sufficiently impervious to contain leaks and spills.
- 15) The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- 16) Trash container areas must have drainage from adjoining roofs and pavement diverted around the area(s).
- 17) Trash container areas must be screened or walled to prevent off-site transport of trash.
- 18) Reduce impervious land coverage of parking lot areas.
- 19) Infiltrate runoff before it reaches the storm drain system.
- 20) Runoff must be treated prior to release into the storm drain. Three types of media filtration are available, (1) dynamic flow separator, (2) a filtration or (3) infiltration. Dynamic flow separators use hydrodynamic force and sorbents to remove debris, and oil and grease, and are located underground. Filtration involves catch basins with filter inserts. Filter inserts must be inspected every six months and after major storms, and cleaned at least twice a year. Infiltration methods are typically constructed on-site and are determined by various factors such as soil types and groundwater table.
- 21) Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- 22) The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Zoning Administrator binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater

Mitigation plan and/or per manufacturer's instructions.

- 23) Prescriptive methods detailing BMPs specific to this project category area available. Applicants are encouraged to incorporate the prescriptive methods into the design plans. These Prescriptive Methods can be obtained at the Public Counter or downloaded from the city's website at: [www.lastormwater.org](http://www.lastormwater.org). (See Exhibit D).

**i. Safety Hazards:**

Submit a parking and driveway plan, that incorporates design features that shall reduce accidents, to the Bureau of Engineering and the Department of Transportation for approval.

**j. Utilities (Power):**

If conditions dictate, the Department of Water and Power may postpone new power connections for this project until power supply is adequate.

**k. Utilities (Solid Waste):**

- 1) The applicant shall institute a recycling program to the satisfaction of the Zoning Administrator to reduce the volume of solid waste going to landfills in compliance with the City's goal of a 50% reduction in the amount of waste going to landfills by the year 2000.
- 2) Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.

#040676con

**EXHIBIT A**

**Appeal of Coastal Development Permit issued by the City of Los Angeles  
to St. Joseph Center  
204 Hampton Avenue  
City of Los Angeles Case No. APCW 2003-3304 SPE CU CDP ZAD SPP-2A  
CF 04-0676**

Pursuant to California Coastal Commission Regulation 14 C.C.R. Section 13335, we are appealing the above-referenced decision by the City of Los Angeles on the grounds that it is not in conformity with the certified Venice Local Coastal Program Land Use Plan ("Venice LUP").

**Project Overview**

The Project Site consists of five contiguous residential lots with a common street address of 204 Hampton Avenue located within the jurisdiction of the Venice LUP. The Venice LUP was certified by the California Coastal Commission ("Commission") on June 14, 2001. The Commission has not certified a Local Coastal Program for this area.

Pursuant to the Venice LUP, the land use designation for the Project Site is Multiple Family Residential Low Medium II. The maximum building height is 25 feet with a flat roof and 30 feet with a varied or stepped back roofline.

The Project Applicant, St. Joseph Center, is a non-profit social services agency ("Applicant") (For more information on the Applicant and its programs and services, please see its website at [www.stjosephctr.org](http://www.stjosephctr.org).) The Applicant proposes demolishing the existing 11,000 square foot building on site and constructing a new 30,000 square foot office building to house its administrative offices, a culinary training program, and a child-care facility. The Applicant proposes allowing a neighboring church, St. Clements, to use office and classroom space in the new building. St. Clements is not listed as an applicant for any of the approvals requested from the City of Los Angeles. The Project Site is owned by the Archdiocese of Los Angeles and is leased to the Applicant.

Despite nearly tripling the size of the existing building, the Applicant will not provide subterranean or any other additional parking on site for the new building. Instead, the Applicant contends that the parking needs of the expanded Project will be met through a shared parking agreement.

Following is a specific discussion of how the Coastal Development Permit approved for the Project by the City of Los Angeles does not conform to the Venice LUP.

**Use Not Allowed Under the Venice LUP**

The Project, on its face, is a new office building. The problem is that the Venice LUP land use designation for the Project Site is Multi-family Residential – Low Medium II Density which does not allow for the construction or use of an office building. Instead,

Venice LUP Policy I.A.7.d. specifies that this land use designation for the Oakwood Subarea only allows duplexes and multi-family structures.

In approving the Coastal Development Permit, the City failed to address this issue. The Applicant attempts to get around the residential land use designation by re-characterizing the Project depending upon the approval it is seeking. Throughout the City's approval and the Applicant's materials, the Project is alternatively described as a non-profit center, a community service center, an institutional use, a childcare facility and an expansion of an existing church.

The St. Joseph Center is a non-profit social services agency that will provide child care services and church office and classroom use only incidental to its primary purpose – housing offices for its social services programs.

A social services agency, non-profit center, community service center or an institutional use are not allowed under the Venice LUP's Multi-Family Residential – Low Medium II Density land use designation. As such, an amendment of the Venice LUP to change the land use designation for the Project Site to an appropriate land use designation is required for approval of this Project.

A portion of the new building is proposed for child care services. Under the Los Angeles Municipal Code, a child care services facility may be allowed in a residential area with a Conditional Use Permit. However, the Applicant should not be allowed to use this incidental purpose of the Project to justify building a 30,000 square foot social services office building in a residential area in clear circumvention of the intent of the Venice LUP.

As for the characterization of the Project as the expansion of an existing church – this is simply not true. As with a child care services facility, pursuant to the Los Angeles Municipal Code, a church use may be allowed in a residential neighborhood under a Conditional Use Permit. St. Clements Church is located near the Project and may use office or classroom space in the new building. However, the St. Joseph Center and St. Clements Church are two separate and distinct legal entities. St. Clements Church is not identified as a Project applicant and the purpose of the Project is not to expand St. Clements Church's facilities. Instead, the purpose of the Project is to provide new office space for the Applicant's social services agency. The Applicant should not be allowed to circumvent the intent of the Venice LUP through this ephemeral and misleading characterization of the Project.

#### Nonconforming Structure

The Applicant's operation is currently housed in an 11,000 square foot building that was built in the 1960's to serve as a school building. Due to the Venice LUP's residential land use designation for the site, adopted after construction of the building, the current use is nonconforming. Venice LUP Policy I.E.5., regarding nonconforming structures, states that when a nonconforming use is being demolished, as in this case, the project

must result in bringing the nonconforming structure into compliance with the current standards, unless it is not feasible to do so. In this case, the City made no effort to require that the Project comply with the Venice LUP or to require the Applicant to apply for the necessary land use designation change. Instead, the City allowed the Applicant to flagrantly ignore the standards set forth in the Venice LUP.

For example, in Finding No. 10 for the Coastal Development Permit, the City states that the "[t]he portions of the LUP relating to building height and lot consolidations relate to residential development and therefore do not apply to the proposed project at hand." This finding is nonsensical. If the land use designation for the Project Site is identified in the Venice LUP as residential, then residential standards must apply. If residential standards do not apply, then the City is essentially allowing the Applicant to make up its own standards in contravention of the Coastal Act and the Venice LUP.

### Building Height

Pursuant to Venice LUP Policy I.A.7.d., the maximum building height for the Project Site is 25 feet with a flat roof and 30 feet with a varied or stepped back roofline. In its approval of the Project, the City made findings to support an exception to the height requirements in the Venice Coastal Zone Specific Plan – allowing 41 feet in height for the Project – but made no findings regarding the Venice LUP. Instead, as referenced above, in Finding No. 10 the City cursorily and erroneously concluded that the residential building height standards in the Venice LUP do not apply. The Project Site is designated for residential use and the appropriate height limitations should be enforced.

Furthermore, the excess height of the proposed Project would interfere with the coastal views of the public and residential uses adjacent to the Project Site in contravention of the Venice LUP policy to protect coastal views and vistas (See Venice LUP p. I-3).

### Residential Lot Consolidation

The Venice LUP expressly prohibits the consolidation of more than three residential lots in the Oakwood Subarea (see Venice LUP Land Use Plan Policies and Implementation Strategies Policy I.A.1. b. Residential Lot Consolidations.<sup>1</sup>). The City allowed the Applicant to consolidate five residential lots despite the Venice LUP's prohibition on

<sup>1</sup> "Lot consolidations of not more than three lots shall be permitted in the Oakwood and Marina Peninsula residential neighborhoods. Lot consolidations may be permitted only subject to the following limitations: i) No building or structure shall be constructed on what were more than two contiguous lots prior to lot consolidation with the exception of subterranean development that is entirely below street elevation; ii) Building facades shall be varied and articulated to provide a pedestrian scale which results in consistency with neighboring structures on small lots. Such building shall provide habitable space on the ground floor, a ground level entrance and landscaping and windows fronting the street. No increase in the number of units shall result from the lot consolidation; and iii) Front porches, bays and balconies shall be provided to maximize architectural variety."

consolidating more than three residential lots. Aside from the City's conclusory and erroneous statement in Finding No. 10, that the residential lot consolidation provisions did not apply, the City did not in any way justify this failure to comply with the Venice LUP. Instead, the City simply ignored the requirement and approved the Coastal Development Permit for the Project.

### Parking

The City approved a new 30,000 square foot office building in a densely-populated coastal zone without requiring any new on-site parking. The City ignored the parking requirements set forth in the Venice LUP and concluded that parking need generated by the tripling in size of the Applicant's operation could be met by existing shared parking.

The Venice LUP only allows for shared parking agreements to accommodate "new commercial uses and intensification of existing commercial uses." Venice LUP Policy II.A.11. Per the Applicant, the Project is not a commercial use, but is instead – depending on what approval the Applicant is seeking – a non-profit center, a community service center, an institutional use, a childcare facility or the expansion of an existing church. At any rate, none of these uses are a "commercial" use. Therefore, pursuant to Venice LUP Policy II.A.11, a shared parking agreement cannot be utilized to meet the Project's parking requirements.

The Applicant's parking study also fails to identify the number of parking spaces required under the Venice LUP. In Finding No. 16, the City justifies this failure to identify the parking required under the Venice LUP by stating that "the Venice LUP does not address institutional uses." This, of course, raises the question that if the Venice LUP does not address institutional uses how does the City or the Applicant justify allowing an "institutional" use in a residential neighborhood.

Contrary to Finding No. 16, the Venice LUP clearly identifies the parking requirements that should be applied to the various components of the Project. Venice LUP Policy II.A.3 sets forth parking requirements for all new developments in the Venice Coastal Zone. Several of these standards easily apply to the Project: a Child Care Center requires 1 space for each 500 square feet of floor area; a Business, Professional or Trade School (i.e. the culinary training program) requires 1 space for each 25 square feet of floor area; Administrative Offices require 1 space for each 250 square feet of floor area. However, the Applicant may not wish to apply these standards to the Project because it highlights the obvious fact that this social services office building is not an allowed use under the Venice LUP's residential land use designation.

The Applicant has failed to show that the Project as proposed would provide adequate parking in conformity with the requirements of the Venice LUP. As such, the Commission should invalidate the Coastal Development Permit for the Project.

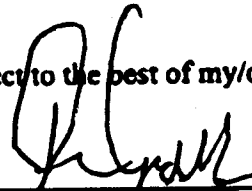
Conclusion

The Commission should deny the Coastal Development Permit for this Project because, as approved by the City, the Project does not conform to several policies of the Venice LUP.

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4 of 6)**

**SECTION V. Certification**

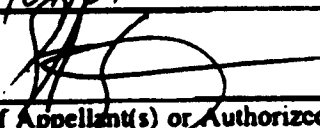
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Signature of Appellant(s) or Authorized Agent

Date:

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Signature of Appellant(s) or Authorized Agent

Date:

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## **APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)**

### **SECTION IV. Reasons Supporting This Appeal**

#### **PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

The proposed development at 204 Hampton Drive, Venice, California, does not conform to many of the standards set forth in the Venice Local Coastal Program Land Use Plan. We implore the Commission to uphold these community standards and to force re-design to an appropriate project.

The Venice LCP is intended to regulate "development which is out of scale with existing community character" (VLCP, p I-3). In order to preserve Venice as a Special Coastal Community, the LCP establishes standards of "appropriate height, density, buffer and setback" to preserve community character and scale (VLCP, p. I-4). The 204 Hampton development seeks major deviations from these community standards, and yet it also fails to demonstrate why it is unable to comply.

The proposed development is dramatically out of scale with existing community character. The LCP requires that "lot consolidations shall be restricted to protect the scale of existing neighborhoods" (Policy I. E. 2.). The LCP further clarifies that "not more than three lots" shall be consolidated in the project's Oakwood Subarea (Policy I. A. 1. b.). The developer, however, continues -- in the face of community opposition -- to attempt to build across 5 residentially-zoned lots (none of which are substandard in size). The project attempts to take advantage of an existing, one-story building that currently straddles the five lots. The project, however, will require the complete demolition of this existing building, and the new building would represent a significant change and intensification of use, as well as a very significant increase in building area and height. Clearly, "grandfathered" rights do not exist to this five-lot tie. Other developers would be justified in attempting similar exploitations of this "grandfathered rights" concept, if this project is allowed as currently proposed. Would that mean, for example, that old four-story buildings in Venice could be demolished and rebuilt to the same height, because of their prior condition? The Commission's response to this particular proposal, more than any other in recent history, will set a precedent for future land use in Venice.

While developing residentially-zoned lots, the project applicant claims that standards for residentially-zoned lots should not apply. The developer's consultants have exploited ambiguities of the future development, such as the fact that the project is proposed on residentially-zoned lots (Low Medium II Residential lots, according to Exhibit 11a of the LCP) but will not include residences. It would appear that they managed even to convince the City's Zoning Administrator for this case that the similar Venice Specific Plan did not apply to this particular project, since they termed the project "institutional" in nature. Certainly, the Venice LCP should not be exploited in such a manner to allow projects to skip by regulations that were clearly intended to regulate all uses within the Venice Coastal Zone. Do "institutional" uses, somehow, not impact Coastal resources? In describing "Neighborhood Commercial Areas", the LCP lists activities and uses that are specifically incorporated into the proposed project: "job service centers... community services... day-care, community-meeting rooms, ...religious or cultural facilities and similar uses" (Policy I. B. 5.). Although the developer may not charge clients directly for these services, it is undeniable that these uses are commercial in nature. Please do not allow the developer to bypass all of our development standards simply because the users of

(continued on following page)

**COASTAL COMMISSION**

*Appeal*

EXHIBIT #

7

## SECTION IV.

## Reasons Supporting This Appeal (Page 2)

(continued)

its services don't pay directly from their pocketbooks.

As far as commercial development standards, the Venice LCP notes that "Neighborhood Commercial areas are generally characterized by one and two story low-rise structures" (Policy I. B. 5.). Certainly, placing a 30-foot tall structure on top of a one-story earthen podium created by retaining walls, as proposed, would be out of character and scale. The Venice LCP also limits consolidation of commercial lots to two lots, with a maximum of three lots to be combined "with subterranean parking" (Policy I. B. 7.). This project, providing commercial-type services, seeks to combine 5 lots, and it doesn't provide any parking - subterranean or otherwise - on the lots themselves. Certainly, this is inappropriate for our coastal community.

The Venice LCP declares that "all new development and renovations should respect the scale, massing, and landscape of existing residential neighborhoods" (Policy I. E. 2.). In the Oakwood Subarea, no other project is designed to be built across 5 legally-separate and full-sized lots. This project, further, is designed to a height of over 41 feet tall. None of the two-story apartment buildings alongside or behind this project even approximate this height. LCP regulations limit development to a maximum of 25 feet in height for the uses intended by this zoning, and the developer seeks a 66% increase above this limit. Why is this exceedingly large exception needed? The developer "needs" this 66% variance above our height limit, in order to build a 10-foot tall, blank (retaining) wall along the street frontage!

Parking is difficult in Venice and, yet, the developer offers no parking whatsoever on the site. What will this mean for future beach access, to one of the most popular beaches and overall tourist attractions in the entire state, located just a few blocks away? Where the LCP requires subterranean parking for a project of this nature, the developer proposes only to share existing parking with other uses surrounding the site. Even worse, this shared parking is located in another city and planning jurisdiction, altogether. How will this parking be preserved for the future? Who will prevent the owner (who is not the applicant) of these lots used for parking from selling off or developing these lots in the future? The developer admitted in its appeal to the City of Los Angeles that it did not want to tie the parking area to the proposed development, because it is not sure how the parking area may be developed someday. Since the City of Santa Monica does not require parking for this project (proposed in Los Angeles), it is entirely conceivable that Santa Monica may allow future development of these parking lots, thereby eliminating the required parking for this project. Even the project applicant does not have control over the future use of its parking areas. Without the Coastal Commission's intervention, this 30,000 square foot facility, located only blocks from Venice beach, could end up with no parking at all in the future. The impact on coastal access would be dramatic.

The shared parking lot also currently provides parking for the public, as well. Being only a few blocks from the beach and from popular Main Street retail shops, a good deal of spill-over parking is currently accommodated at this lot. But certainly that can't continue if the developer is allowed to build the project as proposed, tripling the size of the existing building and adding many new programs and offices. The developer must genuinely believe that beach parking really does stop at the line down Hampton Ave., right in front of the proposed site, that divides the Beach Impact Zone from other "non-impacted" areas. Are we to believe to beach parking does not impact the other side of the street, where this project is proposed?

The project's design further ignores the pedestrian character of the neighborhood, and particularly its close proximity to busy shops and restaurants and to the beach. The Venice LCP discusses in great length the importance of encouraging pedestrian activity, and the proposed development violates the specific standards for commercial ground level development. The LCP requires "at least 50% of the

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COASTAL COMMISSION  
Appeal

EXHIBIT # 7  
PAGE 7 OF 11

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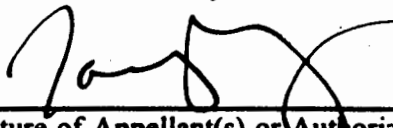
ground floor Street Wall shall be devoted to pedestrian entrances, display windows, and/or windows affording views into retail, office, gallery, or lobby space" (Policy I. B. 7.). It continues, "blank walls shall be limited to segments of 15 feet in length". The 204 Hampton development, however, proposes at the street level a continuous, landscaped retaining wall running over 200 feet in length, with only vehicular entrances breaking this monotony. The pedestrian character of the neighborhood will be significantly damaged if this type of development is allowed. Clients (some disabled) and visitors to the future project likely would find it easier and preferable to drive to the location, with the project's first floor being located at over 10 feet above the street frontage. Passers-by would find the unrelieved and blank street wall imposing, and because this project deliberately removes activity from the street level, may also find their security compromised.


The services provided by the developer are useful to some in the community, but certainly this utility for some should not allow the construction of a building that is grossly inappropriate for its place within an established neighborhood. Why isn't this building's lobby and ground-floor located at street level, where pedestrian activity is encouraged, and building height and bulk would be greatly reduced? Is it because the developer is attempting to build more than it can afford, attempting to pass along the cost of excavation to the neighborhood, in terms of giving us a greatly over-sized and inappropriate building? Ironically, raising the building over ten feet above the street creates the need for the majority of the other exceptions that are being sought. By refusing to excavate, the developer provides no parking at all on the 5 lots it wishes to combine. By refusing to excavate, the developer creates a very unfriendly street wall that is located just blocks from the beach and shops and restaurants popular with locals and tourists alike. By refusing to excavate, the developer proposes a building that is over 41 feet tall, when other Oakwood residentially-zoned lots are only allowed to build to 25 feet.

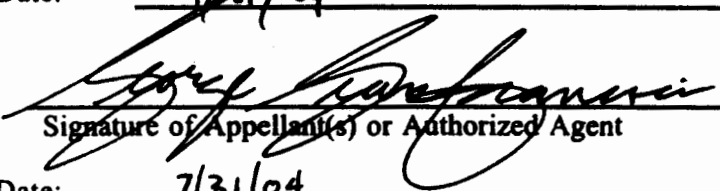
Please do not allow the nature of the developer's business to cloud these very important issues. A building that is too big and inappropriate for its neighborhood is not made shorter, or less imposing, or less bulky, simply by the services that are provided within it. We recognize that the developer needs a new building, but this particular building, with its excessive height, without any on-site parking, with an imposing and out-of-character street presence, is not the building that should be built in Venice.

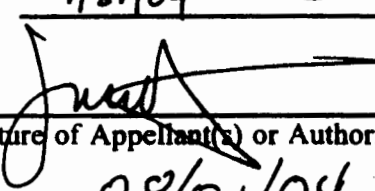
**SECTION V. Certification**


The information and facts stated above are correct to the best of my/our knowledge.

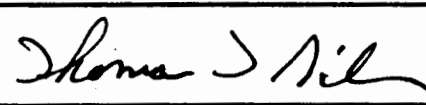
  
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Date: 08/01/04

**Note:** If signed by agent, appellant(s) must also sign below.

**Section VI. Agent Authorization**

I/We hereby authorize \_\_\_\_\_  
to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)  
Date: \_\_\_\_\_

**COASTAL COMMISSION**

## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

### **SECTION IV. Reasons Supporting This Appeal**

#### **PLEASE NOTE:**

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  - This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.
- 

This project does not comply with the California Coastal General Plan or the Venice Local Coastal Plan for parking requirements. There is no parking on the 5 lot project. The parking arrangement for this project is inadequate. It severely stresses the Venice Beach and Main Street tourist parking as well as the residential street parking.

The proposed project is 2 ½ blocks from Venice Beach. It is around the corner from Main Street, which is a beach recreation area for tourists.

The block just north of Marine Street in Santa Monica has permit street parking for residents of Santa Monica. Venice residents, tourists and visitors are limited to parking on streets only south of the project.

This 30,000 Square foot commercial building is being built on 5 Venice lots in an R1.5 residential zone. There will be no parking on these 5 lots. The building will have the capacity to accommodate hundreds of persons at one time. There are no fixed numbers on how many persons can be in the building at any given time other than fire regulations.

This mixed used community service building has called itself a 'church' to qualify for a conditional use permit from the city of Los Angeles (Please note that St. Joseph's is not a church. It is a nonprofit business). To justify calling the building a church the building will include 3 classrooms for St. Clemens' use. The 3 classrooms seat 60 and are not restricted in use. These classroom numbers were not included in the traffic or parking study.

St. Joseph Center has called itself a 'philanthropic organization' to get a parking requirement of 1 space per 500 square feet. While St. Joseph's may consider itself a church/philanthropic institution, in reality the building's use fits the definition of a Community Service center/trade school. In the Venice LCP a Community Service center is required to have 1 parking space per 75 sq. ft.

Zero percent of the parking will be on the five lot-building site.

Parking at the proposed site will be a 'shared parking' situation with eighty two percent of the parking spaces on an adjacent north lot in Santa Monica with no lot tie. Eighteen percent of the parking will be on an eastern Venice lot adjacent to the building site with no lot tie. *As stated at the Los Angeles Plum Commission hearing, the Center does not want a lot tie because 'it will unfairly limit the property owner's options for future uses of the property'.* This statement clearly demonstrates that the owner has future plans for this parking site. It is very valuable land.

**COASTAL COMMISSION**

EXHIBIT # 7  
PAGE 10 OF 11

Directly across from the primary parking site a new condominium project is under construction. The traffic impact from this new construction site was not taken into consideration at the time of the parking study since it had not begun construction yet as it was not mentioned in the parking study.

The shared parking will provide 146 spaces to provide parking for beach visitors, Main Street tourists, local businesses, residents, St. Clemens Church, Catholic Charities, and a rectory. The Archdiocese has guaranteed spaces to Mishon Temple on Main Street in Venice. Also, Catholic Charities has been guaranteed it's own separate parking spaces of which number the neighborhood is not privy. These guaranteed parking spaces were not mentioned in the Crane Report evaluation of parking which the city accepted at face value. The overflow from this lot will go onto public streets and public parking lots.

There will be at least 53 employees on site at any given time in the immediate future. More employees may come. The building will have a childcare center for 48 (48 adults will be dropping off and picking up these children in the parking lot), a food pantry with client pick up 4 days a week, various adult education classes i.e., ESL classes, computer classes, an all day cooking school, parenting, tai chi, etc. These classes will be for adults. There are twenty case management offices for clients (clients not included in parking study). St. Joseph's also has a catering business. Not included in the above-mentioned uses are 3 church classrooms with a sixty-person capacity. These classrooms can function 7 days a week. There is a very large multipurpose room adjacent to the commercial kitchen for entertaining.

The site will also have cars parked for volunteers', deliveries, busses, adult clients, child care drop offs and pick ups associated with the St. Joseph Center.

Activities will be from 7:30 in the morning until 9:00 in the evening 7 days a week in this residential neighborhood. There will be hundreds of cars in and out of the site daily.

I challenge the Crane Report 's evaluation of parking stating that St. Joseph Center will not spill over onto the streets and the public parking space into the streets. This is a biased report.

St. Joseph Center has claimed that most of their clients do not drive. This is not true. This is not a facility that services the homeless. Even basing it's client parking on 60% of clients driving, the project will use far more parking spaces than claimed. And neighbors can verify that most clients do drive.

**This 30,000 square building use will cause spillage of vehicles and chaos on the streets of this Venice residential neighborhood and beach tourist attraction.**

The solution to this problem should be subterranean parking provided on site. Perhaps the center should be made smaller, as this would fit more into the residential beach neighborhood and provide more money for subterranean parking. This site will change the character of the neighborhood.

The neighborhood is not saying 'don't build this project'. What we are saying is please build this structure with adequate parking on site so that residents, beach goers (including poor people who don't use St. Josephs), tourists etc. will have sufficient parking. If this cannot be done and since most clients will be coming from communities other than Venice, perhaps the Center should be built on a street with public transportation and more space for parking. This would allow its clients better, easier access.

#### **SECTION V. Certification**

The information and facts stated above are correct to the best of my/our knowledge.

*Joseph Bates, Appellant*  
August 1, 2004

*[Signature]*  
Signature of Appellant(s) or Authorized Agent

Date:

*8/1/04*

*[Signature]*  
8.01.04

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**2**

EXHIBIT # 7  
PAGE 11 OF 11

ST. JOSEPH CENTER  
204 HAMPTON DRIVE

Comparison of Existing and Proposed Facilities

	<u>EXISTING</u>	<u>PROPOSED</u>
Building Area	11,000 sf floor area	30,000 sf floor area
Building Height	Average within 15' along Hampton Drive: 21' 3" Maximum Height: 25' 6"	Average within 15' along Hampton Drive: 21' 1" Maximum Height: 41 feet
Hampton Drive Setback	12 ½ feet	15 feet
Parking Provided	134	146
Parking Required for St. Joseph Center	St. Joseph Center: 22 (1/500 sf)	St. Joseph Center: 60 (1/500 sf)
Parking Required for Other Uses	Church/ Catholic Charities: 68	Church/ Catholic Charities: 68
Programs	Family Center and Food Pantry Early Learning Center Senior Services	Family Center and Food Pantry Early Learning Center Senior Services Affordable Housing Program Culinary Training Program
St. Clement Church Area	Approximately 2,500 square feet floor area	Approximately 2,800 square feet floor area
Staff	Family Center and Food Pantry 10 Early Learning Center 6.2 Senior Services 2 Culinary Training Program 0 Affordable Housing Program 0 Administration <u>20.5</u> 38.7	Family Center and Food Pantry 10 Early Learning Center 12.5 Senior Services 2 Culinary Training Program 2 Affordable Housing Program 3 Administration <u>23.5</u> 53
Children in Early Learning Center	19	48
Clients	Approximately 53-168/day	Approximately 95-219/day

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**AS-VEN-04-315**

EXHIBIT # 8  
PAGE 1 OF 2

8-9-4  
CP

# **PARKING ANALYSIS ST. CLEMENT'S SITE** **By Code**

Use			Required Parking				
			Santa Monica	VSP	LAMC	Highest	
Church	gross	5,360 sf					
	assembly area	4,465 sf	1:80sf	56.0			
		175 fixed seats	1:4 seats	43.8	-- <sup>1</sup>	1:5 seats	35.0 <sup>2</sup>
							56.0 (Weekend)
Rectory	SF residence		2.0	3.0 **	2.0 <sup>2</sup>		2.0 (Weekday & Weekend)
Catholic Charities (Nunnery)		5,100 sf	n/a	n/a	-- <sup>1</sup>	1:500	10.2
							10.2 (Weekday & Weekend)
New Building		27,000		-- <sup>1</sup>	1:500	54.0	54.0 (Weekday)

## **Notes:**

1. Per the VSP, provisions of the VSP override the LAMC. Where there is no specific provision in the VSP, the LAMC is to be followed. In this case, there is no VSP parking requirement for a church, nor is there one for an institutional use.
2. For informational purposes only; as the rectory and church assembly area is located in Santa Monica, Santa Monica regulations apply.

<b>TOTAL</b>	122.2
Weekend	68.2
Weekday	66.2

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EXHIBIT # 8  
PAGE 2 OF 2



## MANUFACTURING AND RELATED USES:

Warehouse or Storage Building	1 space for each 1000 sq. ft. of gross floor area, but not less than 1 space for each employee.
Public Utility Facilities, Including Electric, Gas, Water, Telephone, and Telegraph, Facilities Not Having Business Offices on the Premises	1 space for each employee, but not less than 2 spaces for each such facility.

General:

1. Parking Space, 9 ft. by 19 ft.
2. Aisle width 90° parking = 25 ft. (reduce proportionally for angle.
3. Residential parking should be on-site.
4. Commercial parking may be within 300 ft. of site when on-site parking is infeasible.
5. Generally parking should take access from alleys or secondary streets.
6. Parking management districts which provide adequate parking for existing and proposed uses shall be acceptable.
7. Tandem parking shall be considered on a case by case basis.
8. Compact spaces will be considered on a case by case basis.

HABITAT PROTECTION:

Development in "significant ecological areas" should be permitted only when it can be demonstrated that no significant and cumulative disruption of habitat value or environmental damage will occur. (30240, 30230, 30231, 30250)

Permitted development in or near "significant ecological areas" should minimize the amount of land vegetation altered to avoid unnecessary impact on life resources with particular regard to the cumulative impact of potential buildout. (30240, 30230, 30231, 30250)

A minimum 50-foot buffer strip (measured from the outer limit of riparian vegetation; or if the waters are estuarian, a minimum of 100 feet from the outer limit of the estuarian vegetation) shall be required in new development to protect habitat value of riparian areas where the opportunity exists. (30251, 30240, 30230, 30231)

New development should restore the life resource value of the parcel if the opportunity exists. (30001.5)

Development that disturbs or destroys shoreline or intertidal habitats or dune vegetation should not be allowed. (30230, 30231, 30240)

continued  
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EXHIBIT # 9  
PAGE 1 OF 1

