

Frequently Asked Questions About the Project at Lincoln and Ocean Park September 2022

The housing project at 2601 Lincoln Blvd (22ENT-0073) was submitted for City review on March 11, 2022. The project consists of 521 total housing units, of which 53 units are affordable to Very Low-Income households, and 33,296 sf of commercial space. This FAQ is shared in response to community questions regarding the project and is intended to provide an overview of the project, review process, and project status.

1. What is the review process for the project?

The proposed project is eligible for a “streamlined” review in accordance with Interim Zoning Ordinance 2645 (CCS) (“IZO 2645”), which allows 100% affordable housing projects and housing projects that comply with the City’s objective standards to be reviewed and approved through an administrative process, referred to as an “Administrative Approval”. The Administrative Approval process requires the Developer Applicant to conduct a community meeting to receive comments prior to submitting an application, and further requires design review by the Architectural Review Board, but does not require the City to conduct a public hearing for project approval by either the Planning Commission, the City Council, or City staff as part of its review. Project approval requires confirmation by City staff that the project meets all applicable code requirements. If the proposed project meets those code requirements, the City is obligated to approve the project.

The proposed project has also received certain State-mandated protections pursuant to the Housing Crisis Act of 2019, Senate Bill 330, as amended in 2020 by Senate Bill 8 (“SB330”). SB330 creates a process by which an Applicant can lock in development standards and review processes that are in place at the time a preliminary application is filed. The preliminary application for the proposed project was filed on January 13, 2022, and the formal Administrative Approval application was filed on March 11, 2022. Thus, the proposed project is being reviewed in accordance with all regulations that were in effect on January 13, 2022 (date of the preliminary application).

The project is initially reviewed to determine whether the application is complete. After the application is determined complete, the City has 60 days to transmit written comments as to the project’s compliance with objective City regulations.

The proposed project is located in the Mixed-Use Boulevard Low (MUBL) Zone and, as proposed, is compliant with the height and floor area ratio maximums for the MUBL Zone, subject to variations permitted by State density bonus law, as explained further in Questions #5 and #8, below and, as explained in Question #2, below, City staff is in the process of ensuring that the proposed project meets all code requirements.

The diagram below graphically summarizes the major milestones of the proposed project’s review process.



2. What is the current status of the proposed project?

The proposed project is currently in the code compliance review phase. On July 28, 2022, City staff transmitted the first round of code compliance comments to the Applicant. In accordance with the Administrative Approval process, the comments are limited to areas that the proposed project does not comply with objective City regulations. The comments are public record and application materials are provided below.

It is anticipated that the Applicant will be submitting plans in response to the City's comments, which will initiate another round of review by City staff to determine whether the proposed project, as revised, complies with City regulations.

The proposed project will not be approved unless the proposed project plans comply with City regulations.

3. Is there a public comment period for the proposed project?

No. The proposed project qualifies for a "streamlined" review pursuant to Interim Zoning Ordinance 2645 (CCS) ("IZO 2645"). While the City's streamlined Administrative Approval process requires the Applicant to conduct a community meeting to receive input prior to submitting an application, and members of public may submit comments to City staff at any time prior to project approval, the process does not include a required public comment period. Similarly, State law does not create a public comment period for the proposed project.

On February 17, 2022, the Applicant conducted a virtual community meeting as required by IZO 2645. The Applicant was required to present schematic design options for the proposed project and provide two weeks for public comment on a website established by the Applicant. As part of the project application, the Applicant was required to provide a summary of all comments received, and a narrative of how those comments were incorporated into the proposed project. The Applicant submitted a transcript of the community meeting with the project application.

As explained in Question #1, in accordance with State law, the proposed project is subject to the development standards and review process in place as of January 13, 2022, when the SB330 preliminary application was submitted to the City. Because no public comment period was required by either State or local law at the time the preliminary application was submitted, State law prohibits the City from changing the review process at this point to add a public comment period.

4. If I have questions or comments about the proposed project, where should those comments be sent?

If you have questions or comments regarding the proposed project, please e-mail the assigned planner, Grace Page at planning@santamonica.gov. You may submit questions or comments at any time that staff can consider in its review, however; regardless of public comment, the only standard of review for compliance is City regulations.

5. Why is the proposed project larger than what's allowed in the Zoning Ordinance?

The Applicant is eligible for State-mandated benefits under the State density bonus law. State density bonus law requires the City to grant a “density bonus” to housing projects that set aside a certain number of housing units as affordable. In addition, State density bonus law includes procedures that allow the Applicant to request up to 3 “incentives or concessions”, which allow for deviations from the City’s regulations, and unlimited waivers or reductions of development standards. State law does not allow the City to interpret that these incentives, concessions, waivers, or reductions of development standards mean that the project does not comply with City regulations.

Under State density bonus law, the Applicant has requested, and is entitled to a 50% density bonus based on the number of proposed affordable housing units.

Please see Question #8 for further information on how the State density bonus law applies to this project.

6. What are the proposed project’s affordable housing requirements?

The proposed project is required to comply with the City’s [Affordable Housing Production Program](#) (“AHPP”) Santa Monica Municipal Code Chapter 9.64, which requires a minimum of 10% of the base housing units (before any units granted under State density bonus law) be affordable to very low-income households. The Applicant is proposing to provide 15% of the base housing units on-site as affordable to very low-income households, which is 53 very low-income units. This exceeds the City’s minimum AHPP requirements. The project’s compliance with the AHPP is calculated as follows:

- Step 1: Start with total proposed units - The total proposed number of units in the project including State density bonus = 521 Units
- Step 2: Determine requested density bonus - The Applicant has requested a 50% State density bonus, which requires that the project include 15% of base housing units as affordable to Very Low-Income households.
- Step 3: Determine the base housing units
 - $521 \text{ units} / 1.5 = 347.2 \text{ units}$ (rounded up to 348 units)
- Step 4: Determine required affordable housing units is derived from the base housing units:
 - $15\% \text{ of } 348 \text{ units} = 52.2 \text{ units}$ (rounded up to **53 units**)

7. Why is the proposed project being allowed to waive affordable housing requirements for 2-bedroom units?

The AHPP would normally require that all affordable units be provided as two-bedroom units pursuant to [SMMC Section 9.64.050\(E\)](#). As explained in Question #5, the Applicant is requesting an incentive or concession under State density bonus law that would allow the proposed project to provide 41 one-bedroom units and 12 two-bedroom units instead of 53 two-bedroom units.

8. How does the State density bonus calculation work on the proposed project?

The proposed project's base Floor Area Ratio (FAR) is 1.5 as a Tier 1 project including on-site affordable housing in compliance with the AHPP. As indicated in Question #5 and #8, the Applicant's request under State density bonus law to waive the two-bedroom requirement in the AHPP does not allow the City to consider the project as not in compliance with the AHPP.

- Step 1: Base FAR – 1.5
- Step 2: Apply 50% density bonus to Base FAR – $1.5 \times 1.5 = 2.25$

9. Why was the project application determined complete without the community being informed?

Public notification prior to determining an application complete is not required under State or local law. Determining an application complete is not equivalent to a project approval. It is an initial step in which the developer's application materials are reviewed to determine if the information that was provided is consistent with the checklist of required items listed in the City's application form. City staff cannot formally commence its review until the application is determined complete.

The project application was determined incomplete on April 7, 2022. On April 29, 2022, the Applicant submitted additional materials in response to the incomplete letter. On May 27, 2022, after review of the additional materials, staff determined that the application remained incomplete. By letter dated June 2, 2022, the Applicant challenged staff's second incomplete letter by claiming that the request for additional sections and building elevations was prohibited by SB330 because those items were not listed in the first incomplete letter. After review of the Applicant's letter and the materials that had been submitted, the project application was considered determined complete as of May 29, 2022. This determination does not limit the City's ability to request that the Applicant clarify, amplify, correct or otherwise supplement the information required for the Administrative Approval application. The City issued this determination in a letter sent to the Applicant on July 14, 2022. All project materials and correspondence are provided below.

For projects of more than 150 units, State law requires the City to transmit written comments on the project's compliance with City regulations to the Applicant within 60 days of the application being determined complete. That deadline was July 28, 2022 (60 days from determined complete date of May 29, 2022). This is not a public comment period. It is the timeframe within which staff must review the proposed project for compliance with City regulations and transmit those comments to the Applicant in a timely manner.

The project timeline is graphically summarized below:



10. What happens next?

It is anticipated that the Applicant will submit revised project plans in response to the City's comments, which will initiate another review by City staff for compliance with the City regulations. It is not uncommon for there to be several rounds of code compliance review. The Applicant is also required to present the project's design concept to the City's Architectural Review Board for preliminary discussion as part of the Administrative Approval review process. If the plans demonstrate compliance, an Administrative Approval determination will be issued by the Zoning Administrator. If an Administrative Approval is issued for the proposed project, the Applicant would be required to submit a formal design review application, and a design review meeting would then be scheduled with the ARB when the project's design, colors, materials, landscaping, lighting, and signage will be considered.