



City of  
**Santa Monica**<sup>SM</sup>

# MINUTES

## REGULAR MEETING OF THE PLANNING COMMISSION OF THE CITY OF SANTA MONICA

WEDNESDAY, March 15, 2017  
7:00 P.M.

CITY COUNCIL CHAMBERS  
ROOM 213, CITY HALL

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1. **CALL TO ORDER:** Chairperson Anderson called the meeting to order at 7:09 p.m.
2. **PLEDGE OF ALLEGIANCE:** Planning Director Martin led the Pledge of Allegiance.
3. **ROLL CALL:** Present: Amy Anderson, Chairperson  
Mario Fonda-Bonardi  
Nina Fresco  
Jennifer Kennedy  
Leslie Lambert  
Richard McKinnon  
Jason Parry

Also Present: Susan Cola, Deputy City Attorney  
Kyle Ferstead, Commission Secretary  
David Martin, Director of Planning & Community  
Development Department  
Ariel Socarras, Associate Planner  
Jing Yeo, AICP, Manager, City Planning Division

4. **PLANNING DIRECTOR'S REPORT:**  
Mr. Martin gave the Director's Report. He announced the Downtown Community Plan meeting schedule as follows: April 5 event at the Santa Monica Farmer's Market; April 12 at the Civic Auditorium East Wing includes presentation and distribution of the draft Plan; April 26 and April 27 first Planning Commission public hearings on the Plan; May 10, May 11, May 17, May 18, and May 24, 2017. He also announced the next City Council meeting on March 28 will include a Landmarks appeal for 2600 Wilshire Boulevard and the procedural amendment to the Providence Saint John's Health Center Development Agreement.

Commissioner Lambert informed all present that she would be absent the first two weeks of May.

5. **PLANNING COMMISSIONER ANNOUNCEMENTS:** None.

**6. APPROVAL OF MINUTES:**

Commissioner Parry made the motion to approve the two sets of minutes. Commissioner Kennedy seconded the motion and asked for two corrections to 6-B. Commissioner Parry amended the motion to include the corrections. The motion was approved by unanimous voice vote.

6-A. January 18, 2017

6-B. February 1, 2017

**7. STATEMENTS OF OFFICIAL ACTION:** None.

**8. PUBLIC HEARING:**

**8-A. 1613-37 Lincoln Boulevard, Development Review 16ENT-0036 and Tract Map 16ENT-0144.** Development Review Permit 16ENT-0036 to allow a new five-story (50-foot) 155,435 square-foot (2.25 FAR) mixed-use project consisting of 191 residential units, 11,756 square feet of ground floor commercial space, and 388 parking spaces within a three-level subterranean parking garage on a property located in the Mixed-Use Boulevard (MUB) zoning district. According to Section 9.40.020 of the Zoning Ordinance, a Development Review Permit is required for any project exceeding the maximum Tier 1 limits of 3 stories/39 feet in height and 1.5 FAR for a property in the MUB zoning district. (Planner: Ariel Socarras) **Applicant/Property Owner: FSTAR 1613 & FSTAR 1637 LLC.**

The Commission made the following *ex parte* communication disclosures:

- Commissioner Fresco disclosed she met with the applicant’s team on Monday, March 13, 2017, at 10:00 a.m. to discuss the project changes and take a tour.
- Commissioner Lambert disclosed she also met with the applicant’s team on Tuesday, March 14, 2017, at 11:00 a.m.
- Chair Anderson disclosed she participated in a series of telephone calls with the applicant regarding the affordable housing units.

Associate Planner Ariel Socarras gave the staff presentations on the changes to the project since the February 15, 2017 public hearing.

The Commission asked staff questions on affordable housing and parking requirements, specifically as regards the Parking Overlay areas.

The project architect, Lars Johansson, gave a presentation on the changes to the project design since the February 15, 2017 public hearing.

The following members of the public addressed the Commission: Andrew Gomez; Chris Harding representing the Santa Monica Housing Council; Nancy Coleman; and Andrew Hoyer representing Mid-City Neighbors.

The Applicant’s Team waived their response to public comment.

Commissioner Parry commented on the traffic circulation concern raised by a member of the public, particularly the inability to turn left from Colorado Avenue eastbound until Seventeenth Street and that Lincoln Court, when completed, will give another circulation option. Mr. Martin stated this is correct. Commissioner Parry asked how the current shortfalls in the Housing Element will be addressed going forward. Ms. Yeo responded that this is a policy issue in that a majority of housing projects coming forward are downtown and the Commission will be reviewing the Downtown Community Plan.

Commissioner McKinnon asked Deputy City Attorney (DCA) Cola to comment on the letter from Chris Harding regarding affordability issues. DCA Cola responded that she respects the law firm of Harding Larmore Kutcher and Kozal but she respectfully disagrees with the conclusion in the letter. She stated that nothing in the letter addresses the crux of the matter, which is what kind of discretion the Commission has in a Development Review process. She also stated that the Affordable Housing Production Program (AHPP) process is not being changed and the applicant gets to decide what their project is, which has always been and always will be the case. DCA Cola further stated that the Commission has a range of findings which must be made and must decide whether the 30% proposal by the applicant is acceptable or not, why you may disagree and make the findings to support the disagreement. She noted that to justify such a position, evidence needs to be introduced into the record. In this case, staff determined the applicant's choice of 30% is justifiable because it is an identified need.

Commissioner Lambert expressed her confusion and disagreement with both Mr. Harding's assertions and DCA Cola's comments. She stated that the purpose of Tier 2 is to be predictable for developers and in this case, if the affordability mix is being changed, that means the project will need to be redesigned, the revenue *pro forma* be rewritten, and that is not predictable. She expressed the opinion that this is undermining housing production in the City. She commented that this project is validated by the extremely low income waiting list in the Housing Division and that the City is under producing this type of housing.

Commissioner Fonda-Bonardi asked to review the Downtown parking standards. Mr. Socarras responded that the Downtown parking standards have not been adopted and this project falls under the older standards. He stated the applicant has voluntarily agreed to reduce the project's parking to the Parking Overlay One standards.

Commissioner Fonda-Bonardi commented on the abundance of bicycle parking for the project, but expressed concern about how cyclists will access the site with Lincoln Boulevard being so busy. Mr. Socarras agreed that Lincoln Boulevard is a difficult street, however the Lincoln Neighborhood Corridor Plan will improve the area and there is potential to improve Colorado Avenue as well. He stated there are designated crosswalks for pedestrian and bike access as well as designated bike lanes on both Colorado Avenue and Broadway. Ms. Yeo added that the Gateway

Plan may also have improvements for bike mobility, although it is definitely not friendly now.

Commissioner McKinnon commented on the different partnerships building the multiple projects on the 1600 block of Lincoln Boulevard and questioned whether the community benefits, including the continuation of the alley, will be realized. Mr. Socarras responded that while there is separate ownership, the projects were designed with knowledge of the other project designs and how the different projects will look from the sidewalk, how they can provide more light and air, and will have matching sidewalk widths. He stated the courtyard for this project will be in line with the adjacent project to the north's courtyard and the alley will be integrated between the projects and to the City's standards.

Chair Anderson closed the public hearing.

Commissioner Fresco expressed concern with the enormity of the streetscape for this project. She asked that the Architectural Review Board make the volumes be a more cohesive structure that defines the building form; that the dark volumes on the top and light on the bottom be more grounded; and the garage opening return to the original design. She commented on the need for traffic controls in the alley. She also commented on access for the bike parking.

Commissioner Lambert stated she is ready to approve the project and thanked the applicant team for responding to the Commission's concerns. She also stated she understands the choice for having extremely low income units. She asked for a condition that there be coordination between the developer and the City's Housing Division to provide social services on-site for the low income households from the time of occupancy with proof being provided to Planning staff. She also asked that a tot lot be included in the approval.

Commissioner Lambert made the motion to approve the project with staff conditions and the two conditions previously stated. Commissioner Fresco seconded the motion, providing her conditions are included. Commissioner Lambert stated those conditions are included in the motion.

Commissioner Kennedy expressed support for the motion, especially the on-site social services aspect, but does not favor the choice of Parking Overlay One for the project. She also expressed support for the moving of the affordable units, the new leasing office placement and that the grocery store issue have been resolved.

Commissioner Fonda-Bonardi commented the developer did a good job with the requested changes and new renderings. He also commented that the shade studies were not good and courtyards could use more slots to bring in light and air. He expressed his opinion that more affordable units could have been achieved and he will likely vote against the project.

Commissioner Parry thanked the applicant team for making the effort to respond to the Commission's concerns. He commented on the driveway design and redesign

which was not quite what he was looking for to relive the massing along Lincoln Boulevard. He also commented on the affordable housing mix in the project.

Commissioner McKinnon stated that the project is compliant with the Zoning Ordinance and the City Council removed the Tier 3 option. He further stated that the Commission's areas of discretion are limited, which is the purpose of Tier 2. He commented that more design changes are needed although the design is much improved since the last hearing.

Commissioner Kennedy commented on Commissioner Parry's issue with setting back to driveway entrance and asked how much latitude the Architectural Review Board has and if there are hazardous visual obstruction issues. Ms. Yeo responded that the hazardous visual obstruction issues are dealt with in Plan Check process and the Architectural Review Board has discretion on the building design, materials and colors proposed for the project.

Commissioner Parry clarified that his concerns are with the appearance of the building, not safety conflicts. He suggested there would be benefits to having more opportunities for light and air. He asked DCA Cola about Finding A, which has to do with the project relating harmoniously with the neighborhood, and whether the project can be denied if the Commission does not agree. DCA Cola explained that to approve the project the findings must all be found in the affirmative or, to deny the project, the findings would be found in the negative.

Commissioner Fresco asked for clarification on the driveway issue from Commissioner Parry, specifically if he wants the entire driveway entrance structure moved and which would necessitate the redesign of the entire south end of the building. Commissioner Parry responded that his proposal would have pushed back the upper levels as well. Commissioner Lambert commented that such a change would reduce the number of units. DCA Cola stated this raises the Housing Accountability Act and if the Commission cannot make all the affirmative findings and are going to either disapprove the project or condition the project upon lowering the number of units or density, then the Commission would need to make additional findings based on the Housing Accountability Act. She stated one such finding would be that the housing "project would have a specific adverse impact upon the public health or safety unless the project is disapproved or approve upon the condition that the project be developed at a lower density." She explained that a "specific adverse impact means a significant, quantifiable, direct and unavoidable impact based on objective, identified written public health or safety standards, policies or conditions as they existed on the date the application was deemed complete." DCA Cola stated that another finding to be made is "that there is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph one other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density."

Commissioner Kennedy thanked DCA Cola for the information and asked why it is not provided as part of the packet. DCA Cola responded that it is a good suggestion

and perhaps it should be included in the staff report.

Commissioner Lambert called the question. Chair Anderson shared with the Commission conversations she has been having with the applicant regarding providing on-site social services for the extremely low-income tenants and the idea of finding a way to offer those units to the homeless. She stated that while the applicant was interested in the idea, the City's Housing Division was not comfortable with the idea for a number of reasons, but would provide the City's housing needs list to the applicant. She asked that make of the motion and seconder to include more direction to the Architectural Review Board to address the concerns raised by Commissioner Parry to reduce the visual driveway prominence and create more visibility at the ground floor setback. Commissioner Lambert was agreeable providing the unit constraints were made known. Commissioner Fresco stated she is not comfortable with the "zigzags" and cannot support the amendment. Commissioner Kennedy suggested an amendment to add direction to the Architectural Review Board to address Commissioner Parry's issues. Commissioner Fresco agreed to this amendment.

The motion, as amended, was approved by the following vote:

AYES: Anderson, Fresco, Kennedy, Lambert, McKinnon, Parry;

NOES: Fonda-Bonardi.

[The Commission took a break from 9:33 p.m. to 9:43 p.m.]

## 9. DISCUSSION:

### 9-A. Discussion on Planning Commission meeting scheduling for Downtown Community Plan, including, but not limited to, dates, times and locations of the public hearings.

Ms. Yeo introduced the discussion item and announced the proposed meeting dates and locations.

Commissioner Lambert asked when the Commission will consider the Environmental Impact Report (EIR). Ms. Yeo explained that the City Council is the final certifier of the EIR and final EIR responses from the recirculated EIR will be complete prior the first Commission hearing.

Commissioner Kennedy asked Ms. Yeo to comment on the plans for April 12, the launch event, and if the Commission was receiving their copies of the Downtown Community Plan at the same time as the public. Ms. Yeo responded that April 12 event is not planned as a Planning Commission meeting as some of the Commissioners have indicated they are not available due to the school system's spring break. She stated there will be a presentation by staff; comment cards will be available; the Plan will be handed out (hard copies and on travel drives); and the meeting schedule will be handed out. She also stated the event will be video-taped for rebroadcast. Commissioner Kennedy stated she is unavailable on May 18 and expressed her opinion that it will be best if all the Commissioners are present for the

final vote and that it should not take place off-site or on an off day such as a Thursday. Commissioner McKinnon commented that after five years of process, the Downtown Community Plan meeting should all be live-broadcasts or the community will feel disenfranchised. He expressed the opinion that the meeting schedule may also be optimistic. Chair Anderson expressed the hope that the Commission can move through the review process in a reasonable time frame. Ms. Yeo thanked the Commission for the great feedback and staff will work to accommodate the requests.

Commissioner Fresco asked if the meeting schedule can be planned so the areas for discussion and review each meeting will be known in advance to help facilitate a comprehensive review. Chair Anderson agreed and stated the first two meetings will include a review schedule for the document. Ms. Yeo stated staff will provide discussion direction for each meeting and reminded the Commission that during the Zoning Ordinance update hearing there was public comment most nights.

Chair Anderson encouraged the public to submit letters as well as speaking at the public meetings. Ms. Yeo commented that the two weeks following the release of the Downtown Community Plan will give time for everyone to review the document. Commissioner Fonda-Bonardi recommended the Chairperson and staff map out the meeting dates and topics and agreed with other Commissioners that the meetings needed to be televised.

Commissioner McKinnon asked staff what happens if four Commissioners want to attend the launch event on April 12. Deputy City Attorney (DCA) Cola stated if this is known in advance the event will be noticed as a special Planning Commission meeting per Brown Act requirements. Ms. Yeo stated staff will contact the Commission on this matter.

Commissioner Lambert stated she would miss the hearings on May 10 and May 11 and asked staff if she would need to review the video prior to the meeting on May 17, 2017. DCA Cola answered in the affirmative.

Chair Anderson stated the assumption that all the meetings would begin at 6:00 p.m.

9-B. Discussion to consider writing a letter to City Council regarding mobility, public safety, and the Vision Zero statement; and requesting budgeting for a Pedestrian Coordinator position in the Mobility Division.

Commissioner Parry introduced this discussion item which stemmed from discussion at the prior Commission meeting on Mobility issues. He stated the idea is to write a letter to the City Council recommending a Pedestrian Coordinator position as part of the budgeting process. He further stated the position is meant to increase efforts to achieve a safer pedestrian environment and have a dedicated person to work across City departments, prioritize pedestrian safety, and coordinate efforts to seek grant funding, and the like. He so moved such a letter should be written to City Council. Commissioner McKinnon seconded the motion.

The Commission discussed the pros and cons of requesting the Pedestrian Coordinator position, including enhancing the Vision Zero goal. Chair Anderson asked staff for suggestions on crafting the letter. Mr. Martin suggested it could be written as a request to City Council to direct staff to look into how best to achieve this goal or it could be a direct request for the position. Mr. Martin also took a moment to describe the budgeting process and timeline.

Commissioner Parry restated the original motion as follows: recommend City Council consider increasing the efforts to enhance pedestrian safety including budgeting for a dedicated Pedestrian Coordinator. Commissioner McKinnon seconded the motion.

The motion was approved by unanimous voice vote.

**10. WRITTEN COMMUNICATIONS:** None.

**11. FUTURE COMMISSION AGENDA ITEMS:**

Commissioner Kennedy requested a discussion on housing issues raised at this hearing. Mr. Martin indicated this would need to wait until after completion of the Downtown Community Plan.

Commissioner Fresco requested a discussion on whether to hold a Planning Commission retreat where broad concepts could be discussed and the Commission could become better acquainted. She stated it would be held after the Downtown Community Plan is completed.

**12. PUBLIC INPUT:** None.

**13. ADJOURNMENT:** Chair Anderson adjourned the meeting at 10:30 p.m.

**APPROVED: JUNE 21, 2017**