



Planning Commission Report

Planning Commission Meeting: February 5, 2020

Agenda Item: 6-B

To: Planning Commission

From: Jing Yeo, AICP, City Planning Division Manager

Subject: Resolution of Intention of the Planning Commission of the City of Santa Monica declaring its intention to consider recommending to the City Council that the Council amend the text of the Land Use and Circulation Element, Bergamot Area Plan, and Downtown Community Plan to amend the application process thresholds for 100% affordable housing projects and all other housing projects compliant with the Housing Accountability Act.

Recommended Action

Staff recommends that the Planning Commission adopt a Resolution declaring its intent to consider recommending to the City Council amendments to the Land Use and Circulation Element, Bergamot Area Plan, and Downtown Community Plan to amend the application process thresholds for 100% affordable housing projects and all other housing projects compliant with the Housing Accountability Act.

Discussion

The Land Use and Circulation Element (LUCE) was adopted by City Council on July 6, 2010. The LUCE sets forth development parameters for each land use designation including process thresholds for Tier 1, Tier 2, and Tier 3 projects. For example, the LUCE states that Tier 1 projects are ministerial up to the discretionary review threshold established in the zoning ordinance. Similarly, 100% affordable housing projects are identified as being only subject to administrative review if they do not exceed 50 units. While helpful in providing guidance for implementation, such process thresholds are already in the zoning ordinance and not necessary in the LUCE. As part of the implementation of the LUCE, the Bergamot Area Plan was adopted by City Council in September 2013. The Plan includes the same process thresholds as the LUCE.

The Downtown Community Plan was adopted by City Council in July 2017 and included housing production incentives by way of more generous process thresholds in Section 9.10.050 of the DCP, shown as follows:

	Housing Project	All Other Projects
Administrative Approval	Projects up to 75,000 sf	Less than 10,000 sf
Development Review Permit	Tier 2 greater than 75,000 sf	10,000 – 30,000 sf
	Tier 3 between 75,000-90,000 sf	
Development Agreement	Tier 3 greater than 90,000 sf	Greater than 30,000 sf

At the time of adoption of the plans, it was thought that requiring a discretionary process would provide the City more control over applications that request additional height and FAR. The RHNA process for the 6th cycle Housing Element update is underway and it is expected that the amount of affordable housing to be produced in this upcoming cycle will be greatly increased. Except for the DCP area, 100% affordable housing projects over 50 units are currently required to be reviewed through a Development Review Permit process. These projects are typically code compliant and would produce much needed affordable housing units such that the benefits of a discretionary review process are unclear.

The Housing Accountability Act establishes explicit conditions by which local jurisdictions must review and approve housing projects that meet objective standards, unless specific health and safety findings can be made. As a result, cities are afforded narrow jurisdiction over HAA-compliant projects and the Planning Commission has previously questioned the utility of such a discretionary process for housing projects.

On December 10, 2019, Council held a study session regarding housing policy in light of State and Regional directives regarding housing production. Among other things, Council directed staff proceed with efforts to support housing production, particularly 100% affordable housing. Consideration of amendments to the LUCE, BAP, and DCP to review process thresholds would be a first step to possibly consider allowing 100% affordable housing projects and HAA-compliant housing projects of any size to go through an administrative process. This would not change any development standards but would be a change to create a more streamlined application process, which would be consistent with State directives as well.

The attached resolution represents the formal initiation of the process to consider recommending to the City Council amendments to the LUCE, BAP, and DCP to amend the application process thresholds for 100% affordable housing projects and HAA-compliant housing project. This resolution does not represent the final content of the proposed LUCE amendments as draft amendments will need to be further studied and revised based on staff research, Planning Commission and public comment, and Council direction on the substantive provisions of these amendments to the LUCE, BAP, and DCP.

Prepared by: Jing Yeo, AICP, City Planning Division Manager

Attachments

- A. Planning Commission Resolution of Intention 20-002, Land Use and Circulation Element

ATTACHMENT A

Planning Commission Resolution of Intention 20-002
(Amending Thresholds)

RESOLUTION NUMBER 20-002 (PCS)

(Planning Commission Series)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA MONICA DECLARING ITS INTENTION TO CONSIDER RECOMMENDING TO THE CITY COUNCIL THAT THE COUNCIL AMEND THE LAND USE AND CIRCULATION ELEMENT OF THE GENERAL PLAN, BERGAMOT AREA PLAN, AND DOWNTOWN COMMUNITY PLAN TO INCREASE THRESHOLDS FOR MINISTERIAL REVIEW OF ONE HUNDRED PERCENT AFFORDABLE HOUSING PROJECTS AND HOUSING PROJECTS SUBJECT TO THE HOUSING ACCOUNTABILITY ACT

WHEREAS, on July 6, 2010, the City Council adopted the Land Use and Circulation Element of the City's General Plan ("LUCE") which designates the proposed general distribution, location and extent of land uses within the City; and

WHEREAS, the LUCE was adopted after an extensive planning process, and addresses neighborhood conservation and enhancement; integrated land use and transportation; proactive congestion management; complete neighborhoods with increased open space; community benefits; quality urban character and form; preservation of historic resources; and growth management; and

WHEREAS, the LUCE differs from prior Land Use and Circulation elements, in part, by establishing a direct link between land use and transportation policies and programs and the establishment of new development policies and standards which ensure that quality development contributes to the character of the City; and

WHEREAS, the LUCE establishes a base height for each land use as a baseline and proposed development which seeks additional height above the base is subject to discretionary review and must meet additional requirements consistent with the community's broader social, environmental, and circulation goals – an approach defined in three tiers; and

WHEREAS, the LUCE provides certain bonuses, concessions and incentives for one hundred percent affordable housing projects, including a provision that allows for ministerial approval for projects of up to 50 units in size; and

WHEREAS, on September 11, 2013, the City Council adopted the Bergamot Area Plan ("BAP"), which provides policies and standards for transition 142.5 acres of former industrial lands into an arts-focused, transit-oriented, mixed use pedestrian-oriented neighborhood anchored by the Bergamot Exposition Light Rail Station; and

WHEREAS, the BAP envisions creating the City's most sustainable neighborhood—one that both conserves the authentic, industrial character that has fostered a creative community in the area and removes barriers to housing, local restaurants and services to take full advantage of the arrival of the Exposition Light Rail; and

WHEREAS, the BAP encourages and creates opportunities to develop appropriate housing for all members of the community, with a target of at least 30% of housing affordable to people earning between 30% and 180% of the area median income; and

WHEREAS, the BAP sets forth certain thresholds for processing development projects, including housing projects, in the plan area; and

WHEREAS, on July 25, 2017, the City Council adopted the Downtown Community Plan (“DCP”) which sets forth the City’s vision of the Downtown as a high quality, mixed-use district offering opportunities for housing for people across the income spectrum, jobs, arts and culture, local serving retail and community and visitor gathering places; and

WHEREAS, in the DCP, Downtown housing projects are encouraged to support a strong and economically diverse residential neighborhood component; and

WHEREAS, the DCP supports that encouragement by differentiating between housing projects and commercial projects and provides for various incentives for housing projects, including streamlined processing by allowing for ministerial review of all one hundred percent affordable housing projects and any other housing project up to 75,000 square feet; and

WHEREAS, the Housing Accountability Act, California Government Code Section 65589.5 (the “HAA”), places strict limitations on the City’s discretion to deny, reduce the density of, or place conditions a housing project that complies with objective general plan, zoning and subdivision standards and criteria; and

WHEREAS, on December 10, 2019, the City Council conducted a study session on housing policy in part to discuss options for increasing housing production throughout the City with a particular emphasis on incentivizing one hundred percent affordable housing projects, and considered whether increasing the thresholds for ministerial review of certain housing projects would further stimulate housing production; and

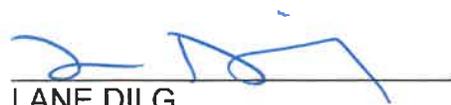
WHEREAS, on January 22, 2020, the Planning Commission considered amendments to the LUCE, the BAP and the DCP to increase the thresholds for ministerial review of one hundred percent affordable housing projects and housing projects subject to the HAA, which are detailed in Exhibit A, and hereby declares its intention to consider such changes by adopting this resolution pursuant to Santa Monica Municipal Code Section 9.45.060(A).

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF SANTA MONICA DOES RESOLVE AS FOLLOWS:

SECTION 1. Pursuant to Santa Monica Municipal Code Section 9.45.060(A), the Planning Commission does hereby announce its intention to consider recommending to the City Council that the City Council amend the Land Use and Circulation Element of the General Plan, the Bergamot Area Plan, and the Downtown Community Plan, as set forth in Exhibit A, attached to this Resolution.

SECTION 2. The Director of Planning and Community Development shall certify to the adoption of this Resolution, and thenceforth and thereafter the same shall be in full force and effect.

APPROVED AS TO FORM:



LANE DILG
City Attorney

Adopted this 5th day of February, 2020.

Chair, Planning Commission

I hereby certify that the foregoing Resolution of Intention was duly and regularly introduced and approved at a meeting of the Planning Commission on the 5th day of February, 2020 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Attest:

Director of Planning and Community Development

EXHIBIT A

Potential Amendments to the Land Use and Circulation Element of the General Plan, Bergamot Area Plan and Downtown Community Plan

TOPIC	DESCRIPTION	CHAPTERS TO BE REVIEWED AND/OR REVISED IN PART INCLUDE BUT ARE NOT LIMITED TO:
Process thresholds for ministerial review in the Land Use and Circulation Element to the General Plan (“LUCE”)	Consider amendments to the LUCE to increase process thresholds for ministerial review of: <ul style="list-style-type: none"> • One hundred percent affordable housing projects; and • Housing projects subject to the Housing Accountability Act 	2.1, Land Use Policy and Designations 3.2, Community Benefits 3.3, Housing
Process thresholds for ministerial review in the Bergamot Area Plan (“BAP”)	Consider amendments to the BAP to increase process thresholds for ministerial review of: <ul style="list-style-type: none"> • One hundred percent affordable housing projects; and • Housing projects subject to the Housing Accountability Act 	5, Development Standards and Land Use Regulations
Process thresholds for ministerial review in the Downtown Community Plan (“DCP”)	Consider amendments to the DCP to increase process thresholds for ministerial review of: <ul style="list-style-type: none"> • Housing projects subject to the Housing Accountability Act 	2A, Downtown Districts