

From: [Bob Riddle](#)
To: [Planning Commission Comments](#); [Leslie Lambert](#); [Elisa Paster](#); [Shawn Landres](#); [Mario Fonda-Bonardi](#); [Jim Ries](#); [Nina Fresco](#); ellis.rasking@smgov.net
Cc: [David Martin](#); [Jing Yeo](#); [Heidi von Tongeln](#); [Paula Larmore](#)
Subject: Emergency Ordinance for the Industrial Conservation District
Date: Saturday, February 13, 2021 5:43:29 PM

EXTERNAL

Dear Commissioners,

I am writing on behalf of [Crossroads School for Arts & Sciences](#), a nonprofit independent school in Santa Monica. The vast majority of Crossroads campus is zoned Industrial Conservation District, where the City's General Plan allows existing schools to operate and expand. Because of the City's long-standing policy to allow existing schools to expand in the Industrial Conservation District, Crossroads has invested significantly in concentrating its Campus/expansions in this area of the City. We respectfully request that the Planning Commission recommend that any ordinance affecting the Industrial Conservation District **not affect the ability of existing schools to operate or expand consistent with the City's Land Use and Circulation Element.**

Crossroads School Background

[Crossroads](#) opened in 1971, founded by innovative educator Paul Cummins as a nonprofit, nondenominational, coeducational college preparatory day school. Crossroads provides a unique K-12 scholastic program built on a progressive, developmental model of education. Our founding commitment to all forms of diversity has made us a racially, economically, geographically and culturally inclusive learning community. Crossroads supports this commitment by allocating more than \$10 million in financial aid to its students every year, many of whom are Santa Monica residents.

Since its earliest days, Crossroads prioritized [community service and civic engagement](#)—both for its students and for the School—developing comprehensive programs that have served as inspiration for many other schools. In the 1990s, Crossroads formalized its Institutional Community Service program and created a separate nonprofit foundation, through which Crossroads launched two nonprofits in the last two decades. [P.S. Arts](#) and [P.S. Science](#) provide fully funded instruction in the arts and sciences to Title 1 schools, including schools here in Santa Monica.

[The Crossroads School Equity & Justice Institute](#), launched in 2018, is a groundbreaking, comprehensive program to educate students on major social justice issues and utilize the School's considerable resources to find impactful solutions to the world's great challenges. As we recently announced, the Institute will host a Children's Defense Fund Freedom School® site for three years beginning this summer on both our campuses, offering a six-week summer

literacy and cultural enrichment program to 50 students of color and their families from the Pico neighborhood and working in partnership with Virginia Avenue Park and Santa Monica College.

Campus Location

Crossroads is located in the Olympic corridor area of Santa Monica. The Middle and Upper School Campus (grades 6-12) is located south of Olympic Boulevard and is generally bounded by 20th Street on the West, Olympic Boulevard on the North, the I-10 Freeway on the South and 22nd Street on the East. The Elementary School (grades K-5) and K-12 Sports Center are located north of Olympic Boulevard between 17th and 18th Streets. Almost all of Crossroads Campus is zoned Industrial Conservation District.

General Plan and Zoning Ordinance

The City's Land Use and Circulation Element of its General Plan ("LUCE") provides that "existing schools and non-profit/community uses are allowed to continue and expand, including expansion onto other nearby properties in the Industrial Conservation District." (LUCE Policy D27.4, p. 2.6-45.) This was a continuation of the policy that pre-dated the 2010 LUCE -- preservation and expansion of existing schools was one of the stated purposes of the Light Manufacturing and Studio District designation which encompassed much of the property that is now designated Industrial Conservation District.

After the LUCE was adopted in 2010, Crossroads actively participated in the City's process of updating the Zoning Ordinance to implement the LUCE. Since school facilities have unique specifications and users compared to general commercial development, Crossroads spent a lot of time working with City Staff, the Planning Commission and the City Council to make sure the Zoning Ordinance provisions were/are workable for reasonable upgrades and additions to our school facilities as envisioned in the LUCE.

Since adoption of the LUCE in 2010, Crossroads has continued to invest in our campuses and facilities in the Industrial Conservation District. Notably, there are a variety of properties that we plan for future school use/expansion, including for a performing arts facility, gym, additional elementary school space, parking, athletics facilities and additional open space.

Some of these properties we own but are occupied with tenants whose leases haven't expired yet and/or are vacant. Other properties we lease for school use and hope to own one day. (For one property, we have a purchase option which allows us to purchase the property in 2029.) We have been in negotiations for several months now with respect to a property that we hope to be able to lease and ultimately own (lease with option to purchase). And we've identified other properties in close proximity to our campuses that would allow us to add much needed athletic facilities as well as classrooms and office space. As we've demonstrated over the years, including with our LEED Gold-certified Science

Education and Research Facility, opened in 2015, Crossroads' vision for our facilities are aligned with the City's priorities of sustainability, urban design, equity, resilience, neighborhood compatibility and quality.

In sum, we are grateful for our long history and partnership with the City of Santa Monica and request that any Planning Commission direction pertaining to an emergency ordinance in the Industrial Conservation District not affect the ability of existing schools to operate or expand consistent with the City's Land Use and Circulation Element.

Sincerely,

Bob Riddle
Head of School
Crossroads School for Arts & Sciences

From: [Matthew Stevens](#)
To: [Shawn Landres](#); [Leslie Lambert](#); [Elisa Paster](#); [Jim Ries](#); [Mario Fonda-Bonardi](#); [Nina Fresco](#); [Ellis Raskin](#)
Cc: [Planning Commission Comments](#); [David Martin](#); [Jing Yeo](#); compliancereview@hcd.ca.gov
Subject: Santa Monica AFFH Requirements
Date: Monday, February 15, 2021 10:27:43 AM

EXTERNAL

Dear Planning Commission,

I am very concerned by the [Staff Report for Item 10-B](#). It seems like we are evaluating only "3% of the City's total land area" for the Suitable Site Inventory. If this is the case, it's hard for me to imagine how this would not be a violation of our Affirmatively Furthering Fair Housing (AFFH) requirements.

Santa Monica has deep-seated patterns of racial and economic segregation. North of Montana, for example, is 80%+ white whereas Los Angeles County is 70% people of color. Objectively, it is one of the most segregated neighborhoods in the United States. AFFH requires us to take "meaningful actions" to address this type of segregation in our 6th Cycle Housing Element. If we are evaluating only 3% of the city's total land area, and leaving the other 97% untouched, I have no idea how we'd even begin to chip away at our local land-use inequities.

I hope this is discussed during your meeting on Wednesday. AFFH is not something we should try to weasel out of.

Regards,

Matt Stevens

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WRITER'S E-MAIL ADDRESS

mcneill@hlkklaw.com

February 16, 2021

VIA E-MAIL

Santa Monica Planning Commission
1685 Main Street, Room 212
Santa Monica, CA 90401

Re: Input on proposed emergency ordinance prohibiting most new non-residential development
February 17, Planning Commission Meeting
Agenda Item: 10-B
Our Client: Baranof Holdings
Our File No. 22523

Dear Commissioners:

I am writing on behalf of our client, Baranof Holdings, who is currently pursuing development of two self-storage projects in the Industrial Conservation ("IC") district—one at 1658 10th Street and the other at 1674 20th Street. Currently, self-storage is a permitted use in the IC District as of right.

This letter addresses the proposed interim zoning regulations concerning temporary land use restrictions in order to retain potential housing sites pending the completion of the Housing Element Update, which agendized for discussion at your February 17, 2021 meeting as Item 10-B. Staff is recommending a proposed ordinance that would prohibit 100% new non-residential projects citywide, with certain exceptions.¹ (Staff Report, p. 2.) Per the Staff Report and City Council's direction on this issue, one purpose of the ordinance would be "to ensure that potential housing development sites are preserved pending the completion of the Suitable Sites Analysis and 6th Cycle Housing Element Update." (January 12, 2021 City Council Meeting, Item 13-B; February 17, 2021 Planning Commission Staff Report, p. 1.)

Staff has recommended several exceptions to the proposed ordinance, including, among things, to exclude the IC District area south of Olympic Boulevard. (Staff Report,

¹ Council's direction related to new non-residential development was primarily focused on prohibiting non-residential projects over 7,500 sf., but it's not clear whether Staff's recommendation includes this limit.

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p. 2.) As part of its justification for this exception, Staff notes that “the area is largely located within 500 feet of the I-10 freeway and therefore, is not an ideal location for housing.” (*Id.*) However, as explained in more detail below, the IC District properties on the north side of Olympic Boulevard west of 20th Street are also within 500 feet of the freeway. Accordingly, we urge the Commission to extend this exception to include either (1) all properties within 500 feet of the freeway or (2) the properties along the north side of Olympic Boulevard west of 20th Street. Finally, we urge the Commission to consider an exception for self-storage uses, as these uses are neighborhood serving and housing complimentary, but are by nature over 7,500 sf.

Please note that we have a variety of other clients with properties that each have their own unique contexts and considerations. This letter does not comprehensively address their interests or request exceptions on their behalf but is submitted on behalf of Baranof Holdings only.

I.

**An Exception Should Be Provided For All Sites Within
500 ft. Of The Freeway In The IC District Or, In The
Alternative, For The IC District Sites On The North Side
Of Olympic Boulevard West Of 20th Street**

A. Non-residential development should continue to be permitted within 500 feet of the I-10 freeway where residential development may be less suitable.

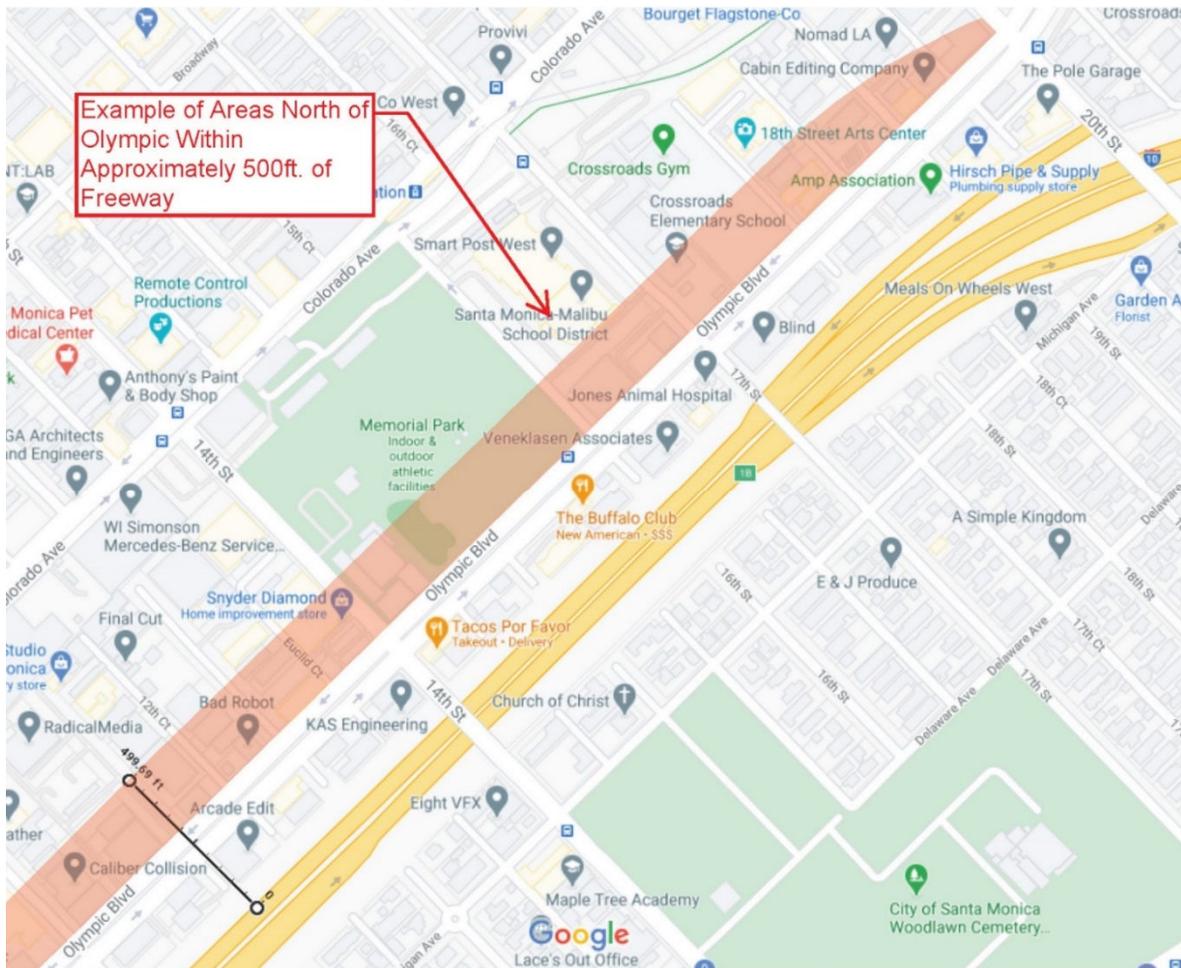
Although ultimately site specific, uses within 500 feet of the freeway are generally subject to much higher levels of traffic-related pollution. (See CARB, Air Quality and Land Use Handbook, April 2005, p. ES-1.) The California Air Resources Board’s (“CARB”) Air Quality and Land Use Handbook, for example, notes that “air pollution studies indicate that living close to high traffic and the associated emissions may lead to adverse health effects beyond those associated with regional air pollution in urban areas.” (*Id.* at p. 8.) But it further notes that “the distance from the roadway and truck traffic densities [are] key factors affecting the strength of the association with adverse health effects.” (*Ibid.*) And “concentrations of traffic related pollutants declined with distance from the road, primarily in the first 500 feet.” (*Ibid.* at p. 9.) Although we recognize that the effects of pollution may be site specific, CARB has traditionally advised not to site sensitive receptors—including residential uses—within 500 feet of the freeway. (*Id.* at pp. 10, Table 1-1.)

Portions of the IC District, meanwhile, are located within 500 feet of the freeway. As such—although we strongly support housing and in no way want to prohibit it—it does not make sense to limit (or effectively prohibit) non-residential uses when housing

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may not a suitable use in some locations due to the impacts of freeway pollution. Staff generally agreed with this position and proposed an exception to the proposed ordinance for properties south of Olympic Boulevard, noting that “the area is largely located within 500 feet of the I-10 freeway and therefore, is not an ideal location for housing.” (Staff Report, p. 5.)

However, because of the way both the freeway and Olympic Boulevard curve, Olympic Boulevard is not a good proxy for 500 feet. Indeed, measuring from the first lane of traffic on Olympic Boulevard to the first lane of traffic on the I-10 freeway, portions of Olympic Boulevard west of 20th Street are as close as 200 feet from the freeway. And many sites on the north side of Olympic Boulevard west of 20th Street are only 300-400 feet from the freeway. See the following diagram:



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Accordingly, instead of using Olympic Boulevard as the dividing line, we suggest that the exception encompass all IC District properties within 500 feet of the freeway. In the alternative, we ask that the exception at least be amended to include the properties on the north side of Olympic Boulevard west of 20th Street.

Staff additionally notes that the area south of Olympic Boulevard is appropriate for an exception because it “is not an area that has historically seen development activity and would be unlikely to have significant turnover.” However, there similarly has not been significant development on the IC district parcels on the north side of Olympic Boulevard, either. Accordingly, an exception is justified for these properties as well.

B. The proximity to the I-10 freeway may make portions of the IC District unsuitable for inclusion in the suitable sites inventory.

Although part of the City Council’s direction to Staff was “to ensure that potential housing development sites are preserved pending the completion of the Suitable Sites Analysis and 6th Cycle Housing Element Update,” we would note that the Housing and Community Development Department’s guidebook on determining whether a site is suitable for residential development states that jurisdictions should take into account, among other things, “pollution considerations.” (June 10, 2020 Housing Element Site Inventory Guidebook, p. 3.)

In addition, we assume that the Council will prioritize the creation of affordable housing over market rate housing. (Indeed, several councilmembers have taken this position publicly.) And the State’s fifth recommended step for determining the suitability of sites requires determining the consistency of identified sites with affirmatively furthering fair housing. Page 9 of the guidebook, for example, states:

For purposes of the housing element site inventory, this means that sites identified to accommodate the lower-income need are not concentrated in low-resourced areas (lack of access to high performing schools, proximity to jobs, **location disproportionately exposed to pollution or other health impacts**) or areas of segregation and concentrations of poverty.

(*Id.* at p. 9.)

Given Council’s intention to prioritize affordable housing, we presume that any new housing near the freeway would also primarily (or at least partially) consist of affordable housing—but this runs counter to HCD’s guidance to avoid locating lower-

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income housing in areas that are disproportionately exposed to pollution and to consider pollution when determining which sites to include in the City's suitable sites inventory.

Given the above, the City arguably cannot include sites close to the freeway (e.g., within 500 feet) in its suitable sites inventory (or is at least discouraged from doing so). As such, limiting non-residential uses within 500 feet of the freeway will not accomplish the City's goals but instead may prevent these sites from being redeveloped with their highest and best use.

C. Residential development in close proximity to the I-10 freeway may raise environmental justice concerns.

State law now requires cities' general plans to consider issues of environmental justice. HCD's guidebook recommends considering the need to affirmatively further fair housing in the context of environmental justice, stating:

Jurisdictions should also consider integrating this analysis with the requirements of Government Code 65302(h), as added by SB 1000 (Statutes of 2016), which requires the preparation and adoption of an Environmental Justice element or equivalent environmental justice-related policies, objectives, and goals throughout other elements of their general plan, to address the needs of disadvantaged communities. More information on Environmental Justice elements can be found on the Governor's Office of Planning and Research Website.

(June 10, 2020 Housing Element Site Inventory Guidebook, p. 9.)

The referenced Government Code Section 655302 states that a city's environmental justice element or related general plan environmental justice goals, policies, and objectives should:

Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, **the reduction of pollution exposure, including the improvement of air quality**, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.

(Cal. Gov't Code § 655302.)

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Again, if the City is truly going to prioritize affordable housing over market rate housing (a position multiple decisionmakers have taken publicly), then the City is effectively pushing to concentrate low-income housing in an area that, as a general rule of thumb, has higher levels of pollution and poorer air quality, which in turn would run counter to the environmental justice principles that the City will eventually need to incorporate into its general plan.

D. The LUCE supports non-residential uses in the IC District and generally prohibits residential uses.

Housing is not currently a permitted use in the IC District. (SMMC Table 9.13.020.) The LUCE dictates:

Residential development is not permitted within the Industrial Conservation District with the exception that limited 100 percent affordable housing may be allowed between 17th Street and Cloverfield Boulevard. The location of such uses shall be carefully considered to avoid conflicts with existing industrial uses.

(LUCE, Policy D27.2, emphasis added.) The Staff Report reiterates, “The IC Zone is the only zone in the city that does not allow multi-unit housing development as a permitted land use.” (Staff Report, p. 1.) Likewise, many provisions in the LUCE confirm an intent to preserve and promote the non-residential character of this district while also noting that residential uses are not permitted except for affordable housing in a very limited area. (See, e.g., LUCE Policy D27.1; LUCE pp. 2.6-43 to 44.)

The Government Code, meanwhile, requires the Zoning Ordinance to be consistent with the general plan. Cal. Gov't Code §§ 65860(a), (d). Accordingly, amending the Zoning Ordinance to severely limit the non-residential redevelopment potential of IC District parcels in order to preserve potential housing sites would be inconsistent with the LUCE in that (1) housing is not permitted by the LUCE in this district and (2) the LUCE makes it a goal and policy to preserve and promote non-residential uses in this district. As such, the City cannot amend the Zoning Ordinance to severely limit non-residential uses without amending the LUCE.

At the very least, significant exceptions—such as the ones discussed above—should be included so that the goals of the LUCE can continue to be achieved. Allowing non-residential development to continue within 500 feet of the freeway (where residential development is least desirable) is an appropriate compromise solution that

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would allow potential housing sites to be preserved while furthering the goals of the LUCE.

II. An Exception Should Be Included For Self-Storage Uses

Self-storage is classified as a type of personal-storage use under the City's non-residential use classifications. (SMMC § 9.51.030(C)(10).) There are approximately four traditional self-storage facilities in the City, and to our knowledge, the last storage facility was permitted over 14 years ago (specifically, the Extra Space storage at 1707 Cloverfield Boulevard, approved in 2007). Baranof's research indicates there is currently only 2.4 sf. of self-storage per capita in the City of Santa Monica compared to 4.0 s. of storage per capita in Los Angeles County and 8.0 sf. of storage per capita on average in the U.S. This has caused Santa Monica to have some of the highest storage rents in the country—higher than Manhattan or San Francisco according to Baranof's research.

Self-storage is a complimentary use to housing. Self-storage facilities are typically needed by residents who lack sufficient storage space in their homes. Given the extraordinary demand for housing and the scarcity of land in the City, residential units, and particularly new residential units, in Santa Monica tend to be more efficient without much storage space. Self-storage, in turn, helps make such housing feasible, and the need for such storage will only increase as housing continues to be developed.

Self-storage uses are also local serving. Baranof's data indicates that the vast majority of customers reside within three miles of their storage facility, meaning that Baranof's proposed self-storage facilities would largely serve and benefit Santa Monicans. In addition, because self-storage units are usually accessed intermittently, and because they typically serve nearby residents, self-storage units generally generate limited vehicular traffic. Together, self-storage uses are a neighborhood friendly compliment to housing, and an exception to allow these uses makes sense.

III. Conclusion

We certainly appreciate the City Council's desire to preserve potential sites for housing, and both Baranof and this firm strongly support housing development within the City. However, it should also be recognized that the City is still in the throes of an agonizing pandemic and a severe and potentially long-lasting economic downturn. In the interest of economic recovery, non-residential development should be allowed and even encouraged where residential development is less desirable. To this end, City Council gave Staff direction to recommend exceptions to the proposed ordinance and

HARDING LARMORE KUTCHER & KOZAL, LLP
ATTORNEYS AT LAW

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we urge Staff to recommend an exception for non-residential projects that are located within 500 feet of the freeway. In the alternative, we ask for an exception for IC district properties on the north side of Olympic Boulevard west of 20th Street. These sites may be subject to significantly increased traffic-related pollution, and given the Council's desire to prioritize affordable housing, these sites arguably cannot be included in the suitable sites inventory. Indeed, preserving these sites for potential housing may raise fair housing and environmental justice concerns. Accordingly, non-residential development there should continue to be allowed.

We separately recommend an exception for self-storage uses. As described above, self-storage uses compliments housing and is a neighborhood friendly use; there is a demonstrated need for self-storage, and that need will only increase as more housing is developed.

Sincerely,

A handwritten signature in black ink, appearing to read "Jackson J. McNeill". The signature is fluid and cursive, with a large loop at the beginning and a flourish at the end.

Jackson McNeill

cc: David Martin
Jing Yeo