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September 12, 2022

Via email to david.white@santamonica.gov
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City Manager David White
Community Development Director David Martin
City Attorney Douglas Sloan
City of Santa Monica
1685 Main Street
Santa Monica, CA 90401

Re: Santa Monica Coalition for a Livable City Comments on Gelson's Project Non-conformity with AHPP and Base FAR Standards

Dear Mr. White, Mr. Martin, and Mr. Sloan:

As indicated in our letter of August 16, 2022, the Santa Monica Coalition for a Livable City (SMCLC) is deeply concerned about the proposed project at 2601-2645 Lincoln Boulevard, commonly referred to as the Gelson's project. Because the City retroactively shortened the period in which it agreed to provide the applicant notice of non-conformity with objective zoning standards, and did so without any notice to the public until after that deadline had run, SMCLC is providing these comments by September 12, as provided in the August 16, 2022 letter.

SMCLC has reviewed the City's August 12, 2022 Compliance Review Comments/Corrections, and concurs that the City has appropriately identified numerous ways in which this significantly impactful project is not in compliance with objective zoning standards. It is SMCLC's expectation that the City will maintain its position that these are objective deficiencies requiring project revision.

SMCLC has one significant and overriding concern that was not identified in the August 12, 2022 Comments/Corrections, which must be addressed because it goes to the overall square footage and density of the development. To explain the concern, we begin the discussion with the site and the buildable square footage under the zoning code. From there we will turn to the problem with the requested density bonus.

The area of the lot in question is 203,087 square feet, according to the Comment/Corrections document. The site's zoning under MUBL allows for a 1.25 floor to area

ratio (FAR) under Tier 1 zoning. At this FAR, the permissible square footage would be 253,858.75.

However, the application was submitted not as a Tier 1 project, but under the category for **Tier 1 Projects Including On-Site Affordable Housing in Compliance with AHPP**. This category increases the Tier 1 base FAR to 1.5. By applying the 1.5 FAR, the applicant calculates 304,630.50 as a base square footage. The applicant then applies a 50 percent “density bonus” to that square footage to arrive at a total square footage of 457,097.75.¹

The applicant’s reliance on the Tier 1 with AHPP Compliance standard is improper for two reasons.

First, the project does not comply with the AHPP, or Affordable Housing Production Program. There is no dispute about this: The applicant is asking, as an incentive for constructing affordable housing, for a waiver of the AHPP requirement in Santa Monica Municipal Code section 9.64.050 E requiring all affordable units in a Tier 1 AHPP project to contain 2 bedrooms. The applicant proposes to provide 41 1-bedroom apartments and only 12 2-bedroom apartments. Thus, the project is not in compliance with the AHPP and therefore cannot claim the Tier 1 with AHPP Compliance FAR as a base FAR.²

Second, and more fundamentally, the use of the Tier 1 with AHPP standard in connection with a State Density Bonus effectively double counts the bonus density. The Tier 1 with AHPP compliance already provides a 25 percent density bonus over the Tier 1 standard. State law now allows a 50 percent density bonus over base density, and for a Tier 1 project on this site that would result in 380,788.125 square feet, for a FAR of 1.875. With the applicant’s proposal, it is receiving roughly 75,000 more square feet than it is entitled to by improperly seeking a density bonus on the already inflated Tier 1 with AHPP FAR, achieving a FAR of 2.25.

The applicant is effectively getting an 80 percent bonus over Tier 1 standards, and is not even in compliance with the AHPP. The City should not permit this excessive density bonus, especially where the project is not in compliance with the AHPP in the first place. The project should be redesigned to meet the permitted 50 percent state density bonus.

Yours truly,



Beverly Grossman Palmer

CC: Friends of Sunset Park (Zina Josephs)

¹ Attachment A to the AA Application lists 457,330 square feet as the “Total Zoning Floor Area included in FAR Calc.” so there appears to be some discrepancy here that should be resolved.

² SMCLC also notes the perversity of seeking the ability to accommodate fewer individuals in affordable housing in connection with being granted a density bonus that purports to allow greater density to offset the cost of providing the affordable housing in the first instance. Based on the City’s responses to SMCLC’s May 24, 2022 request for public records on this issue, SMCLC is unaware of any other instances where the City granted waivers of compliance with the AHPP in connection with the issuance of a State Density Bonus.