Location	Details	Case No.
3030 Nebraska Avenue/3025 Olympic Boulevard ("Nebraska/Olympic")	1601 units/15 stories	23ENT – 0050
1925 Broadway	405 units/18 stories	23ENT – 0031
1435 5th Street	375 units/13 stories	23ENT – 0056
1518-1524 7th Street	200 units/11 stories	23ENT – 0041
601 Colorado Avenue	200 units/15 stories	23ENT – 0012
707 Colorado Avenue/1557 7th Street	200 units/16 stories	23ENT – 0028
2901 Santa Monica Boulevard	190 units/12 stories	23ENT – 0051
1435-1437 6th Street	170 units/16 stories	22ENT – 0319
1441-1443 Lincoln Boulevard	170 units/16 stories	23ENT – 0009
1238 7th Street	75 units/10 stories	22ENT – 0312
1238-1242 10th Street ("1242 10th Street")	200 units/18 stories	23ENT – 0055
1007 Lincoln Boulevard	95 units/15 stories	23ENT – 0066
1038 10th Street	95 units/14 stories	23ENT – 0065

WS OBLIGATIONS

- WS TO SUSPEND AND WITHDRAW 13 BUILDER'S REMEDY PROJECTS
  - IF REFILED, 8 PROJECTS WOULD BE CODE CONFORMING PROJECTS
  - IF REFILED, 3030 NEBRASKA AVENUE WOULD BE CODE CONFORMING PROJECTS WITH < 1 ACRE LOTS
  - 3 PROJECTS WITHDRAWN WITHOUT REFILING
- WS TO PROVIDE RELOCATION RIGHTS TO 3 FORMER TENANTS WITH RELOCATION ASSISTANCE AND RENT REDUCTIONS

CITY OBLIGATIONS

- **FUTURE CONSIDERATION (WITH NO OBLIGATION TO APPROVE) THE FOLLOWING DEVELOPMENT INCENTIVES**
    - INCREASE PARKING MAXIMUMS IN THE DCP AREA FROM 0.5 TO 1.0 SPACES PER UNIT.
    - ALLOW OFF-SITE OPTION FOR AFFORDABLE UNITS
        - REDUCTION FROM 20 TO 15% INCLUSIONARY
        - CREDIT FOR OFF-SITE UNITS FOR STATE DENSITY BONUS PURPOSES
- **EXPEDITED MINISTERIAL PROCESSING TIMELINES IF APPLICATIONS ARE FILED**

MUTUAL OBLIGATIONS

- DISMISSAL WITH PREJUDICE OF NMS'S PENDING CIVIL CASE AGAINST CITY, CHALLENGING CITY'S LEASING REGULATIONS
- CITY'S AND RCB'S DISMISSAL WITH PREJUDICE OF PENDING CIVIL CASE AGAINST 1238 10TH STREET, LLC

FREQUENTLY ASKED QUESTIONS

FAQ 1.

HOW CAN THE CITY STATE THAT THE HOUSING BUILT BY WS WILL SATISFY A SIGNIFICANT PORTION OF THE CITY'S REGIONAL HOUSING NEEDS AS PLANNED IN ITS CERTIFIED HOUSING ELEMENT WITHOUT GIVING ACTUAL NUMBERS, INCLUDING THE NUMBER OF AFFORDABLE HOUSING UNITS?

RESPONSE TO FAQ 1.

- THE SETTLEMENT AGREEMENT DOES NOT CONTEMPLATE ANYTHING OTHER THAN THE DEVELOPMENT ALREADY PLANNED IN THE CITY'S HOUSING ELEMENT AND ALLOWED BY CURRENT CODE.
- THE HEIGHTS AND FARS ARE ALREADY ALLOWED BY CITY'S HOUSING ELEMENT. STATE DENSITY BONUS UNITS ARE ALREADY MANDATED BY STATE LAW.
- BECAUSE NO APPLICATIONS ARE PENDING, THE CITY HAS NO WAY TO CALCULATE THE NUMBER OF UNITS FOR EACH PROJECT WITH CERTAINTY. HOWEVER, THE CITY CAN SHOW THE "BOX" REQUESTED UNDER THE BUILDER'S REMEDY VERSUS THE "BOX" ALLOWED UNDER CURRENT CODE, WHICH WILL NOT CHANGE WITH SETTLEMENT AGREEMENT APPROVAL.

FAQ 2.

HOW CAN THESE PROJECTS BE APPROVED WITH EXPEDITED PROCESSING AND WITHOUT ENVIRONMENTAL REVIEW?

RESPONSE TO FAQ 2.

- THE CITY HAS AUTHORIZED ADMINISTRATIVE APPROVALS FOR HOUSING PROJECTS THAT DO NOT REQUIRE DISCRETIONARY REVIEW OR CEQA REVIEW SINCE 2020.
- THE HOUSING ELEMENT CERTIFIED BY THE STATE COMMITS TO STREAMLINING THE ADMINISTRATIVE APPROVAL PROCESS IN ORDER TO FACILITATE MORE HOUSING DEVELOPMENT.
- ON APRIL 11, 2023, THE CITY COUNCIL APPROVED THE ADMINISTRATIVE APPROVAL PROCESS FOR HOUSING PROJECTS CONSISTENT WITH THE HOUSING ELEMENT.
- THE SETTLEMENT AGREEMENT DOES NOT CHANGE THE ADMINISTRATIVE APPROVAL PROCESS.

FAQ 3.

HOW CAN THE SETTLEMENT AGREEMENT BE APPROVED WITHOUT IDENTIFYING THE BURDENS TO THE CITY AND ITS RESIDENTS, INCLUDING INCREASED CITY COSTS AND STRAIN ON INFRASTRUCTURE?

RESPONSE TO FAQ. 3

- THE EIR ANALYSIS FOR THE HOUSING ELEMENT ALREADY CONSIDERED IMPACTS OF NEW HOUSING DEVELOPMENT
- IF THE REFILED PROJECTS ARE PURSUED BY WS, THESE PROJECTS WILL BE CONSISTENT WITH THE DEVELOPMENT CONTEMPLATED IN THE HOUSING ELEMENT EIR
- THE SETTLEMENT AGREEMENT DOES NOT CHANGE THE CITY'S NORMAL REVIEW PROCESS FOR ISSUANCE OF A BUILDING PERMIT, INCLUDING INFRASTRUCTURE REVIEW BY THE CITY ENGINEER AND DIVISION OF WATER RESOURCES.

FAQ 4.

WHAT DOES IT MEAN IF THE 1433 EUCLID AVENUE PROJECT REMAINS A BUILDER'S REMEDY PROJECT?

RESPONSE TO FAQ 4.

- 1433 EUCLID AVENUE APPLICATION WILL PROCEED THROUGH THE DISCRETIONARY REVIEW PROCESS IF THE DEVELOPER ELECTS TO PROCEED.
- THE SETTLEMENT AGREEMENT EXPRESSLY RESERVES THE CITY'S RIGHT TO APPROVE, DISAPPROVE, OR CONDITIONALLY APPROVE THE PROJECT. HOWEVER, THE CITY'S DISCRETIONARY REVIEW WILL BE SUBJECT TO THE LIMITATIONS OF THE HOUSING ACCOUNTABILITY ACT (INCLUDING THE BUILDER'S REMEDY STATUTE).

FAQ 5.

HOW CAN THE SETTLEMENT AGREEMENT BE APPROVED WITHOUT DISCLOSING WHAT CAN ACTUALLY BE BUILT ON THESE SITES IN COMPARISON TO THE BUILDER'S REMEDY PROJECTS, INCLUDING THE AFFORDABLE UNITS?

RESPONSE TO FAQ 5.

THERE ARE NO PENDING APPLICATIONS FILED FOR THE ADMINISTRATIVE APPROVAL PROJECTS, SO WE DO NOT KNOW THE UNIT SIZES, ETC., OR WHETHER THE DEVELOPER WILL UTILIZE THE ENTIRE BOX OR EVEN DENSITY BONUS.

FAQ. 6

IS THE SETTLEMENT AGREEMENT A DEVELOPMENT AGREEMENT?

RESPONSE TO FAQ 6.

THE SETTLEMENT AGREEMENT IS NOT A DEVELOPMENT AGREEMENT BECAUSE IT DOES NOT AUTHORIZE ANY SPECIFIC DEVELOPMENT AND DOES NOT AUTHORIZE ANY CHANGES TO THE HOUSING ELEMENT IMPLEMENTING ORDINANCES PREVIOUSLY APPROVED BY COUNCIL

FAQ 7.

Why doesn’t the City just ignore the Builder’s Remedy projects or sue the State to challenge Builder’s Remedy?

THE CAO OBTAINED 3 LEGAL OPINIONS

- ALL 3 OPINED:
  - THE CITY HAS NO LEGAL RIGHT TO REFUSE TO PROCESS A PENDING BUILDER'S REMEDY APPLICATION
  - THE RISKS OF REFUSING TO PROCESS A PENDING BUILDER'S REMEDY APPLICATION ARE WRIT OF MANDATE, CLAIMS FOR DAMAGES UNDER STATE AND FEDERAL LAW (CIVIL RIGHTS), OTHER STATE LAW REMEDIES (CAL. GOV'T CODE 65585(J))

STATE LAW PLACES THE BURDEN OF PROOF ON THE CITY

IN ANY ACTION TAKEN TO CHALLENGE THE VALIDITY OF A DECISION BY A CITY TO DISAPPROVE A PROJECT OR APPROVE A PROJECT WITH A CONDITION THAT THE PROJECT BE DEVELOPED AT A LOWER DENSITY, THE CITY BEARS THE BURDEN OF PROOF THAT ITS DECISION CONFORMED TO THE CONDITIONS SPECIFIED IN THE HOUSING ACCOUNTABILITY ACT (CAL. GOV'T CODE SECTION 65589.5)

THE STAKES ARE HIGH BECAUSE …

- Recent court opinions disfavor denials of housing development under the Housing Accountability Act due to state policy favoring housing and perceived NIMBYISM.
- The State Attorney General has become much more active in enforcing State housing laws.
- The City faces penalties at the minimum rate of $10,000 dollars per month or violation of state housing laws and a minimum of $10,000 per housing unit if the City fails to approve a housing development under the Housing Accountability Act.



City of Santa Monica

Settlement Agreement Projects Summary

May 9, 2023

Settlement Agreement – Builder's Remedy Projects

Settlement Agreement Projects

- 601 Colorado Ave
- 3030 Nebraska Ave (aka 3000 Nebraska Ave)
- 2901 Santa Monica Blvd
- 1925 Broadway
- 1557 7th St (aka 707 Colorado Ave)
- 1518 – 1524 7th St
- 1441 – 1443 Lincoln Blvd
- 1433 – 1437 6th St
- 1425 5th St (aka 1435 5th St)
- 1238 7th St

Not Subject to Settlement Agreement

- 1433 Euclid St

Projects that will be Withdrawn

- 1238-1242 10th St
- 1007 Lincoln Blvd
- 1038 10th St

Builder's Remedy Application vs. Housing Element: 601 Colorado Ave

Builder's Remedy

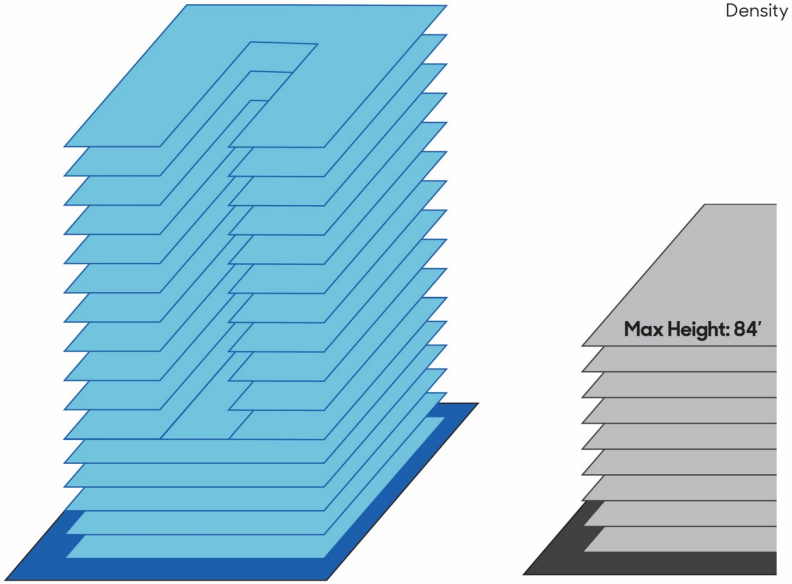
8.1 FAR
15 Stories, 158'
200 Units

601 Colorado

Transit Adjacent Zoning District
Height: 84'
Parcel Size: 22,500 SF

New Standards

Max Height: *84'
*Does not include potential additional height through State Density Bonus Law.



Builder's Remedy Application vs. Housing Element: 3030 Nebraska Ave (aka 3000 Nebraska Ave)

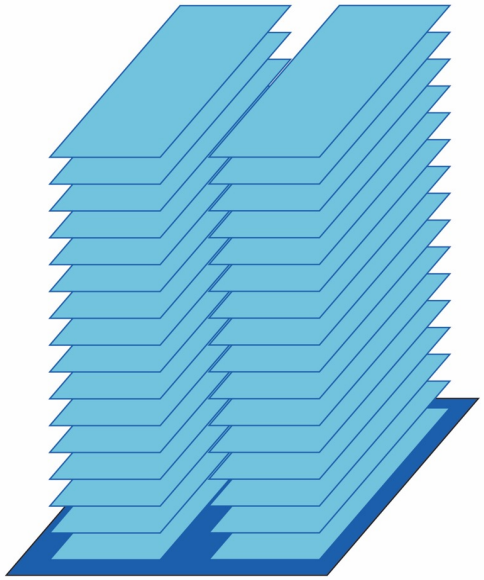
3030 Nebraska (aka 3000 Nebraska)
Mixed-Use Creative (BAP)
Height: 84'
Parcel Size: 142,721 SF

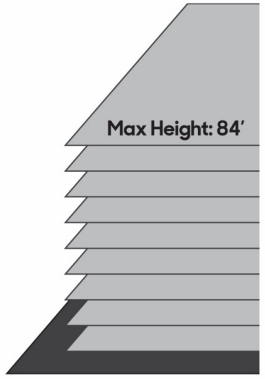
Builder's Remedy

6.5 FAR
15 Stories, 164'
1,601 Units

New Standards

Max Height: *84'
*Does not include potential additional height through State Density Bonus Law.





Builder's Remedy Application vs. Housing Element: 2901 Santa Monica Blvd

Builder's Remedy

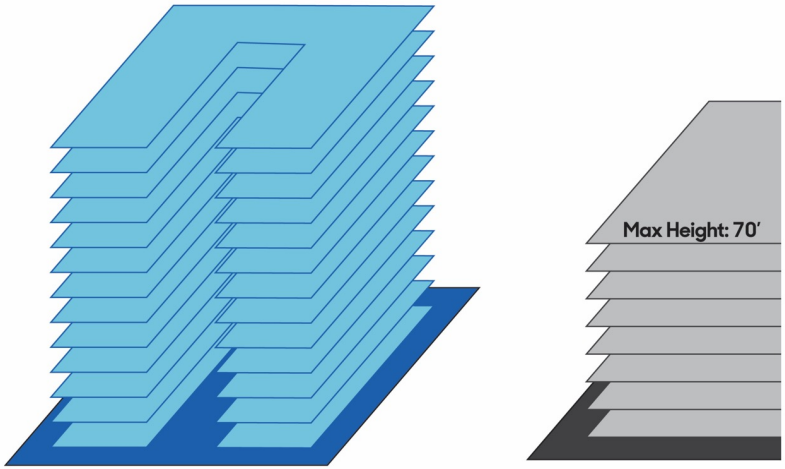
6.45 FAR
12 Stories, 127'
190 Units

2901 Santa Monica Blvd

Mixed-Use Boulevard Low
Height: 70'
Parcel Size: 19,125 SF

New Standards

Max Height: *70'
*Does not include potential additional height through State Density Bonus Law.



Builder's Remedy Application vs. Housing Element: 1925 Broadway

Builder's Remedy

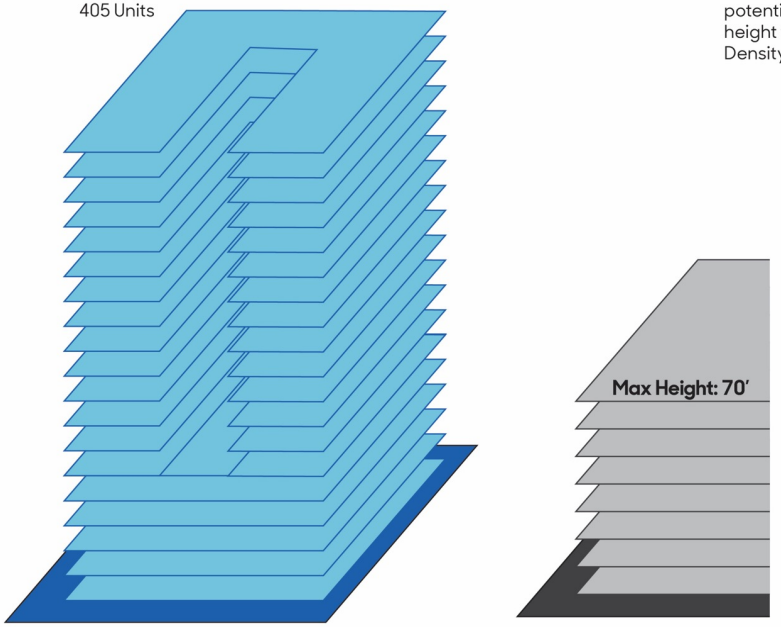
10.90 FAR
18 Stories, 185'
405 Units

1925 Broadway

Mixed-Use Bouletvard Low
Height: 70'
Parcel Size: 30,000 SF

New Standards

Max Height: *70'
*Does not include potential additional height through State Density Bonus Law.



Builder's Remedy Application vs. Housing Element: 1557 7th St (aka 707 Colorado Ave)

Builder's Remedy

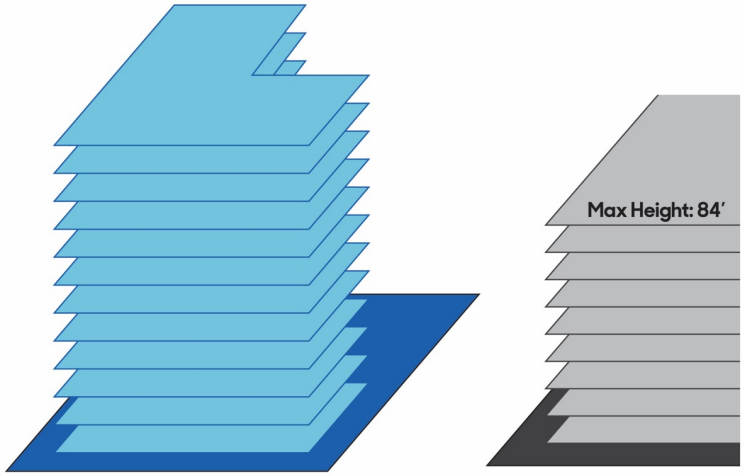
6.30 FAR
11 Stories, 113'
200 Units

1557 7th St (aka 707 Colorado Ave)

Transit Adjacent
Height: 84'
Parcel Size: 22,500 SF

New Standards

Max Height: *84'
*Does not include potential additional height through State Density Bonus Law.



Builder's Remedy Application vs. Housing Element: 1518 - 1524 7th Street

Builder's Remedy

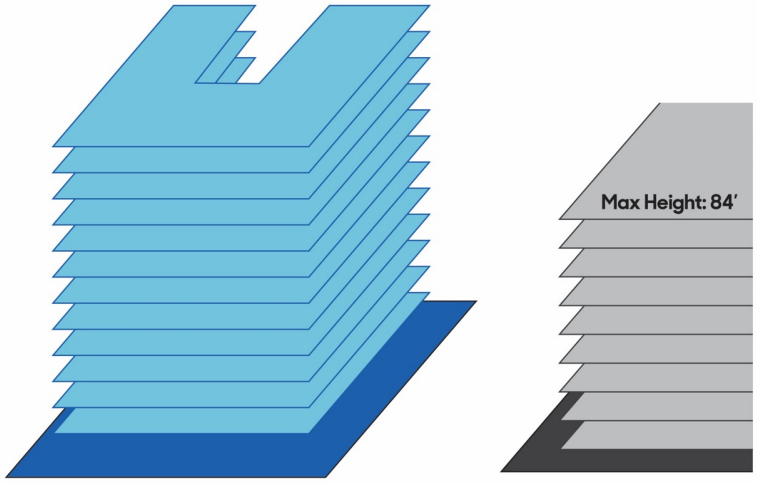
6.30 FAR
11 Stories, 115'
200 Units

1518 - 1524 7th St

Transit Adjacent
Height: 84'
Parcel Size: 22,500 SF

New Standards

Max Height: *84'
*Does not include potential additional height through State Density Bonus Law.



Builder's Remedy Application vs. Housing Element: 1441 - 1443 Lincoln Blvd

Builder's Remedy

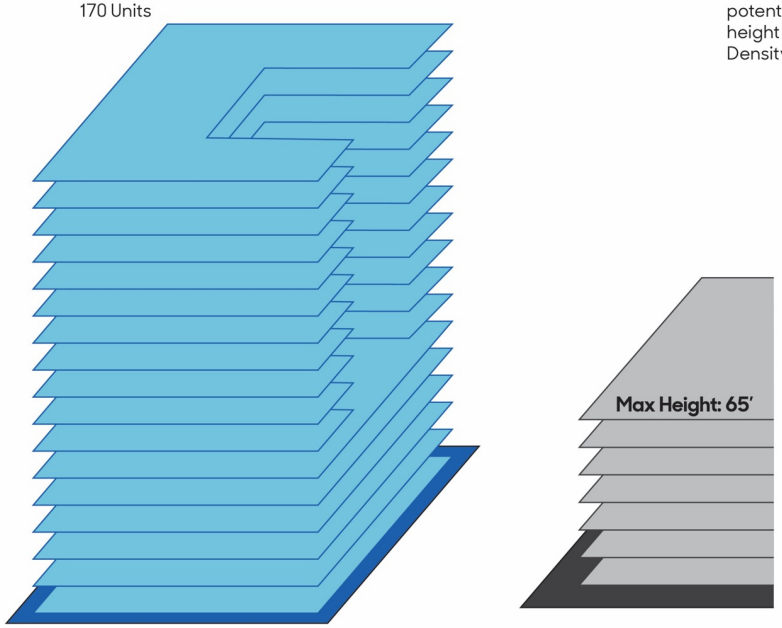
4.125 FAR
16 Stories, 169'
170 Units

1441 - 1443 Lincoln Blvd

Lincoln Transition (East)
Height: 65'
Parcel Size: 15,000 SF

New Standards

Max Height: *65'
*Does not include potential additional height through State Density Bonus Law.



Builder's Remedy Application vs. Housing Element: 1433 - 1437 6th St

Builder's Remedy

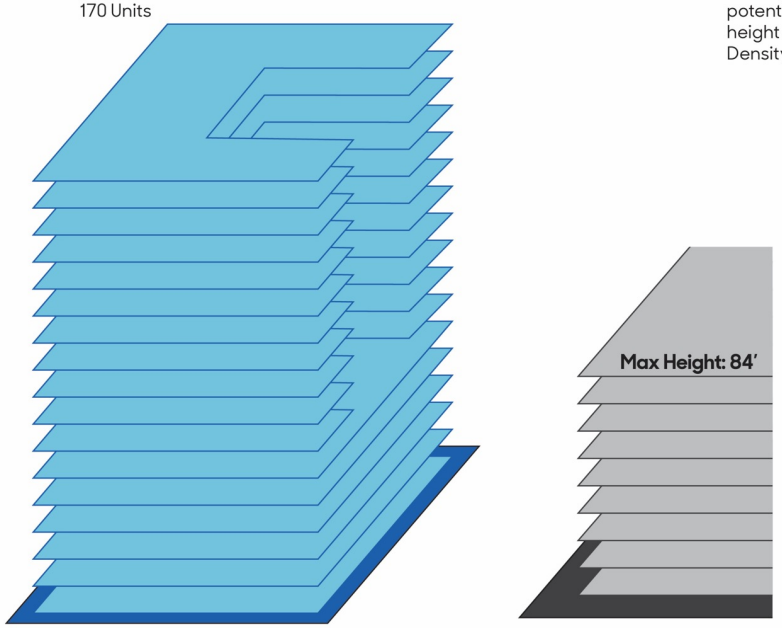
8.10 FAR
16 Stories, 169'
170 Units

1433 - 1437 6th St

Neighborhood Village
Height: 84'
Parcel Size: 15,000 SF

New Standards

Max Height: *84'
*Does not include potential additional height through State Density Bonus Law.



Builder's Remedy Application vs. Housing Element: 1425 5th St (aka 1435 5th St)

Builder's Remedy

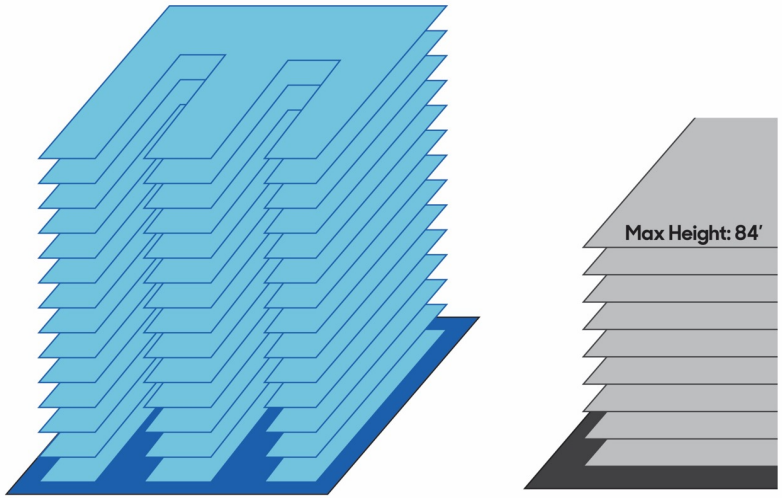
6.35 FAR
13 Stories, 135'
375 Units

1425 5th St (aka 1435 5th St)

Transit Adjacent
Height: 84'
Parcel Size: 37,500 SF

New Standards

Max Height: *84'
*Does not include potential additional height through State Density Bonus Law.



Builder's Remedy Application vs. Housing Element: 1238 7th St

Builder's Remedy

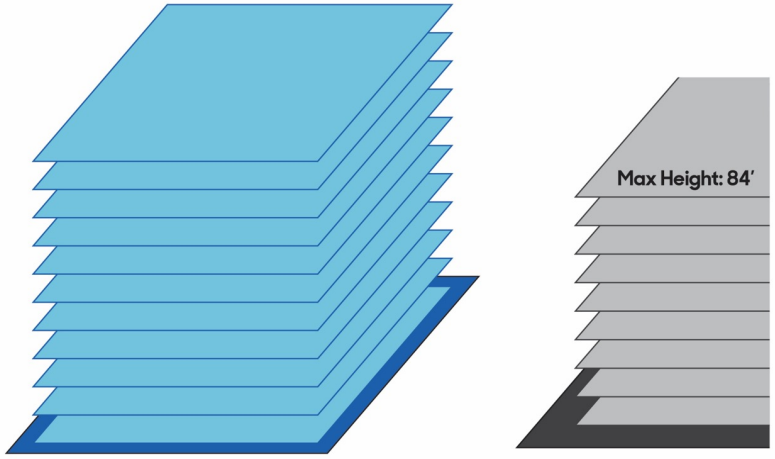
4.125 FAR
10 Stories, 107'
75 Units

1238 7th St

Neighborhood Village
Height: 84'
Parcel Size: 7,500 SF

New Standards

Max Height: *84'
*Does not include potential additional height through State Density Bonus Law.



Project to be Withdrawn: 1238 – 1242 10th St

Builder's Remedy

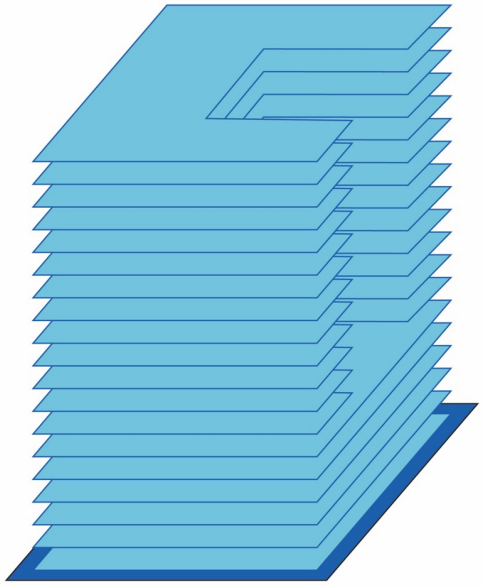
10.44 FAR
18 Stories, 191'
200 Units

1238 - 1242 10th St
R3
Density: 1 Unit/1,250 SF
Height: 40', 3 Stories
Parcel Size: 15,000 SF

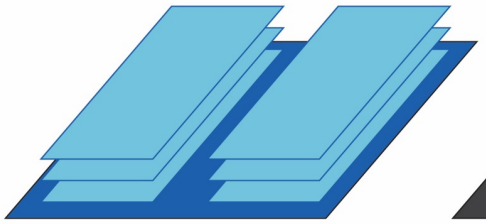
New Standards

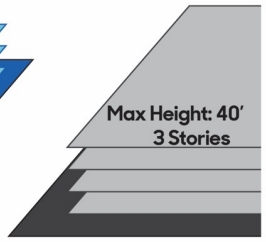
Base Project
Units: 20
Height: 2 Stories, 21'

Density Bonus
N/A



Existing Development





Project to be Withdrawn: 1007 Lincoln Blvd

Builder's Remedy

8.6 FAR
14 Stories, 149'
95 Units

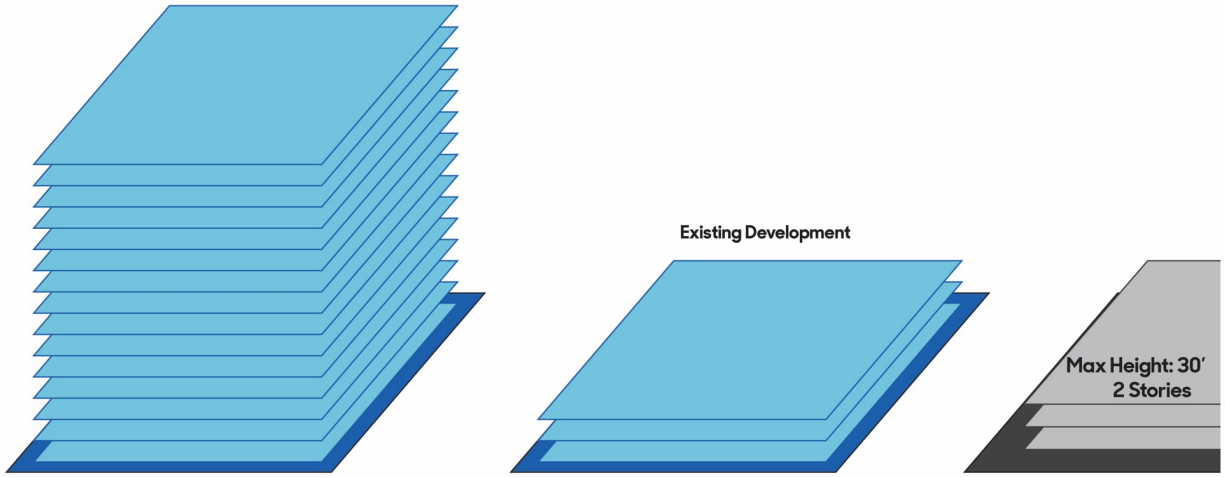
1007 Lincoln Blvd

R2
Density: 1 Unit/1,500 SF
Height: 30', 2 Stories
Parcel Size: 7,500 SF

New Standards

Base Project
Units: 11
Height: 2 Stories, 24'

Density Bonus
N/A



Project to be Withdrawn: 1038 10th St

Builder's Remedy

5.3 FAR
14 Stories, 149'
95 Units

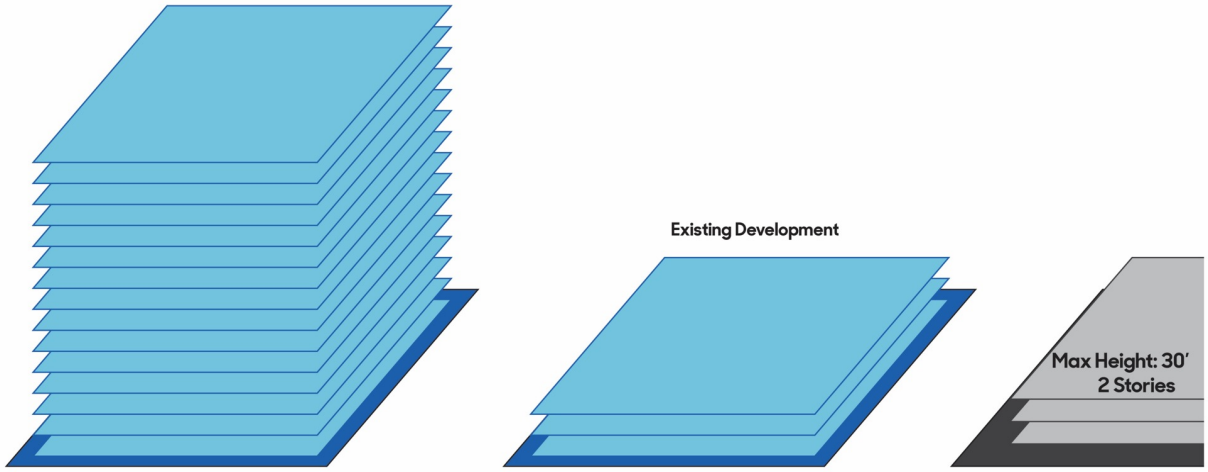
1038 10th St

R2
Density: 1 Unit/1,500 SF
Height: 30', 2 Stories
Parcel Size: 7,500 SF

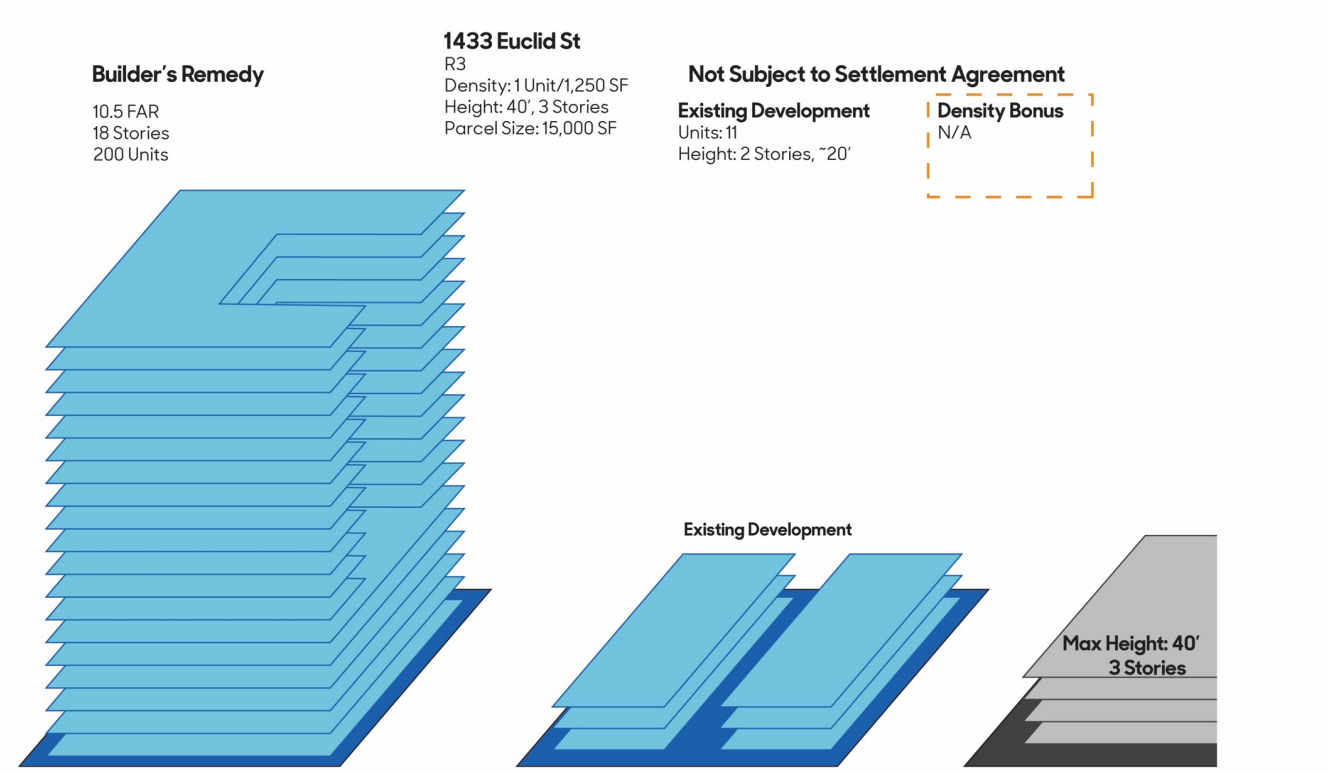
New Standards

Base Project
Units: 6
Height: 2 Stories, 19'

Density Bonus
N/A



Project Not Subject to Settlement Agreement: 1433 Euclid St



Summary

Address	Current Zone	Site Size (sf)	Total Units (BR)	Height			Floor Area Ratio (FAR)		
				Builder's Remedy	*6th Cycle Housing Element	Difference	Builder's Remedy	6th Cycle Housing Element	Difference
601 Colorado Ave	TA	22,500	200	15 / 158'	84'	74'	8.10	4.00	4.10
3030 Nebraska Ave (aka 3000 Nebraska Ave)	MUC	142,721	1,601	15 / 164'	84'	80'	6.50	4.00	2.50
2901 Santa Monica Blvd	MUBL	19,125	190	12 / 127'	70'	57'	6.45	3.25	3.20
1925 Broadway	MUBL	30,000	405	18 / 185'	70'	115'	10.90	3.25	7.65
1557 7th St (aka 707 Colorado Ave)	TA	22,500	200	11 / 113'	84'	29'	6.30	4.00	2.30
1518-1524 7th St	TA	22,500	200	11 / 115'	84'	31'	6.30	4.00	2.30
1441-1443 Lincoln Blvd	LT (EAST)	15,000	170	16 / 169'	65'	104'	4.12	3.00	1.12
1433-1437 6th St	NV	15,000	170	16 / 169'	84'	85'	8.10	4.00	4.10
1425 5th St (aka 1435 5th St)	TA	37,500	375	13 / 135'	84'	51'	6.35	4.00	2.35
1238 7th St	NV	7,500	75	10 / 107'	84'	23'	4.12	4.00	0.12
1238 - 1242 10th St	R3	15,000	200	18 / 191'	N/A	N/A	10.44	N/A	N/A
1007 Lincoln Blvd	R2	7,500	95	14 / 149'	N/A	N/A	8.60	N/A	N/A
1038 10th St	R2	7,500	95	14 / 149'	N/A	N/A	5.30	N/A	N/A
		Total Units	**3976**						
		****Affordable Units**	**795**						

**20% Inclusionary*

**Height does not include potential additional height through State Density Bonus Law*