# ORIGINAL FILED

## Notice of Exemption

**MAY 11 2023**

**Appendix E**

**LOS ANGELES COUNTY CLERK**

**To:** Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk
County of: Los Angeles
12400 Imperial Highway
Norwalk, CA 90650

**From: (Public Agency):** City of Santa Monica
1685 Main Street, Mail Stop 28

Santa Monica, CA 90401

(Address)

**Project Title:** Settlement Agreement between the City of Santa Monica and WS Communities, LLC

**Project Applicant:** WS Communities, LLC and affifilates and the City of Santa Monica

**Project Location - Specific:** 1437 6th St, 601 Colorado Ave,1518-24 7th St, 1443 Lincoln Blvd 3030 Nebraska Ave, 2901 Santa Monica Blvd, 1415-27 5th St, 1557 7th St, 1238 7th St, 1925 Broadway, 1433-37 Euclid St, 1238-42 10th St, 1007 Lincoln Blvd, and 1038 10th St

**Project Location - City:** City of Santa Monica    **Project Location - County:** Los Angeles

**Description of Nature, Purpose and Beneficiaries of Project:**

Although not a "Project" under CEQA, the action is the May 9, 2023 approval of a Settlement Agreement between the City of Santa Monica and WS Communities, LLC, consistent with the City's adopted 6th Cycle (2021-2029) Housing Element for 13 projects and applicants that have asserted eligibility for processing under the "Builder's Remedy" provision of the Housing Accountability Act. The settlement allows for expedited processing of projects subject to the processes and standards already approved pursuant to the Housing Element and implementing ordinances, settles pending litigation between the parties, allows for a transfer of a deed restriction for twenty affordable housing units from 1560 Lincoln Boulevard to 1038/1042 10th Street, and outlines a potential optional ordinance that the City may adopt in its sole and absolute discretion providing certain enhanced benefits including an onsite market rate density bonus if the projects' affordable units are provided offsite at 15%, and the ability to modify Downtown Community Plan's maximum parking standards.

**Name of Public Agency Approving Project:** City of Santa Monica

**Name of Person or Agency Carrying Out Project:** Santa Monica City Council

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**Exempt Status: (check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number: _____
- ☒ Statutory Exemptions. State code number: CEQA Guideline §15378(b) and (c) and Pub. Res. Code § 21065 and 21080; CEQA Guideline §15061(b)(3).

**Reasons why project is exempt:**

The action is not a "project" per CEQA Guideline §15378(b) and (c) and Pub. Res. Code § 21065 and 20180; and alternatively the action is covered by the common sense exemption that applies when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment per CEQA Guideline § 15061(b)(3).

**Lead Agency Contact Person:** Rachel Kwok        **Area Code/Telephone/Extension:** (310) 458-8341

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?    Yes    No

**Signature:** _____    **Date:** 5/10/23    **Title:** Environmental Planner

• Signed by Lead Agency    Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

Revised 2011