

**CITY OF SANTA MONICA**

**CITY COUNCIL SPECIAL MEETING MINUTES**

**THURSDAY, MAY 25, 2006**

A special meeting of the Santa Monica City Council was called to order by Mayor Holbrook at 5:38 p.m., on Thursday, May 25, 2006, at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Robert T. Holbrook  
Mayor Pro Tem Bobby Shriver  
Councilmember Richard Bloom  
Councilmember Ken Genser  
Councilmember Herb Katz  
Councilmember Kevin McKeown  
Councilmember Pam O'Connor

Also Present: City Manager P. Lamont Ewell  
City Attorney Marsha Jones Moutrie  
City Clerk Maria M. Stewart

**CONVENE/PLEDGE**

On order of the Mayor, the City Council convened to a special meeting at 5:38 p.m., with all members present. Assistant City Manager Gordon Anderson led the assemblage in the Pledge of Allegiance.

**CLOSED SESSIONS**

On order of the Mayor, the City Council recessed at 5:39 p.m. to consider closed sessions, and reconvened at 6:58 p.m., to report the following:

**2-A: Conference with Legal Counsel – Existing Litigation: Wendy Maceri v. City of Santa Monica, Case No. SC 086932.**

ACTION: Heard. No reportable action taken.

**2-B: Conference with Legal Counsel – Existing Litigation: Haruon Mehdipour v. City of Santa Monica, Case No. SC 083537.**

ACTION: Not heard.

**2-C: Conference with Legal Counsel – Existing Litigation: City of Santa Monica v. Baron & Budd, P.C., Case No. BC 315186.**

ACTION: Not heard.

**2-D: Conference with Legal Counsel – Existing Litigation: City adv. Shell Oil Company (arbitration regarding compliance with settlement agreement in City of Santa Monica v. Shell Oil Co., Case No. 01CC4331).**

ACTION: Not heard.

**2-E: Conference with Legal Counsel – Anticipated Litigation: Anticipate significant exposure to litigation pursuant to Government Code Section 54956.9(b): claim of Palisades Beach Road Property Owners' Association that proposed renovation of 415 PCH conflicts with Proposition S and CEQA and claim of JSM relating to state housing law and the City's Affordable Housing Production Ordinance.**

ACTION: Heard. No reportable action taken.

**ADMIN. ITEMS:**  
**APPEALS: 415 PCH**

On order of the Mayor, Items 6-A and 6-B to be heard concurrently.

**6-A: Appeals of Planning Commission's Approval of Development Review Permit, Reduced Parking Permit, Fence Height Modification; and certification of the Final Environmental Impact Report for the rehabilitation and adaptive reuse of the property at 415 Pacific Coast Highway (Palisades Beach Road) as a public, beach-oriented recreation facility – recommendation to: adopt Resolution No. 10130 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT"; adopt Resolution No. 10131 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA MAKING CEQA FINDINGS, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND ADOPTING A MITIGATION MONITORING PROGRAM"; and, to deny appeals 06APP-030 and 06APP-032 and approve Development Review Permit 06-DR-002, Reduced Parking Permit 06RPP-002, and Fence/Wall Height Modification 06FWHM-001, with conditions, was presented.**

**6-B: Appeal of Landmarks Commission's approval for the rehabilitation and adaptive reuse of the property at 415 Pacific Coast Highway as a public, beach-oriented recreation facility – recommendation to deny appeals 06APP-031 and 06APP-033 and approve Certificate of Appropriateness 06CA-002 and the modification to pedestrian-oriented design requirements specified in SMMC 9.04.10.02.440, with conditions, was presented.**

*Councilmember Katz was excused at 7:00 p.m.*

Councilmember Katz requested to be excused from deliberations on this matter due to a conflict of interest.

William Delvec, representing appellant, and appellant Jonathan Ornstein spoke in support of the appeals.

Barbara Stinchfield, Director of Community and Cultural Services, on behalf of Applicant, spoke in support of the project and the recommendation.

Members of the public John Zinner, Tom Cleys, Margaret Bach, Mike Feinstein, Susan Cloke, Bruce Cameron, Don Brawdsen, Mike Bone, Joel Brand, Ken Berstein, Linda Sullivan, Louisa Fish, and Jerry Rubin spoke in support of the project.

William Delvec and Jonathan Ornstein rebutted comments made during public comment.

Discussion ensued on the merits of the project and on the concerns expressed by the appellants.

Motion by Councilmember McKeown, seconded by Councilmember Bloom, to adopt resolution certifying the final EIR as amended in the supplemental staff report dated May 25, 2006, addressing the areas of Historic Resources; Transportation and Circulation; Aesthetics; Construction Effects; and Revisions to the Project Following Public Review, and amended to direct staff to immediately file a formal application for a traffic signal; reading the resolution by title only and waiving further reading thereof.

The motion, as amended, was approved by the following vote:

- AYES: Councilmembers Bloom, McKeown, O'Connor, Genser, Mayor Pro Tem Shriver, Mayor Holbrook
- NOES: None
- ABSENT: Councilmember Katz

Motion by Councilmember Bloom, seconded by Councilmember O'Connor, to adopt a resolution making findings necessary to approve the 415 Pacific Coast Highway Project, adopting a Statement of Overriding Considerations and adopting a Mitigation Monitoring Program. The motion was approved by the following vote:

AYES: Councilmembers Bloom, McKeown, O'Connor, Genser,  
Mayor Pro Tem Shriver, Mayor Holbrook  
NOES: None  
ABSENT: Councilmember Katz

Motion by Councilmember Bloom, seconded by Councilmember Genser, to deny appeal of Planning Commission's approval, and approve Development Review Permit, Reduced Parking Permit and fence/wall height modification with conditions.

Motion to amend by Councilmember Genser, to add an additional condition to development review permit that requires City to include in its application to Coastal Commission all the operational conditions that are in this permit, as part of the project description that goes to the Commission. The motion was accepted as friendly.

Applicant Barbara Stinchfield advised that on behalf of the applicant she had no objection to the additional condition.

The motion, as amended, was approved by the following vote:

AYES: Councilmembers Bloom, McKeown, O'Connor, Genser,  
Mayor Pro Tem Shriver, Mayor Holbrook  
NOES: None  
ABSENT: Councilmember Katz

Motion by Councilmember McKeown, seconded by Councilmember Bloom, to deny appeals of the Landmarks Commission's approval, and approve Certificate of Appropriateness and the modification to pedestrian-oriented design requirements specified in Section 9.04.10.02.440, with conditions. The motion was approved by the following vote:

AYES: Councilmembers Bloom, McKeown, O'Connor, Genser,  
Mayor Pro Tem Shriver, Mayor Holbrook  
NOES: None  
ABSENT: Councilmember Katz

**ORDINANCES:**  
**AUTOMOBILE**  
**DEALERSHIPS**

**7-A: Second reading and adoption of Interim Ordinance 2186 (CCS) entitled: "AN ORDINANCE OF THE CITY OF SANTA MONICA EXTENDING AND MODIFYING THE INITIAL INTERIM ORDINANCE MODIFYING ZONING REGULATIONS PERTAINING TO AUTOMOBILE DEALERSHIPS, ASSOCIATED AUTOMOBILE PARKING STRUCTURES AND AUTOMOBILE STORAGE LOTS,**

*Councilmember Katz  
returned at 9:34 p.m.*

INCLUDING ALLOWING DEVELOPMENT OF AUTOMOBILE PARKING STRUCTURES AND AUTOMOBILE STORAGE FACILITIES ASSOCIATED WITH AN ADJACENT DEALERSHIP ON CERTAIN RESIDENTIALLY ZONED SITES, ESTABLISHING DEVELOPMENT STANDARDS, DESIGN STANDARDS, REVIEW PROCESSES AND OPERATIONAL STANDARDS, AUTHORIZING AUTOMOBILE DEALERSHIPS IN THE MI DISTRICT, ADJUSTING THE FAR CALCULATION METHODOLOGY, AUTHORIZING EMPLOYEE PARKING ON EXISTING INVENTORY LOTS IN THE BCD ZONING DISTRICT AND MODIFYING THE TEMPORARY USE PERMIT PROVISIONS FOR DEALERSHIPS,” was presented.

Motion by Councilmember Katz, seconded by Councilmember O’Connor, to adopt ordinance, reading by title only and waiving further reading thereof. The motion was approved by the following vote:

AYES: Councilmembers Bloom, Katz, McKeown, O’Connor,  
Genser, Mayor Pro Tem Shriver, Mayor Holbrook  
NOES: None  
ABSENT: None

**DEVELOPMENT  
STANDARDS**

7-B: **Second reading and adoption of Ordinance No. 2187 (CCS) entitled:** “AN ORDINANCE OF THE CITY OF SANTA MONICA MODIFYING THE DEVELOPMENT, DESIGN, AND OFF-STREET PARKING STANDARDS FOR PROJECTS DEVELOPED WITHIN THE BSCD, C3 AND C3C ZONING DISTRICTS, INCLUDING BUT NOT LIMITED TO, DESIGN STANDARDS FOR GROUND FLOOR HEIGHTS, BUILDING STREET FRONTS, LANDSCAPING, SIDE-WALLS ADJACENT TO HISTORIC RESOURCES, DEVELOPMENT REVIEW THRESHOLDS, AND OFF-STREET PARKING AND ACCESS REQUIREMENTS,” was presented.

Motion by Councilmember Katz, seconded by Councilmember O’Connor, to adopt ordinance, reading by title only and waiving further reading thereof. The motion was approved by the following vote:

AYES: Councilmembers Bloom, Katz, McKeown, O’Connor,  
Genser, Mayor Pro Tem Shriver, Mayor Holbrook  
NOES: None  
ABSENT: None

**RETENTION OF GROCERY WORKERS**

**7-C: Second reading and adoption of Ordinance No. 2188 (CCS) entitled: "AN ORDINANCE OF THE CITY OF SANTA MONICA ADDING CHAPTER 5.40 TO THE MUNICIPAL CODE TO IMPOSE REQUIREMENTS RELATING TO THE RETENTION OF GROCERY WORKERS IN CERTAIN CIRCUMSTANCES INVOLVING THE TRANSFER OF OWNERSHIP OF LARGE GROCERY ESTABLISHMENTS,"** was presented.

Motion by Councilmember McKeown, seconded by Councilmember Genser, to adopt ordinance, reading by title only and waiving further reading thereof. The motion was approved by the following vote:

- AYES: Councilmembers Bloom, Katz, McKeown, O'Connor, Genser, Mayor Pro Tem Shriver, Mayor Holbrook
- NOES: None
- ABSENT: None

**ENFORCEMENT OF LAND USE PERMITS**

**7-D: Introduction and first reading of an ordinance of the City of Santa Monica adding Section 1.08.040 to the Municipal Code relating to enforcement of land use permit conditions by private civil actions against property owners,** was presented.

City Attorney Moutrie advised that a supplemental report modifying the ordinance clarifies what an "interested person" is; that a person proposing to file a lawsuit must give written notice of intent to property owner and City; that the proposal limits remedy to situations where the permit condition is explicit and clear and would not require any interpretation; if interpretation is required, it is to be clarified by the City and not by a court; and, that when there is an unambiguous condition, there would be a right to go directly to court to get a court order requiring that the condition be effectuated.

There was no one present for public comment.

Motion by Councilmember Genser, seconded by Councilmember McKeown, to introduce the revised ordinance for first reading, reading by title only and waiving further reading thereof, amended to delete subsection (c) and renumber subsequent subsections. The motion was approved by the following vote:

- AYES: Councilmembers McKeown, Genser, Mayor Pro Tem Shriver, Mayor Holbrook
- NOES: Councilmembers Bloom, Katz, O'Connor
- ABSENT: None

**PERMIT PROCESS RE  
CHARITABLY-FUNDED  
PUBLIC FACILITIES**

**7-E: Introduction and first reading of an ordinance of the City of Santa Monica adding Chapter 9.68 to the Municipal Code relating to permit processing related to the development of charitably funded, public facilities by requiring expedited processing and review, was presented.**

There was no one present for public comment.

Motion by Councilmember Genser, seconded by Councilmember McKeown, to introduce the ordinance, reading by title only and waiving further reading thereof. The motion was approved by the following vote:

AYES: Councilmembers Bloom, McKeown, O'Connor, Genser,  
Mayor Pro Tem Shriver, Mayor Holbrook  
NOES: Councilmember Katz  
ABSENT: None

**AFFORDABLE HOUSING**

**7-F: An ordinance of the City of Santa Monica amending Municipal Code Sections 9.56.020, 9.56.030, 9.56.040, 9.56.050, 9.56.060, and 9.56.070 to modify the options for meeting affordable housing requirements to require the onsite or offsite development of affordable housing units in conjunction with multi-family housing development with specified exceptions, was presented.**

Members of the public Joe Natoli, Denny Zane, Michael Tarbet and Chris Harding expressed support, voiced concerns, and suggested changes to the proposed ordinance.

Motion by Councilmember Genser, seconded by Councilmember McKeown, to introduce the ordinance, reading by title only and waiving further reading thereof; amended that with respect to ownership in multi-family projects in multi family areas; that the developer must provide 20% of units of the project, or 25% in projects of 16 or more, on site, deed restricted, permanently affordable ownership units, affordable to households with incomes at or below 100% of the area-median income, and if developer elects this option, developer shall be required to submit a plan for satisfying the condition that the units must be continually sold and owned by households in the appropriate income category; or, developers can develop such ownership units off-site provided that there are 25% more affordable units than in the formula just cited, that would be required for an on-site project with same provisions to apply to develop a plan to satisfy the condition that they continue to be sold and owned by households in the income category; and to direct staff to return with analysis on the option of

an in-lieu monetary payment equivalent to the cost of building of the new affordable units, and information about the Mello Act.

Discussion ensued on the proposed motion and on the option of doing the same percentages in affordable rental units. After considerable discussion, the motion was withdrawn. Staff was directed to return later in the meeting with appropriate language for amendments as discussed.

**STAFF ITEMS:**  
**AB2501**

**8-A: Adoption of resolution in opposition to State Assembly Bill AB2501, that targets solely the Santa Monica Airport for aircraft monitoring, unless amended to create a State-funded California Environmental Study to expand the SCAQMD Study to all aircraft using the California Airport System, was presented.**

Members of the public Zina Josephs, Ping Ho, Adrian Martinez, Stephen Mark, Marcia Hanscom, Martin Rubin, Joan Winters, Cathy Larson, Don Geagan, Susan Hartley, Jerry Rubin, and Yoram Tal spoke in opposition to the resolution.

Motion by Councilmember Genser, seconded by Mayor Pro Tem Shriver, to take general position that the bill be modified, either in terms of the scope and applicability, or in terms of otherwise reducing the cost to the city for complying; and direct staff to work with Mr. Lieu, our own State representatives, and Mr. Rosendahl to see if it is possible to come to some agreement to meet mutual goals.

Motion to amend by Councilmember Genser, to amend motion that if bill is going to a vote, and there is no meaningful reduction in cost to the city, staff is authorized to oppose it keeping in mind that the first choice is to work it out. If cost to City can be reduced to \$35,000 or less, it is acceptable, if not staff is directed to oppose. The motion was accepted as friendly.

The motion, as amended, was approved by the following vote:

AYES: Councilmembers Genser, O'Connor, McKeown, Katz,  
Bloom, Mayor Pro Tem Shriver, Mayor Holbrook  
NOES: None  
ABSENT: None

**CONTINUED ITEM:**        7-F:    **An ordinance of the City of Santa Monica amending Municipal AFFORDABLE HOUSING Code Sections 9.56.020, 9.56.030, 9.56.040, 9.56.050, 9.56.060, and 9.56.070 to modify the options for meeting affordable housing requirements to require the onsite or offsite development of affordable housing units in conjunction with multi-family housing development with specified exceptions, was returned to Council.**

*Mayor Pro Tem Shriver and Councilmember Katz were excused at 1:00 a.m.*

On order of the Mayor, discussion on this matter resumed.

Sr. Land Use Attorney Barry Rosenbaum reviewed the effects of the changes proposed earlier to the ordinance and presented various options. Discussion ensued on the proposal.

Motion by Councilmember McKeown, seconded by Councilmember Genser, to introduce ordinance for first reading, amended to change the effective date to May 25, 2006; and adding appropriate language making rental units voluntary under the terms of the Costa Hawkins Act, reading by title only and waiving further reading thereof. The motion was approved by the following vote:

- AYES:            Councilmembers Bloom, McKeown, O’Connor, Genser, Mayor Holbrook
- NOES:           None
- ABSENT:        Councilmember Katz, Mayor Pro Tem Shriver

**COUNCIL ITEMS:**

**13-A: Request of Councilmember Bloom that staff be directed to communicate with Santa Monica College and the Santa Monica YWCA regarding cooperation and possible partnerships for mixed-use opportunities for the site at the southeast corner of Pico Boulevard and 14th Street, including, but not limited to, neighborhood serving business and targeted affordable student housing, was presented.**

Member of the public Joe Natoli spoke in support of the request.

Motion by Councilmember Bloom, seconded by Councilmember O’Connor, to approve request. The motion was unanimously approved by voice vote, with Councilmember Katz, and Mayor Pro Tem Shriver absent.

**HEDGE AND FENCE ORDINANCE**

**13-B: Request of Mayor Holbrook to direct staff to prepare amendments to the interim fence and hedge ordinance, including extending the period for appeals to the Planning Commission and to waive appeal fees, was presented.**

The following members of the public spoke in support of the request: Monika Bialas, Robert Freeman Susan Freeman, Jim Tenerowics, Timothy Shannon,, James Kohfeld, Bill Conkle, A. Wortman, Katie Santore, Virginia Kohfeld, David Stout, Marsha Stout, Linda Velonis, Vasara Schafer, and Bahman Kran.

Discussion ensued on the merits of the request. After considerable discussion, and on order of the Mayor, the information was received and filed. No formal action was taken.

**ANDERSON INITIATIVE 13-C: Request of Councilmember McKeown that Council direct staff immediately to commence research, schedule hearings, draft ordinances, and otherwise prepare appropriate proposed adjustments in Santa Monica zoning and other codes and policies, so as to protect our community's jurisdictional flexibility and quality of life should the so-called "Anderson initiative" qualify for the November statewide ballot, was prepared.**

Members of the public Joe Natoli, Jay Johnson, Diana Gordon, Michael Tarbet, Genise Schnitman and Ellen Brennan spoke in support of the request.

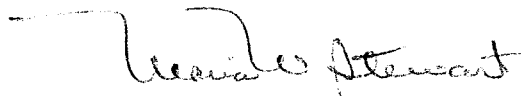
Motion by Councilmember McKeown, seconded by Councilmember Genser, to approve the request, amended to have a website, or other equivalent means, to solicit options for a down-zoning plan. The motion was unanimously approved by voice vote, with Councilmember Katz and Mayor Pro Tem Shriver absent.

**PUBLIC COMMENT:** There was no one present for public comment.

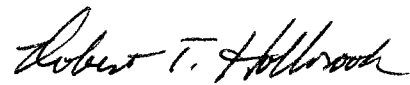
**ADJOURNMENT:** On order of the Mayor, the City Council meeting was adjourned at 2:52 a.m.

ATTEST:

APPROVED:



Maria M. Stewart  
City Clerk



Robert T. Holbrook  
Mayor