

**CITY OF SANTA MONICA**

**CITY COUNCIL MINUTES**

**SEPTEMBER 26, 2006**

A regular meeting of the Santa Monica City Council was called to order by Mayor Holbrook at 5:52 p.m., on Tuesday, September 26, 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  
Assistant City Attorney Joe Lawrence  
Acting City Clerk Denise Anderson-Warren

**CONVENE/PLEDGE** On order of the Mayor, the City Council convened at 5:52 p.m., with all Councilmembers present. Mayor Holbrook led the assemblage in the Pledge of Allegiance.

**CONSENT CALENDAR:** All items were considered and approved in one motion unless removed by a Councilmember for discussion.

Members of the public Russell Sydney, Joy Fullmer, Pro Se and Craig Jones expressed concerns regarding various Consent Calendar items.

At the request of Councilmember Genser, Item 1-C was removed from the Consent Calendar. At the request of Councilmember McKeown, Item 1-F was removed from the Consent Calendar. At the request of Councilmember Bloom, Item 1-I was removed from the Consent Calendar.

Motion by Councilmember Katz, seconded by Councilmember O'Connor, to approve all items on the Consent Calendar as presented except Items 1-C, 1-F and 1-I, reading resolutions by title only and waiving further reading thereof.

The motion was approved by the following vote:

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

**MINUTES**

1-A: **Approval of minutes** of the July 12, and July 25, 2006, City Council meetings, were approved, as submitted.

**CEMENT CONCRETE**

1-B: **Purchase of cement concrete** - recommendation to award Bid No. 2910, in an amount not to exceed \$198,750, to Standard Concrete Products, for provision of cement concrete, was approved.

**DIGITAL STORAGE SYSTEM**

1-D: **Digital Storage System** - recommendation to authorize the Purchasing Agent to issue a purchase order to Nth Generation Computing, in the amount of \$249,435, for a digital storage system for video taken by cameras installed in the jail of the Public Safety Facility, was approved.

**1433 4<sup>TH</sup> STREET**

1-E: **Lease of Space at 1433 4th Street** - recommendation to authorize the City Manager to negotiate Lease Agreement No. 8638 (CCS) for space at 1433 4th Street, from Metropolitan Pacific Capital, for use as office space for the Civil Engineering and Architecture Divisions of Environmental and Public Works Management Department, was approved.

**HOMELESS COMMUNITY COURT**

1-G: **Grant funds for Homeless Community Court** - recommendation that the City Council accept County of Los Angeles grant funds in the amount of \$458,000 over a one-year period for supportive services and housing in conjunction with a monthly Homeless Community Court; appropriate funds and make necessary budget changes; and authorize the City Manager to execute any necessary grant agreements, was approved.

**PROPOSITIONS 1A, 1B, 1C, 1D, AND 1-E**

1-H: **Resolution supporting Propositions 1A, 1B, 1C, 1D, and 1E on the November 2006 Statewide Ballot** - recommendation to adopt Resolution No. 10165 (CCS), entitled: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA SUPPORTING PROPOSITIONS 1A, 1B, 1C, 1D, AND 1E ON THE NOVEMBER 2006 STATEWIDE BALLOT," was approved.

**ANALYSIS - BBB**

**1-C: Big Blue Bus line-by-line analysis and Service Improvement and Efficiency Program** - recommendation to authorize the City Manager to negotiate and execute a Contract No. 8637A (CCS), with Perteet Engineering, in the amount of \$159,346, to prepare a line-by-line analysis of service and develop a service improvement and efficiency program, was presented.

Councilmember Genser advised he removed this matter from the Consent Calendar to ask questions regarding comments from a member of the public, who suggested adding to the analysis consideration for a place for bicycles and emission vehicles to be secured at various bus stops. Staff answered questions and agreed to add a question to the online survey possibly recommending bike stations in certain locations that might integrate with bus service.

Motion by Councilmember Genser, seconded by Councilmember McKeown, to approve recommendation. The motion was approved by the following vote:

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

**CROSSWALK ENHANCEMENTS**

**1-F: Main Street Crosswalk Enhancement between Pico and Colorado** - recommendation to approve proposed crosswalk enhancements across Main Street at Vicente Terrace and at City Hall crosswalks, was presented.

Councilmember McKeown advised he removed this item from the Consent Calendar because he had questions and concerns regarding the proposed islands adjacent to a bus stop in front of City Hall with there being no room for bicycle passing during heavy times of construction. Staff advised the concern will be addressed before a final decision is made regarding restriping.

Motion by Councilmember McKeown, seconded by Councilmember Genser, to approve the recommendation. 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

**HOMELESS FOOD PROVIDERS - RELOCATION**

1-I: **Temporary Relocation of Homeless Food Providers to Facilities at 612 Colorado Avenue** - recommendation to appropriate the amount of \$197,000 for costs related to the temporary relocation of homeless food providers to indoor facilities at 612 Colorado Avenue, was presented.

Councilmember Bloom advised he removed this item from the Consent Calendar to allow staff an opportunity to respond to public comments made regarding the increase of homeless individuals outside the facility. Staff responded that extraordinary care will be given to keep the crowds and streets clean.

Motion by Councilmember Bloom, seconded by Councilmember Katz, to approve the recommendation with a request for a bi-weekly report at the beginning of the program, then the regular follow-up report every six weeks by Homeless Care Consultant, Ed Edelman. The motion was approved by the following vote:

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

**CLOSED SESSIONS:**

There was no one present for public comment.

On order of the Mayor, the City Council recessed at 6:30 p.m. to hear closed sessions and returned at 8:09 p.m., with all members present, to report the following:

2-A: **Conference with Labor Negotiator.**  
**City Negotiator: Karen Bancroft, Personnel Director**  
**Bargaining Units: Municipal Employees Association (MEA)**  
**Supervisors Team Associates (STA)**

ACTION: No reportable action.

2-B: **Conference with real property negotiator:**  
**Property: 1632-36 5<sup>th</sup> Street**  
**City Negotiator: Miriam Mack**  
**Under negotiation: Interest in Real Property**  
**Owner of Record: Jandy, LLC**

ACTION: No reportable action.

**2-C: Conference with real property negotiator:  
Property: 1640 5<sup>th</sup> Street  
City Negotiator: Miriam Mack  
Under negotiation: Interest in Real Property  
Owner of Record: Martin H. Waldman, et. al.**

**ACTION:** No reportable action.

**2-D: Conference with real property negotiator:  
Property: 1301-33 4<sup>th</sup> Street  
City Negotiator: Miriam Mack  
Under negotiation: Interest in Real Property  
Owner of Record: Virginia Tegner Spurgin Investments  
Company**

**ACTION:** No reportable action.

**2-E: Conference with real property negotiator:  
Property: 1415-27 5<sup>th</sup> Street  
City Negotiator: Miriam Mack  
Under negotiation: Interest in Real Property  
Owner of Record: Mark S. Romney**

**ACTION:** No reportable action.

**2-F: Conference with real property negotiator:  
Property: 1437 5<sup>th</sup> Street  
City Negotiator: Miriam Mack  
Under negotiation: Interest in Real Property  
Owner of Record: PRU/JSM Trino**

**ACTION:** No reportable action.

**2-G: Conference with real property negotiator:  
Property: 1334 5<sup>th</sup> Street  
City Negotiator: Miriam Mack  
Under negotiation: Interest in Real Property  
Owner of Record: Sunnyside Group, et. al.**

**ACTION:** No reportable action.

**2-H: Conference with real property negotiator:  
Property: 1338-42 5<sup>th</sup> Street  
City Negotiator: Miriam Mack  
Under negotiation: Interest in Real Property  
Owner of Record: Bryan Family Trust**

**ACTION:** No reportable action.

2-I: **Conference with real property negotiator:**  
**Property: 2715 Exposition Boulevard/1800 Stewart Street**  
**City Negotiator: Miriam Mack**  
**Under negotiation: Interest in Real Property**  
**Owner of Record: Richlar Partnership Lease**

ACTION: No reportable action.

2-J: **Conference with Legal Counsel - Existing Litigation: City of Santa Monica v. Baron & Budd, P.C., Case No. BC 315 186.**  
**City v. Baron & Budd, P.C., Case No. BC 315 186.**

ACTION: Continued to Adjourned Meeting on October 3, 2006.

2-K: **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: Continued to Adjourned Meeting on October 3, 2006.

2-L: **Conference with Legal Counsel - Existing Litigation: Action Apartment Association v. City of Santa Monica, et al., Case No. SC 091 036.**

ACTION: No reportable action.

2-M: **Conference with Legal Counsel - Existing Litigation: Fifth/Arizona Investors, LLC v. City of Santa Monica, LASC Court Case No. SC083204, Court of Appeals Case No. B185512.**

ACTION: Continued to Adjourned Meeting on October 3, 2006.

2-N: **Anticipated Litigation: Anticipate significant exposure to litigation pursuant to Government Code Section 54956.9(b): two matters involving real property at 1047 11<sup>th</sup> Street and 161 Ocean Park Boulevard, and one matter involving the proposed Strategic Rezoning Ordinance (Santa Monica Housing Council).**

ACTION: No reportable action.

**STUDY SESSION:**  
**HOMELESS UPDATE**  
**REPORT**

**3-A: Homeless Update Report.**

Member of the public Joy Fullmer, Jerry Rubin, Jenna Linnekens and Melrose Sprague expressed their opinions.

Consultant and Former L.A. County Supervisor, Ed Edelman, presented an update report on the subject.

On order of the Mayor, the information was received and filed.

**LIVING WAGE**  
**ORDINANCE - IMPACT**  
**REPORT**

**3-B: Report on financial impact of City's Living Wage Ordinance and impact of adjusting City employee pay rates consistent with the minimum wage set by the ordinance,** was presented by Candace Tysdal, Acting Director of Finance.

On order of the Mayor, the information was received and filed.

**SPECIAL ITEMS:**

**4-A: The Mayor issued a Proclamation declaring October 2006 as *Disabilities Awareness Month* in the City of Santa Monica.**

Member of the public Pro Se expressed various concerns regarding disability.

**ORDINANCES:**  
**DESIGN AND DEVELOP-**  
**MENT STANDARDS**

**7-A: Supplemental Report and introduction and first reading of an ordinance amending Article 9 of the Municipal Code to modify project design and property development standards for specified uses in certain residential, commercial and industrial districts in the city including, but not limited to, standards related to permitted building heights, exceptions to the height limit, unit density, parcel coverage, floor area and architectural design review criteria. The City Council may also consider modifications related to other administrative and discretionary review procedures and possible changes to the City's Affordable Housing Production Program.**

In reading the matter into the record, the City Clerk stated that the ordinance was continued from September 12, 2006, and the following motion was left pending on the floor:

“Motion by Councilmember McKeown, seconded by Councilmember Genser, to approve staff recommendation with the Planning Commission’s recommendations.”

“Motion to amend by Councilmember Katz, seconded by Councilmember O’Connor, to maintain building heights as they are letting the projection of mechanical elevators and stairs stay as they are and that the LEEDs be a preferred element to any project.”

“The proposed amendment was withdrawn by Councilmember Katz.”

“Motion to amend by Councilmember O’Connor, seconded by Councilmember Katz, that projects that have LEED’s gold or platinum certification be considered “preferred projects” and receive a preferred permit.”

“The motion was approved by the following vote:

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

Sr. Land Use Attorney Barry Rosenbaum reported his office prepared a supplemental staff report to provide additional information related to questions that arose in conjunction with the Council’s consideration of the proposed strategic re-zoning ordinance. Mr. Rosenbaum read into the record the following two additional modifications to the proposed ordinance:

One, to modify the adjustment waiver provisions of the affordable housing production program under Municipal Code Section 9.56.170, Sections A, C and E, which would clarify that a multi-family project applicant could request that the requirements of the affordable housing production program be adjusted or waived.

Two, to add the following findings to the proposed ordinance: “Whereas Government Code Section 65863 does not apply to this proposed ordinance since the ordinance does not reduce the residential density for any land in the city; and, Whereas even if the Government Code 65863 were to apply, the proposed ordinance complies with its provisions since it is articulated in the proposed ordinance and staff report, the proposed ordinance is consistent with the city’s adopted General Plan, including its Housing Element, and the remaining sites identified in the Housing Element are adequate to accommodate the city’s share of the regional housing need; and, Whereas during the planning period of January 1, 1998 through June 30, 2005, the city issued building permits for 2,920 units, 132 % of its RHNA target of 2208 units; Whereas the city has issued building permits for planning approvals for an approximate 1000 additional units; and Whereas the city has prepared an updated CEQA site analysis which demonstrates that the city has more than 4500 housing units with over half of these units located in the city’s commercial districts, which is more than adequate to accommodate the city’s future share of regional housing.”

Members of the public Michael Klein, Chloe Bird, Jay Johnson, Gale Feldman, Dennis Allard and Hank Koning spoke in favor of the proposed ordinance with suggested changes and amendments.

Members of the public Mario Romano, Chris Harding, spoke in opposition to the proposed ordinance.

Motion by Councilmember McKeown, seconded by Councilmember Genser, to withdraw his original motion made at the meeting on September 12, 2006, and instead make a motion to approve the Planning Commission recommendation with the new staff recommended alterations on the waivers and additional findings, as contained in the supplement report dated September 26, 2006.

Motion to amend by Councilmember McKeown, to remove the houses of worship from the incentive preferred project list. The motion was approved by consensus.

Motion to amend by Councilmember McKeown, to give incentives for multi-family rental properties, where there are a significant number of multi-bedroom units. The motion was approved by consensus.

Motion to amend by Councilmember Genser, that preferred projects in the residential zones include multi-family rental housing, which are Certified LEED Silver or higher and have a minimum of 25% of the units 3 bedroom or larger plus a minimum of an additional 50% of the units 2 bedroom or larger. The motion was approved by consensus.

Motion to amend by Councilmember Genser, to apply the CM2 district standards to non-preferred permitted projects in the CM3 and CM4 zones (Main Street). The motion was approved by consensus.

Motion to amend by Councilmember Genser, that the C4 district should use Lincoln Blvd. south of the freeway standards for non-preferred permitted projects, with exempted uses. The motion was approved by consensus.

Motion to amend by Councilmember Genser, that as preferred projects in the commercial zones, everything above the first floor must be residential use, with a voluntary exception of up to 10 percent of the floor area above the first floor that can be office space. Exemptions are to be religious institutions, funeral homes and auto dealerships. Preferred projects in the commercial zones also must be LEED Silver and higher. The motion was approved by voice vote, with Councilmember Katz in opposition.

Motion to amend by Councilmember Genser, that the C2 zones should use the Montana standards; C4 zones use Lincoln Blvd., south of the freeway standards for non preferred projects; C6 zones for non preferred projects; lower the development standards height to two stories and 30 feet with a floor ratio of 1.0; and on all of the Designated Historic structures that are being preserved to the Secretary of Interior's standards and have a discreet

use of land uses (such as Senior Housing), should also be considered preferred projects. This motion was approved by consensus.

Motion to amend by Councilmember McKeown, to have the applicability date be November 15<sup>th</sup> for projects that don't need subdivision maps and December 31<sup>st</sup> for projects that do need maps. The motion was approved by consensus.

Motion by Councilmember Katz, to extend the date to January 8, 2007, for projects that do require maps. The motion was accepted as friendly.

On order of the Mayor, this item was tabled temporarily to allow staff to work on wording changes to the proposed ordinance.

**SUNSET PARK/NORTH  
OF WILSHIRE**

**7-B: Second reading and adoption of Ordinance No. 2205 (CCS) entitled: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA MODIFYING THE DEVELOPMENT STANDARDS AND REVIEW PROCESSES IN THE R1 SUNSET PARK AND NORTH OF WILSHIRE NEIGHBORHOODS INCLUDING, BUT NOT LIMITED TO, STANDARDS AND REVIEW RELATED TO SETBACKS, STEPBACKS, MAXIMUM PARCEL COVERAGE, SECOND FLOOR PARCEL COVERAGE, GARAGES AND GARAGE DOORS, ARCHITECTURAL PROJECTIONS, BALCONIES AND PORCHES, AND ARCHITECTURAL REVIEW OF SPECIFIED STRUCTURES AND CLARIFYING THE SECOND FLOOR PARCEL COVERAGE STANDARD ALSO APPLICABLE IN THE NORTH OF MONTANA NEIGHBORHOOD,"** was presented.

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

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

**PROHIBITION:  
EMPLOYEES SERVING  
ON COUNCIL-APPT.  
BOARDS/COMMISSIONS**

**7-E: Introduction and first reading of an ordinance adding Section 2.32.280 to the Municipal Code to prohibit City employees from serving on legislative bodies whose members are all appointed by the City Council,** was presented.

There were no members of the public present for this item.

Motion by Councilmember O'Connor, seconded by Councilmember Bloom, to introduce the ordinance, reading by title only and waiving further reading thereof.

The motion was approved by the following vote:

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

*Councilmember Shriver was  
excused at 10:48 p.m.*

**LANDMARKS/HISTORIC  
DISTRICT**

**7-C: Introduction and first reading of an ordinance to amend Chapter 9 of the Municipal Code to allow for modification of development standards and implementation of incentives for projects that include the retention and preservation of a Designated Landmark or Contributing Structure to an adopted Historic District,** was presented.

Members of the public Robert Chattel, Ken Kutcher, RuthAnn Leher, Roger Genser and Howard Robinson all spoke in favor of the proposed ordinance

Motion by Councilmember Katz, seconded by Councilmember McKeown, to introduce the ordinance, reading by title only and waiving further reading thereof, amending the ordinance to eliminate the verbiage for variances, and that wherever the Secretary of Interior standards are referenced as something that needs to be complied with, the language will be added to say, "to be amended from time to time." The motion was approved by the following vote:

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

**PRIORITY FOR CITY  
SERVICES**

**7-D: Introduction and first reading of an ordinance adding Chapter 1.20 to the Municipal Code relating to priority for City service to confirm the sole propriety and authority of the City Council to expedite City services and establish such service priorities by resolution; adopt Resolution No. 10166 (CCS) entitled: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA REVISING USER FEES IN THE ENVIRONMENTAL AND PUBLIC WORKS MANAGEMENT DEPARTMENT RELATED TO PLAN REVIEW BY THE GREEN BUILDING PROGRAM ADVISOR; and recommendation to review proposed resolution setting the priority of city services related to development activities, in anticipation of adopting the resolution at second reading of the ordinance,** was presented.

There was no one present for public hearing.

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

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

Motion by Councilmember O'Connor, seconded by Councilmember Katz, to adopt Resolution No. 10166 (CCS), 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 Holbrook  
NOES: None  
ABSENT: Mayor Pro Tem Shriver

**PUBLIC HEARINGS:**  
**SEWER EASEMENT**  
**120 COLORADO**

**9-A: Public hearing and adoption of a Resolution of necessity to acquire a sewer easement at 120 Colorado Avenue for the Colorado/Ocean Avenue Relief Sewer Project.**

On order of the Mayor, this matter was continued to December 12, 2006.

**RESOLUTIONS:**  
**415 PCH**

**11-A: Resolution No. 10167 (CCS) entitled: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA REGARDING THE PUBLIC RECREATION FACILITY TO BE DEVELOPED AT 415 PACIFIC COAST HIGHWAY,"** was presented.

*Councilmember Katz was excused at 11:31 p.m.*

Councilmember Katz requested to be excused due to a conflict of interest in this matter.

There was no one present for public comment.

Motion by Councilmember McKeown, seconded by Councilmember O'Connor, to adopt resolution, 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

**WRITTEN REQUESTS:**  
**LOCATION OF HALF-**  
**WAY HOUSE**

**12-A: Request of Say Chin So to relocate the halfway house located at 1826-1828 Pearl Street to another location as the site is a path used by students attending the nearby junior high and elementary schools,** was presented.

*Councilmember Katz  
returned at 11:34 p.m.*

Members of the public Chris Thixton and Zina Joseph expressed support of the requests.

On order of the Mayor, the information was received and filed.

**CONTINUED ITEM:**

On the order of the Mayor, Council reconvened to continue deliberating on the proposed ordinance for Item 7-A.

**DESIGN AND DEVELOPMENT STANDARDS**

Sr. Land Use Attorney Barry Rosenbaum restated the pending motion made and seconded, to accept the staff recommendation with Planning Commission recommendations, and read into the record the following revised language resulting from the amendments discussed:

“A new section is being added to the first provision to clarify that this ordinance is not modifying or intends to modify the interim ordinance provision pertaining to automobile dealerships in Ordinance No. 2186(CCS).

“An additional applicability provision section is added and states, ‘This Ordinance shall apply to all development applications determined complete after November 15, 2006, unless the application includes a subdivision map which required the prior approval of the City Engineer. As to development applications requiring prior City Engineer subdivision map approval, this ordinance shall apply to such applications determined complete after January 8, 2007.’

“The waiver provisions, under Section 9.56.170, Subsection (A), will add: ‘or otherwise have an unconstitutional application to the property.’ So the opportunity for adjustment or waiver will be both for claims that the application effectuates an unconstitutional taking of property or otherwise have an unconstitutional application to the property.”

“Also, Subsection C(2) will be broadened so that it will now read ‘the applicant will benefit from the inclusionary incentives set forth in this Chapter in the City’s Municipal Code.’

“Also, Subsection (E) would be modified to clarify that if applying the requirements of this Chapter would effectuate an unconstitutional taking of property or otherwise have an unconstitutional application to the property, the affordable housing requirements shall be adjusted or waived to reduce the obligations under this Chapter to the extent necessary to avoid an unconstitutional result.”

Principal Planner, Jonathan Lait, presented to Council the following suggested changes based on the amendments discussed earlier:

- Under Section 1 of the ordinance, add language in for the Multi-Family apartments, as follows: “Where the 25% of the units are 3-bedroom units or larger and 66% of the remaining units are 2 bedrooms or larger; and the project is registered with the USGBC to receive a LEED rating of silver or higher level.”
- Under Section 2 added subsection (i) as follows: Establish the R4 standards for Pico Blvd between 11<sup>th</sup> Street and Euclid.
- Under Section 3, add language to apply same preference projects list as R2, R3 and R4 to R3R district.
- Under Section 6, add language so that the CM2 standards apply to the CM3 and CM4 districts where preferred permitted uses apply; allowing limited uses.
- Under Section 7, language regarding building height projections is being deleted.
- A new section will be added to reflect that the C2 preferred projects will have the same standards as the CM district.
- A new section will be added to address the C4 District standards. The language is the same as in the original ordinance. The preferred projects component will be added to include funeral homes, auto dealerships and places of worship. It will also include market rate apartments.
- A new section was added in the C6 district which includes the language for preferred permitted projects.

Motion to amend by Councilmember Genser, seconded by Councilmember McKeown, that in the CM3 & CM4 Districts, if it is not a preferred project, then the project can use CM2 development standards. The motion was approved by consensus.

Motion to amend by Councilmember McKeown to add back in LEED Silver for market rate apartments and condos and mixed use projects in all commercial zones. The motion was approved by consensus.

Councilmember McKeown re-stated his earlier motion and modified it as follows:

Motion by Councilmember McKeown, seconded by Councilmember Genser, to introduce ordinance for first reading, with the Planning Commission's recommendation, and with the new findings, as contained in the Supplemental Report dated September 12, 2006. In addition, include the waiver, and the changes read into the record by Mr. Rosenbaum and by Mr. Lait, with the above amendments.

The City Clerk requested clarification of the Assistant City Attorney on the details added to the amendments during discussion that are not made clear in the motions to amend, and that may need to be included in the minutes.

The Assistant City Attorney advised that the motion does not have to contain every word of every change, but should incorporate the changes as noted by Mr. Rosenbaum, at the beginning of the meeting; as well as the changes brought back by staff and discussed by City Council once reconvening on the matter.

The motion was approved by the following vote:

AYES: Councilmembers Bloom, McKeown, O'Connor, Genser,  
Mayor Holbrook  
NOES: Councilmember Katz  
ABSENT: Mayor Pro Tem Shriver

A copy of the ordinance, as amended, is attached to these minutes as Exhibit 1.

**COUNCIL ITEMS:**  
**SOCIAL SERVICES**

**13-A: Appointment to one special vacancy on the Social Services Commission for a term ending June 30, 2007.**

*Councilmember Katz, was excused at 12:31 a.m.*

On order of the Mayor, this appointment was continued to October 3, 2006.

**ANNUAL APPOINTMENTS**

**13-B: Annual appointments to the following boards and commissions:**

On order of the Mayor, the appointments were continued to October 3, 2006, except for the Recreation & Parks.

<b>Board/Commission</b>	<b>Vacancies</b>	<b>Term Ending</b>
Bayside District Corporation	1	06/30/2010
Comm. Senior Community	2	06/30/2010
Comm. Status of Women	1	06/30/2010
Conv. & Visitors Bureau	1	06/30/2010

On order of the Mayor, the floor was opened for nominations for the Recreation & Parks Commission.

Mayor Holbrook nominated Kristina Deutsch. Ms. Deutsch was appointed by acclamation with Councilmember Katz and Mayor Pro Tem Shriver absent.

**PROPOSITION 86 - TOBACCO TAX ACT**

**13-C: Request of Councilmember Bloom that the City Council adopt the Resolution No. 10168 (CCS),** in support of Proposition 86, the Tobacco Tax Act of 2006 which if passed by voters in November 2006 would raise the state's tobacco tax by an additional \$2.60/pack to reduce smoking, especially among children, and fund critical health care priorities, thereby reducing the healthcare cost burden on state and local governments; and reduce tobacco use, was presented.

Member of the public Colleen Callahan spoke in support of the proposal.

Members of the public Brian Hutchings and B.A. Gray spoke in opposition of the proposal.

Motion by Councilmember Bloom, seconded by Councilmember Genser, to adopt resolution, reading by title only and waiving further thereof. The motion was unanimously approved by voice vote with Councilmember Katz and Mayor Pro Tem Shriver absent.

**TAXI FRANCHISE AIR QUALITY CRITERIA**

**13-D: Request of Councilmember McKeown that, at the strong recommendation of members of the City's Task Force on the Environment, the Council direct staff to prepare an ordinance setting specified air quality performance criteria for awarding future taxi franchise agreements within the City of Santa Monica,** was presented.

Member of the public Brian Hutchings spoke in opposition to the request.

Member of the public Chad Lindholm and B.A. Gray expressed support for the request with some concerns.

Motion by Councilmember McKeown, seconded by Councilmember Genser, to ask staff to prepare an ordinance which requires that taxi cab operators in Santa Monica be required to operate cleaner fuel vehicles. The motion was unanimously approved by voice vote, with Councilmember Katz and Mayor Pro Tem Shriver absent.

**ARTS COMMISSION**

**13-E: Appointment to one annual vacancy on the Arts Commission for a term ending June 30, 2010.**

On order of the Mayor, this matter was continued to October 3, 2006.

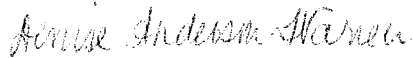
**PUBLIC INPUT:**

Members of the public Melvyn Klein and Art Casillas expressed various concerns.

**ADJOURNMENT:**

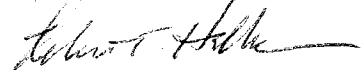
On order of the Mayor, the City Council meeting was adjourned at 12:57 a.m. to an adjourned meeting on October 3, 2006.

ATTEST:



Denise Anderson-Warren  
Acting City Clerk

APPROVED:



Robert T. Holbrook  
Mayor