

**CITY OF SANTA MONICA**

**CITY COUNCIL MINUTES**

**JULY 10, 2017**

A special meeting of the Santa Monica City Council was called to order by Mayor Winterer at 5:32 p.m., on Monday, July 10, 2017, at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Ted Winterer  
Mayor Pro Tem Glean Davis  
Councilmember Sue Himmelrich  
Councilmember Kevin McKeown  
Councilmember Pam O'Connor (*arrived at 6:00 p.m.*)  
Councilmember Terry O'Day (*arrived at 6:43 p.m.*)

Absent: Councilmember Tony Vazquez

Also Present: City Manager Rick Cole  
Interim Assistant City Attorney Alan Seltzer  
City Clerk Denise Anderson-Warren

**CONVENE/PLEDGE**

On order of the Mayor, the City Council convened at 5:32 p.m., with all members present except Councilmembers Vazquez, O'Connor and O'Day. Assistant City Manager Elaine Polachek led the assemblage in the Pledge of Allegiance.

**CLOSED SESSIONS**

*Councilmember O'Connor arrived at 6:00 p.m.*

*Councilmember O'Connor was excused at 6:37 p.m.*

There was no one present for public comment on closed sessions.

On order of the Mayor, the City Council recessed at 5:34 p.m., to consider closed sessions and returned at 6:37 p.m., with all members present, except Councilmembers Vazquez, O'Day, and O'Connor to report the following:

**1.A. Conference with Legal Counsel – Existing Litigation: Litigation has been initiated formally pursuant to Government Code Section 54956.9 (d)(1): Airbnb, Inc. and Homestay.com, Inc. v. City of Santa Monica, United States District Court, Central District of California, Western Division, Case Numbers 2:16-cv-6645, 2:16-cv-6641**

The Interim City Attorney advised this matter was heard with no reportable action taken.

**1.B. Conference with Legal Counsel – Existing Litigation – California Regional Water Quality Control Board, Clean Up and Abatement Order No. R4-2008-0034, Former Gillette Paper Mate**

**Facility, 1681 26th Street, Santa Monica, CA (modification of settlement agreement with Proctor & Gamble Company and Gillette Company)**

The Interim City Attorney advised Council to authorize the City Manager to execute documents to modify the Settlement Agreement with Gillette and Proctor & Gamble so that Gillette and Proctor & Gamble will pay the City by July 28, 2017 the sum of \$10,400,000, instead of the cumulative total amount of \$13,149,850 over the next 22 years.

Motion by Councilmember McKeown, seconded by Mayor Pro Tem Davis, to accept settlement Agreement No. 10488 (CCS) modification in the amount of \$10,400,000 from Proctor & Gamble Company and Gillette Company. The motion was approved by the following vote:

- AYES: Councilmembers McKeown, Himmelrich,  
Mayor Pro Tem Davis, Mayor Winterer  
NOES: None  
ABSENT: Councilmembers O'Connor, O'Day, Vazquez

**1.C. Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): Pico Neighborhood Association, Maria Loya and Advocates for Malibu Public Schools v. City of Santa Monica, Los Angeles Superior Court Case Number BC 616 804**

**1.D. Conference with Legal Counsel – Potential Litigation: Consideration of whether to initiate litigation pursuant to Government Code Section 54956.9 (d)(4): 1 case**

The Interim City Attorney advised this matter was heard with no reportable action taken.

**1.D. Conference with Legal Counsel – Potential Litigation: Consideration of whether to initiate litigation pursuant to Government Code Section 54956.9 (d)(4): 1 case**

The Interim City Attorney advised this matter was heard with no reportable action taken.

**REPORT ON COUNCIL TRAVEL**

There was nothing to report on Council travel.

**STAFF ADMINISTRATIVE ITEMS:**

Downtown Community Plan

**9.A. The Final Public Hearing Draft Downtown Community Plan and Associated Amendments to the Land use and Circulation Element, Civic Center Specific Plan, Zoning Ordinance, SMMC Chapter 9.53 and SMMC Article 8, was presented.**

**Recommended Action**

*Councilmember O'Connor  
returned at 6:41p.m.*

*Councilmember O'Day  
arrived at 6:43 p.m.*

Staff recommends that the City Council review and take action to make final changes to the following:

1. Final Public Hearing Draft Downtown Community Plan;
2. Downtown Community Plan Final Environmental Impact Report;
3. Associated amendments to the Land Use and Circulation Element;
4. Associated amendments to the Civic Center Specific Plan;
5. Associated amendments to the Zoning Ordinance;
6. Associated amendments to SMMC Chapter 9.53 (Transportation Demand Management);
7. Associated amendments to Article 8, Section 8.08.060 (Building Regulations)

Staff further recommends that Council direct staff to return on July 25, 2017 with resolutions to certify the EIR, adopt a Statement of Overriding Considerations, adopt the DCP, amend the LUCE, amend the CCSP, and first reading of an ordinance amending the Zoning Ordinance, SMMC Chapter 9.53, and SMMC Chapter 8.08, incorporating all changes made by majority vote of the Council after the public hearing.

Questions asked and answered of staff included: is Council deciding the fate of certain site projects tonight; a question about the number of minimum affordable housing that is required for developments in this plan; Is there a magic number to balancing out the FAR numbers; why would we not want to balance out the FAR in the Downtown district like the city has for other districts; why would there be a cap on the maximum number allowable for affordable housing; parking questions with regard to expanding the in-lieu fees, are there any thoughts to using that fee towards buying private parking spaces or other ways to reduce parking; can legal respond to questions raised about the EIR, increased affordability, artist/work live housing, priority to allow residents for those who work in Santa Monica as part of the downtown plan; address displaced residents, will units be replaced for those who lose their units; car share options; how much of the parking from the hotels can be in a centralized parking location that doesn't create big digging projects for underground parking; parking maximums, and what that should be, and provide incentives; 4<sup>th</sup> and 5<sup>th</sup> and Arizona project; and, shared parking downtown to facilitate allowing private property to allow parking instead of the developer providing parking.

Members of the public Corin Kahn, Scott Schonfeld, Daniel Shenise, Jerry Rubin, Julia Ladd, Laurel Rosen, Colby Goff, Carl Lisberger, Hunter Hall, Danny Shapiro, Danielle Wilson, Francis Engler, Maria Cortez (time donated by Jordan Greenslade), Jackie Martin, Ismelda Reyes (time donated by Nellie Ruiz), Donald Wilson, Devin Osiri, Reverend William Smart, Andre Thibodeaux, Abby Arnold, Daryl Forman, Edith Garcia (time donated by Joe Silva), Bill Dawson, Christina Navarro (time donated by Maggie Valenzuela), Matt Mullenaux, Gabriella Rosco (time donated by JC Arce), Michael Baroff, Dwight Flowers, Rayru Laborde, Natalya

Zernislaya, Gary Kavanagh, Rod Fisher, George Ruiz, Leonora Yettes, Gigi De Pourteles, George Gleason, Fred Zimmerman, Ellis O'Connor, Dustin Peterson, Alisha Reinhart, Juan Matute, Auo Guerboian, Eddie Guerboian, Jaclyn Durante, Michael Folonis, Bill Whitney, Jason Horn, Jason Islas (time donated by Rocksand Revine), Ebin Gibbins, Denny Zane, Mary Marlow, Kevin Kozal, Tim Hartes, Kenneth Kutcher, Paula Larmore, Gary Parker, Deborah Roetman, Babak Mozzafard, Zina Josephs, Jessica Ginther, Valerie Griffin, Lewis Perkins, Jennifer Polhewius, Maryanne LaGuardia, Shaun Boylan, Patricia Jardach, Bruria Finkel, Jan Williamson, Lenore Morrell, Ron Miller, Johnson Thurston, Richard Hilton, Hannah Levy, Dave Rand, Carl Hansen, Mike Salazar (time donated by Michele Perrone), Sara Faulds, Brian Derro, Carol Lemlein, Judy Abdo, and John Warfel, spoke on the recommended action, including addressing the need for more affordable housing, adding a park in the plan, issues with the EIR, adding Wilshire and Lincoln to the plan, height limits, reducing parking, office uses, preservation, density,

Members of the public John C. Smith, Phillip Schwartz, Hank Koning, Beth Hummer, Gwynne Pugh, Denise Barton, Cindy Bendat, Richard Orton, Andrew Kavros, Daniel Jansenson, Lauren Paull, Nikki Kolhoff, Diana Gordon (time donated by Nancy Morse), Kathy Knight, Cosmo Bua, Robin (Lauren) Derby, Josephine Wallace, Nancy Coleman, Ellen Brennan, Stephen Martin, Anne Rogers, Ellen Hannan, Cynthia Rose, Ron Goldman (time donated by Catherine Eldridge), Lori Brown, Dhun May, and Steve Linett spoke generally in opposition to the recommended action, and provided suggestions, improvements, and expressed concerns about the proposed plan.

On order of the Mayor, the Public Hearing was closed, and this item was continued to Tuesday, July 11, 2017.

**ADJOURNMENT**

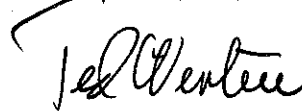
On order of the Mayor, the City Council meeting was adjourned at 12:16 a.m., and continued to Tuesday, July 11, 2017, at 6:30 p.m.

ATTEST:



Denise Anderson-Warren  
City Clerk

APPROVED:



Ted Winterer  
Mayor