

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

MARCH 21, 2023

A regular meeting of the Santa Monica City Council was called to order by Mayor Davis at 5:40 p.m., on Tuesday, March 21, 2023, at City Council Chambers, 1685 Main Street, Santa Monica, CA.

Roll Call: Present: Mayor Glean Davis
Mayor Pro Tem Lana Negrete
Councilmember Phil Brock
Councilmember Oscar de la Torre (*arrived at 5:42 p.m.*)
Councilmember Christine Parra
Councilmember Caroline Torosis
Councilmember Jesse Zwick

Also Present: City Manager David White
City Attorney Douglas Sloan
City Clerk Denise Anderson-Warren

CONVENE

On order of the Mayor, the City Council convened at 5:40 p.m., with all members present except Councilmember de la Torre.

GENERAL PUBLIC

INPUT:

Councilmember de la Torre arrived at 5:42 p.m.

Members of the public Denise Barton, Johnathan Foster, Troy Robinson, and Isabel Cruz commented on various local issues.

**PUBLIC INPUT FOR
CLOSED SESSION,
SPECIAL AGENDA
ITEMS AND CONSENT
CALENDAR ONLY:**

There were no members of the public present to comment on closed session, special agenda items or Consent Calendar items.

**PROCLAMATIONS/
COMMENDATIONS**

4.A. Proclamation: Red Cross Month, was presented.

CLOSED SESSIONS

On order of the Mayor, the City Council recessed at 5:55 p.m., to consider closed sessions and returned at 6:59 p.m., with all members present, to report the following:

3.A. Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9(d)(1): Thomas Metzger v. City of Santa Monica; LASC Case No. 21STCV36815

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

3.B. Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9(d)(1): City of Santa Monica, et al. v. 1238 10th Street, LLC., et al.; LASC Case No.

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

3.C. Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9 (d)(1): NMS 1539, LLC., et al. v. City of Santa Monica, et al.; Central District of California Case No. 2:20-cv-11318-FLA(JPRx)

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

3.D. Conference with Legal Counsel – Anticipated Litigation – Government Code section 65589.5(d): WS Communities v. City of Santa Monica

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

**SPECIAL AGENDA
ITEMS:**

**REPORT ON COUNCIL
TRAVEL**

4.B. City Manager's Report, was presented.

Councilmember Brock reported that he traveled to Monterey, CA for the Civic Well Conference where a lot of conversations about infrastructure and Councilmember Zwick also attended the same conference where there was a lot of discussion on Climate resiliency, Climate issues as it relates to Housing and transportation issues.

CONSENT CALENDAR:

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

Motion by Councilmember Brock, seconded by Councilmember Torosis, to approve the Consent Calendar, reading resolutions by title only and waiving further reading thereof. The motion was approved by the following vote:

AYES: Councilmembers de la Torre, Torosis, Brock, Parra, Zwick,
Mayor Pro Tem Negrete, Mayor Davis

NOES: None

ABSENT: None

GRANT AWARD

5.A. Accept Officer Wellness & Mental Health Grant, was approved.

Recommended Action

Staff recommends that the City Council:

1. Adopt a finding of no possibility of significant effect pursuant to Section 15061(b)(3) (Common Sense Exemption) of the California Environmental Quality Act (CEQA) Guidelines.
2. Authorize the City Manager to accept a grant awarded in the amount of \$141,118.62 from the California Board of State and Community Corrections (BSCC) for the Officer Wellness and Mental Health Grant Award.
3. Authorize the City Manager to execute all necessary documents to accept the grant and all grant renewals.
4. Authorize budget changes as outlined in the Financial Impacts and Budget Actions section of this report.

SANTA MONICA COLLEGE

5.B. Approval of First Modification to Contract #11059, Any Line Any Time Pass Program for Santa Monica College, was approved.

Recommended Action

Staff recommends that the City Council:

1. Adopt a finding of no possibility of significant effect pursuant to Section 15061(b)(3) (Common Sense Exemption) of the California Environmental Quality Act (CEQA) Guidelines.
2. Authorize the City Manager to negotiate and execute a first modification to Contract #11059, the “Any Line, Any Time” unlimited ride transit program agreement with Santa Monica College (SMC), to extend the term of the agreement by one year through June 30, 2024, and to receive compensation in the amount of \$1,129,000 from SMC for the remaining two contract years ending June 30, 2024.

PUBLIC INPUT ON REMAINING AGENDA ITEMS:

Members of the public Jenny Hontz, Ed Mendoza, Joanna Elliot, Michelle Ashford, Allison Abner, Alejandra Pedroza, Luis Pedroza, Silvia Chavez, Denise Barton, and Kevin Kozal commented on Item 10.A.

Member of the public Denise Barton commented on Item 16.A.

Members of the public Denise Barton, Johnathan Foster, Marcus Stilwell, and Ericka Lesley commented on Item 16.B.

Members of the public Balvino, Patricia Gomez, Alfredo Miguel, Johnathan Foster, Dulce, Carlos Uluan, Delia Lopez, Jorge Cruz, Marina Garcia, Carmen Garcia, and Angelica commented on Item 16.C.

ORDINANCES:
HOUSING ELEMENT

10.A. Housing Element Implementation, was presented.

Recommended Action

Staff recommends that the City Council:

1. Adopt a finding that the proposed amendments to the LUCE, DCP, BAP, and Zoning Ordinance, LUCE designation map, and Zoning Districting Map, LUCE designation map, and Zoning Districting Map were analyzed as part of the 2021-2029 6th Cycle Housing Element Environmental Impact Report (EIR) and Addendum, and no further review pursuant to the California Environmental Quality Act (CEQA);
2. Adopt a finding that the proposed extension of the Urgency Interim Zoning Ordinance are categorically exempt from the provisions of the CEQA pursuant to Section 15061(b)(3) of the State Implementation Guidelines (common sense exemption);
3. Adopt Resolution No. 11512 (CCS) Amending the Text of the Land Use and Circulation Element of the General Plan for Consistency with the Goals, Policies and Programs set forth in the 6th Cycle (2021-2029) Housing Element; (Requires 5 votes to pass)
4. Adopt Resolution No. 11513 (CCS) Amending the Text of the Bergamot Area Plan for Consistency with the Goals, Policies and Programs set forth in the 6th Cycle (2021-2029) Housing Element;
5. Adopt Resolution No. 11514 (CCS) Amending the Text of the Downtown Community Plan for Consistency with the Goals, Policies and Program set forth in the 6th Cycle (2021-2029) Housing Element; (Requires 5 votes to pass)
6. Introduce for First Reading of an Ordinance Amending the Text of the Zoning Ordinance for Consistency with the Goals, Policies, and Programs set forth in the 6th Cycle (2021-2029) Housing Element; for Consistency with Updates to State Law Related to Housing Production and Minimum Parking Requirements; and to Make Minor Changes, Clarifications and Corrections Including Modifications to Parcel Coverage Limitations for Existing Structures in the R1 (Single-Unit) District and Modifications to the Standards for Accessory Structures;
7. Adopt Resolution No. 11515 (CCS) Amending the General Plan Land Use Map for Consistent Designation of Identified Parcels;
8. Introduction for First Reading of an Ordinance Amending the Official Districting Map for Consistent Designation of Identified Parcels;
9. Introduction and First Reading of an Ordinance Amending the Official Districting Map for Properties Located at 1811 Warwick and 1808 34th Avenue; and
10. Introduce and Adopt Emergency Interim Zoning Ordinance No. 2740 (CCS) to extend interim regulations established by Emergency Interim Zoning Ordinance Number 2633 (CCS) and amended and

extended by Emergency Interim Zoning Ordinance Numbers 2645, 2692, and 2699 (CCS) to increase thresholds for review of one hundred percent affordable housing projects and certain Tier 2 housing projects subject to the Housing Accountability Act by Administrative Approval.

Questions asked and answered of staff included: regarding the ARB review, how does staff plan to make sure a project gets through the process in an efficient manner; if a project has been deemed code compliant and it hasn't gone through the ARB process, can the project still be approved; would there be some sort of internal process to priorities housing projects through the ARB process in a timely manner; explain reconciling the two parcels in the Pico neighborhood with the LUCE and the Zoning code; were the owners and neighbors of the two parcels in the Pico neighborhood notified; is there any downside to upzoning the inconsistent parcels in the city; what does upzoning mean in stories and feet for a building; is the NC on Main Street being upzoned; have you thought about bifurcating on Main Street for lot consolidation; what is the rationale to get rid of the 20% for inclusionary housing, and reduce it down to 15%; how many units can be placed on a parcel when a lot is upzoned from R1 to R2; what are the three properties on Pico Blvd that are on the SSI list and can be consolidated; if the Council truly wants 100 percent affordable housing, why not make the inclusionary number 90 percent; was there any analysis for the downtown area showing that having a higher inclusionary number does not equate to more affordable housing; are the parcels in the Pico neighborhood close to transit and fall under SB9, which means they could become multi-family anyway; what are the consequences if Council doesn't approve the two parcels in the Pico neighborhood; what is the impact of small businesses with the loss of parking lots; what opportunities of community engagement is planned moving forward for these housing projects; is it realistic to propose going 90 percent inclusionary housing citywide; if the city kept the block on Main from Ocean Park to Navy at a 6,000 sq ft lot consolidation, would that make HCD consider making our Housing Element non-compliant; is there a plan to better communicate with the community moving forward on any zoning/LUCE inconsistencies; have actual developers say that they can't build downtown with the 20% inclusionary, is that right; is having a 20% inclusionary downtown and 15% outside of downtown potentially pushing more density in the outside communities; if we kept the lot consolidation on Main Street at 6,000 and no housing was built, would we have to explain that to HCD; if we don't meet our housing requirements, would we be out of compliance; if we fall out of compliance, would we potentially see more builders remedy projects built; what tools do residents have if their neighbor wants to add to their property and the neighbor is not in favor.

Considerable discussion ensued on topics including, but not limited to: support limitations on lot consolidation; proposed a small lot overlay for

builders who only wanted to build on one lot, instead of lot consolidation; incentivize small lot development for mixed-used projects in corridors; slow things down as much as possible, so that the community can catch up and feel like they're a part of this discussion; the issue is developers against the residents, and affordable housing versus market housing; developers need to be more thoughtful when designing housing; affordability is not just about housing, it's about affordability in the community; figure out a way to keep the character of the community and consider those who live in the community; in favor of lot consolidation, if it's going to become a park; if we're going to keep equity and diversity in this community, it has to be about the community and local community businesses; bifurcate Main Street between Ocean Park and Navy for lot consolidation to not go beyond 6,000 sq ft.; there hasn't been a real commercial plan for those on Pico Blvd; how to prioritize residents for new affordable housing units; how to give homeownership to those who are local residents; create a more robust homeownership program, not just affordable housing; there should be some type of required notification for neighbors and property owners whenever their property is being upzoned or zoning changes occur; how to develop a local workforce to keep those who live here to work in the city; create workforce housing; keep the 20% inclusionary and revisit in six months; if we do not build affordable housing, more residents in the community will be displaced; if we are truly committed to building an affordable community, we are going to have to build more housing.

Motion by Councilmember Brock, seconded by Councilmember Torosis,
to: 1) Adopt a finding that the proposed amendments to the LUCE, DCP, BAP, and Zoning Ordinance, LUCE designation map, and Zoning Districting Map, LUCE designation map, and Zoning Districting Map were analyzed as part of the 2021-2029 6th Cycle Housing Element Environmental Impact Report (EIR) and Addendum, and no further review pursuant to the California Environmental Quality Act (CEQA); 2) Adopt a finding that the proposed extension of the Urgency Interim Zoning Ordinance are categorically exempt from the provisions of the CEQA pursuant to Section 15061(b)(3) of the State Implementation Guidelines (common sense exemption); and, 3) Adopt a Resolution Amending the Text of the Land Use and Circulation Element of the General Plan for Consistency with the Goals, Policies and Programs set forth in the 6th Cycle (2021-2029) Housing Element.

The motion was approved by the following vote:

AYES: Councilmembers Zwick, Parra, Brock, Torosis, de la Torre,
Mayor Pro Tem Negrete, Mayor Davis
NOES: None
ABSENT: None

Motion by Councilmember Zwick, seconded by Councilmember Brock, to adopt a Resolution Amending the Text of the Bergamot Area Plan for Consistency with the Goals, Policies and Programs set forth in the 6th Cycle (2021-2029) Housing Element, with the amendment to upzone the one square block of the CCS between Berkeley Street and Stanford Street, Pennsylvania Avenue and Nebraska Avenue to what was proposed as a 3.25 Floor Average Rate (FAR) and 70 feet, while still preserving the step down between that and the R2 zones in the rest of the CCS. The motion was approved by the following vote:

AYES: Councilmembers de la Torre, Torosis, Brock, Zwick,
Mayor Pro Tem Negrete, Mayor Davis
NOES: Councilmember Parra
ABSENT: None

Motion by Councilmember Brock, seconded by Councilmember de la Torre, to adopt a Resolution Amending the Text of the Downtown Community Plan for Consistency with the Goals, Policies and Program set forth in the 6th Cycle (2021-2029) Housing Element. The motion was approved by the following vote:

AYES: Councilmembers Zwick, Parra, Brock, Torosis, de la Torre,
Mayor Pro Tem Negrete, Mayor Davis
NOES: None
ABSENT: None

Motion by Councilmember Brock, seconded by Councilmember de la Torre, to introduce for First Reading of an Ordinance Amending the Text of the Zoning Ordinance for Consistency with the Goals, Policies, and Programs set forth in the 6th Cycle (2021-2029) Housing Element; for Consistency with Updates to State Law Related to Housing Production and Minimum Parking Requirements; and to Make Minor Changes, Clarifications and Corrections Including Modifications to Parcel Coverage Limitations for Existing Structures in the R1 (Single-Unit) District and Modifications to the Standards for Accessory Structures, with an amendment for housing projects consolidation of lots on Main Street north of Ocean Park up to 15,000 sq ft., south of Ocean Park up to 11,000 sq feet, and for commercial development projects would be limited to 6,000 sq ft.

Substitute motion by Mayor Davis, seconded by Councilmember Torosis, to adopt the staff recommendation to introduce for First Reading of an Ordinance Amending the Text of the Zoning Ordinance for Consistency with the Goals, Policies, and Programs set forth in the 6th Cycle (2021-2029) Housing Element; for Consistency with Updates to State Law Related to Housing Production and Minimum Parking Requirements; and to Make Minor Changes, Clarifications and Corrections Including

Modifications to Parcel Coverage Limitations for Existing Structures in the R1 (Single-Unit) District and Modifications to the Standards for Accessory Structures.

The substitute motion failed by the following vote:

AYES: Councilmembers Torosis, Zwick,
Mayor Pro Tem Negrete, Mayor Davis
NOES: Councilmember de la Torre, Brock, Parra,
Mayor Pro Tem Negrete
ABSENT: None

The main motion, with amendments was approved by the following vote:

AYES: Councilmembers Parra, Brock, de la Torre,
Mayor Pro Tem Negrete
NOES: Councilmembers Zwick, Torosis, Mayor Davis
ABSENT: None

Councilmember Zwick stated his no vote was because under current building standards, 15,000 sq. ft. is necessary and anything less would present a severe constraint on housing production, potentially conflicting with our Certified Housing Element, and is nervous that this will make us run afoul of HCD and potentially the Attorney General as well.

Mayor Davis stated her no vote in agreement with Councilmember Zwick, but also sees no reason to bifurcate between north of Ocean Park and south of Ocean Park. She thinks they are both equally charming and discriminating between one and the other makes no sense.

Councilmember Torosis stated her no vote is in agreement with Councilmember Zwick and Mayor Davis, and that this could potentially pose a constraint on housing and is concerned that we will be deemed out of compliance.

Motion by Councilmember de la Torre, seconded by Councilmember Parra,
to: 1) adopt a Resolution Amending the General Plan Land Use Map for Consistent Designation of Identified Parcels; and, 2) Introduce for First Reading of an Ordinance Amending the Official Districting Map for Consistent Designation of Identified Parcels, omitting properties located at 1808 34th Street, 1811 24th Street and 1811 Warwick Avenue.

The motion was approved by the following vote:

AYES: Councilmembers Zwick, Parra, Brock, Torosis, de la Torre,
Mayor Pro Tem Negrete, Mayor Davis

NOES: None

ABSENT: None

Introduce for First Reading of an Ordinance Amending the Official Districting Map for Properties Located at 1811 Warwick and 1808 34th Avenue, was not considered or voted on.

Motion by Councilmember Torosis, seconded by Councilmember Zwick, to Introduce and Adopt an Emergency Interim Zoning Ordinance to extend interim regulations established by Emergency Interim Zoning Ordinance Number 2633 (CCS) and amended and extended by Emergency Interim Zoning Ordinance Numbers 2645, 2692, and 2699 (CCS) to increase thresholds for review of one hundred percent affordable housing projects and certain Tier 2 housing projects subject to the Housing Accountability Act by Administrative Approval. The motion was approved by the following vote:

AYES: Councilmembers de la Torre, Torosis, Brock, Parra, Zwick,
Mayor Pro Tem Negrete, Mayor Davis

NOES: None

ABSENT: None

Motion by Councilmember Zwick, seconded by Mayor Davis, to direct the City Manager in coordination with the Director of Community Development and the Fire Chief to incorporate the Principles of Walkable and Beautiful Mixed-Use Streets embodied by a Livable Communities Initiative (LCI) in studying new development standards and building code updates that would apply exclusively to a small lot 7500 square feet mixed-use developments on commercial corridors, and that this proposed small lot overlay should explore vertical shared access with additional fire safety measures above three stories, new out-of-court and open space standards that allow for interior courtyards and lightwells to provide light to residents, reduced impact fees and objective design standards developed in consultation with neighborhood groups, further that the City Manager and staff shall report back to City Council within 180 days on progress towards the development of the new standards.

Councilmember Brock proposed a friendly amendment to not give a time limit to staff to return, but to support them coming back with a study to Council. The motion was considered friendly to the maker and seconder.

Councilmember de la Torre proposed a friendly amendment to ask staff to engage with all stakeholders including existing neighborhood groups,

business improvement districts, property owners, residents, and all other stakeholders within the city who might have an opinion about this, and who would also like to see some development, and making sure that as they go through this process that they look at ways to enliven the boulevards using some of the processes suggested by LCI that would make the businesses there even more attractive to residents and businesses.

The maker of the motion amended the motion to broaden direction to staff to study new development standards that would apply exclusively to small lot mixed-used developments, and bring it back for further consideration. The amended motion was considered approved by the seconder. The motion was approved, with Councilmember Parra voting no.

Motion by Councilmember de la Torre, seconded by Mayor Pro Tem Negrete, to direct staff to examine the possibility of rent to own or affordable home ownership as part of the Affordable Housing associated with Measure GS funds.

Mayor Davis proposed a friendly amendment to not only examine the technical possibility of doing this, but also the costs (financial analysis) to incorporate a program like this. The amendment was considered friendly by the maker and seconder.

Councilmember Torosis proposed a friendly amendment to explore what's happening in the context of the new Housing and Homelessness department that staff has been directed to proceed with, but that would be separate from Planning and the Housing Element. Look at Tenant Opportunity to Purchase Act (TOPA), link up with sister jurisdictions who are looking into this to see how we can leverage some of the resources to see how it's already been done, and that we explore the opportunities around land trust model as a vehicle for shared wealth. The amendment was considered friendly by the maker and seconder.

The motion was unanimously approved by voice vote, with all members present.

CONTINUE MEETING

Motion by Mayor Pro Tem Negrete, seconded by Councilmember Zwick, to continue the Council meeting past 11:00 p.m. The motion was unanimously approved by voice vote, with all members present.

COUNCILMEMBER DISCUSSION ITEMS: COUNCIL RULES

16.A. Request of Mayor Davis that Council direct the City Manager and/or City Attorney to return with an amendment to the Council Rules Resolution, Rule 6(s) Councilmember Discussion Items to clarify that 16 items are to provide Policy direction only, and that staff can assist in the development of language for a 16 item, but that no resolutions or ordinances should be developed or drafted until a

majority of Council gives direction to the City Manager and/or the City Attorney. The exception would be resolutions for advocacy, was presented.

Motion by Mayor Davis, seconded by Councilmember Zwick, to approve the recommendation. The motion was unanimously approved by voice vote, with all members present.

VISION ZERO PLAN

16.B. Statistics demonstrate that automobiles are the leading cause of death for children aged 5-14 in LA County and Santa Monica has adopted a Vision Zero plan to eliminate all traffic fatalities and severe injuries, while increasing safe, healthy, equitable mobility for all. To this end, the following is a request of Councilmembers Zwick and Torosis that the City Council direct the City Manager to report back in 60 days on the cost and timeline for the implementation of a pilot program augmenting the city's Vision Zero plan with safety-enhancing signal improvements at select intersections, including:

1. Banning Right on Red at all “scramble” intersections in DTSM, and other select intersections where data indicates it would improve safety.

2. Reprogramming traffic signals to operate on "pedestrian recall" and utilize a Leading Pedestrian Interval (LPI) at 10 priority intersections as determined by data from Santa Monica’s high-injury network, as well as data on frequency of pedestrian use, was presented.

Motion by Councilmember Zwick, seconded by Councilmember Torosis, to approve the recommendation.

Councilmember Brock proposed a friendly amendment to expand the pilot program to look at intersection that are not signaled that could maybe use traffic enhancements. The amendment was considered friendly by the maker and seconder.

The motion, with amendments was unanimously approved by voice vote, with all members present.

STREET VENDING

16.C. Request of Councilmembers Zwick, Torosis, and de la Torre that the Council direct the City Manager to ensure that staff engage in meaningful consultation with persons authorized to vend pursuant to SMMC sections 6.36.030(f) and (g) regarding implementation of and proposed changes to sidewalk vending policies in the City. Specifically, staff are to arrange for such consultation in a culturally competent and linguistically appropriate manner to achieve meaningful engagement and input when substantive changes to vending policies are being considered that address time, place, and manner regulations or alterations to permitting or enforcement policies and practices. Such

consultation should include, but not be limited to, in-person meetings, notices and solicitation of feedback via e-mail and/or mail, and production of outreach materials to be distributed by staff in the field. This consultation should include advance written notice to all permitted vendors with at least a 20-day period of public comment following the solicitation of vendor input prior to making substantive changes to Sidewalk Vending Administrative Regulations or placing proposed changes on the Council agenda. Staff shall ensure that engagement is conducted in English and Spanish through bilingual written materials and presence of a Spanish language interpreter at vendor engagement meetings and Council meetings when vending policies are being considered. City staff is further directed to engage in ongoing dialogue with its permitted sidewalk vending community regarding several items of importance—including vending cart compliance, enforcement practices, enhanced signage, expanded opportunities and zones for permissible vending, and methods of allocating designated spaces to vend—to ensure a thriving and inclusive Santa Monica for all, was presented.

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

AYES: Councilmembers Zwick, Torosis, de la Torre,
Mayor Pro Tem Negrete, Mayor Davis
NOES: Councilmembers Parra, Brock
ABSENT: None

ADJOURNMENT

On order of the Mayor, the City Council meeting adjourned at 1:03 a.m.

ATTEST:

DocuSigned by:

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Denise Anderson-Warren
City Clerk

APPROVED:

DocuSigned by:

8FE4004DAD0B40B...

Glean Davis
Mayor