AGENDA
EL SEGUNDO CITY COUNCIL
COUNCIL CHAMBERS - 350 Main Street

The City Council, with certain statutory exceptions, can only take action upon properly posted and listed agenda items. Any writings or documents given to a majority of the City Council regarding any matter on this agenda that the City received after issuing the agenda packet are available for public inspection in the City Clerk's office during normal business hours. Such Documents may also be posted on the City's website at www.elsegundo.org and additional copies will be available at the City Council meeting.

Unless otherwise noted in the Agenda, the Public can only comment on City-related business that is within the jurisdiction of the City Council and/or items listed on the Agenda during the Public Communications portions of the Meeting. Additionally, the Public can comment on any Public Hearing item on the Agenda during the Public Hearing portion of such item. The time limit for comments is five (5) minutes per person.

Before speaking to the City Council, please come to the podium and state: Your name and residence and the organization you represent, if desired. Please respect the time limits.

Members of the Public may place items on the Agenda by submitting a Written Request to the City Clerk or City Manager's Office at least six days prior to the City Council Meeting (by 2:00 p.m. the prior Tuesday). The request must include a brief general description of the business to be transacted or discussed at the meeting. Playing of video tapes or use of visual aids may be permitted during meetings if they are submitted to the City Clerk two (2) working days prior to the meeting and they do not exceed five (5) minutes in length.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact City Clerk, 524-2305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, JANUARY 18, 2011 – 5:00 P.M.

Next Resolution # 4702
Next Ordinance # 1458

5:00 P.M. SESSION

CALL TO ORDER

ROLL CALL

PUBLIC COMMUNICATION – (Related to City Business Only – 5 minute limit per person, 30 minute limit total) Individuals who have received value of $50 or more to communicate to the City Council on behalf of another, and employees speaking on behalf of their employer, must so identify themselves prior to addressing the City Council. Failure to do so shall be a misdemeanor and punishable by a fine of $250.
SPECIAL ORDER OF BUSINESS:

CLOSED SESSION:
The City Council may move into a closed session pursuant to applicable law, including the Brown Act (Government Code Section §54960, et seq.) for the purposes of conferring with the City's Real Property Negotiator; and/or conferring with the City Attorney on potential and/or existing litigation; and/or discussing matters covered under Government Code Section §54957 (Personnel); and/or conferring with the City's Labor Negotiators; as follows:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Gov't Code §54956.9(a)) -1- matter

1. City of El Segundo vs. City of Los Angeles, et. al. LASC Case No. BS094279

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code §54956.9(b): -1- Initiation of litigation pursuant to Government Code §54956.9(c): -1- matter.

APPOINTMENT OF PUBLIC EMPLOYEE (Gov't. Code § 54957) -1- matter
Position/Title: City Manager

CONFERENCE WITH CITY'S LABOR NEGOTIATOR (Gov't Code §54957.6): -0- matters

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov't Code §54956.8): -0- matters
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REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, JANUARY 18, 2011 - 7:00 P.M.

7:00 P.M. SESSION

CALL TO ORDER

INVOCATION – Pastor Scott Lambert, Hilltop Church of Christ

PLEDGE OF ALLEGIANCE – Council Member Carl Jacobson
PRESENTATIONS

a. Presentation of trophies to the 2010 Holiday Parade winners by the El Segundo Chamber of Commerce – Marsha Hansen, Executive Director.
b. Presentation of an official Commendation to Peter and Edna Freeman for their years of community service to the City of El Segundo.

ROLL CALL

PUBLIC COMMUNICATIONS — (Related to City Business Only — 5 minute limit per person, 30 minute limit total) Individuals who have received value of $50 or more to communicate to the City Council on behalf of another, and employees speaking on behalf of their employer, must so identify themselves prior to addressing the City Council. Failure to do so shall be a misdemeanor and punishable by a fine of $250. While all comments are welcome, the Brown Act does not allow Council to take action on any item not on the agenda. The Council will respond to comments after Public Communications is closed.

A. PROCEDURAL MOTIONS

Consideration of a motion to read all ordinances and resolutions on the Agenda by title only.
Recommendation – Approval.

B. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)

1. Consideration and possible action to open a public hearing and receive testimony regarding: 1) an Environmental Assessment for a proposed Negative Declaration; 2) a Specific Plan Amendment amending the Smoky Hollow Specific Plan Land Use Plan; and 3) a Zone Text Amendment amending the El Segundo Municipal Code (“ESMC”) regulating the permitted uses in the Small Business (SB) and Medium Manufacturing (MM) Zones. Applicant: Matt Crabbs (Fiscal Impact: N/A)

Recommendation – (1) Open the public hearing; (2) Discussion; (3) Introduce, and waive first reading of an Ordinance for Specific Plan Amendment No. 10-01 and Zone Text Amendment No. 10-04; (4) Schedule second reading and adoption of the Ordinance on February 1, 2011 or on the first regularly scheduled meeting thereafter; (5) Alternatively, discuss and take other possible action related to this item.
2. Consideration and possible action regarding a public hearing related to the Proposition 218 majority protest ballot process for Residential Trash Collection. (Fiscal Impact: Up to $560,700 in annual savings if the fee is imposed.)

Recommendation – (1) Open the Public Hearing; (2) Receive all written and verbal testimony regarding the proposed fee increases, including receiving written protest ballots; (3) Close the public hearing; (4) Take no further action until the Council is presented with the protest ballot results at the February 1, 2011 Regular City Council Meeting; (5) Alternatively, discuss and take other action related to this item.

C. UNFINISHED BUSINESS

3. Consideration and possible action regarding Adoption of the Resolutions updating the employer's contribution under the Public Employees’ Medical and Hospital Care Act for the El Segundo Fire Fighters’ Association, the El Segundo Police Officers’ Association, the El Segundo City Employees’ Association, the El Segundo Police Support Services Association, and the El Segundo Supervisory and Professional Employees’ Association. Fiscal Impact: Active Employees: $31,600; Retirees $32,600.

Recommendation – (1) Adopt the Resolutions; (2) Alternatively, discuss and take other action related to this item.

D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

E. CONSENT AGENDA

All items listed are to be adopted by one motion without discussion and passed unanimously. If a call for discussion of an item is made, the item(s) will be considered individually under the next heading of business.

4. Warrant Numbers 2580178 to 2580365 on Register No. 6 in the total amount of $975,932.53 and Wire Transfers from 12/09/10 through 12/22/10 in the total amount of $1,624,953.38; and Warrant Numbers 2580564 to 2580727 on Register No. 7 in the total amount of $413,993.75 and Wire Transfers from 12/23/10 through 01/06/11 in the total amount of $619,616.42.

Recommendation – Approve Warrant Demand Registers and authorize staff to release. Ratify: Payroll and Employee Benefit checks; checks released early due to contracts or agreement; emergency disbursements and/or adjustments; and wire transfers.

Recommendation – Approval.

6. Consideration and possible action regarding approval of revised Class Specifications for the classifications of Police Officer Trainee and Construction Coordinator (At-Will). (Fiscal Impact: None)

Recommendation – (1) Approve the proposed Class Specifications for Police Officer Trainee and Construction Coordinator (At-Will); (2) Alternatively, discuss and take other action related to this item.

7. Consideration and possible action to adopt a resolution approving a list of capital projects recommended for Measure R Highway Program funding and authorize the City Manager to execute all documents necessary for the administration of projects funded through Measure R. (Fiscal Impact: Approximately $4.4 million reimbursement of Measure R grant funds under Phase 1.)

Recommendation – (1) Adopt the attached resolution; (2) Alternatively, discuss and take other action related to this item.

8. Consideration and possible action regarding approval of an agreement between the City of El Segundo, West Basin Municipal Water District (WBMWD), and El Segundo Energy Center (ESEC) for construction of a recycled water pipeline (RW) and a potable water pipeline (PW) for additional water services to ESEC. (Fiscal Impact: None)

Recommendation – (1) Approve an agreement between the City, WBMWD and ESEC; (2) Authorize the City Manager to execute the agreement, in a form approved by the City Attorney, related to the design, permit, finance, and construction of the water pipelines by WBMWD for water services to ESEC; (3) Alternatively, discuss and take other action related to this item.
9. Consideration and possible action regarding: 1) approval of an updated list of pre-approved consultants that provide environmental review services pursuant to California Environmental Quality Act guidelines (CEQA) and National Environmental Policy Act (NEPA) regulations to assist the City in the processing of entitlement projects; and 2) to authorize the City Manager to execute Professional Services Agreements in an amount not to exceed $200,000 (increased from $125,000 currently), in a form approved by the City Attorney, for developer reimbursed environmental review services pursuant to CEQA and NEPA regulations from the pre-approved list of consultants (Fiscal Impact: None)

Recommendation – (1) Approve the attached list of consultants to provide environmental review and traffic consultant services; (2) Authorize the City Manager to sign Professional Service Agreements for developer reimbursed environmental review services approved as to form by the City Attorney in an amount not to exceed $200,000; (3) Alternatively, discuss and take other possible action related to this item.

10. Consideration and possible action regarding adoption of Plans and Specifications for the 2010-2011 annual contract for curb, gutter, sidewalk and other minor improvements at various locations citywide. Approved Capital Improvement Program. Project No.: PW 11-01 (Fiscal Impact: $50,000 Gas Tax funds)

Recommendation – (1) Adopt Plans and Specifications; (2) Authorize staff to advertise the project for receipt of construction bids; (3) Alternatively, discuss and take other action related to this item.

11. Consideration and possible action to allow banners from the El Segundo High School Band to be hung over Main Street at no cost. (Fiscal Impact: $178)

Recommendation – (1) Approve the request from the El Segundo High School Band regarding its banners; (2) Alternatively, take such additional, related, action that may be desirable.

12. Consideration and possible action to receive the proceeds from the sale of Fire Station #2. Net proceeds: $1,539,685.65. (Fiscal Impact: $1,539,685.65 Proceeds from Sale deposited to the Economic Uncertainty Fund.)

Recommendation – (1) Receive proceeds from the sale of Fire Station #2; (2) Alternatively discuss and take other action related to this item.
CALL ITEMS FROM CONSENT AGENDA

F. NEW BUSINESS

G. REPORTS – CITY MANAGER

H. REPORTS – CITY ATTORNEY

I. REPORTS – CITY CLERK

13. Consideration and possible action regarding an initiative (the “Initiative”) amending the El Segundo Municipal Code to transfer all functions of the El Segundo Fire Department to the Consolidated Fire Protection District of Los Angeles County (aka the Los Angeles County Fire Department). (Fiscal Impact: Unknown)

Recommendation – (1) Adopt a resolution certifying the Initiative as qualifying for the ballot. (2) OPTION ONE: Adopt Resolutions calling for a special election regarding the Initiative, and consider adoption of Resolutions regarding ballot arguments, City Attorney impartial analysis and rebuttal arguments; (3) OPTION TWO: Adopt Resolutions calling for a regular election and consider adoption of Resolutions regarding ballot arguments, City Attorney impartial analysis and rebuttal arguments; (4) OPTION THREE: Adopt the Ordinance or schedule a Council Meeting within 10 days and consider adoption of the Ordinance at that meeting; (5) OPTION FOUR: Continue consideration of the actions set forth in 2, 3 and 4 above, for a period not to exceed 30 calendar days, to a regular Council Meeting and request Staff to prepare a report pursuant to Elections Code § 9212; (6) Take such additional, related, action that may be desirable.

J. REPORTS – CITY TREASURER

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Fuentes –

Council Member Brann –
Council Member Jacobson –

Mayor Pro Tem Fisher –

Mayor Busch –

Announcement of retirees for 2010

PUBLIC COMMUNICATIONS – (Related to City Business Only – 5 minute limit per person, 30 minute limit total) Individuals who have received value of $50 or more to communicate to the City Council on behalf of another, and employees speaking on behalf of their employer, must so identify themselves prior to addressing the City Council. Failure to do so shall be a misdemeanor and punishable by a fine of $250. While all comments are welcome, the Brown Act does not allow Council to take action on any item not on the agenda. The Council will respond to comments after Public Communications is closed.

MEMORIALS –

CLOSED SESSION

The City Council may move into a closed session pursuant to applicable law, including the Brown Act (Government Code Section §54960, et seq.) for the purposes of conferring with the City’s Real Property Negotiator; and/or conferring with the City Attorney on potential and/or existing litigation; and/or discussing matters covered under Government Code Section §54957 (Personnel); and/or conferring with the City’s Labor Negotiators.

REPORT OF ACTION TAKEN IN CLOSED SESSION (if required)

ADJOURNMENT

POSTED:

DATE: Jan. 12, 2011

TIME: 11:45 a.m.

NAME: [Signature]
PRESENTATIONS

a. Presentation of trophies to the 2010 Holiday Parade winners by the El Segundo Chamber of Commerce – Marsha Hansen, Executive Director.
Commendation  City of El Segundo, California

WHEREAS, Peter and Edna Freeman have been residents of El Segundo since 1957; and

WHEREAS, The Senior Citizen Housing Board Corporation was established for the benefit of the residents of El Segundo; and

WHEREAS, Edna Freeman volunteered for the Senior Citizen Housing Board Corporation from 1989 through 2009; and

WHEREAS, Peter Freeman volunteered for the Senior Citizen Housing Board Corporation from 1991 through 2010, serving as Board President for several years; and

WHEREAS, Peter and Edna Freeman combined have served on the Senior Citizen Housing Board for over 40 years.

NOW, THEREFORE, on this 18th day of January, 2011, the Mayor and Members of the City Council of the City of El Segundo, California, do hereby commend, acknowledge, and humbly thank Peter and Edna Freeman for their exemplary service to the City of El Segundo.

[Signature]
Mayor, Eric H. Busch

[Signatures]
Mayor Pro Tem, Bill Fisher
Council Member, Carl Jacobson
Council Member, Ron Brown
Council Member, Susanne Flentke
AGENDA DESCRIPTION:
Consideration and possible action to open a public hearing and receive testimony regarding: 1) an Environmental Assessment for a proposed Negative Declaration; 2) a Specific Plan Amendment amending the Smoky Hollow Specific Plan Land Use Plan; and 3) a Zone Text Amendment amending the El Segundo Municipal Code (“ESMC”) regulating the permitted uses in the Small Business (SB) and Medium Manufacturing (MM) Zones. Applicant: Matt Crabbs (Fiscal Impact: N/A)

RECOMMENDED COUNCIL ACTION:
1. Open the public hearing;
2. Discussion;
3. Introduce, and waive first reading of an Ordinance for Specific Plan Amendment No. 10-01 and Zone Text Amendment No. 10-04;
4. Schedule second reading and adoption of the Ordinance on February 1, 2011 or on the first regularly scheduled meeting thereafter; and/or,
5. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. Draft Ordinance
2. Draft Ordinance (Strike-out/Underline Version)
3. Planning Commission staff report dated December 9, 2010 and attachments

FISCAL IMPACT: N/A
Amount Budgeted: N/A
Additional Appropriation: N/A
Account Number(s): N/A

ORIGINATED BY: Kimberly Christensen, AICP, Planning Manager
REVIEWED BY: Greg Carpenter, Director of Planning and Building Safety
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:
On December 9, 2010, the Planning Commission held a public hearing on the proposed Specific Plan Amendment and Zone Text Amendment. After receiving testimony and documentary evidence, the Commission adopted Resolution No. 2684, recommending that the City Council approve Environmental Assessment No. 881, Specific Plan Amendment No. 10-01, and Zone Text Amendment No. 10-04.

I. Introduction
The proposed Specific Plan Amendment consists of a change in the Land Use Plan of the Smoky Hollow Specific Plan (ESMC Title 15, Chapter 11) to allow for a wider range of office uses. Specifically, the amendment would allow more general and multimedia-related offices. The Zone Text Amendment consists of changes to the permitted uses of the Small Business (SB) and
Medium Manufacturing (MM) Zones (ESMC Title 15 Chapter 6) to allow art studios and more general and multimedia-related offices.

Project Applications

The applications include the following:

1) **Environmental Assessment (EA) No. 881 California Environmental Quality Act (CEQA)** – A Negative Declaration (ND) for Environmental Assessment No. 881 is proposed for this project pursuant to the Public Resources Code and the CEQA Guidelines.

2) **Specific Plan Amendment (SPA) No. 10-01** – to amend ESMC § 15-11-2(E)(1)(a) (Smoky Hollow Specific Plan – Development Plan).

3) **Zone Text Amendment (ZTA) No. 10-04** – to amend ESMC §§ 15-6C-1 (Small Business (SB) Zone – Purpose), 15-6C-2 (Permitted Uses – SB), 15-6D-1 (Medium Manufacturing (MM) Zone – Purpose), and 15-6D-2 (Permitted Uses – MM).

II. **Background**

On July 8, 2010 the applicant, Matt Crabbs, submitted the subject request for amendments to the Smoky Hollow Specific Plan and the SB and MM Zones. City staff reviewed and evaluated the proposed amendments and prepared an Initial Study to evaluate any potential environmental impacts and a draft Ordinance.

On December 9, 2010, the Planning Commission recommended City Council approval of Environmental Assessment No. EA-881, Specific Plan Amendment No. 10-01 and Zone Text Amendment No. ZTA 10-04 amending the El Segundo Municipal Code (“ESMC”) to allow art studios and a wider range of office uses in the SB and MM Zones. A draft ordinance including the recommended changes to the ESMC is attached to this report (see Exhibit Nos. 1 and 2) and discussed briefly below. Exhibit 2 provides a strikeout-underline format for all modified ESMC sections.

III. **Analysis**

The overall goal of the proposed Specific Plan Amendment (SPA) and Zone Text Amendment (ZTA) is to allow a wider range of uses in the SB and MM Zones and revitalize the Smoky Hollow Specific Plan area. Staff continues to receive requests to establish creative media and general office uses for vacant buildings in the Smoky Hollow area.

**Summary of Amendments**

The SB and MM Zones currently only permit general office uses with specific limits on the area they can occupy on a site:
1. General offices are allowed as accessory uses, in conjunction with any other permitted use as long as the office use does not occupy more than a certain percentage of the total building square footage (40% in SB and 60% in MM).

2. They are allowed as primary uses, but limited to offices involved in industrial related activities such as engineering, industrial design and consulting. As primary uses, they are also limited to a maximum of 15,000 square feet per site.

3. In the MM Zone, office uses are further limited by a provision for mixed use projects (office, commercial, and industrial) that requires light industrial users to make up at least fifty percent of the total project’s square footage.

The proposed amendments would maintain the same area and percentage limitations, but expand the range of permitted office uses to allow all types of general and multimedia-related offices. Art studios (production space only), which are not currently allowed, would also be permitted. General offices and multimedia-related offices are specifically defined in ESMC §15-1-6 (Definitions).

Benefits

The proposed uses would benefit the Smoky Hollow area and the City as a whole. The potential benefits to property owners include: the flexibility to lease or sell property to different types of tenants; an increased demand for commercial office space (which could increase property values); increased investment in the physical infrastructure and appearance of properties in Smoky Hollow; increased employment opportunities; and increased tax revenues for the City.

General Plan and Municipal Code Consistency

On December 9, 2010, the Planning Commission determined that the City Council can make the necessary findings to adopt the draft Ordinance. The findings are discussed in Planning Commission Resolution No. 2684 (See Exhibit No. 3).

IV. Planning Commission Hearing and Public Input

The Planning Commission held its public hearing on the proposed SPA and ZTA on December 9, 2010. The applicant and four business and property owners offered testimony during the public hearing. The speakers expressed support for the proposed amendments. They stated that they believed the proposed uses will have benefits for the Smoky Hollow area that include increased occupancy rates for commercial properties, increased property values, and improved physical appearance of properties in Smoky Hollow. Five letters of support for the application were submitted to the Planning and Building Safety Department for consideration by the Planning Commission (See Exhibit No. 3).

The Commission briefly discussed and expressed support for the proposed uses. The Commission recommended approval of the proposed ordinance as drafted.
V. Environmental Review

In accordance with the California Environmental Quality Act (CEQA) Guidelines, an Initial Study of Environmental Impacts was prepared and a Negative Declaration of Environmental Impacts is proposed for this project. The draft Initial Study and Negative Declaration were available for public comment from November 5, 2010 to December 6, 2010. The State Clearinghouse circulated the Negative Declaration to selected State agencies for review and no State agencies submitted comments during the review period. A letter received from the State Clearinghouse on December 10, 2010, stated that the City has complied with the State Clearinghouse review requirements pursuant to CEQA. Five letters were received from the public (during the review period) expressing support for the project.

VI. Recommendation

Planning staff recommends that the City Council introduce and waive first reading of the attached draft Ordinance to approve Environmental Assessment No. EA-881 and amend the Smoky Hollow Specific Plan and to allow the permitted uses in the SB and MM Zones. Second reading and adoption of the Ordinance would occur on February 1, 2011.

F:\Planning & Building Safety\0 Planning - Old\PROJECTS (Planning)\876-900\EA-881\City Council 01182011\EA-881 Smoky Hollow Office Uses ZTA CC Report 01182011.doc
ORDINANCE NO. ___

AN ORDINANCE APPROVING A SPECIFIC PLAN AMENDMENT AND A ZONE TEXT AMENDMENT TO AMEND THE SMOKY HOLLOW SPECIFIC PLAN AND THE PERMITTED USES IN THE SMALL BUSINESS (SB) AND MEDIUM MANUFACTURING (MM) ZONES TO ALLOW ART STUDIOS AND A WIDER RANGE OF OFFICE USES.

The City Council of the city of El Segundo does ordain as follows:

SECTION 1: The City Council incorporates by reference all of the findings and conclusions set forth in Planning Commission Resolution No. 2684 as if fully set forth.

SECTION 2: Environmental Assessment. The City Council certifies the Negative Declaration of Environmental Impacts proposed for this project pursuant to CEQA Guidelines §15070. A Notice of Intent to Adopt a Negative Declaration was prepared pursuant to CEQA Guidelines §§ 15072 and 15073 and was available for public comment from November 5, 2010 to December 6, 2010.

SECTION 3: El Segundo Municipal Code ("ESMC") § 15-11-2(E)(1)(a) is amended to read as follows:

"Small Business Area: This district covers the portion of the Specific Plan area from Standard Street to the alley east of Lomita Street. The area is characterized by smaller or incubator industrial and manufacturing uses located on small parcels, many without off-street parking. It is an area in which small "incubator" business concerns exist and many continue to flourish. Presently, one hundred twelve (112) various parcels exist in the area. Seventy eight (78) of the parcels, seventy percent (70%) of the existing parcels, are under ten thousand (10,000) square feet in size, many are under five thousand (5,000) square feet. The desire is to maintain a small industrial business environment, but not to preclude lot consolidation, business expansion and growth. Design guidelines will allow some flexibility to achieve visual enhancement of the area. The small business area is a transition between the pedestrian scale downtown and the medium sized manufacturing area to the east. Uses will basically remain the same as at present, with an emphasis on the smaller industrial user and limited general and multimedia related office space."

SECTION 4: ESMC § 15-6C-1 is amended to read as follows:

"PURPOSE: The purpose of this zone is to perpetuate the existence of the small business and incubator industrial user in the Smoky Hollow area. As such, this zone is to be utilized only within the boundaries of the Smoky Hollow specific plan. It is recognized that the areas that provide small businesses a place to establish and prosper are becoming more and more scarce and at the same time becoming
increasingly desirable. This unique environment is felt to be an appropriate location for light industrial activities, research, and technological processes, restaurants, cafeterias and offices. It is also the purpose of this zone to allow maximum site development flexibility in return for well conceived and efficient site planning and landscaping to complement the good development which presently exists in the area.”

SECTION 5: ESMC § 15-6C-2 is amended to read as follows:

“PERMITTED USES: The following uses are permitted in the SB zone:

A. Art studios (Production space only).

B. General offices in conjunction with any other permitted use as long as the office use does not occupy in excess of forty percent (40%) of the total building square footage.

C. General and/or multimedia related offices, up to fifteen thousand (15,000) square feet per site.

D. Light industrial uses.

E. Manufacturing.

F. Public facilities and utilities.

G. Research and development.

H. Restaurants and cafes without drive-through facilities.

I. Warehousing and distribution.

J. Other similar uses approved by the Director of Planning and Building Safety, as provided by chapter 22 of this title.”

SECTION 6: ESMC § 15-6D-1 is amended to read as follows:

“PURPOSE: The purpose of this zone is to provide a transitional land use area between the high intensity aircraft/aerospace office uses east of Sepulveda Boulevard and the small single parcel industrial businesses of the westerly portion of the Smoky Hollow area. As such, the zone is to be utilized only within the boundaries of the Smoky Hollow specific plan. This zone provides for the continuation and development of medium size light industrial, manufacturing, and limited office activities.”

SECTION 7: ESMC § 15-6D-2 is amended to read as follows:
"PERMITTED USES: The following uses are permitted in the MM zone:

A. Art studios (Production space only).
B. General offices in conjunction with any other permitted use as long as the office does not occupy in excess of sixty percent (60%) of the total building square footage.
C. General and/or multimedia related offices, up to fifteen thousand (15,000) square feet per site, except for mixed use projects of 30,000 square feet or more, in which the size may be greater.
D. Light assembly and processing.
E. Light industrial.
F. Manufacturing.
G. Mixed use projects including commercial, office and light industrial uses. In mixed use projects of 30,000 square feet or more where the light industrial uses make up at least fifty percent (50%) of the total project’s square footage.
H. Parking structures and parking lots.
I. Public facilities, public utilities.
J. Research and development.
K. Restaurants and cafes without drive-through facilities.
L. Retail sales for wholesale outlets.
M. Warehousing and distribution.
N. Other similar uses approved by the Director of Planning and Building Safety, as provided by chapter 22 of this title."

SECTION 8: CONSTRUCTION. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 9: ENFORCEABILITY. Repeal of any provision of the ESMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance’s effective date.
Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

**SECTION 10:** VALIDITY OF PREVIOUS CODE SECTIONS. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the ESMC or other city ordinance by this Ordinance will be rendered void and cause such previous ESMC provision or other the city ordinance to remain in full force and effect for all purposes.

**SECTION 11:** If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

**SECTION 12:** The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

**SECTION 13:** This Ordinance will remain effective until superseded by a subsequent ordinance.
SECTION 14: This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

PASSED AND ADOPTED this ___ day of __________, 2011.

_____________________________________
Eric Busch, Mayor

ATTEST:

STATE OF CALIFORNIA    )
COUNTY OF LOS ANGELES   )    SS
CITY OF EL SEGUNDO      )

I, Cindy Mortesen, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. ___ was duly introduced by said City Council at a regular meeting held on the ___ day of __________, 2011, and was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the ___ day of __________, 2011, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____________________________________
Cindy Mortesen, City Clerk

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By: __________________________________
   Karl H. Berger, Assistant City Attorney
ORDINANCE NO. ____

AN ORDINANCE APPROVING A SPECIFIC PLAN AMENDMENT AND A ZONE TEXT AMENDMENT TO AMEND THE SMOKY HOLLOW SPECIFIC PLAN AND THE PERMITTED USES IN THE SMALL BUSINESS (SB) AND MEDIUM MANUFACTURING (MM) ZONES TO ALLOW ART STUDIOS AND A WIDER RANGE OF OFFICE USES.

The City Council of the city of El Segundo does ordain as follows:

SECTION 1: The City Council incorporates by reference all of the findings and conclusions set forth in Planning Commission Resolution No. 2684 as if fully set forth.

SECTION 2: Environmental Assessment. The City Council certifies the Negative Declaration of Environmental Impacts proposed for this project pursuant to CEQA Guidelines §15070. A Notice of Intent to Adopt a Negative Declaration was prepared pursuant to CEQA Guidelines §§ 15072 and 15073 and was available for public comment from November 5, 2010 to December 6, 2010.

SECTION 3: El Segundo Municipal Code ("ESMC") § 15-11-2(E)(1)(a) is amended to read as follows:

"Small Business Area: This district covers the portion of the Specific Plan area from Standard Street to the alley east of Lomita Street. The area is characterized by smaller or incubator industrial and manufacturing uses located on small parcels, many without off-street parking. It is an area in which small "incubator" business concerns exist and many continue to flourish. Presently, one hundred twelve (112) various parcels exist in the area. Seventy eight (78) of the parcels, seventy percent (70%) of the existing parcels, are under ten thousand (10,000) square feet in size, many are under five thousand (5,000) square feet. The desire is to maintain a small industrial business environment, but not to preclude lot consolidation, business expansion and growth. Design guidelines will allow some flexibility to achieve visual enhancement of the area. The small business area is a transition between the pedestrian scale downtown and the medium sized manufacturing area to the east. Uses will basically remain the same as at present, with an emphasis on the smaller industrial user with ancillary and limited general and multimedia related office space."

SECTION 4: ESMC § 15-6C-1 is amended to read as follows:

"PURPOSE: The purpose of this zone is to perpetuate the existence of the small business and incubator industrial user in the Smoky Hollow area. As such, this zone is to be utilized only within the boundaries of the Smoky Hollow specific plan. It is recognized that the areas that provide small businesses a place to establish and prosper are becoming more and more scarce and at the same time becoming
increasingly desirable. This unique environment is felt to be an appropriate location for light industrial activities, research, and technological processes, restaurants, cafeterias and related industrial offices. It is also the purpose of this zone to allow maximum site development flexibility in return for well conceived and efficient site planning and landscaping to complement the good development which presently exists in the area."

SECTION 5: ESMC § 15-6C-2 is amended to read as follows:

"PERMITTED USES: The following uses are permitted in the SB zone:

A. Art studios (Production space only).

AB. General offices in conjunction with any other permitted use as long as the office use does not occupy in excess of forty percent (40%) of the total building square footage.

BC. General and/or multimedia related offices, up to fifteen thousand (15,000) square feet per site, involved in industrial related activities such as engineering, industrial design and consulting, except in conjunction with a permitted manufacturing, light industrial or warehousing use, whereby the size may be greater.

CD. Light industrial uses.

DE. Manufacturing.

EF. Public facilities and utilities.

FG. Research and development.

GH. Restaurants and cafes without drive-through facilities.

HI. Warehousing and distribution.

IJ. Other similar uses approved by the director of community, economic and development services, Director of Planning and Building Safety, as provided by chapter 22 of this title."

SECTION 6: ESMC § 15-6D-1 is amended to read as follows:

"PURPOSE: The purpose of this zone is to provide a transitional land use area between the high intensity aircraft/aerospace office uses east of Sepulveda Boulevard and the small single parcel industrial businesses of the westerly portion of the Smoky Hollow area. As such, the zone is to be utilized only within the boundaries of the Smoky Hollow area."

Page 2
Hollow specific plan. This zone provides for the continuation and development of medium size light industrial and manufacturing, and limited office activities."

SECTION 7: ESMC § 15-6D-2 is amended to read as follows:

"PERMITTED USES: The following uses are permitted in the MM zone:

A. Art studios (Production space only).

AB. General offices in conjunction with any other permitted use as long as the office does not occupy in excess of sixty percent (60%) of the total building square footage.

BC. General and/or multimedia related offices, up to fifteen thousand (15,000) square feet per site, involved in industrial related activities such as engineering, industrial design and consultation, except in conjunction with a permitted manufacturing, light industrial, warehousing, distribution, light assembly, processing or mixed use except for mixed use projects of 30,000 square feet or more, in which the size may be greater.

CD. Light assembly and processing.

DE. Light industrial.

EF. Manufacturing.

FG. Mixed use projects including commercial, office and light industrial uses. In mixed use projects of 30,000 square feet or more where the light industrial uses make up at least fifty percent (50%) of the total project’s square footage.

GH. Parking structures and parking lots.

HI. Public facilities, public utilities.

HJ. Research and development.

JK. Restaurants and cafes without drive-through facilities.

KL. Retail sales for wholesale outlets.

LM. Warehousing and distribution.

MN. Other similar uses approved by the director of community, economic and development services, Director of Planning and Building Safety, as provided by chapter 22 of this title."
SECTION 8: CONSTRUCTION. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 9: ENFORCEABILITY. Repeal of any provision of the ESMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 10: VALIDITY OF PREVIOUS CODE SECTIONS. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the ESMC or other city ordinance by this Ordinance will be rendered void and cause such previous ESMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 11: If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 12: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 13: This Ordinance will remain effective until superseded by a subsequent ordinance.
SECTION 14: This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

PASSED AND ADOPTED this ____ day of __________, 2011.

_________________________________________
Eric Busch, Mayor

ATTEST:

STATE OF CALIFORNIA )
COUNTY OF LOS ANGELES ) SS
CITY OF EL SEGUNDO )

I, Cindy Mortesen, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. ___ was duly introduced by said City Council at a regular meeting held on the ____ day of __________, 2011, and was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the ____ day of __________, 2011, and the same was so passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

______________________________
Cindy Mortesen, City Clerk

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By: __________________________
    Karl H. Berger, Assistant City Attorney
CITY OF EL SEGUNDO

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: December 9, 2010

SUBJECT: Environmental Assessment No. EA-881, Specific Plan Amendment SPA 10-01, and Zone Text Amendment ZTA 10-04

APPLICANT: Matt Crabbs

PROPERTY OWNER: Various

REQUEST: Environmental Assessment, Specific Plan Amendment, and Zone Text Amendment to amend the Smoky Hollow Specific Plan Land Use Plan and the permitted uses in the Small Business (SB) and Medium Manufacturing (MM) Zones to allow art studios and a wider range of office uses in the Smoky Hollow Specific Plan area.

PROPERTY INVOLVED: Smoky Hollow Specific Plan

I. Introduction

The proposed project is an ordinance amending the Smoky Hollow Specific Plan Land Use Plan and the permitted uses in the Small Business (SB) and Medium Manufacturing (MM) Zones to allow art studios and a wider range of office uses in the Smoky Hollow Specific Plan area.

II. Recommendation

Planning staff recommends that the Planning Commission review the facts as contained within this report and submitted during the public hearing, and then adopt Resolution No. 2684 recommending that the City Council approve Environmental Assessment No. 881, Specific Plan Amendment 10-01, and Zone Text Amendment 10-04.
III. **Background**

The Smoky Hollow Specific Plan and the SB and MM Zones currently only permit industrial related office uses, subject to certain area limitations. Property owners in Smoky Hollow have had greater difficulty in leasing and selling their property to industrial business tenants in recent years because of a lack of demand for these types of uses. The demand for commercial office and creative and multi-media office space has increased significantly in place of industrial uses. In response to this changing business demand and the difficulty in selling and/or leasing his property in Smoky Hollow, the applicant initiated the proposed Specific Plan Amendment and Zone Text Amendment to allow art studios and a wider range of office uses in the Smoky Hollow Specific Plan area. Specifically, the intent of the proposed amendments is to allow all general office and multimedia-related office uses as permitted uses in the Smoky Hollow area subject to the current area limitations. The proposed amendments, if approved, would benefit the applicant and other property owners by providing greater flexibility in finding tenants for properties in the SB and MM Zones within the Smoky Hollow Plan area.

IV. **ANALYSIS**

The analysis section will describe the proposed Amendments, discuss their consistency with the El Segundo Municipal Code, the General Plan, and outline the Initial Study of their potential environmental impacts.

**A. SPECIFIC PLAN AMENDMENT:**

The intent of the proposed Specific Plan Amendment is to amend the Land Use Plan of the Smoky Hollow Specific Plan (ESMC § 15-11-2(E)1.a) to allow for a wider range of office uses. The Land Use Plan currently calls for small industrial uses with ancillary office space. The proposed Amendment will allow limited general and multimedia related office uses as primary uses. The Land use concept for the Small Business area will be amended as follows (in strikethrough and underline format indicating the proposed text to be deleted and added):

a. Small Business Area: This district covers the portion of the Specific Plan area from [Standard Street] to the alley east of Lomita Street. The area is characterized by smaller or incubator industrial and manufacturing uses located on small parcels, many without off-street parking. It is an area in which small "incubator" business concerns exist and many continue to flourish. Presently, one hundred twelve (112) various parcels exist in the area. Seventy eight (78) of the parcels, seventy percent (70%) of the existing parcels, are under ten thousand (10,000) square feet in size, many are under five thousand (5,000) square feet. The desire is to maintain a small industrial business environment, but not to preclude lot consolidation, business expansion and growth. Design guidelines will allow some flexibility to achieve visual enhancement of the area. The small business area is a
transition between the pedestrian scale downtown and the medium sized manufacturing area to the east. Uses will basically remain the same as at present, with an emphasis on the smaller industrial user with ancillary and limited general and multimedia related office space.

B. ZONE TEXT AMENDMENT

The intent of the proposed Zone Text Amendment is to amend the permitted uses in the SB and MM Zones to allow art studios, general offices, and multimedia related offices as permitted uses. Currently these zones permit only office uses that are involved in industrial related activities such as engineering, industrial design and consulting. Art studios are prohibited. The SB and MM Zones also set percentage and area limitations on the permitted office uses. Specifically, the SB Zone limits offices in conjunction with other permitted uses (ancillary office) to a maximum of 40% of building area. In the MM Zone, ancillary office uses can occupy a maximum of 60% of building area. As primary uses, industrial-related offices are allowed up to 15,000 square feet per site in both zones. In addition, the MM Zone requires that mixed use projects including commercial, office and light industrial uses maintain light industrial uses in 50% of the total project’s square footage. The proposed amendment would not change these percentage and area limitations on offices; it would only increase the types of office uses permitted and allow art studios as permitted uses. Specifically, the proposed amendment would amend the SB and MM Zones as follows (in strike-through and underline format indicating the proposed text to be deleted and added):

1. Small Business

15-6C-1: PURPOSE: The purpose of this zone is to perpetuate the existence of the small business and incubator industrial user in the Smoky Hollow area. As such, this zone is to be utilized only within the boundaries of the Smoky Hollow specific plan. It is recognized that the areas that provide small businesses a place to establish and prosper are becoming more and more scarce and at the same time becoming increasingly desirable. This unique environment is felt to be an appropriate location for light industrial activities, research, and technological processes, restaurants, cafeterias and related industrial offices. It is also the purpose of this zone to allow maximum site development flexibility in return for well conceived and efficient site planning and landscaping to complement the good development which presently exists in the area.

15-6C-2: PERMITTED USES: The following uses are permitted in the SB zone:

A. Art Studios (production space only).

A.B. General offices in conjunction with any other permitted use as long as the office use does not occupy in excess of forty percent (40%) of the total
building square footage.

B.C. General and/or multimedia related offices, up to fifteen thousand (15,000) square feet per site, involved in industrial related activities such as engineering, industrial design and consulting, except in conjunction with a permitted manufacturing, light industrial or warehousing use, whereby the size may be greater.

C.D. Light industrial uses.

D.E. Manufacturing.

E.F. Public facilities and utilities.

F.G. Research and development.

G.H. Restaurants and cafes without drive-through facilities.

H.I. Warehousing and distribution.

I.J. Other similar uses approved by the Director of community, economic and development services Planning and Building Safety, as provided by chapter 22 of this title.

2. Medium Manufacturing.

15-6D-1: PURPOSE: The purpose of this zone is to provide a transitional land use area between the high intensity aircraft/aerospace office uses east of Sepulveda Boulevard and the small single parcel industrial businesses of the westerly portion of the Smoky Hollow area. As such, the zone is to be utilized only within the boundaries of the Smoky Hollow specific plan. This zone provides for the continuation and development of medium size light industrial and, manufacturing, and limited office activities.

15-6D-2: PERMITTED USES: The following uses are permitted in the MM zone:

A. Art Studios (production space only).

A-B. General offices in conjunction with any other permitted use as long as the office does not occupy in excess of sixty percent (60%) of the total building square footage.

B-C. General and/or multimedia related offices, up to fifteen thousand (15,000) square feet per site, involved in industrial related activities such as engineering, industrial design and consultation, except in conjunction with a
permitted manufacturing, light industrial, warehousing, distribution, light assembly, processing or mixed-use except for mixed-use projects of 30,000 square feet or more, in which the size may be greater.

C.D. Light assembly and processing.

D.E. Light industrial.

E.F. Manufacturing.

F.G. Mixed use projects including commercial, office and light industrial uses. In mixed use projects of 30,000 square feet or more where the light industrial uses must make up at least fifty percent (50%) of the total project's square footage.

G.H. Parking structures and parking lots.

H.I. Public facilities, public utilities.

I.J. Research and development.

J.K. Restaurants and cafes without drive-through facilities.

K.L. Retail sales for wholesale outlets.

L.M. Warehousing and distribution.

M.N. Other similar uses approved by the Director of community, economic and development services Planning and Building Safety, as provided by chapter 22 of this title.

FINDINGS:

Consistency with the El Segundo Municipal Code

Pursuant to ESMC Title 15, Chapter 26 (Amendments), in order to recommend City Council approval of the proposed amendments, the Planning Commission must find that the amendments are necessary to carry out the general purpose of Title 15. The purpose of this Title (ESMC § 15-1-1) is to serve the public health, safety, and general welfare and to provide economic and social advantages resulting from an orderly planned use of land resources. Planning staff believes that the Planning Commission can make the findings in order to recommend City Council approval of the proposed amendment. The findings are discussed in the proposed resolution.
V. GENERAL PLAN CONSISTENCY

ESMC 15-1-1 (Purpose, Title) states that Title 15 is the primary tool for implementation of the goals, objectives, and policies of the El Segundo General Plan. Accordingly, the Planning Commission must find that the proposed Zone Text Amendment is consistent with those goals, objectives, and policies. Planning staff believes that the Planning Commission can make the findings in order to recommend City Council approval of the proposed amendment. The findings are discussed in the proposed resolution.

VI. ENVIRONMENTAL REVIEW

The proposed project has been analyzed for its environmental impacts and an Initial Study of Environmental Impacts (Exhibit B) was prepared pursuant to Public Resources Code § 15063 (California Environmental Quality Act). A Negative Declaration of Environmental Impacts is proposed for this project pursuant to CEQA §15070. The draft Initial Study and Mitigated Negative Declaration were available for public comment from November 5, 2010 to December 6, 2010. No State agencies submitted comments during the review period. Four letters were received from the public expressing support for the project (See Exhibit C).

The draft Initial Study and Negative Declaration concluded that no impacts would occur for the following issue areas: Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Mineral Resources, Public Services, and Recreation. The draft Initial Study and Mitigated Negative Declaration concluded that impacts would be less than significant for the following issue areas: Hazards and Hazardous Materials, Land Use and Planning, Noise, Population and Housing, and Transportation/Traffic. A detailed analysis of environmental impacts is provided in the draft Initial Study and Negative Declaration of Environmental Impacts.

VII. CONCLUSION

The proposed Specific Plan and Zone Text Amendments are consistent with the El Segundo Municipal Code and General Plan, and an Initial Study determined that their potential environment impacts will be less than significant. Therefore, staff recommends that the Planning Commission adopt Resolution No. 2684, recommending City Council approval of an Environmental Assessment, a Specific Plan Amendment, and a Zone Text Amendment to amend the Smoky Hollow Specific Plan Land Use Plan and the permitted uses in the Small Business (SB) and Medium Manufacturing (MM) Zones to allow art studios and a wider range of office uses in the Smoky Hollow Specific Plan area.
VIII. EXHIBITS

A. Draft Planning Commission Resolution No. 2684, including Draft Council Ordinance
B. Initial Study and Negative Declaration (ND)
C. Comment Letters Received from the Public
D. Applications

Prepared by: Paul Samaras, Principal Planner

Kimberly Christensen, AICP, Planning Manager
Department of Planning & Building Safety

Greg Carpenter, Director
Department of Planning & Building Safety
RESOLUTION NO. 2684

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING A SPECIFIC PLAN AMENDMENT AND A ZONE TEXT AMENDMENT TO AMEND THE SMOKY HOLLOW SPECIFIC PLAN AND THE PERMITTED USES IN THE SMALL BUSINESS (SB) AND MEDIUM MANUFACTURING (MM) ZONES TO ALLOW ART STUDIOS AND A WIDER RANGE OF OFFICE USES.

(EA NO. 881, SPA NO. 10-01, and ZTA NO. 10-04)

The Planning Commission of the City of El Segundo does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

A. On July 8, 2010, Matt Crabbs initiated an application for Environmental Assessment No. EA-881 and Specific Plan Amendment No. 10-01 to amend the Smoky Hollow Specific Plan Land Use Plan and Zone Text Amendment No. 10-04 to amend the permitted uses in the Small Business (SB) and Medium Manufacturing (MM) zones to allow art studios and a wider range of office uses in the Smoky Hollow Specific Plan area. These proposed changes are set forth in the draft ordinance attached as Exhibit “A,” and incorporated by reference (the “Ordinance”);

B. The application was prepared and reviewed by the City’s Planning and Building Safety Department for, in part, consistency with the General Plan and conformity with the ESMC;

C. In addition, the City reviewed the project’s environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., “CEQA”) the regulations promulgated thereunder (14 Cal Code. of Regulations §§ 15000, et seq., the “CEQA Guidelines”) and the City’s Environmental Guidelines (City Council Resolution No. 3805, adopted March 16, 1993);

D. The Planning and Building Safety Department completed its review and scheduled a public hearing regarding the application before the Planning Commission for December 9, 2010;

E. On December 9, 2010, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed Ordinance, including, without limitation, information provided to the Planning Commission by City staff and public testimony; and

F. This Resolution and its findings are made based upon the evidence presented to the Commission at its December 9, 2010, hearing including, without limitation, the staff report submitted by the Planning and Building
SECTION 2: Factual Findings And Conclusions. The Commission finds that the following facts exist:

A. The proposed Specific Plan Amendment would amend the Land Use Plan of the Smoky Hollow Specific Plan to allow a wider range of general and multimedia related office uses in the Small Business area.

B. The proposed Zone Text Amendment would amend the permitted uses in the SB and MM Zones to allow to allow art studios and a wider range of general office uses in the Smoky Hollow Specific Plan area.

C. The proposed Specific Plan Amendment and Zone Text Amendment would affect the entire Smoky Hollow Specific Plan area with the exception of properties with an activated Medium Density Residential (MDR) Zone or Grand Avenue Commercial (GAC) Overlay Zone.

D. On December 17, 1985, the El Segundo City Council adopted the Smoky Hollow Specific Plan and a Final Environmental Impact Report.

SECTION 3: Environmental Assessment. Because of the facts identified in Section 2 of this Resolution, the proposed project was analyzed for its environmental impacts and a Initial Study was prepared pursuant to CEQA Guidelines §15063. The Initial Study demonstrated that the project would not have a significant effect on the environment. A Negative Declaration of Environmental Impacts is proposed for this project pursuant to CEQA Guidelines §15070. A Notice of Intent to Adopt a Negative Declaration was prepared pursuant to CEQA Guidelines §§ 15072 and 15073, and was available for public comment from November 5, 2010 to December 6, 2010.

SECTION 4: General Plan Findings. As required under Government Code § 65454 the ESMC amendments proposed by the Ordinance are consistent with the El Segundo General Plan as follows:

A. It conforms with the Land Use Element Goals, Objectives and Policies. Specifically, the ordinance is consistent with Goal LU1 to maintain El Segundo’s “small town” atmosphere, and provide an attractive place to live and work. The proposed ordinance may help stimulate more investment in the Smoky Hollow area, including tenant improvements to existing buildings and construction of new developments. The Smoky Hollow Site Plan Review process and the use of the existing Smoky Hollow design guidelines help improve the design of new developments and tenant improvements and help make Smoky Hollow a more attractive place to live and work. In addition, the proposed ordinance is consistent with Goal LU4, in that it would allow for the expansion and diversification of the types of offices and, thus the economic base of the City, and result in a mix of uses that would interact at the local level for their mutual benefit. The floor area limits placed on currently permitted office uses in
the Smoky Hollow Specific Plan area would remain in place and limit any adverse economic impacts to businesses in the Downtown area.

B. It conforms with the Land Use Plan of the General Plan, which proposes industrial, retail, office, and residential uses in the Smoky Hollow Plan area.

C. The proposed ordinance conforms with the Economic Development Element Goals, Objectives and Policies. Specifically, the ordinance is consistent with Goal ED1, in that the addition of the proposed office uses will help “diversify the local mix of uses/businesses” (Policy ED1-1.2) and “expand the City’s economic base.” The ordinance is also consistent with Goal ED2, in that it will “provide a supportive and economically profitable environment as the foundation of a strong local business community.”

SECTION 5: Zone Text Amendment Findings. In accordance with ESMC § 15-26-4 and based on the findings set forth in Section 2, the proposed Zone Text Amendment is consistent with the goals, policies, and objectives of the General Plan as follows:

A. It is consistent with the purpose of the ESMC, which is to serve the public health, safety, and general welfare and to provide the economic and social advantages resulting from an orderly planned use of land resources.

B. It is necessary to facilitate the development process and ensure the orderly development of properties with art studio and general and multimedia related office uses that are compatible with surrounding properties and developments.

SECTION 6: Specific Plan Findings. After considering the above facts, the Planning Commission finds as follows:

A. The proposed amendment would apply to the entire Smoky Hollow Specific Plan area with the exception of properties with an activated Medium Density Residential (MDR) Zone or Grand Avenue Commercial (GAC) Overlay Zone.

B. The proposed amendment to the Smoky Hollow Specific Plan is consistent with the General Plan land use designation for the properties involved.

SECTION 7: Recommendations. The Planning Commission recommends that the City Council adopt the ordinance set forth in attached Exhibit “A,” which is incorporated into this ordinance by reference.

SECTION 8: Reliance On Record. Each and every one of the findings and determination in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the
Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

**SECTION 9: Limitations.** The Planning Commission’s analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission’s lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the city’s ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

**SECTION 10:** This Resolution will remain effective until superseded by a subsequent resolution.

**SECTION 11:** The Commission secretary is directed to mail a copy of this Resolution to any person requesting a copy.
SECTION 12: This Resolution may be appealed within ten (10) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

PASSED AND ADOPTED this 9th day of December, 2010.

David Wagner, Chairperson  
City of El Segundo Planning Commission

ATTEST:

Greg Carpenter, Secretary

Wagner  -  
Fellhauer  -  
Baldino  -  
Barbee  -  
Newman  -  

APPROVED AS TO FORM:  
Mark D. Hensley, City Attorney

By:  
Karl H. Berger, Assistant City Attorney
ORDINANCE NO. ____

AN ORDINANCE APPROVING A SPECIFIC PLAN AMENDMENT AND A ZONE TEXT AMENDMENT TO AMEND THE SMOKY HOLLOW SPECIFIC PLAN AND THE PERMITTED USES IN THE SMALL BUSINESS (SB) AND MEDIUM MANUFACTURING (MM) ZONES TO ALLOW ART STUDIOS AND A WIDER RANGE OF OFFICE USES.

The City Council of the city of El Segundo does ordain as follows:

SECTION 1: The City Council finds and declares as follows:

A. On July 8, 2010, Matt Crabbs filed an application to amend the ESMC's regulations regarding the permitted uses in the Small Business (SB) and Medium Manufacturing (MM) Zones to allow art studios and a wider range of office uses in the Smoky Hollow Specific Plan area;

B. This Ordinance was prepared and reviewed by the City's Planning and Building Safety Department for, in part, consistency with the General Plan and conformity with the ESMC;

C. In addition, the City reviewed the project's potential environmental impacts of this Ordinance pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., "CEQA") the regulations promulgated thereunder (14 Cal Code. of Regulations §§ 15000, et seq., the "CEQA Guidelines") and the City's Environmental Guidelines (City Council Resolution No. 3805, adopted March 16, 1993);

D. The Planning and Building Safety Department completed its review and scheduled the public hearing regarding the application before the Planning Commission for December 9, 2010;

E. On December 9, 2010, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed amendment, including, without limitation, information provided to the Planning Commission by City staff and public testimony;

F. On December 9, 2010, the Planning Commission adopted Resolution No. 2684 recommending that City Council approve Environmental Assessment No. EA-881 for Specific Plan Amendment No. 10-01 and Zone Text Amendment No. 10-04;

G. On January 18, 2010, the City Council held a public hearing and considered the information provided by City staff and public testimony; and adopted an ordinance approving Environmental Assessment No. EA-
When adopting this Ordinance, the City considered the entire administrative record concerning the Smoky Hollow Specific Plan and the ESMC regulations regarding the permitted uses in the Small Business (SB) and Medium Manufacturing (MM) Zones including, without limitation, information set forth in staff reports presented to the El Segundo Planning Commission and City Council; public testimony; the City’s General Plan; and other evidence set forth in the record or commonly known to the community.

SECTION 2: Environmental Assessment. Because of the facts identified in Section 1 of this Ordinance the proposed project was analyzed for its environmental impacts and a Initial Study was prepared pursuant to CEQA Guidelines § 15063. The Initial Study demonstrated that the project would not have a significant effect on the environment. A Negative Declaration of Environmental Impacts is proposed for this project pursuant to CEQA Guidelines § 15070. A Notice of Intent to Adopt a Negative Declaration was prepared pursuant to CEQA Guidelines §§ 15072 and 15073, and was available for public comment from November 5, 2010 to December 6, 2010.

SECTION 3: General Plan Findings. As required under Government Code § 65454 the ESMC amendments proposed by this Ordinance are consistent with the El Segundo General Plan as follows:

A. It conforms with the Land Use Element Goals, Objectives and Policies. Specifically, the ordinance is consistent with Goal LU1 to maintain El Segundo’s “small town” atmosphere, and provide an attractive place to live and work. The proposed ordinance may help stimulate more investment in the Smoky Hollow area, including tenant improvements to existing buildings and construction of new developments. The Smoky Hollow Site Plan Review process and the use of the existing Smoky Hollow design guidelines help improve the design of new developments and tenant improvements and help make Smoky Hollow a more attractive place to live and work. In addition, the proposed ordinance is consistent with Goal LU4, in that it would allow for the expansion and diversification of the types of offices and, thus the economic base of the City, and result in a mix of uses that would interact at the local level for their mutual benefit. The floor area limits placed on currently permitted office uses in the Smoky Hollow Specific Plan area would remain in place and help reduce any adverse economic impacts to businesses in the Downtown area.
B. It conforms with the Land Use Plan of the General Plan, which proposes industrial, retail, office, and residential uses in the Smoky Hollow Plan area.

C. The proposed ordinance conforms with the Economic Development Element Goals, Objectives and Policies. Specifically, the ordinance is consistent with Goal ED1, in that the addition of the proposed office uses will help “diversify the local mix of uses/businesses” (Policy ED1-1.2) and “expand the City’s economic base.” The ordinance is also consistent with Goal ED2, in that it will “provide a supportive and economically profitable environment as the foundation of a strong local business community.”

SECTION 4: Zone Text Amendment Findings. In accordance with ESMC § 15-26-4 and based on the findings set forth in Section 2, the proposed Zone Text Amendment is consistent with the goals, policies, and objectives of the General Plan as follows:

A. It is consistent with the purpose of the ESMC, which is to serve the public health, safety, and general welfare and to provide the economic and social advantages resulting from an orderly planned use of land resources.

B. It is necessary to facilitate the development process and ensure the orderly development of properties with art studio and general and multimedia related office uses that are compatible with surrounding properties and developments.

SECTION 5: Specific Plan Findings. After considering the above facts, the City Council finds as follows:

A. The proposed ordinance would affect the entire Smoky Hollow Specific Plan area with the exception of properties with an activated Medium Density Residential or Grand Avenue Commercial overlay Zone.

B. The proposed amendment to the Smoky Hollow Specific Plan is consistent with the General Plan land use designation for the properties involved.

SECTION 6: ESMC § 15-11-2(E).1.a is amended to read as follows:

“Small Business Area: This district covers the portion of the Specific Plan area from standard streetStandard Street to the alley east of Lomita Street. The area is characterized by smaller or incubator industrial and manufacturing uses located on small parcels, many without off-street parking. It is an area in which small "incubator" business concerns exist and many continue to flourish. Presently, one hundred twelve (112) various parcels exist in the area. Seventy eight (78) of the parcels, seventy percent (70%) of the existing parcels, are under ten thousand (10,000) square feet in size, many are under five thousand (5,000)
square feet. The desire is to maintain a small industrial business environment, but not to preclude lot consolidation, business expansion and growth. Design guidelines will allow some flexibility to achieve visual enhancement of the area. The small business area is a transition between the pedestrian scale downtown and the medium sized manufacturing area to the east. Uses will basically remain the same as at present, with an emphasis on the smaller industrial user with ancillary and limited general and multimedia related office space.”

SECTION 7: ESMC § 15-6C-1 is amended to read as follows:

“PURPOSE: The purpose of this zone is to perpetuate the existence of the small business and incubator industrial user in the Smoky Hollow area. As such, this zone is to be utilized only within the boundaries of the Smoky Hollow specific plan. It is recognized that the areas that provide small businesses a place to establish and prosper are becoming more and more scarce and at the same time becoming increasingly desirable. This unique environment is felt to be an appropriate location for light industrial activities, research, and technological processes, restaurants, cafeterias and related industrial offices. It is also the purpose of this zone to allow maximum site development flexibility in return for well conceived and efficient site planning and landscaping to complement the good development which presently exists in the area.”

SECTION 8: ESMC § 15-6C-2 is amended to read as follows:

“PERMITTED USES: The following uses are permitted in the SB zone:

A. Art Studios (Production space only).

AB. General offices in conjunction with any other permitted use as long as the office use does not occupy in excess of forty percent (40%) of the total building square footage.

BC. General and/or multimedia related offices, up to fifteen thousand (15,000) square feet per site, involved in industrial related activities such as engineering, industrial design and consulting, except in conjunction with a permitted manufacturing, light industrial or warehousing use, whereby the size may be greater.

CD. Light industrial uses.

DE. Manufacturing.

EF. Public facilities and utilities.

FG. Research and development.
GH. Restaurants and cafes without drive-through facilities.

HI. Warehousing and distribution.

U. Other similar uses approved by the director of community, economic and development services, Director of Planning and Building Safety, as provided by chapter 22 of this title."

SECTION 9: ESMC § 15-6D-1 is amended to read as follows:

"PURPOSE: The purpose of this zone is to provide a transitional land use area between the high intensity aircraft/aerospace office uses east of Sepulveda Boulevard and the small single parcel industrial businesses of the westerly portion of the Smoky Hollow area. As such, the zone is to be utilized only within the boundaries of the Smoky Hollow specific plan. This zone provides for the continuation and development of medium size light industrial and manufacturing and limited office activities."

SECTION 10: ESMC § 15-6D-2 is amended to read as follows:

A. Art studios (Production space only).

AB. General offices in conjunction with any other permitted use as long as the office does not occupy in excess of sixty percent (60%) of the total building square footage.

BC. General and/or multimedia related offices, up to fifteen thousand (15,000) square feet per site, involved in industrial related activities such as engineering, industrial design and consultation, except in conjunction with a permitted manufacturing, light industrial, warehousing, distribution, light assembly, processing or mixed-use except for mixed use projects of 30,000 square feet or more, in which the size may be greater.

GD. Light assembly and processing.

DE. Light industrial.

EF. Manufacturing.

FG. Mixed use projects including commercial, office and light industrial uses. In mixed use projects of 30,000 square feet or more where the light industrial uses must make up at least fifty percent (50%) of the total project’s square footage.

GH. Parking structures and parking lots.

HI. Public facilities, public utilities.
Research and development.

Restaurants and cafes without drive-through facilities.

Retail sales for wholesale outlets.

Warehousing and distribution.

Other similar uses approved by the director of community, economic and development services, Director of Planning and Building Safety, as provided by chapter 22 of this title.

SECTION 11: CONSTRUCTION. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 12: ENFORCEABILITY. Repeal of any provision of the El Segundo Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 13: VALIDITY OF PREVIOUS CODE SECTIONS. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the ESMC or other city ordinance by this Ordinance will be rendered void and cause such previous ESMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 14: If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 15: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 16: This Ordinance will remain effective until superseded by a subsequent ordinance.
SECTION 17: This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

PASSED AND ADOPTED this ___ day of __________, 2011.

________________________
Eric Busch, Mayor

ATTEST:

STATE OF CALIFORNIA    )
COUNTY OF LOS ANGELES    )    SS
CITY OF EL SEGUNDO       )

I, Cindy Mortesen, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. ___ was duly introduced by said City Council at a regular meeting held on the ___ day of __________, 2011, and was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the ___ day of __________, 2011, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

________________________
Cindy Mortesen, City Clerk

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By: _______________________
Karl H. Berger, Assistant City Attorney
# Initial Study/Negative Declaration

## Environmental Checklist Form

1. **Project Title:** Environmental Assessment EA-881; Smoky Hollow Specific Plan Amendment SPA 10-01; and Zone Text Amendment ZTA 10-04

2. **Lead agency name and address:** City of El Segundo  
   350 Main Street  
   El Segundo, California 90245

3. **Contact person and telephone number:** Kimberly Christensen, AICP  
   (310) 524-2340

4. **Project location:** City of El Segundo – Smoky Hollow Specific Plan area

5. **Project sponsor’s name and address:** Matt Crabbs  
   2105 6th Street  
   Santa Monica CA 90405

6. **General plan designation:** Smoky Hollow

7. **Zoning:** Small Business (SB) and Medium Manufacturing (MM)

8. **Description of project:** (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or offsite features necessary for its implementation. Attach additional sheets if necessary.)

   The proposed project consists of a Specific Plan Amendment to the Smoky Hollow Specific Plan Land Use Plan and a Zone Text Amendment (ZTA) to the permitted uses in the Small Business (SB) and Medium Manufacturing (MM) Zones. The proposed amendments would allow a wider range of office uses and art studios in the Smoky Hollow Specific Plan area.

   Specifically, the project will modify the Smoky Hollow Specific Plan Land Use Plan to allow limited general and multimedia office uses in the Small Business area. Currently the Land Use Plan emphasizes industrial uses with only ancillary office space. The project will also modify the Small Business (SB) and Medium Manufacturing (MM) Zones permitted uses to allow general and multimedia related office uses and art studio uses. General office uses are defined in the El Segundo Municipal Code (ESMC) as “Offices maintained and used as a place of business conducted by persons whose business activity consists principally of services to the person as distinguished from the handling of commodities. This does not include medical-dental offices.” The ESMC defines multimedia related office uses as “A building, part of a building, structure, or defined
area which is utilized primarily for the office space directly related to film, television music video, multimedia, or other related activities." The SB and MM Zones currently only permit offices involved in industrial related activities, such as engineering, industrial design and consultation, or as ancillary uses to permitted manufacturing, light industry warehousing, distribution, light assembly, processing or mixed use. Art studios are not permitted in the SB and MM Zones.

The SB and MM Zones currently set percentage and area limitations on the types of office uses permitted. Specifically, the SB Zone limits offices in conjunction with other permitted uses (ancillary office) to a maximum of 40% of building area. In the MM Zone ancillary office uses can occupy a maximum of 60% of building area. As primary uses industrial-related offices are allowed up to 15,000 square feet per site in both zones. In addition, the MM Zone requires that mixed use projects including commercial, office and light industrial uses maintain light industrial uses in 50% of the total project's square footage. The project would not change these percentage and area limitations or offices; it would only increase the types of office uses permitted and allow art studios as permitted uses.

9. The following discussion offers an explanation in addition to the explanations for every "No Impact" answer on the checklist:

The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not result in any environmental impacts beyond what was considered in the EIR for the Smoky Hollow Specific Plan. The Smoky Hollow Specific Plan EIR estimated that approximately 164,221 square feet of new floor area would be developed in addition to the existing development which was estimated at 2,320,441 square feet at the time of the Plan adoption in 1985. Development within the Specific Plan area has been limited since its adoption and consisted primarily of re-development where new buildings replaced older buildings serving the purpose. In addition, a portion of the Medium Density Residential (MDR) Overlay district was activated for development of multiple-family residential units. Existing light industrial and auto-related uses were demolished to accommodate the new residential development. As a result, the building area devoted to nonresidential uses has not changed substantially in the Smoky Hollow area. The current estimate of existing development in the SB and MM Zones (excluding the activated MDR area) is approximately 2,330,272 square feet. This current estimate of existing development was derived using data from the LA County Assessor, GIS footprint data, a field survey, and building permit records.

In addition to the current estimate of existing development, staff estimated the potential for additional development in the Smoky Hollow area based on the existing development and the current zoning regulations (FAR and parking requirements). Staff estimated that approximately 141,961 additional square feet could be developed within the Smoky Hollow area (build-out potential). This estimate was derived using data from the LA County Assessor, GIS footprint data, a field survey, and building permit records.

**Methodology**

Using the data cited above, staff first established an estimate of the existing development for each parcel and for the entire Smoky Hollow Plan area (approximately 2,330,272 square feet of total floor area). Next, using the current FAR standard, staff
calculated the maximum possible additional development on each parcel and the Smoky Hollow area as a whole. Staff found that approximately half of all parcels in Smoky Hollow are currently developed at a higher FAR ratio than currently permitted. Thus, there is no potential for additional development on half the parcels in the Smoky Hollow area.

In order to determine a reasonable estimate for build-out potential for the remaining parcels, staff made certain assumptions. First, staff assumed that not all underutilized parcels (parcels where the existing development/building area was less than the permitted maximum) were likely to develop. Instead, staff assumed that properties currently developed at less than 50% of their maximum permitted Floor Area Ratio (FAR) will redevelop up to the maximum permitted FAR (.6 FAR). Second, staff assumed that vacant undeveloped land would develop up to the maximum permitted FAR. These assumptions are consistent with the methodology used to estimate the build-out potential citywide (including the Smoky Hollow area) during the update of the Circulation Element of the General Plan in 2004. The same assumptions were used in the EIR prepared for the Circulation Element update (Transportation and Traffic Analysis).

Finally, several developed and undeveloped parcels were excluded from the potential development build-out: 1) Field surveying and building permit records indicated that several vacant (but paved) parcels currently provide code required parking spaces for existing businesses on adjacent parcels and they are unlikely to be developed due to the shortage of parking in Smoky Hollow; 2) some vacant parcels are public owned properties housing equipment for utilities and other purposes; 3) the property located at the SE corner of Grand Avenue and Kansas Street (approximately 4.5 acres) was developed with an office/industrial facility approximately 91,000 square feet until it was demolished recently. The area of that facility was discounted from the total potential build-out area; and 4) the property located at 1700 East Grand Avenue was recently developed with a Federal Military Entrance Processing Center (MEPC) at 0.18 FAR. The Federal government has a long-term lease on the property, thus the property is not anticipated to build out to the maximum permitted FAR in the foreseeable future.
New office development and conversion potential

The proposed Specific Plan and Zone Text Amendments could encourage more office development in the Smoky Hollow area. Based on the current zoning restrictions on office development, approximately 126,685 square feet of office space could potentially be developed. When the City adopted the Smoky Hollow Specific Plan, office uses accounted for approximately 10.5% of the land uses. Assuming the percentage has not changed significantly and all potential office is developed, then the percentage of office uses in the Smoky Hollow area could rise to approximately 15%. In addition, existing industrial or auto-related uses could potentially convert into office uses. However, it is unlikely that all the potential additional office could be developed, or that there will be significant conversion of industrial uses into office uses, because of the limited parking within the Smoky Hollow area.

The Smoky Hollow Specific Plan EIR includes an inventory of the parking supply in the Specific Plan area. Based on that inventory, the entire Specific Plan area is significantly deficient in parking supply and is dependent on nonconforming parking and street parking to accommodate the existing parking demand. The EIR parking inventory estimated the required number of parking spaces for the entire Smoky Hollow area at 4,700 and the provided number of off-street parking spaces at 2,715 (approximately 2,000 less than the requirement). The parking requirement for industrial/manufacturing uses is one space per 500 square feet and the requirement for office uses is one space per 300 square feet of floor area. Thus, in order to convert industrial space into office space, the property owner/developer would be required to substantially increase the number of parking spaces on the property. Since most properties in the Smoky Hollow area are currently deficient in parking (street parking is already being used to address the parking demand), significant conversion of industrial space into office space is unlikely. The same limitation would apply to properties with existing buildings that could be expanded to the maximum permitted FAR.

In summary, the development (build-out) potential in the SB and MM Zones is approximately 141,961 square feet and will likely occur as a mix of industrial and office uses. The environmental impacts resulting from the anticipated development of 141,961 square feet were previously documented and addressed in the Environmental Impact Reports (EIR) for the El Segundo General Plan certified on April 4, 1994 and the Smoky Hollow Specific Plan, prepared in November 1985. Furthermore, mitigation measures that are integrated into the General Plan and the Smoky Hollow Specific Plan EIR will reduce the level of impacts to less than significant. The Smoky Hollow Specific Plan currently permits office uses (engineering, design, and consulting) that are similar to the proposed office uses (general and multimedia) and have similar impacts. Finally, the level and significance of future development impacts from the increased percentage of office uses in the SB and MM Zones, will be further assessed through a Negative Declaration or an EIR that will be prepared for site-specific developments.

Consistency with the General Plan

The proposed amendment and the inclusion of more (general and multimedia related) types of office uses in the Smoky Hollow area (the Small Business and Medium Manufacturing Zones) is necessary to help provide a supportive and economically
profitable environment as the foundation of a strong local business community. The proposed office uses, while limited, will diversify the types of services available in the area. As a result, the existing light industrial, storage, office, and limited residential tenants/occupants will interact with the proposed office uses in a mutually beneficial manner.

The addition of the proposed office uses is also necessary to help improve the physical condition and appearance of properties in the Smoky Hollow area.

The proposal is not intended to change the character of the Smoky Hollow area. The existing development guidelines, parking, FAR, and other requirements are proposed to remain. With this existing regulatory framework in place, the existing properties and development will be compatible with the proposed (general and multimedia-related offices) uses. The Smoky Hollow area with its current lot configuration is one of a few places in the City where the opportunity exists to help small to medium size businesses start up.

The proposed amendments are intended to increase the types of office uses permitted in the Smoky Hollow area, but not the amount of floor area they will occupy. The proposed uses have the same impacts as other permitted office uses, which were considered during the adoption of the El Segundo General Plan and the Smoky Hollow Specific Plan. Appendix D of the Smoky Hollow Specific Plan includes the Findings of approval for that plan and they state that “appropriate mitigation measures are incorporated in the Plan to ensure concerns identified at this level of planning are resolved as part of the more detailed site plan review which must be completed before private development may proceed.” So, any additional impacts that may arise from new construction to accommodate the proposed office uses will be addressed and mitigated during the review process. In conclusion, the proposed uses are not anticipated to have significant environmental (including traffic) impacts on the surrounding properties.

10. Surrounding Land Uses and Setting: Briefly describe the project’s surroundings.

The project area consists of the Small Business (SB) and Medium Manufacturing (MM) Zones of the Smoky Hollow Specific Plan area. Smoky Hollow is primarily a light industrial/ manufacturing area located in central El Segundo. Its general boundaries are Main Street to the west, El Segundo Boulevard to the south, Sepulveda Boulevard to the east, Holly Avenue to the north. The Small Business Zone generally covers the portion from Standard Street to Maryland Street, and the Medium Manufacturing Zone generally covers the portion from Maryland Street to the eastern boundary of the Specific Plan near Sepulveda Blvd.

The uses to the west of the Specific Plan consist primarily of retail, restaurant, and office uses. The Chevron refinery is located across El Segundo Boulevard to the east of the Specific Plan. The uses to the north include retail and restaurant uses along Sepulveda Boulevard, and corporate office uses east of Sepulveda Boulevard. The uses to the north of the Specific Plan include primarily single and multi-family residential uses, with some commercial uses along Grand Avenue. There are residential uses within the Specific Plan area as well, including a multifamily residential development in the Medium Density Residential (MDR) Zone of the Specific Plan at the intersection of Grand Avenue and Kansas Street. In addition, some nonconforming residential uses can be
found within the SB and MM Zones of the Specific Plan, however, as mentioned above the predominant uses found in these zones are light industrial/manufacturing and some limited office uses.

Generally, the project area serves as a transition between the high intensity office and manufacturing uses east of Sepulveda Boulevard and south of El Segundo Boulevard and the residential, civic, and small scale commercial uses in the City’s northwestern area. The industrial/manufacturing and office uses found in the SB and MM Zones are of smaller scale and lower intensity than those found east of Sepulveda and south of E Segundo Boulevard uses.

The Smoky Hollow Specific Plan area encompasses approximately 98.33 net acres excluding public right-of-way areas (streets, alleys, sidewalks, and parkways). The Small Business (SB) Zone covers 28.20 acres and the Medium Manufacturing (MM) Zone covers 62.69 acres (including the MDR and GAC overlay Zones). The remaining 7.44 acres consists of an area where the MDR overlay zone is activated and residential development is completed. The table below shows a complete breakdown of the Smoky Hollow area by Zone and Overlay.

<table>
<thead>
<tr>
<th>Smoky Hollow Zones</th>
<th>Area (acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small Business</td>
<td>28.20</td>
</tr>
<tr>
<td>Medium Manufacturing</td>
<td>40.61</td>
</tr>
<tr>
<td>Medium Manufacturing (GAC Overlay)</td>
<td>10.75</td>
</tr>
<tr>
<td>Grand Avenue Commercial (Activated)</td>
<td>4.26</td>
</tr>
<tr>
<td>Medium Manufacturing (MDR Overlay)</td>
<td>7.07</td>
</tr>
<tr>
<td>Medium Density Residential (Activated)</td>
<td>7.44</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>98.33</strong></td>
</tr>
</tbody>
</table>

The SB Zone is characterized by small lots that house small industrial businesses. The majority of lots in the SB Zone are below 6,500 square feet in size. The MM Zone is characterized by larger lots that are designed to support medium-sized developments.

Approximately 12.25 acres of land are vacant, including parcels being used to provide required parking for other developed properties. Some properties in the area appear to be used for residential purposes. Those properties are nonconforming in that residential uses are not permitted in the SB and MM Zones, except for caretaker units that are accessory to other permitted uses.

Access to the project area is obtained primarily via Sepulveda Boulevard, Grand Avenue, and El Segundo Boulevard. Figure 1 depicts the City of El Segundo and the project area boundaries.

11. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

None.
Figure 1. City of El Segundo and Smoky Hollow Specific Plan area
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages:

☑ Aesthetics ☐ Biological Resources ☐ Agriculture Resources ☐ Air Quality
☑ Biological Resources ☐ Cultural Resources ☐ Hazards and Hazardous Materials ☐ Geology / Soils
☑ Greenhouse Gas Emissions ☐ Mineral Resources ☐ Public Services ☐ Hydrology / Water

☐ Land Use / Planning ☐ Transportation / Traffic ☐ Utilities / Service Systems ☐ Noise
☐ Population / Housing ☐ Recreation ☐ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☑ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an EIR is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been address by mitigation measures based on the earlier analysis as described on attached sheets. An EIR is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Kimberly Christensen, AICP, Planning Manager  City of El Segundo
Printed Name  For

Signature  November 4, 2010  Date

EA-881: Smoky Hollow Specific Plan Amendment  Page 8  City of El Segundo
EVALUATION OF ENVIRONMENTAL IMPACTS:

a. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factor as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis.)

b. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

c. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

d. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

e. Earlier analyses may be used where, pursuant to the tiring, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

(1) Earlier Analysis Used. Identify and state where they are available for review.

(2) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

(3) Mitigation Measures. For effects that are "Less Than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

f. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
g. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

h. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

i. The explanation of each issue should identify:

(1) the significance criteria or threshold, if any, used to evaluate each question; and

(2) the mitigation measure identified, if any, to reduce the impact to less than significant.

SUPPORTING DOCUMENTATION:

ENVIRONMENTAL CHECKLIST:

<table>
<thead>
<tr>
<th>AESTHETICS</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Have a substantial adverse effect on a scenic vista?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>X</td>
</tr>
<tr>
<td>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>X</td>
</tr>
<tr>
<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>X</td>
</tr>
<tr>
<td>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>X</td>
</tr>
</tbody>
</table>

Explanation of Checklist Judgments:

I(a) **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not have a substantial adverse effect on a scenic vista. The proposed amendments will not change the development standards in the SB and MM Zones or the Design Guidelines and Standards in the Smoky Hollow Specific Plan. Any impacts on scenic vistas resulting from the anticipated future growth and development in Smoky Hollow were addressed in the EIRs for the Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures integrated into the various elements of the General Plan in the form of goals, policies, and implementation measures will reduce all potentially significant impacts on scenic vistas to a level of less than significant.

I(b). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not have a substantial adverse effect on a scenic vista. No scenic resources such as trees, rock outcroppings, or historic buildings are identified within the project area that would be damaged by the proposed amendments. The proposed amendments will not alter the F.A.R., height requirements, or other standards that would affect scenic such resources. Any impacts on scenic resources resulting from the anticipated future growth and development of the City have been addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures integrated into the various elements of the General Plan in the form of goals, policies, and implementation measures will reduce all potentially significant impacts on scenic resources to a level of less than significant.

I(c). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not substantially degrade the existing visual character or quality of the City and its surroundings. The proposed amendments will not change the development standards in the SB and MM Zones or the Design Guidelines and Standards in the Smoky Hollow Specific Plan. Any new development that results from the project will be constructed according to the existing standards and guidelines. Effects on the visual character of the City resulting from the anticipated future growth and development in the Specific Plan were addressed in the
EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures integrated into the various elements of the General Plan in the form of goals, policies, and implementation measures will reduce all potentially significant impacts to a level of less than significant.

I(d). No Impact. The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. The proposed amendments will not change the development standards in the SB and MM Zones or the Design Guidelines and Standards in the Smoky Hollow Specific Plan. Any new development that results from the project will be constructed according to the existing standards and guidelines. Any issues related to substantial light and glare resulting from the anticipated future growth and development of the City have been addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures integrated into the various elements of the General Plan in the form of goals, policies, and implementation measures will reduce all potentially significant impacts to a level of less than significant.

<table>
<thead>
<tr>
<th>II AGRICULTURE RESOURCES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Explanation of Checklist Judgments:

II(a). No Impact. The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. The project will simply allow a wider range of office uses in the Smoky Hollow area. There are no farmland or agricultural uses in El Segundo.

II(b). No Impact. The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not conflict with existing zoning for agricultural use, or a Williamson Act contract. The project will simply allow a wider range of office uses in the Smoky Hollow area. There are no zones intended for agricultural use, and no farmland or agricultural uses in El Segundo.
II(c). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not involve changes in the existing environment, which, due to their location or nature, could result in the conversion of farmland, to non-agricultural use. There are no farmland or agricultural uses in El Segundo.

<table>
<thead>
<tr>
<th>AIR QUALITY</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</strong></td>
</tr>
<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan?</td>
</tr>
<tr>
<td>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
</tr>
<tr>
<td>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</td>
</tr>
<tr>
<td>d) Expose sensitive receptors to substantial pollutant concentrations?</td>
</tr>
<tr>
<td>e) Create objectionable odors affecting a substantial number of people?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
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<td>☑</td>
</tr>
</tbody>
</table>

**Explanation of Checklist Judgments:**

III(a). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not conflict with or obstruct implementation of the Air Quality Management Plan for the South Coast Air Basin. Air quality impacts resulting from the anticipated growth and development in the project area were addressed in the EIR for the El Segundo General Plan and the Smoky Hollow Specific Plan. Mitigation measures integrated into the various elements of the General Plan and the Smoky Hollow Specific Plan EIR in the form of goals, policies, and implementation measures will reduce all potentially significant impacts to a level of less than significant.

III(b). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Air quality impacts resulting from the anticipated growth and development of the City were addressed in the EIR for the El Segundo General Plan and the Smoky Hollow Specific Plan. Mitigation measures integrated into the various elements of the General Plan and the Smoky Hollow Specific Plan EIR in the form of goals, policies, and implementation measures will reduce all potentially significant impacts to a level of less than significant.

III(c). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not result in a cumulatively
considerable net increase of any criteria pollutant. Impacts associated with criteria pollutants resulting from the anticipated growth and development of the City were addressed in the EIR for the El Segundo General Plan and the Smoky Hollow Specific Plan. Mitigation measures integrated into the various elements of the General Plan and the Smoky Hollow Specific Plan EIR in the form of goals, policies, and implementation measures will reduce all significant impacts to a level of less than significant. Furthermore, depending on the nature of each individual future residential project, cumulative air quality impacts may be addressed in supplemental environmental documentation.

III(d). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not expose sensitive receptors to substantial pollutant concentrations. No significant impacts associated with exposure of sensitive receptors to substantial pollutant concentrations have been identified in the EIR for the El Segundo General Plan and the Smoky Hollow Specific Plan. The level and significance of impacts associated exposure of sensitive receptors to substantial pollutant concentrations will be further assessed through a Negative Declaration or an EIR that will be prepared for site-specific developments.

III(e). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not create objectionable odors affecting a substantial number of people. No significant impacts associated with the creation of objectionable odors resulting from the anticipated development on vacant or underutilized land in the project area have been identified in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. The level and significance of impacts associated with the creation of objectionable odors that could affect a substantial number of people will be further assessed through a Negative Declaration or an EIR that will be prepared for site-specific developments.
<table>
<thead>
<tr>
<th>IV BIOLOGICAL RESOURCES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Would the project:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

**Explanation of Checklist Judgments:**

**IV(a). No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species. Impacts on such species either directly or through habitat modifications resulting from the anticipated growth and development of the City were addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures integrated into the various elements of the General Plan in the form of goals, policies, and implementation measures will reduce all potentially significant impacts to a level of less than significant.

**IV(b). No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not have a substantial effect on any riparian habitat or other sensitive natural community. Impacts on any riparian habitat or other sensitive natural community resulting from the anticipated growth and development of the City were addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures integrated into the various elements of the General Plan in the form of goals, policies, and implementation measures will reduce all potentially significant impacts to a level of less than significant.

**IV(c). No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not have a substantial
adverse effect on federally protected wetlands. The habitat nearest to the project area are the El Segundo Dunes, which are located on the northwest edge of the City and are a remnant of the greater Ballona Creek Wetland habitat. The El Segundo Dunes are thus located far enough from the project area that they will not be affected by any new development in the project area.

IV(d). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. No portions of the project area have been identified as migratory corridors or wildlife nursery sites. The only nesting and/or habitat areas for migratory birds and other wildlife are located near the coastal areas of the City, outside the project area. All impacts resulting from the anticipated growth and development in the project area were addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures integrated into the various elements of the General Plan in the form of goals, policies, conservation plans, and implementation measures will reduce all potentially significant impacts to a level of less than significant.

IV(e). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not conflict with any local policies or ordinances protecting biological resources. Local policies and ordinances designed to protect biological resources were drafted in response to identified environmental impacts at full build-out as discussed in the EIR for Smoky Hollow Specific Plan and the El Segundo General Plan. The proposed amendments will not change nor conflict with any of the existing local policies or ordinances protecting biological resources.

IV(f). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not conflict with the provisions of the Local Coastal Program, or any other approved local, regional, or state habitat conservation plan. The proposed amendments will not change nor conflict with the Conservation Plan of the Resource Management Element of the General Plan, which is the result of environmental impacts identified in the General Plan EIR. Its objective is the protection of plant and animal habitat from future development impacts. The development impacts of the proposed amendments are not substantially different from those contemplated in the EIR for the Smoky Hollow Specific Plan and the General Plan, therefore they will not conflict with the provisions of the adopted conservation and resource management plans.
V CULTURAL RESOURCES

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
<tr>
<td>c) Disturb any human remains, including those interred outside of formal cemeteries?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
</tbody>
</table>

Explanation of Checklist Judgments:

V(a). No Impact. The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not cause a substantial adverse change in the significance of a historical resource. Impacts on historical resources resulting from the anticipated development in the project area were addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures integrated into the various elements of the General Plan in the form of goals, policies, and implementation measures will reduce all potentially significant impacts to a level of less than significant.

V(b). No Impact. The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not cause a substantial adverse change in the significance of an archaeological resource. Impacts on archaeological resources resulting from the anticipated development in the project area were addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures integrated into the various elements of the General Plan in the form of goals, policies, and implementation measures will reduce all significant impacts to a level of less than significant.

V(c). No Impact. The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not disturb any human remains, including those interred outside of formal cemeteries. Impacts on any human remains resulting from the development in the project area were addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures integrated into the various elements of the General Plan in the form of goals, policies, and implementation measures will reduce all potentially significant impacts to a level of less than significant.
### VI GEOLOGY AND SOILS

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>ii) Strong seismic ground shaking?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>iii) Seismic-related ground failure, including liquefaction?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>iv) Landslides?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>d) Be located on expansive soil, as defined in Section 1802.2 of the California Building Code (2007) creating substantial risk to life or property?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

### Explanation of Checklist Judgments:

**VI(a). No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction and landslides. Impacts (present and future) on people and property associated with geologic forces and activities were addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Furthermore, California Building Codes were substantially updated to protect future building damage due to earthquake faults, seismicity, liquefaction, and landslides.

**VI(b). No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not result in substantial soil erosion or the loss of topsoil. Impacts to soils resulting from the development in the project area were addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures integrated into the various elements of the General Plan in the form of goals, policies, and implementation measures will reduce all significant impacts to a level of less than significant.
VI(c). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not result in projects that would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or offsite landslide, lateral spreading, subsidence, liquefaction or collapse. Impacts (present and future) on people and property associated with such geologic units or soils were addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Also, the City requires soils and geology reports for projects proposed to be located in geologically unstable areas.

VI(d). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not result in projects that would be located on expansive soils, creating substantial risk to life or property. Impacts (present and future) on people and property associated with expansive soils were addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures integrated into the General Plan in the form of goals, policies, and implementation measures will reduce all significant impacts to a level of less than significant. The level and significance of such impacts will be further assessed through a detailed soils and geological investigations for site specific developments.

VI(e). **No Impact.** None of the new development resulting from the proposed amendments will be served by septic tanks or alternative wastewater disposal systems. The project area is served adequately by the existing sewer system. Impacts (present and future) on the existing and future sewer system capacity were addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures integrated into the Smoky Hollow Specific Plan and the General Plan in the form of goals, policies, and implementation measures will reduce all significant impacts to a level of less than significant.

<table>
<thead>
<tr>
<th>VII GREENHOUSE GAS EMISSIONS</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Explanation of Checklist Judgments:

VII(a). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not generate greenhouse gas emissions that have a significant impact on the environment. State of California regulations seek to reduce the effects of global climate change in statutes and Executive Orders: Executive Order S-3-05: Heath and Safety Code Section 38500, *et seq.*: and Health and Safety Code §§ 42823 and 43018.5. These regulations recognize global climate change as a significant threat.
to California and therefore certain guidelines must be enacted to limit the production of greenhouse gases. The California Global Warming Solutions Act of 2006 (Health and Safety Code §§ 38500, et seq.) became effective on January 1, 2007. It seeks to reduce California’s greenhouse gas emissions to 1990 levels by 2020. The proposed project is not expected to create an increase in greenhouse gases, because the proposed amendments will not change the development standards applicable to the project area. The amendments will only change the types of office uses that are permitted and allow art studio uses as permitted uses. The proposed uses operate in a manner and have impacts substantially similar to the existing permitted uses. Therefore, they are not anticipated to generate more greenhouse gases than the existing permitted uses. No mitigation is required.

VII(b). No Impact. The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. State of California regulations seek to reduce the effects of global climate change in statutes and Executive Orders: Executive Order S-3-05: Heath and Safety Code Section 38500, et seq.; and Health and Safety Code §§ 42823 and 43018.5. These regulations recognize global climate change as a significant threat to California and therefore certain guidelines must be enacted to limit the production of greenhouse gases. The California Global Warming Solutions Act of 2006 (Health and Safety Code §§ 38500, et seq.) became effective on January 1, 2007. It seeks to reduce California’s greenhouse gas emissions to 1990 levels by 2020. The proposed project is not expected to conflict with any applicable plans, policies or regulations adopted for the purpose of reducing the emissions of greenhouse gases, because the proposed amendments will not change the development standards applicable to the project area. The amendments will only change the types of office uses that are permitted and allow art studio uses as permitted uses. The proposed uses operate in a manner and have impacts substantially similar to the existing permitted uses. Therefore, they are not anticipated to generate more greenhouse gases than the existing permitted uses. No mitigation is required.
<table>
<thead>
<tr>
<th>VIII HAZARDS AND HAZARDOUS MATERIALS</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Explanation of Checklist Judgments:

VIII(a). **Less than Significant.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not create a significant hazard involving the routine transport, use, or disposal of hazardous materials. The development of 141,961 additional square feet in the SB and MM Zones would be less than the potential build-out anticipated and studied in the Smoky Hollow Specific Plan EIR. Any impacts from hazardous materials from additional office development above the amounts contemplated in the Smoky Hollow Specific Plan EIR will be minimal and limited to typical material (such as cleaning supplies) found in office environments. Further, issues relative to hazardous materials were addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures integrated into the General Plan and the Smoky Hollow Specific Plan EIR in the form of goals, policies, and implementation measures will reduce all potentially significant impacts to a level of less than significant.

VIII(b). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Further, issues relative to hazardous materials were addressed in the EIR for the El
Segundo General Plan. Mitigation measures integrated into the General Plan in the form of goals, policies, and implementation measures will reduce all potentially significant impacts to a level of less than significant.

VIII(c). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not have any potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Further, issues relative to hazardous materials were addressed in the EIR for the El Segundo General Plan.

VIII(d). **No Impact.** None of the properties in the project area are located on a site which is included on a list of hazardous materials compiled pursuant to Government Code Section 65962.5.

VIII(e). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not result in issues related to LAX and related aviation hazards has been addressed in the EIR for the El Segundo General Plan. Mitigation measures integrated into the General Plan in the form of goals, policies, and implementation measures will reduce all potentially significant impacts to a level of less than significant.

VIII(f). **No Impact.** There are no private airports in the vicinity of the City.

VIII(g). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not have the potential to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Further, issues relative to an emergency response plan or an emergency evacuation plan were addressed in the EIR for the El Segundo General Plan. Mitigation measures integrated into the General Plan in the form of goals, policies, and implementation measures will reduce all potentially significant impacts to a level of less than significant.

VIII(h). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not expose people or structures to a significant risk of loss, injury or death involving wildland fires. There are no wild lands in the City. However, fire hazard impacts associated with the anticipated development in the project area has been addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures integrated into the General Plan in the form of goals, policies, and implementation measures will reduce all potentially significant impacts to a level of less than significant.
<table>
<thead>
<tr>
<th>IX HYDROLOGY AND WATER QUALITY</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements?</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
<td>✓</td>
</tr>
<tr>
<td>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
<td>✓</td>
</tr>
<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
<td>✓</td>
</tr>
<tr>
<td>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
<td>✓</td>
</tr>
<tr>
<td>e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
<td>✓</td>
</tr>
<tr>
<td>f) Otherwise substantially degrade water quality?</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
<td>✓</td>
</tr>
<tr>
<td>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
<td>✓</td>
</tr>
<tr>
<td>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
<td>✓</td>
</tr>
<tr>
<td>i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
<td>✓</td>
</tr>
<tr>
<td>j) Inundation by seiche, tsunami, or mudflow?</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
<td>✓</td>
</tr>
</tbody>
</table>

**Explanation of Checklist Judgments:**

**IX(a). No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not violate any water quality standards or waste discharge requirement. Water quality issues associated with the anticipated development in the project area were addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures integrated into the General Plan in the form of goals, policies, and implementation measures will reduce all potentially significant impacts to a level of less than significant.

**IX(b). No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. Groundwater supply issues associated with the anticipated development in
the project area were addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures integrated into the General Plan in the form of goals, policies, and implementation measures will reduce all potentially significant impacts to a level of less than significant.

IX(c). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not substantially alter existing drainage patterns in a manner that would result in substantial erosion or siltation on or off-site. Erosion or siltation resulting from the anticipated development in the project area has been addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures integrated into the General Plan in the form of goals, policies, and implementation measures will reduce all potentially significant impacts to a level of less than significant.

IX(d). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not substantially alter existing drainage patterns in a manner that would result in flooding on- or off-site. Potential flooding impacts associated with the anticipated development in the project area, were addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan, and may also be addressed in future environmental documentation prepared for individual projects. Mitigation measures integrated into the General Plan in the form of goals, policies, and implementation measures will reduce all potentially significant impacts to a level of less than significant.

IX(e). **Less than Significant.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. Issues associated with runoff water resulting from the anticipated development in the project area, were addressed in the EIR for the El Segundo General Plan. Mitigation measures integrated into the General Plan in the form of goals, policies, and special plans will reduce all potentially significant impacts to a level of less than significant. Furthermore, the level and significance of future development impacts on water drainage systems from the increased percentage of office uses in the SB and MM Zones, will be further assessed through a Negative Declaration or an EIR that will be prepared for site-specific developments. Finally, through the application of the erosion control and other NPDES measures, the anticipated new development in the project area is not expected to substantially increase runoff water in the area and significantly impact water drainage systems.

IX(f). **Less than Significant.** Through the application of the erosion control and other NPDES measures, the anticipated new development in the project area is not expected to substantially degrade local water quality.

IX(g). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not result in the placement of structures within a 100-year flood hazard area. Issues associated with flood hazard areas and future construction activity were addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures integrated into
the General Plan in the form of goals, policies, and special plans will reduce all potentially significant impacts to a level of less than significant.

IX(h). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not result in the placement of structures within a 100-year flood hazard area that would impede or redirect flood flows. Issues associated with flood hazard areas and future construction activity were addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures integrated into the General Plan in the form of goals, policies, and special plans will reduce all potentially significant impacts to a level of less than significant.

IX(i). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. All potential impacts associated with flooding resulting from the anticipated growth and development in the project area were addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures integrated into the General Plan in the form of goals, policies, and special plans will reduce all potentially significant impacts to a level of less than significant.

IX(j). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not have a significant hazard to the public or the environment nor increase the number of persons subject to the ocean generated hazardous events. Even though the City may be subject to tsunamis since it is located one half mile from the Pacific Ocean surf, properties are protected by a half-mile of the El Segundo Sand Dunes with a height of up to 90 plus feet above sea level. In addition, hazards associated with tsunami were addressed in the EIR for the El Segundo General Plan. Mitigation measures integrated into the General Plan in the form of goals, policies, and special plans will reduce all potentially significant impacts to a level of less than significant.

<table>
<thead>
<tr>
<th>X LAND USE AND PLANNING</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Physically divide an established community?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

**Explanation of Checklist Judgments:**

X(a). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not physically divide an
established community. The project area is largely built out, it has an established street network that is not expected to change. The amount of vacant land that could be developed within the project area is limited, and any new development resulting from the proposed amendments will occur on existing parcels of land with little or no impact on the street network.

X(b). **Less than Significant.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones are consistent with all elements of the General Plan, including its Land Use Designations, its Land Use Plan, its goals, policies, and objectives. The proposed amendments will allow a wider range of office uses in the project area maintaining the same FAR, lot coverage, and maximum development limits contemplated in the Smoky Hollow Specific Plan and the General Plan. The proposed amendments will also allow artists’ studio uses (limited to art production space only) as permitted uses in the project area, which will operate in substantially the same manner as low intensity light industrial/manufacturing uses. The impacts related to potential conflicts with existing land-use regulations and/or policies were addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures integrated into the Smoky Hollow Specific Plan and the General Plan in the form of goals, policies, and implementation measures will reduce all significant impacts to a level of less than significant.

**General Plan provisions:**
The General Plan Land Use designation for the project area is “Smoky Hollow Mixed-Use.” This designation “permits primarily light industrial uses including light manufacturing, research and development, warehousing, and office uses.” The proposed amendments are consistent with the Land Use Designation for the project area, because they relate to general and multimedia-related office uses, which are permitted in the Smoky Hollow Mixed-Use Land Use Designation.

**Smoky Hollow Specific Plan provisions:**
The Smoky Hollow Specific Plan Land Use Plan (ESMC § 15-11-2E) in subsection 1.a states: “… The desire is to maintain a small industrial business environment, but not to preclude lot consolidation, business expansion and growth. Design guidelines will allow some flexibility to achieve visual enhancement of the area. The small business area is a transition between the pedestrian scale downtown and the medium sized manufacturing area to the east. Uses will basically remain the same as at present, with an emphasis on the smaller industrial user with ancillary office space.” The proposed Specific Plan Text Amendment would delete “with ancillary office space” and replace it with “and limited general and multimedia related office space.” This proposed language is consistent with the General Plan Land Use designation for the Smoky Hollow area, which permits office uses.

X(c). **No Impact.** As previously indicated, the proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones do not conflict with any habitat conservation plan or natural community conservation plan (see explanation for IV(f)).
### XI MINERAL RESOURCES

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

**Explanation of Checklist Judgments:**

Xi(a). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not substantially result in the loss of the availability of mineral resources, particularly petroleum resources. Access to petroleum resources associated with the anticipated growth and development of the City is not expected to diminish or be affected by future development and will have a less than significant impact.

Xi(b). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not substantially result in the loss of the availability of mineral resources, particularly petroleum resources. Access to petroleum resources associated with the anticipated growth and development of the City is not expected to diminish.

### XII NOISE

<table>
<thead>
<tr>
<th>Would the project result in:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

**Explanation of Checklist Judgments:**
XII(a). No Impact. The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Impacts (both current and future) associated with noise were addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures integrated into the General Plan in the form of goals, policies, and implementation measures will reduce all potentially significant impacts to a level of less than significant.

XII(b). No Impact. The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not result in exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels. Impacts (present and future) associated with noise and vibration were addressed in the EIR for the El Segundo General Plan. Mitigation measures integrated into the General Plan in the form of goals, policies, and implementation measures will reduce all potentially significant impacts to a level of less than significant.

XII(c). No Impact. The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not result in a substantial permanent increase in ambient noise levels in the City above levels existing without the project. Impacts (present and future) associated with the permanent increase in ambient noise levels in the City were addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures integrated into the General Plan in the form of goals, policies, and implementation measures will reduce all potentially significant impacts to a level of less than significant.

XII(d). Less than Significant. The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not result in a substantial temporary or periodic increase in ambient noise levels in the City above levels existing without the project. Impacts (both present and future) associated with the temporary or periodic increase in ambient noise levels in the City were addressed in the EIR for the El Segundo General Plan. Mitigation measures integrated into the General Plan in the form of goals, policies, and implementation measures are designed to reduce all potentially significant impacts to a level of less than significant.

XII(e). Less than Significant. The Los Angeles International Airport is located north and adjacent to the City of El Segundo with runways that are nearly parallel to the City's northern limits. Flight patterns of airlines arriving and departing on the southern runways as well as taxi activities around the cargo terminals create excessive noise impacts on substantial portions of the City's residential neighborhoods. The development of new industrial and office uses in the City has the potential to expose future businesses to noise levels, which exceed community-established thresholds. These impacts were addressed in the EIR for the El Segundo General Plan. Mitigation measures integrated into the General Plan in the form of goals, policies, and implementation measures are designed to reduce all potentially significant impacts to a level of less than significant.

XII(f). No Impact. No private airstrip exists within or adjacent to the City.
**XIII POPULATION AND HOUSING**

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</td>
<td>□</td>
<td>□</td>
<td>☒</td>
<td>□</td>
</tr>
<tr>
<td>b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>☒</td>
</tr>
<tr>
<td>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>☒</td>
</tr>
</tbody>
</table>

**Explanation of Checklist Judgments:**

**XIII(a). Less than Significant.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not induce substantial population growth in the area. The anticipated amount of new development in the project area is approximately 141,961 square feet, which is less than the amount studied in the EIR for the Smoky Hollow Specific Plan. Impacts associated with substantially population growth in the City were addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures integrated into the General Plan in the form of goals, policies, and implementation measures will reduce all potentially significant impacts to a level of less than significant.

**XIII(b). No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not result in the displacement of substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. The project area is largely built out primarily with industrial, auto-related, and office uses. Any additional development is expected to occur within non-residential zones of the Smoky Hollow Specific Plan.

**XIII(c). No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not result in the displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere. The project area is largely built out primarily with industrial, auto-related, and office uses. Any additional development is expected to occur within non-residential zones on underutilized or vacant parcels of the Smoky Hollow Specific Plan.
### XIV PUBLIC SERVICES

| Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services? |
|---|---|---|---|---|
| a) Fire protection? | ☐ | ☐ | ☐ | ✗ |
| b) Police protection? | ☐ | ☐ | ☐ | ✗ |
| c) Schools? | ☐ | ☐ | ☐ | ✗ |
| d) Parks? | ☐ | ☐ | ☐ | ✗ |
| e) Other public facilities? | ☐ | ☐ | ☐ | ✗ |

### Explanation of Checklist Judgments:

**XIV(a). No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities. Anticipated new development within the project area will be constructed according to the current Fire and Building Code. Impacts associated with new fire protection facilities resulting from the anticipated development in the project area were addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures integrated into the Smoky Hollow Specific Plan and the General Plan in the form of goals, policies, and implementation measures are designed to reduce all potentially significant impacts to a level of less than significant.

**XIV(b). No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities. Impacts associated with new police protection facilities resulting from the anticipated development in the project area were addressed in the EIR for the El Segundo General Plan. Mitigation measures integrated into the General Plan in the form of goals, policies, and implementation measures are designed to reduce all potentially significant impacts to a level of less than significant.
XIV(c). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not result in substantial adverse physical impacts associated with providing new or physically altered school facilities. Impacts associated with new school facilities resulting from the anticipated development in the project area were addressed in the EIR for the El Segundo General Plan, and is planned for by the public school district which serve El Segundo. Mitigation measures integrated into the General Plan in the form of goals, policies, and implementation measures are designed to reduce all potentially significant impacts to a level of less than significant.

XIV(d). **No Impact:** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities. The anticipated new development within the project area would consist primarily of industrial and office uses. Thus, the demand for new park facilities will be limited. Impacts associated with new park facilities resulting from the anticipated development in the project area were addressed in the EIR for the El Segundo General Plan. Mitigation measures were integrated into the General Plan in the form of goals, policies, and implementation measures to reduce all potentially significant impacts to a level of less than significant. Furthermore, new nonresidential development in the project area will be subject to development impact fees. Finally, the level and significance of future development impacts on park facilities from the increased percentage of office uses in the SB and MM Zones, will be further assessed through a Negative Declaration or an EIR that will be prepared for site-specific developments.

XIV(e). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not result in substantial adverse physical impacts associated with providing new or physically altered public facilities. Impacts associated with new public facilities resulting from the anticipated development in the project area, were addressed in the EIR for the El Segundo General Plan. In addition, public facility impacts of any new development will be addressed in separate site-specific studies. Mitigation measures have been integrated into the General Plan in the form of goals, policies, and implementation measures to reduce all potentially significant impacts to a level of less than significant.

<table>
<thead>
<tr>
<th>XV RECREATION</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>❌</td>
</tr>
<tr>
<td>b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>❌</td>
</tr>
</tbody>
</table>

**Explanation of Checklist Judgments:**

XV(a). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not result in an increase of
the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated. Impacts to existing recreational facilities resulting from population growth were addressed in the EIR for the El Segundo General Plan. Mitigation measures have been integrated into the General Plan in the form of goals, policies, and implementation measures to reduce all potentially significant impacts to a level of less than significant. Furthermore, new nonresidential development in the project area will be subject to development impact fees. Finally, the level and significance of future development impacts on park facilities from the increased percentage of office uses in the SB and MM Zones, will be further assessed through a Negative Declaration or an EIR that will be prepared for site-specific developments.

XV(b). No Impact. The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones do not have provisions or requirements for the construction or expansion of recreational facilities. However, impacts associated with the construction or expansion of recreational facilities in response to population growth has been addressed in the EIR for the El Segundo General Plan. Mitigation measures were integrated into the General Plan in the form of goals, policies, and implementation measures to reduce all potentially significant impacts to levels of less than significant.

<table>
<thead>
<tr>
<th>XVI TRANSPORTATION/TRAFFIC</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>e) Result in inadequate emergency access?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>f) Result in inadequate parking capacity?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Explanation of Checklist Judgments:

XV(a). Less than Significant. The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not cause an increase in traffic, which is substantial in relation to the existing traffic load and
capacity of the street system. Increase in traffic resulting from the anticipated growth and development in the project area has been addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. The anticipated new development within the project would be approximately 141,961 square feet, which is less than that studied in the Smoky Hollow Specific Plan EIR. Mitigation measures have been integrated into the Smoky Hollow Specific Plan and the General Plan in the form of goals, policies, and implementation measures to reduce all potentially significant impacts to a level of less than significant. In addition the level and significance of future traffic impacts from the increased percentage of office uses in the SB and MM Zones, will be further assessed through a Negative Declaration or an EIR that will be prepared for site-specific developments. Finally, any new development in the project area will be subject to the City's traffic impact fees.

XVI(b). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not cause to exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways. Impacts resulting from the anticipated development in the project area on the level of service for roads or highways were addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures have been integrated into the Smoky Hollow Specific Plan and the General Plan in the form of goals, policies, and implementation measures to reduce all potentially significant impacts to a level of less than significant.

XVI(c). **No Impact** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not have any impact on air traffic patterns, given the nature and location of the anticipated development outside of the established airport flight pattern.

XVI(d). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). The project area is urban in nature and largely built out. It has an established grid-patterned street network, which would not be altered by the proposed project. Impacts resulting from the anticipated development in the project area on the street network and the circulation patterns were addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures have been integrated into the Smoky Hollow Specific Plan and the General Plan in the form of goals, policies, and implementation measures to reduce all potentially significant impacts to a level of less than significant.

XVI(e). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not result in inadequate emergency access. The project area is urban in nature and largely built out. It has an established grid-patterned street network, which would not be altered by the proposed project. Thus, emergency access throughout the project area will not be impacted by the project. Impacts to emergency access on specific sites will be addressed during the site plan review process for each development. During the site plan review process, individual development projects will be required to meet all applicable
Building and Fire Codes, including emergency access requirements.

XVI(f). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not result in inadequate parking capacity, because the development standards applicable to any future development in the project area will not be affected. Impacts to parking capacity on specific sites will be addressed during the site plan review process for each development. During the site plan review process, individual development projects, including additions to existing buildings and conversions of space from one use to another will be required to meet all applicable parking requirements.

XVI(g). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not conflict with adopted policies, plans, or programs supporting alternative modes of transportation (e.g., bus turnouts, bicycle racks). Impacts resulting from the anticipated development in the project area on adopted policies, plans or programs supporting alternative modes of transportation were addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures have been integrated into the General Plan in the form of goals, policies, and implementation measures to reduce all potentially significant impacts to a level of less than significant.

<table>
<thead>
<tr>
<th>XVII UTILITIES AND SERVICE SYSTEMS</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>✗</td>
</tr>
<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>✗</td>
</tr>
<tr>
<td>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>✗</td>
</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>✗</td>
</tr>
<tr>
<td>e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>✗</td>
</tr>
<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>✗</td>
</tr>
<tr>
<td>g) Comply with federal, state, and local statutes and regulations related to solid waste?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>✗</td>
</tr>
</tbody>
</table>
Explanation of Checklist Judgments:

XVII(a). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not cause to exceed in wastewater treatment requirements of the applicable Regional Water Quality Control Board. The impact of full buildout on wastewater treatment requirements was addressed in the EIR for Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures have been integrated into the General Plan in the form of goals, policies, and implementation measures to reduce all potentially significant impacts to a level of less than significant.

XVII(b). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Issues relative to environmental effects resulting from the construction of new facilities or expansion of existing facilities were addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. In addition, the need for expanded wastewater treatment and sewer facilities for any new development will be analyzed and addressed in separate site-specific studies that may include requirements to expand said facilities. Mitigation measures have been integrated into the Smoky Hollow Specific Plan and the General Plan in the form of goals, policies, and implementation measures to reduce all potentially significant impacts to a level of less than significant. As required by State law and the General Plan, environmental impacts related to the construction of new facilities will be addressed through the EIRs or Negative Declarations that will be prepared for site specific projects.

XVII(c). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Issues relative to environmental effects resulting from the construction of new facilities or expansion of existing facilities were addressed in the EIR for the El Segundo General Plan. In addition, the need for expanded storm water drainage facilities for any new residential development will be analyzed and addressed in separate site-specific studies that may include requirements to expand said facilities. As required by State law and the General Plan, environmental impacts related to the construction of new facilities will be addressed through the EIRs or Negative Declarations that will be prepared for site specific projects.

XVII(d). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not require or result in the construction of water facilities or expansion of existing facilities, to provide water to the project area. Any anticipated development in the project area will be adequately served by existing facilities. Impacts related to future water supplies were addressed in the EIR for the Smoky Hollow Specific Plan and the General Plan. Mitigation measures have been integrated into the Smoky Hollow Specific Plan and the General Plan in the form of goals, policies, and implementation measures to reduce all significant impacts to a level of less than significant.
XVII(e). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not require a determination by the wastewater treatment provider regarding the adequate capacity of the facility to serve the projected demand of the project area. Impacts related to the adequacy or capacity of wastewater treatment providers to serve the anticipated development were addressed in the EIR for the Smoky Hollow Specific Plan and the General Plan. Mitigation measures have been integrated into the Smoky Hollow Specific Plan and the General Plan in the form of goals, policies, and implementation measures to reduce all potentially significant impacts to a level of less than significant.

XVII(f). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs. Impacts related to landfill capacity and solid waste disposal needs resulting from the anticipated population growth of the City were addressed in the EIR for the Smoky Hollow Specific Plan General Plan. Mitigation measures have been integrated into the General Plan in the form of goals, policies, and potentially implementation measures to reduce all significant impacts to a level of less than significant.

XVII(g). **No Impact.** The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will comply with federal, state, and local statutes and regulations related to solid waste. Impacts related to solid waste were addressed in the EIR for the Smoky Hollow Specific Plan and the General Plan. Mitigation measures have been integrated into the General Plan in the form of goals, policies, and implementation measures to reduce all potentially significant impacts to a level of less than significant.

<table>
<thead>
<tr>
<th>XVIII MANDATORY FINDINGS OF SIGNIFICANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the project:</td>
</tr>
<tr>
<td>a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</td>
</tr>
<tr>
<td>b) Have impacts that are individually limited, but cumulatively considerable? (&quot;Cumulatively considerable&quot; means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)</td>
</tr>
<tr>
<td>c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
</tr>
</tbody>
</table>
Explanation of Checklist Judgments:

XVIII(a). No Impact. The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. All aforementioned environmental impacts that could result from the anticipated development in the project area were addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Specific environmental impacts related to new development would be also be addressed in separate environmental documentation prepared for the particular project. Mitigation measures integrated into the various elements of the General Plan in the form of goals, policies, and implementation measures, plus supplemental measures included in subsequent environmental documentation for individual projects, will reduce all potentially significant impacts to a level of less than significant.

XVIII(b). Less than Significant. The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not result in impacts that are individually limited, but cumulatively considerable. All cumulative environmental impacts that could result from the anticipated development in the project area were addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures integrated into the various elements of the General Plan in the form of goals, policies, and implementation measures will reduce all cumulatively significant impacts to a level of less than significant.

XVIII(c). No Impact. The proposed amendments to the Smoky Hollow Specific Plan Land-Use Plan and the permitted uses in the SB and MM Zones will not cause substantial adverse effects on human beings, either directly or indirectly. Impacts on human beings that could result from the anticipated development in the project area were addressed in the EIR for the Smoky Hollow Specific Plan and the El Segundo General Plan. Mitigation measures integrated into the various elements of the Smoky Hollow Specific Plan and the General Plan in the form of goals, policies, and implementation measures will reduce all cumulatively significant impacts to a level of less than significant.
December 1, 2010

CITY OF EL SEGUNDO
City Council Chambers
350 Main Street
El Segundo, CA 90245

Re: NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION
AND NOTICE OF PUBLIC HEARING FOR ENVIRONMENTAL ASSESSMENT
NO. 881, SPECIFIC PLAN AMENDMENT NO. SPA 10-01 AND ZONE TEXT
TEXT AMENDMENT NO. ZTA 10-04.

Members of the planning commission,

As a long time business and property owner in the Smokey Hollow area, I would like to express my support for the above specific plan amendment. I feel that its approval will bring a positive change to the Smokey Hollow area, by attracting new and creative business to our city. Smokey Hollow has long been somewhat undefined therefore not accessible, to new and creative business and ideas. I believe approval of the amendment will help change that and transform Smokey Hollow into a new and exciting part of El Segundo.

Thank you

Tom N. Georgouses
CEO
December 1, 2010

CITY OF EL SEGUNDO
City Council Chambers
350 Main Street
El Segundo, CA 90245

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Thank you

Tom N. Georgouses

Jim Pickett
December 1, 2010

TO: Matt Crabbs
FROM: Lyle Maul
RE: Smoky Hollow Rezoning

I am a developer, commercial property owner, and business owner in El Segundo. I understand that Matt Crabbs has submitted an application to the City of El Segundo that would expand the acceptable zoning uses for the Smoky Hollow area. I would like to state my support for his efforts to expand the zoning to include a wider range of uses. The Smoky Hollow area is lagging behind in development and needs additional incentives to attract business development and expanding zoning uses is the easiest and fastest way to expedite business development in the area.

The Smoky Hollow area is plagued with old and poorly maintained structures, inadequate parking, and aging infrastructure – all of which inhibit new development. Expanding the zoning to possibly include more retail, some form of live/work, medical, and a more flexible mix of office and light industrial would definitely help spur development.
Dec 1, 2010

City of El Segundo
City Council Chambers
350 Main St
El Segundo, CA 90245

Members of the El Segundo planning commission I am a property owner in the small business district area and want to express my support in favor of the specific plan amendment and zone text amendment.

I would like to further express my support for Matt Crabbs efforts to include a wider range of uses which will allow for additional incentives to attract business development.

Thanks and Cheers
Respectfully
Dave Furano
December 2, 2010

To the members of the Planning Commission:

As the owners of 128 Sierra Street in El Segundo, we fully support the amendment of the Smokey Hollow City specific plan to allow general office uses. We have been extremely pleased with the support of the city and look forward to maintaining a long presence and growing our business.

If you have any questions, please feel free to contact us at (310) 322-7767.

Thank you.

Dan Levin

Premiere Props
128 Sierra Street
El Segundo, CA 90245
APPLICATION FOR A SPECIFIC PLAN OR SPECIFIC PLAN AMENDMENT

Environmental Assessment No.: 881 Specific Plan No.: 10-01
Date: 10/5/2010

Applicant:
Matt Crabbs
Name (print or type)
2105 6th Street
Address
Santa Monica, CA 90405
City/St/Zip

Check One: Owner ☒ Lessee ☐

Property Owner:
Matt Crabbs LLC
Name (print or type)
215-237 California Street
Address
El Segundo, CA 90245
City/St/Zip

Representative of applicant: (i.e., attorney, expeditor, etc.)

Name (print or type)

Address

City/St/Zip

Phone

Fax

Email

Signature

310 864-9034 310 392-2851

Fax

Email

Signature
Property situated at: All Medium Manufacturing & Small Business Zone
(Exact legal description. Provide attachment, if necessary.)

General location: Ground
Address (Street/Avenue) between El Segundo Blvd and West of Sepulveda Blvd

Existing Zoning: MM + SB

General Plan Land Use Designation: MM + SB

El Segundo Municipal Code Section(s) Relating To Request: ____________________________

Request: Under the provisions of Title 15 of the Municipal Code, application for consideration of a Specific Plan for the above described property.

1. Describe in detail the entire proposed project (type of construction, materials to be used, uses involved, e.g., bank, general office, industrial, restaurant, etc.) including buildings and other equipment necessary to the project.

2. Describe the existing development on the site. Include square footages and uses of each building on the site.
3. Explain in detail why this particular site is especially suited for the proposed development.

4. Describe how the proposed project will compare/contrast to the development of adjacent properties and the immediate area and will not have detrimental effects to the adjacent properties or neighborhood. How will potential impacts be mitigated?

5. Describe the technological processes and equipment employed on-site and their compatibility with existing and potential land uses within the general area.
NOTE: Separate Affidavits must be submitted if there are multiple owners.

OWNER'S AFFIDAVIT

I, We David Matthew Crabbs being duly sworn depose and say that I/we am the OWNER of the property involved in this application and that I/we have familiarized myself (ourselves) with the rules and regulation of the City of El Segundo with respect to preparing and filing this application and that the foregoing statements herein contained and the information documents and all plans attached hereto are in all respects true and correct to the best of my/our knowledge and belief.

Signature 10/6/2010 Date 2010

STATE OF CALIFORNIA, )
County of Los Angeles )ss.

On this 6th day of October 2010 before me, the undersigned Notary Public in and for said County and State, personally appeared known to me to be the person whose name is subscribe to the within instrument, and acknowledged to me that he/she executed the same.

WITNESS my hand and official seal.

Notary Public in and for said County and State
AGENT AUTHORIZATION

I hereby authorize ___________________________ to act for me/us in all matters relevant to this application. I understand that this person will be the exclusive contact on the project and will be sent all information and correspondence.

_________________________________________ 20
Owner's Signature

AGENT AFFIDAVIT

I, We ___________________________ being duly sworn deposite and say that I/we am the AGENT of the property involved in this application and that I/we have familiarized myself (ourselves) with the rules and regulation of the City of El Segundo with respect to preparing and filing this application and that the foregoing statements herein contained and the information documents and all plans attached hereto are in all respects true and correct to the best of my/our knowledge and belief.

_________________________________________ 20
Signature Date

STATE OF CALIFORNIA, )
County of Los Angeles )ss.

On this __________ day of __________ 20 _____, before me, the undersigned Notary Public in and for said County and State, personally appeared ___________________________ known to me to be the person whose name ___________________________ subscribe to the within instrument, and acknowledged to me that he/she executed the same.

WITNESS my hand and official seal.

_________________________________________ Notary Public in and for said County and State
RESPONSES TO SPECIFIC PLAN TEXT AMENDMENT APPLICATION

The application form does not have relevant questions.

1. Project description.

The proposed amendment involves modifying the Land Use Plan of the Smoky Hollow Specific Plan. The amendment is intended to allow more types of office uses in the Smoky Hollow area, specifically in the SB and MM Zones. The Land Use Plan would be amended as follows:

§ 15-11-2E. The Land Use Plan
Subsection I.a. Small business area: ... The desire is to maintain a small industrial business environment... Uses will basically remain the same as at present, with an emphasis on the smaller industrial user with ancillary and limited general and multimedia related office space.

2. Consistency with Specific Plan Goals, Policies and Objectives

Goal 1 (Pattern of Uses), Objective 1.3 – Maximum possible responsiveness to market opportunities within the desired development intensification as defined by the Specific Plan Development Regulations, Standards and Design Guidelines. The proposed amendment is consistent with this objective in that purpose of the proposed amendment is to respond to the current market conditions, which demonstrate a shift away from the traditional industrial uses, to toward more creative office uses.

Goal 1, Policy 7 to “Encourage limited office, commercial, and warehousing uses within” prescribed percentage limits. The proposed amendment intends to expand the types of office uses permitted in the Smoky Hollow SP, without changing the prescribed area percentage limits.

Goal 3 (Visual Improvement), Objective 3.4 – Achievement of an overall positive identity for the area. The proposed amendment is intended to increase the types of office uses permitted in the Smoky Hollow SP, which will improve the marketability and the value of properties in Smoky Hollow. As a result, property owners would be able to invest in improvements to improve the appearance their properties.

Goal 5 (New Uses and Use Intensification), Objective 5.2 The most effective possible use of each parcel of land without changing the intended character of each land use district in the Plan. The proposed amendment is intended to add variety to the choice of uses within the Smoky Hollow Specific Plan. At the same time the additional uses a similar and compatible with existing permitted uses in the Specific Plan. As a result, property owners will be better able to select the “right” use for their property, without jeopardizing the character of the neighborhood and zone.

Goal 5, Objective 5.3 Location of new uses in areas which contribute most to overall improvement of the area. The proposed amendment and expansion of the permitted uses
will help stimulate new business activity and development in the Smoky Hollow area. This will lead to a physical improvement in the area and a fiscal improvement for the City.

§ 15-11-2E. The Land Use Plan
The Land Use Plan states in Subsection 1.a. regarding the Small business area that "[t]he desire is to maintain a small industrial business environment..." The proposed amendment does not intend to change that small business industrial character. The proposed uses will basically remain the same. The proposed change will simply result in a change in the types of office uses permitted, but not the amount. The Smoky Hollow SP and the SB and MM Zones set specific numerical and percentage limits to the area that office uses can occupy on a site. This limit is not affected by the proposed amendment.

§ 15-11-2F. The Circulation Plan
The plan states: "Because the basic character of proposed land uses is not expected to change in the near future, the recently adopted City-wide General Plan Circulation Element (1984) remains adequate in its designation of arterial highways and truck routes." The proposed amendment is consistent with the Circulation Plan of the Smoky Hollow Specific Plan and the Circulation Element of the General Plan. The proposed amendment will not change the basic character of the uses in Smoky Hollow and will not result in increased development, beyond the amount considered in the Smoky Hollow Specific Plan and the Circulation Element of the General Plan.

SHSP Appendix D. Specific Plan Findings. Finding E states that "appropriate mitigation measures are incorporated in the Plan to ensure concerns identified at this level of planning are resolved as part of the more detailed site plan review which must be completed before private development may proceed." Consequently, any impacts from new construction activity generated by the proposed amendment will be addressed during the site plan review process outlined in the Specific Plan.

In conclusion, the proposed amendment is generally consistent with the goals, objectives and policies and other provisions of the Smoky Hollow Specific Plan.
APPLICATION FOR A ZONE TEXT AMENDMENT

Environmental Assessment No: 881     ZTA No: 10-04

Date: 7/8/2010

Applicant:
Matt Crabbs
Name (print or type)
2105 6th Street
Address
Santa Monica, CA, 90405
City/St/Zip

Check One:  Owner ☐  Lessee ☐  Agent ☐

Property Owner:

Name (print or type)

Address

City/St/Zip

Phone

Fax

Email

Signature

310 864-9024  710 382 7851
Matt Crabbs eMail.com

Signature
Representative of applicant: (i.e., attorney, expeditor, etc.)

Name (print or type)  Phone  Fax

Address

City/St/Zip  Signature

Architect/Engineer:

Name (print or type)  Phone  Fax

Address

City/St/Zip  Signature

Property Situated at:

All Small Business zoned parcels. (SB)

(Exact legal description. Provide attachment, if necessary).

All Medium Manufacturing zoned parcels. (MM)

General Location:

Smoky Hollow Specific plan Area

Address between Street, Avenue and Street/Avenue

Zoning: MM + SB

General Plan Land Use Designation: Smoky Hollow

Proposed Zone Text Amendment: (cite Municipal Code sections and list specific proposed changes)

Request: Under the provisions of Title 15, Chapter 26 of the Municipal Code, application for consideration of a Zone Text Amendment for the above described property.

1. Does the public necessity require the proposed amendment? Describe the nature of the proposed amendment, including the section(s) of the Municipal Code to be amended.

   See Attachment to application for zone text amendment.
2. Would the changes proposed by the amendment be detrimental in any way to the surrounding property? (Explain reasons supporting your answers.)

See Attachment to Application for zone text amendment.
OWNER'S AFFIDAVIT

I, We MATT CRABBS being duly sworn depose and say that I/we am the OWNER(S) of the property involved in this application and that I/we have familiarized myself (ourselves) with the rules and regulation of the City of El Segundo with respect to preparing and filing this application and that the foregoing statements herein contained and the information documents and all plans attached hereto are in all respects true and correct to the best of my/our knowledge and belief.

[Signature]

July 16, 2010

Date

STATE OF CALIFORNIA, }
County of Los Angeles }ss.

On this 16th day of July, 2010, before me, the undersigned Notary Public in and for said County and State, personally appeared MATT CRABBS known to me to be the person whose name is subscribe to the within instrument, and acknowledged to me that he/she executed the same.

WITNESS my hand and official seal.

[Notary Public Signature]

[Notary Seal]

ELIZABETH C. SROUR
NOTARY PUBLIC - CALIFORNIA
COMMISSION # 1754925
LOS ANGELES COUNTY
My Comm. Exp. April 25, 2011

[Signature]

[Notary Public Seal]
AGENT AUTHORIZATION

I hereby authorize ___________________________ to act for me/us in all matters relevant to this application. I understand that this person will be the exclusive contact on the project and will be sent all information and correspondence.

______________________________  ____________________________
Owner's Signature

AGENT AFFIDAVIT

I, We MATT CRABBS, being duly sworn depose and say that I/we am the AGENT of the property involved in this application and that I/we have familiarized myself (ourselves) with the rules and regulation of the City of El Segundo with respect to preparing and filing this application and that the foregoing statements herein contained and the information documents and all plans attached hereto are in all respects true and correct to the best of my/our knowledge and belief.

______________________________  ____________________________
Signature  Date

July 9, 2010

STATE OF CALIFORNIA,   )
County of Los Angeles  )ss.

On this 9th day of July, 2010, before me, the undersigned Notary Public in and for said County and State, personally appeared MATT CRABBS known to me to be the person whose name 15 subscribe to the within instrument, and acknowledged to me that he/she executed the same.

WITNESS my hand and official seal.

______________________________
Notary Public in and for said County and State

ELIZABETH C. SROUR
NOTARY PUBLIC - CALIFORNIA
COMMISSION # 1734838
LOS ANGELES COUNTY
My Comm. Exp. April 23, 2011
RESPONSES TO ZONE TEXT AMENDMENT APPLICATION

1. The proposed amendment involves the addition of new office uses to the Small Business (SB) and Medium Manufacturing (MM) Zones. Specifically, the SB and MM Zones would be amended as follows:

   **Small Business**

   15-6C-2: PERMITTED USES: The following uses are permitted in the SB zone:

   A. General offices in conjunction with any other permitted use as long as the office use does not occupy in excess of forty percent (40%) of the total building square footage.

   B. General and/or multimedia related offices, up to fifteen thousand (15,000) square feet per site, involved in industrial related activities such as engineering, industrial design and consulting, except in conjunction with a permitted manufacturing, light industrial or warehousing use, whereby the size may be greater.

   *   *   *

   I. **Art studios (Production space only).**

   **Medium Manufacturing**

   15-6D-2: PERMITTED USES: The following uses are permitted in the MM zone:

   A. General offices in conjunction with any other permitted use as long as the office does not occupy in excess of sixty percent (60%) of the total building square footage.

   B. General and/or multimedia related offices, up to fifteen thousand (15,000) square feet per site, involved in industrial related activities such as engineering, industrial design and consultation, except in conjunction with a permitted manufacturing, light industrial, warehousing, distribution, light assembly, processing or mixed use, in which the size maybe greater.

   *   *   *

   M. **Art studios (Production space only).**

Public Necessity. The proposed amendment and the inclusion of more types of office uses in the Smoky Hollow area (the SB and MM Zones) is necessary to help provide a supportive and economically profitable environment as the foundation of a strong local business community. The proposed office uses, while limited, will diversify the types of services available in the area. As a result, the existing light industrial, storage, office, and limited residential tenants/occupants will interact with the proposed office uses in a mutually beneficial manner.
The addition of the proposed office uses is also necessary to help improve the physical condition and appearance of properties in the Smoky Hollow area. The additional permitted uses will increase the property owners’ ability to lease or sell their property thereby increasing the value of the property and the rent amounts. As a result, property owners will be able to invest more money in tenant improvements, which consequently will improve the overall welfare of the area and the City. The limited nature of the proposed office uses will not create substantial competition with existing office uses outside the Smoky Hollow area.

2. The proposed amendment intends to increase the types of office uses permitted in the Smoky Hollow area, but not the amount of floor area they will occupy. The proposed uses have the same impacts as other permitted office uses, which were considered during the adoption of the El Segundo General Plan and the Smoky Hollow Specific Plan. Appendix D of the Smoky Hollow Specific Plan includes the Findings of approval for that plan and they state that “Appropriate mitigation measures are incorporated in the Plan to ensure concerns identified at this level of planning are resolved as part of the more detailed site plan review which must be completed before private development may proceed.” In other words, any additional impacts that may arise from new construction to accommodate the proposed office uses will be addressed and mitigated during the review process. So, the proposed uses are not anticipated to have significant environmental (including traffic and parking) impacts on the surrounding properties.

No noise impacts are anticipated. Uses falling under the General Office and multimedia related office definitions will be limited strictly indoors as currently stated in the SB and MM Zones. Thus, there would be no noise impacts on surrounding properties.

Hazardous materials. No hazardous materials impacts are anticipated. The proposed office uses are similar to uses currently permitted in the Smoky Hollow Mixed-Use Land Use designation and no hazardous materials are expected to be used, stored or transported, other than typical materials associated with office uses.

Economic impacts on surrounding uses. The proposal is not anticipated to other detrimental effects on surrounding properties and will not compete with the Downtown or other uses outside the Smoky Hollow area. The proposed office uses will remain secondary and are expected to interact primarily with other existing uses in the Smoky Hollow area. The industrial character of the area is not anticipated to change. Furthermore, due to the limited size of the properties and buildings in the Smoky Hollow area and the limitations on office sizes, the proposed uses will not compete with large office tenants located east of Sepulveda Boulevard.
<table>
<thead>
<tr>
<th>ENVIRONMENTAL CHECKLIST</th>
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<tbody>
<tr>
<td>Environmental Assessment No: 881</td>
</tr>
</tbody>
</table>

| Date: 7/8/2010 |

1. **Project Title:** Smoky Hollow S.P., GPA and rezoning.

2. **Project Location:** Small Business and medium manufacturing Zones.

3. **Applicant**

   - **Name (print or type):** Matt Crabbs
   - **Phone:** 310 864-8034
   - **Fax:** 310 392-7281
   - **Address:** 2105 6th Street
   - **City/St/Zip:** Santa Monica, CA 90405
   - **Email:** Matt Crabbs (Email)
   - **Signature:** Matt Crabbs

4. **Property Owner:** N/A

   - **Name (print or type):**
   - **Phone:**
   - **Fax:**
   - **Address:**
   - **City/St/Zip:**
   - **Email:**
   - **Signature:**
5. Representative of applicant: (i.e., attorney, expeditor, etc.)

**Name** (print or type)__________________________

**Phone** ____________________ **Fax** ______________

**Email** ____________________ **Signature** __________

**Address** ____________________

**City/St/Zip** ____________________

6. Architect/Engineer:

**Name** (print or type)__________________________

**Phone** ____________________ **Fax** ______________

**Email** ____________________ **Signature** __________

**Address** ____________________

**City/St/Zip** ____________________

Property situated at: All parcels in the MM and SB zones

(Exact legal description including Assessor Parcel Information. Provide attachment, if necessary).

General location: SB and MM Zones located between ____________________

**Address (Street/Avenue)** ____________________

__________________________ ____________________

**(Street/Avenue)**

Existing Zoning: MM and SB

General Plan Land Use Designation: Smoky Hollow Use

II. PROJECT INFORMATION N/A

1. Site Area: N/A Bldg Area: N/A Bldg. Height: N/A No. Floors: N/A

Floor Area Ratio (FAR): N/A Percent of lot coverage by structures: N/A

2. Total no. employees: N/A Max. per shift: N/A Days/Hours of operation: N/A

3. Number of on-site parking spaces provided: N/A

4. Proposed construction scheduling: N/A

5. Will any permits (including a Hazardous Materials Business Plan) be required from agencies other than the City? (please explain) N/A

6. Will the project use, store, or dispose of potentially hazardous chemicals, materials, toxic substances, flammables or explosives? (please explain) NO

If yes to either 5 or 6 please describe in detail on a separate sheet.
7. Existing land uses of the subject site and surrounding properties:

Subject property: SB + MM Zones
North: Residential Zones
East: Corporate Office Zones
South: 0
West: Downtown Specific Plan + Residential Zones

8. Physical Site:

Will the project modify existing natural features? No
Estimated cubic yards of grading involved in the project: Cut= Fill=

9. Other public agencies whose approval is required: (e.g., permits, financing, approval or participation agreement, etc.) N/A

III. ENVIRONMENTAL SETTING

1. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical, or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach and label photographs of the site and surrounding area.

The topography for Smoky Hollow Area is sloping and flat. The soil is a mix of sand and dirt. The area contains a unique aspect relating to soil stability, or cultural, historic or scenic characteristics. There is no vegetation. The area is developed with small to medium, one to three story buildings. One of the major features is the Kansas River flat and vacant land is under construction

2. Describe the surrounding properties, including information on plants and animals and any cultural, historical, or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, setback, rear yard, etc.). Attach and label photographs of the site and surrounding area.

The area is Smoky Hollow Area, and a portion of the subject site is in the Grand Ave. Commercial District. There are no unique aspects relating to plant or animal life, and there are no cultural, scenic or historic aspects related to the neighborhood.
IV. ENVIRONMENTAL IMPACTS

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics ☐ Agricultural Resources ☐ Air Quality
☐ Biological Resources ☐ Cultural Resources ☐ Geology/Soils
☐ Hazards & Hazardous Materials ☐ Hydrology/Water Quality ☐ Land Use/Planning
☐ Mineral Resources ☐ Noise ☐ Population/Housing
☐ Public Services ☐ Recreation ☐ Transportation/Traffic
☐ Utilities/Service Systems ☐ Mandatory Findings of Significance

EVALUATION OF IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-specific, indirect as well as direct, and construction as well as operational impacts.

3. The checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." You must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

   a. Earlier Analyses Used. Identify and state where they are available for review.

   b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address specific conditions for the project.

6. Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. The explanation of each issue should identify:
   a. the significance criteria or threshold, if any, used to evaluate each question; and
   b. the mitigation measure identified, if any, to reduce the impact to less than significance.

ISSUES

A brief written explanation is required for all of your responses to the following questions except those checked "No Impact". Your responses must be keyed to the corresponding question (e.g. a response to the first question should begin with "1a" followed by your narrative response).
<table>
<thead>
<tr>
<th>Issues:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant Impact</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>I. AESTHETICS. Would the project:</td>
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<tr>
<td>a). Have a substantial adverse effect on a scenic vista?</td>
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<td>b). Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
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<td>c). Substantially degrade the existing visual character or quality of the site and surroundings?</td>
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<td>d). Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?</td>
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<td>II. AGRICULTURAL RESOURCES. In determining whether Impacts to agricultural resources are significant environmental Effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared By the California Dept. of Conservation as an optional model To use in assessing impacts on agriculture and farmland. Would the project:</td>
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<td>a). Convert Prime Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared Pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-Agricultural use?</td>
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<td>b). Conflict with existing zoning or agricultural use, or a Williamson Act contract?</td>
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<td>c). Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?</td>
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<td>III. AIR QUALITY. Where available, the significance criteria Established by the applicable air quality management or air Pollution control district may be relied upon to make the Following determinations. Would the project:</td>
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<td>a). Conflict with or obstruct implementation of the applicable air quality plan?</td>
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<td>b). Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
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Issues:

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c). Result in a cumulatively considerable net increase of any criteria pollutant for which the project region nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? □

d). Expose sensitive receptors to substantial pollutant concentrations? □

e). Create objectionable odors affecting a substantial number of people? □

IV. BIOLOGICAL RESOURCES. Would the project:

a). Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? □

b). Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? □

c). Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological Interruption, or other means? □

d). Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? □

e). Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? □

f). Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat Conservation plan? □
V. CULTURAL RESOURCES. Would the project:

a). Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the Public Resources Code?

b). Cause a substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5 of the Public Resources Code?

c). Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

d). Disturb any human remains, including those intered outside of formal cemeteries?

VI. GEOLOGY AND SOILS. Would the project:

a). Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:

i). Rupture of a known earthquake fault, as defined on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

ii). Strong seismic ground shaking?

iii). Seismic-related ground failure, including liquefaction?

iv). Landslides?

b). Result in substantial soil erosion or the loss of topsoil?

c). Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

d). Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

e). Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?
VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

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a). Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials? | | | | O |
b). Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous material into the environment? | | | | O |
c). Emit hazardous emissions or handle or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | | O | | O |
d). Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | | | | O |
e). For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people working in the project area? | | | O | O |
f). For a project within the vicinity of a private air strip, would the project result in a safety hazard for people residing or working in the project area? | | O | | O |
g). Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | | | O | O |
h). Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | O | O | | O |

VIII. HYDROLOGY AND WATER QUALITY. Would the project:

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a). Violate any water quality standards or waste discharge requirements? | | O | | O |
b). Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land use or planned uses for which permits have been granted)? | O | O | | O |
c). Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?  

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d). Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in flooding on- or off-site?  

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e). Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage system or provide substantial additional sources or polluted runoff?  

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f). Otherwise substantially degrade water quality?  

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g). Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?  

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h). Place within a 100-year flood hazard area structures which would impede or redirect flood water?  

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i). Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?  

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j). Inundation by seiche, tsunami, or mudflow?  

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IX. LAND USE AND PLANNING. Would the project:  

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<tbody>
<tr>
<td>a). Physically divide an established community?</td>
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b). Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?  

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c). Conflict with any applicable habitat conservation plan or natural community conservation plan?  

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<th>Less than Significant Impact With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>x</td>
</tr>
</tbody>
</table>

X. MINERAL RESOURCES. Would the project:  

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant Impact With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a). Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</td>
<td></td>
<td></td>
<td>x</td>
</tr>
</tbody>
</table>
**Issues:**

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Less than Significant Impact with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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**b). Result in the loss of availability of locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

**XI. NOISE. Would the project result in:**

| a). Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standard of other agencies? |
| b). Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? |
| c). A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? |
| d). A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? |
| e). For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? |
| f). For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? |

**XII. POPULATION AND HOUSING. Would the project:**

| a). Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)? |
| b). Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? |
| c). Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? |

**City of El Segundo Initial Study Applicant Questionnaire**

11 of 17
XIII. PUBLIC SERVICES. Would the project:

a). Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

<table>
<thead>
<tr>
<th>Public Facility</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant Impact Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire protection?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>Police protection?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Schools?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Parks?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Other public facilities?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

XIV. RECREATION. Would the project:

a). Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

<table>
<thead>
<tr>
<th>Impact</th>
<th>Yes</th>
<th>No</th>
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<tr>
<td>☐</td>
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</table>

b). Does the project include recreation facilities or require the construction or expansion of recreational facilities which have an adverse physical effect on the environment?

<table>
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<tr>
<th>Impact</th>
<th>Yes</th>
<th>No</th>
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</tbody>
</table>

XV. TRANSPORTATION/TRAFFIC. Would the project:

a). Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections?

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<thead>
<tr>
<th>Impact</th>
<th>Yes</th>
<th>No</th>
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</table>

b). Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

<table>
<thead>
<tr>
<th>Impact</th>
<th>Yes</th>
<th>No</th>
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<tr>
<td>☐</td>
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</tbody>
</table>

c). Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

<table>
<thead>
<tr>
<th>Impact</th>
<th>Yes</th>
<th>No</th>
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</thead>
<tbody>
<tr>
<td>☐</td>
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</table>
### Issues:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>d.</td>
<td>Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>e.</td>
<td>Result in inadequate emergency access?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>f.</td>
<td>Result in inadequate parking capacity?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>g.</td>
<td>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

### XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b.</td>
<td>Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c.</td>
<td>Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>d.</td>
<td>Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>e.</td>
<td>Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>f.</td>
<td>Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>g.</td>
<td>Comply with federal, state, and local statutes and regulations related to solid waste?</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>
Issues:

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

a). Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?  

b). Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

c). Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?
OWNER'S AFFIDAVIT

I, We MATT CRABBS being duly sworn depose and say that I/We am the OWNER of the property involved in this application and that I/We have familiarized myself (ourselves) with the rules and regulation of the City of El Segundo with respect to preparing and filing this application and that the foregoing statements herein contained and the information on documents and all plans attached hereto are in all respects true and correct to the best of my/our knowledge and belief.

__________________________
Signature

July 7
Date
2010

STATE OF CALIFORNIA,
County of Los Angeles

On this 9th day of July 2010 before me, the undersigned Notary Public in and for said County and State, personally appeared MATT CRABBS known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

WITNESS my hand and official seal.

__________________________
Notary Public in and for said County and State

ELIZABETH O. SROUR
NOTARY PUBLIC - CALIFORNIA
COMMISSION # 1734985
LOS ANGELES COUNTY
My Comm. Exp. April 25, 2011
AGENT AUTHORIZATION

I hereby authorize ____________________________ to act for me/us in all matters relevant to this application. I understand that this person will be the exclusive contact on the project and will be sent all information and correspondence.

Owner's Signature

AGENT AFFIDAVIT

I, We MATT CRABBs being duly sworn deposite and say that I/We am the AGENT of the property involved in this application and that I/We have familiarized myself (ourselves) with the rules and regulation of the City of El Segundo with respect to preparing and filing this application and that the foregoing statements herein contained and the information on documents and all plans attached hereto are in all respects true and correct to the best of my/our knowledge and belief.

Signature    July 9    2010

STATE OF CALIFORNIA, )
County of Los Angeles )ss.

On this 9th day of July 2010 before me, the undersigned Notary Public in and for said County and State, personally appeared MATT CRABBS known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

WITNESS my hand and official seal.

ELIZABETH C. SHOUR
NOTARY PUBLIC - CALIFORNIA
COMMISSION # 1734936
LOS ANGELES COUNTY
My Comm. Exp. April 26, 2011

Notary Public in and for said County and State
AGENDA DESCRIPTION:

Consideration and possible action regarding a public hearing related to the Proposition 218 majority protest ballot process for Residential Trash Collection. (Fiscal Impact: Up to $560,700 in annual savings if the fee is imposed.)

RECOMMENDED COUNCIL ACTION:

1. Open the Public Hearing.
2. Receive all written and verbal testimony regarding the proposed fee increases, including receiving written protest ballots.
3. Close the public hearing;
4. Take no further action until the Council is presented with the protest ballot results at the February 1, 2011 Regular City Council Meeting.
5. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

October 5, 2010 Staff Report
October 19, 2010 Staff Report, including Resolution No. 4689 for Proposition 218 Procedures

FISCAL IMPACT: None

Amount Budgeted: $
Additional Appropriation: N/A
Account Number(s):

ORIGINATED BY: Stephanie Katsouleas, Director of Public Works
REVIEWED BY: Mark Hensley, City Attorney
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

Proposition 218 Process

On October 5, 2010, the City Council directed staff to initiate the Proposition 218 ballot protest procedure regarding establishing fees for residential trash collection. On October 19, 2010, the City Council adopted Resolution 4689 amending the City's existing procedures for the mailing, handling and counting of Proposition 218 ballot protests to include residential trash collection services fees. As highlighted in prior staff reports, Proposition 218 requires that property owners and customers be provide notice and an opportunity to protest the imposition of trash fees, or
increases thereof, at least 45 days prior to the time that the City Council holds a public hearing to consider the imposition of the fee. If a protest is lodged on behalf of a majority of the properties for which the fee is proposed, the City cannot impose the fee.

On November 5, 2010 the City mailed notices to more than 3700 parcel owners and renters (where appropriate) of one and two unit residential properties that the City may impose fees for residential trash services and the basis for such fees. Due to the omission of the word “monthly” in the original materials mailed out, an additional postcard was mailed on December 3, 2010 clarifying that the rates presented were in fact monthly proposed rates. The postcard also identified the new hearing date and clarified that the protest process only applied to one (1) and two (2) unit residential properties. The public hearing was noticed for 7:00 p.m., January 18, 2011.

There are 2876 one and two unit residential properties in the City. Accordingly, to successfully protest the establishment of residential trash collection fees, 1439 property owners must return their ballots as instructed and prior to the close of the public hearing.

Tabulating of the Ballots

Given the number of ballots that have been received, the Clerk’s Office estimates that it will take approximately 7 days to tabulate the ballots. The Clerk’s Office intends to tabulate the ballots generally between the hours of 8 A.M. and 4 P.M. commencing on January 19, 2011 and continuing until such time as the process is completed. Based upon staffing limitations and unforeseeable circumstances (staff absences, other priority requests made of the Clerk’s Office, etc.), the schedule and timing of the tabulation may be altered. The Clerk’s Office will use its best efforts to post any changes to the tabulation schedule on the door of the City Clerk’s Office and on the exterior glass wall located directly South of the Council Chambers and adjacent to Main Street.

February 1, 2011 Council Meeting

At the February 1, 2011 Council Meeting, the Council will be presented with a resolution certifying the results of the protest ballot process. If there is not a majority protest, the Council will then consider whether or not to impose fees for residential trash service. Staff also anticipates presenting the recommendations of the Trash Subcommittee and seeking Council direction regarding future trash collection options, whether to bid or renegotiate the current trash agreement and whether to continue providing free trash service to three and four unit residential properties.
AGENDA DESCRIPTION:
Consideration and possible action to approve the preliminary Proposition 218 documents and direct staff to commence the Proposition 218 protest procedures regarding implementation of residential trash (solid waste) collection fees. (Fiscal Impact: $20,000 for ballot mailing; Potential Fiscal Impact = Approximately $560,700 annual trash collection revenue.)

RECOMMENDED COUNCIL ACTION:
1. Approve notice to residents regarding proposed residential trash collection fees and protest ballot language.
2. Determine and approve a schedule for mailing proposed notices and protest ballots and public hearing date to tabulate protest ballot results and consider imposing residential trash collection fees.
3. Adopt a resolution amending the procedures for mailing, handling and counting of Proposition 218 protest ballots to include trash (solid waste) fees.
4. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
Proposed Resolution
Draft Notice to Parcel Owners and Protest Ballot for Proposed Residential Trash

FISCAL IMPACT: Budget Adjustment Required

<table>
<thead>
<tr>
<th>Amount Budgeted:</th>
<th>$</th>
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<tbody>
<tr>
<td>Additional Appropriation:</td>
<td>Yes $20,000</td>
</tr>
</tbody>
</table>

Account Number(s):

ORIGINATED BY: Stephanie Katsouleas, Director of Public Works
REVIEWED BY: Mark Hensley, City Attorney
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:
The City of El Segundo currently provides weekly residential trash collection services free of charge to approximately 4475 residential properties (residential properties with four or less units). These services are currently funded using General Fund monies at an annual cost of $560,700 (or about $10.44 per property per month per unit). Residential properties with more than four units and commercial/industrial properties coordinate and pay for their own refuse collection but can participate in City-sponsored waste collection events and services (e.g., e-waste, recycled tires, document shredding, green waste drop off) at no charge.
On September 7, 2010, Council directed staff to prepare Proposition 218 rate notices and protest ballot materials regarding recovering fees associated with trash collection for residential properties. In order for the City to consider passing through residential trash collection fees, a Prop 218 ballot protest process must be undertaken. This process includes, at a minimum:

- Identifying the monthly amount(s) that would charged to residents for weekly trash collection services for a period not to exceed five years from the date that rates are first imposed;
- Adopting a resolution amending the procedures for mailing, handling and counting Prop 218 protest ballots to include solid waste fees;
- Conducting a public hearing to tabulate protest ballot and take public testimony regarding the potential collection of residential trash fees; and
- Consideration of adopting trash fees if a majority of the property owners do not protest the proposed trash rates.

Once all the necessary ballot materials are approved and mailing commences, the protest ballot period must run a minimum of 45 days before the council can hold the public hearing. City Council will then conduct a public hearing to tabulate the protest ballots received and determine whether to implement a trash collection fee. Because the City's current contract with Consolidated Disposal Services will expire on July 31, 2011, the fee structure proposed incorporates current rates as well as anticipated increases based on the new contract to be awarded next year. Actual fees passed on to residents after August 1, 2011 will depend on the contract rate obtained when the new fees go into effect, but will not exceed the maximum amount approved through the protest ballot measure or the actual cost of providing the service.

Proposed Rate Structure
The proposed fee structure identified below is structured into two phases. The first phase will recuperate approximately $46,719 monthly in General Fund expenditures for residential trash collection services through July 31, 2011 (under the existing trash contract).

**Current Rate (effective through July 31, 2011)**

| Annual Residential Collection Contracted Amount: | $560,700 |
| Total Number of Homes Served: | 4475 |
| Total Monthly per Service Address (flat rate): | $10.44 |

The second phase will recuperate General Fund expenditures based on a new trash contract, which becomes effective August 1, 2011. For the notice to residents, staff recommends that Council determine and approve a future "not to exceed" fee for residential trash collection services that fully or partially covers expenditures incurred after August 1, 2011. Actual annual fees would be based on the rate(s) secured in the upcoming five year contract, but would not exceed the proposed cap set by City Council for the five year duration of this protest ballot process. In setting these future rates, staff recommends City Council consider two alternative fee structures, as follows:
Anticipated Future Rate (effective August 1, 2011)

Alternative 1: Set collection fees equally for all residents served. Some cities charge a basic flat rate for residential trash collection services regardless of the amount generated, whether the service is manual or automated. For example:

Hermosa Beach  $11.57
Torrance        $28.16
Lawndale        $15.19 (2010 rate)
Manhattan Beach $13.74 (through May, 2011)

Alternative 2: Establish a tiered rate structure according to amount of waste generated. To encourage recycling and thereby minimize the amount of residential waste going to landfills, some cities have implemented a tiered rate structure, effectively charging each residential account a trash collection fee based on the size and number of carts used. For example:

Hawthorne       $18.86 for a 65-gal cart
                 $22.06 for 95-gal cart
Santa Monica    $31.61 for a 68-gallon cart
                 $40.82 for a 95-gallon
Lawndale (2011) $9.35 for a 35-gallon cart
                 $13.35 for a 60-gallon cart
                 $17.35 for a 90-gallon
Manhattan Beach New trash RFP includes a tiered rate structure for (June 2011) 35-, 64- and 96-gallon containers, effective

| Current and Future Proposed Fees | Alternative 1: Flat Fee | Alternative 2: Fee Based on Cart Size
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<tbody>
<tr>
<td></td>
<td>35-gallon cart</td>
<td>65-gallon cart</td>
<td>95-gallon cart</td>
<td></td>
</tr>
<tr>
<td>Current Fee: Through July 1, 2011</td>
<td>$10.44</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Proposed “Not to Exceed” Fee: August 1, 2011 - 2016</td>
<td>$16.00</td>
<td>$12.00</td>
<td>$16.00</td>
<td>$20.00</td>
</tr>
</tbody>
</table>

*Additional trash carts would be at an additional cost. For example, a second 65-gallon cart could be an additional $4.00.

Proposition 218
In November 1995, the California electorate approved Proposition 218 that requires certain procedures be followed with regard to “property-related” fee increases imposed by governmental agencies. Trash collection fees are subject to a Proposition 218 “majority protest” ballot process
that provides that if a majority of the residents in the City protest the proposed rate increase the City cannot impose the increase.

Just as there initially was some disagreement between lawyers and court decisions regarding which fees were subject to Proposition 218, there is currently a disagreement with respect to the protest ballot process. Specifically, there is a disagreement amongst attorneys that represent public agencies (and potentially between the language approved by the voters and some recent legislation) as to whether tenants that pay for fees covered by Proposition 218 must be afforded the opportunity to protest proposed fee increases. A couple of years ago the state legislature attempted to clarify this issue by passing legislation that on its face requires that tenant customers be afforded the opportunity to protest such fee increases. The City Attorney’s Office believes the legislation is not consistent with Proposition 218 and believes it is potentially invalid since the language in Proposition 218 stated that the notice regarding the protest process must be sent to the “record owner” and the owner was the person that had the right to file the protest. In this particular case where neither record owners nor tenants are currently paying for the service, it is not possible for the City to know whether the property owner or tenant will be paying for the service.

Despite the City Attorney’s Office opinion on this matter, staff and the City Attorney agree that the most conservative approach is to send the protest ballots to property owners and to the extent the property owner’s mailing address (as identified on the County Assessor’s tax rolls) is different from the actual property address that will be receiving the trash service, that a ballot also be mailed to the parcel address receiving the service. The City is only required to count one protest per parcel. Accordingly, even if both the owner and tenant file a protest, only one protest shall be counted for purposes of determining whether there is a “majority protest” as described below.

Proposition 218 requires that the City provide all properties receiving the service for which the fee is charged (in this case, trash collection services) with a minimum of 45 days written notice prior to Council holding a public hearing on a proposed rate increase. The property owners (and now tenants) have the ability to “protest” the proposed rate increase until the close of the public hearing. If a majority of the parcels file written protests with the City prior to the close of the public hearing, Proposition 218 states that the City cannot implement the proposed fee. If a majority of the parcels do not protest the proposed increase, the Council has the authority to implement the proposed rate increase.

In accordance with Proposition 218 requirements, several steps have been taken to comply with the law, including the preparation of a draft Notice to Parcel Owners of a Proposed Rate Increase, Notice of a Public Hearing (date to be determined), and a Schedule of Proposed Trash Collection Service Fees. Staff will be prepared to produce the required notices and mail them out to all property owners by November 8, 2010.

Finally, staff recommends that Council adopt the attached resolution for purposes of amending the current rules and regulations regarding the process for distributing, processing and counting protest ballots for purposes of including solid waste fees. The current rules and regulations only apply to water and wastewater fees as the City did not collect trash fees when the rules and regulations were adopted. The rules and regulations are consistent with Proposition 218 legislation relating to Proposition 218 and the process outlined above. For example, it states who will be sent notices and ballots, which department at the City is responsible for receiving
and storing the ballots, the process for counting the ballots, and a process by which replacement ballots may be requested.

Potential Fiscal Impact
Staff believes that the proposed rates will result in full or nearly full recovery of costs associated with providing residential trash collection services, thereby reducing the General Fund liability by more than $550,000 annually.
AGENDA DESCRIPTION:
Consideration and possible action to adopt a resolution amending the City's existing procedures for mailing, handling and counting of Proposition 218 protest ballots to include residential (solid waste) trash collection service fees. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:
1. Adopt a resolution amending the City's existing procedures for mailing, handling and counting of Proposition 218 protest ballots to include residential trash collection service fees.
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
Proposed Resolution

FISCAL IMPACT: None
Amount Budgeted: $
Additional Appropriation: N/A
Account Number(s):

ORIGINATED BY: Stephanie Katsouleas, Director of Public Works
REVIEWED BY: Mark Hensley, City Attorney
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:
The attached resolution proposes to amend the existing the procedures for mailing, handling and counting Proposition 218 protest ballots to include residential trash collection services. When the procedures were originally adopted by the Council the City did not charge for trash collection services, so the procedures were only applicable to water and wastewater fees.

The procedures are intended to implement the intent of Proposition 218 with regard to allowing property owners, and pursuant to legislation utility customers, the opportunity to file written protests with regard to proposed utility fee increases. The procedures set forth, among other things, the process by which ballots are to be sent out and processed when they are returned.

A key part of the procedures is that property owners or customers must utilize the ballot that is provided by the City. Unlike traditional elections, there is no process by which the City can verify signatures with regard to those casting protest ballots. Thus, in order to provide some controls in to the process and some degree of confidence that those actually protesting the proposed fees are either qualified property owners or customers the City requires that the forms
provided by the City be used. These protest ballots are marked with Los Angeles County Assessor Parcel Numbers ("APN") based upon the latest information available from the County and are mailed to the property owner and the customers. Since the ballots are mailed directly to addresses identified on the Assessor’s tax rolls and/or to the property itself there is a degree of confidence that the person that signs and returns the protest ballot is actually qualified to do so. Without this control process the Clerk’s office would have to spend potentially excessive resources to determine whether protests were validly filed. Additionally, since it is possible that the property owner and customer are not the same individual but only one protest is counted per parcel, and given that both ballots would contain the same APN, the Clerk’s office can electronically determine very quickly whether a protest has already been filed for the property and not improperly include a protest vote in the tabulation. It should be noted that in the event a property owner or customer requests a replacement protest ballot, one will be mailed so long as a protest has not already been received for the property.

Ballot materials for residential trash fees were previously approved by City Council on October 5, 2010 and will be mailed to property owners on November 5, 2010. Once mailing commences, the protest ballot period must run a minimum of 45 days. City Council will then conduct a public hearing on December 21, 2010 to count all protest ballots received and determine whether to implement a trash collection fee.
RESOLUTION NO. 4689

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL SEGUNDO ESTABLISHING PROCEDURES FOR INCREASING WATER, SOLID WASTE AND WASTEWATER FEES IN ACCORDANCE WITH THE REQUIREMENTS OF PROPOSITION 218

The Council of the City of El Segundo does resolve as follows:

SECTION 1: The City Council finds and declares as follows:

A. On July 24, 2006, the California Supreme Court confirmed that charges for water, solid waste and wastewater services are subject to Proposition 218 procedures (Bighorn-Desert View Water Agency v. Verjil (2006) 39 Cal.4th 205);

B. The City Council anticipates that there will be potential future imposition of fees or increases in water, solid waste, and wastewater rates. Adopting the policies and procedures set forth in this Resolution will help implement the requirements set forth in Article XIIIID of the California Constitution and help ensure that the rights of those persons that are authorized to protest service charges are preserved;

C. Elections Code § 4000(c)(9) provides that any protest ballot proceeding required or authorized by California Constitution Articles XIIIIC or XIIIID may be conducted wholly by mail. In the event a protest ballot process is required, the City Council seeks to achieve higher awareness of those affected by the proposed increase, provide an orderly protest process for both those receiving the ballots and the City, insure to the extent practicable that there is some verification process regarding the protests received, and to reduce the costs of the protest ballot process; and

D. Adopting this Resolution is in the public interest for the reasons set forth above and as further stated within Article XIIIID and the Proposition 218 and state legislation relating to the implementation of Proposition 218.

SECTION 2: The City Council adopts the procedures set forth in this Resolution for conducting all proceedings required by California Constitution Article XIIIID for utility fee (as defined below) increases. Where no specific procedures are imposed by Article XIIIID or the Proposition 218 Omnibus Implementation Act (Government Code §§ 53750, et seq.), the procedures set forth in this Resolution apply. This Resolution may be referred to as the “Proposition 218 Protest Proceedings Resolution” and shall amend and supersede Resolution No. 4613

SECTION 3: Definitions. Unless the contrary is stated or clearly appears from the
context, the following definitions govern the construction of the words and phrases used in this Resolution. Words and phrases not defined by this chapter will have the meaning set forth in California Constitution Article XIIID or the Proposition 218 Omnibus Implementation Act.

A. "Act" means the Proposition 218 Omnibus Implementation Act found at Government Code §§ 53750, et seq.;

B. "Article 13D" means California Constitution Article XIIID, § 6;

C. "Manager" means the City Manager or designee;

D. "Property owner" has the same meaning set forth in Article 13D and also pursuant to the Act includes tenancies of real property where tenants are directly liable to pay the proposed water, solid waste, or wastewater fee or charge;

E. "Protest" means a written protest filed with the City Clerk in accordance with Article 13D, the Act, and this Resolution as described in Article 13D, § 6(a)(2);

F. "Utility fee" means a fee or charge imposed for water, solid waste, or wastewater services provided to customers in accordance with the El Segundo Municipal Code ("ESMC"), and other applicable law, by the City of El Segundo;

SECTION 4. Administration of Proceedings. The City Manager, or designee, is authorized to implement this Resolution in a manner consistent with the California Constitution and other applicable law.

SECTION 5. Notice. Notice of a proposed utility fee increase is provided as follows:

A. In general, the City will identify the record property owner(s) of each parcel to which the utility fee would be applied from its billing system database and/or the latest equalized tax roll produced by Los Angeles County. The City’s Utility Billing database and the equalized tax roll is presumptive evidence of ownership of the land for voting purposes.

B. If either the City’s Utility Billing Database or Los Angeles County Recorder’s website shows that more than one property owner has an interest in a parcel, all property owners (each property owner) must receive notice at the address shown for the property owner. Both property owners and parties financially responsible for paying the fee will be provided notice. In the event that a notice is being sent for a service that the City is not currently charging any fee for, the notices shall be sent to the property owner based upon the Los Angeles County Recorder’s website and to the street address to
which the service will be provided if the address is different than the address
designated for the property owner on the Los Angeles County Recorder's
website.

C. The notice must be sent by first class mail at least forty-five (45) days before
the date set for the public hearing on the utility fee.

D. The form of the notice of hearing will be approved by the City Council and
be on file with the City Clerk.

E. The notice provided by these procedures, in accordance with Article 13D,
supersedes and is in lieu of notice required by any other statutes to levy or
increase a utility fee.

F. The City Clerk, or designee, may certify the proper mailing of notices by an
affidavit which constitutes conclusive proof of mailing in the absence of
fraud.

G. Failure of any person to receive notice does not invalidate the proceedings.

SECTION 6. Protests against Utility Fee Increases.

A. The property owner(s) of parcels subject to the proposed fee increase are entitled
to a single protest for each parcel. When a parcel is held as community property
or in joint tenancy or as a tenancy in common, any spouse or joint tenant or tenant
in common is presumed to have authority to cast a protest on behalf of such
parcel.

B. If the owner(s) of the property desire to designate a particular owner as the person
authorized to cast the protest for such parcel, they may file with the City Clerk, at
any time before the commencement of the public hearing or the date of the
election, as the case may be, a written authorization of such designation, signed
by all the owners of record, and acknowledged in the manner that deeds of real
property are required to be acknowledged to entitle such deeds to be recorded in
the Los Angeles County Recorder’s Office.

C. Executors, administrators, and guardians may cast a protest on behalf of the estate
represented by them. If such representatives are shown on the latest assessment
roll as paying taxes and assessments on behalf of the property owner(s), that fact
establishes the right of such representative(s) to cast a protest. If such
representatives are not shown on the latest assessment roll, the representatives
may file with the City Clerk, at any time before the commencement of the public
hearing, or the date of the election, as the case may be, certified copies of the
written documentation establishing the legal representation.

D. The protest of any public or quasi-public corporation, private corporation, or
unincorporated association may be signed by any person so authorized in writing by the board of directors or trustees or other managing body thereof.

E. The Manager is designated as the voting representative with respect to City-owned property.

F. In any case where the documentation provided to the City Clerk is ambiguous or unclear, the City Attorney will determine whether the documentation is adequate for the purpose provided.

G. In the event a property owner loses or misplaces a protest ballot, upon request by the property owner the City will send by first class mail a replacement protest ballot unless a properly filled out protest ballot has already been received for the parcel of property.

SECTION 7. Public Hearing.

A. Only protest ballots that (i) were provided by the City to the property owner in the form approved by the Council and (ii) are properly filled out and legibly signed by an eligible property owner is made will be counted as a valid protest. Only one protest shall be counted for each parcel of property regardless of the number of protests filed by property owners for the parcel.

B. The City Clerk must stamp each written protest the date and time it is filed with the City Clerk for purposes of establishing whether the protest was filed before the close of the public testimony portion of the public hearing. No protest received after the close of the public testimony portion of the public hearing can be counted in determining the amount of protest, but the Council may, in its discretion, consider such protests in making its decision. Written protests may be withdrawn in writing at any time before the conclusion of the public testimony portion of the public hearing.

C. At the time and place fixed for the hearing, or at any time to which the hearing is adjourned, the Council must:

1. Hear all persons interested in the matter of the proposed fee increase;

2. Hear all objections, protests or other written communications from any owner of property subject to the proposed utility fee; and

3. Take and receive oral and documentary evidence pertaining to the proposed fee increase.
4. The hearing may be continued from time to time, as the Council determines necessary to complete its consideration of the proposed fee increase.

5. If the Council determines, at the close of the public testimony portion of the public hearing, that votes were received from property owners representing a majority of the parcels subject to the proposed fee increase, the Council shall adopt a resolution setting forth the results of the protest ballot process and the proceedings shall then be closed and the utility fee cannot be approved by the City Council.

6. If the Council determines at the close of the public testimony portion of the public hearing that written protests were not received from property owners representing a majority of the parcels subject to the proposed utility fee, the Council shall adopt a resolution setting forth the results of the protest ballot process and then may by Ordinance change the utility fee so long as in an amount that does exceed the amount and methodology set forth in the public notices sent to the property owners.

SECTION 8. Environmental Review. This Resolution is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures to implement government funding mechanisms; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this Resolution does not constitute a "project" that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

SECTION 9. If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Resolution are severable.

SECTION 10. Repeal of any provision of the El Segundo Municipal Code, or other Resolution, does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Resolution's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

SECTION 11. The City Clerk is directed to certify the passage and adoption of this
Resolution; and cause it to be entered into the City of El Segundo’s book of original
Resolutions.

This Resolution will take effect immediately day following its final passage and
adoption.

PASSED AND ADOPTED this 19th day of October, 2010.

Eric Busch, Mayor

ATTEST:

Cindy Mortensen, City Clerk

APPROVED AS TO FORM

Mark Hensley, City Attorney
AGENDA DESCRIPTION:

Consideration and possible action regarding Adoption of the Resolutions updating the employer’s contribution under the Public Employees’ Medical and Hospital Care Act for the El Segundo Fire Fighters’ Association, the El Segundo Police Officers’ Association, the El Segundo City Employees’ Association, the El Segundo Police Support Services Association, and the El Segundo Supervisory and Professional Employees’ Association. Fiscal Impact: Active Employees: $31,600; Retirees $32,600.

RECOMMENDED COUNCIL ACTION:

1. Adopt the Resolutions
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

1. Proposed Resolutions

FISCAL IMPACT: $64,200

Amount Budgeted: $4.571 million
Additional Appropriation:
Account Number(s):

ORIGINATED BY: Martha A. Dijkstra, Human Resources Manager
REVIEWED BY: Deborah Cullen, Director of Finance
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

The City files with the Public Employees Retirement System (PERS) the annual Resolutions reflecting changes in the City’s contribution for employees and annuitants under the Public Employees Medical and Hospital Care Act (PEMHCA).

Pursuant to Government Code Section 7507, employers are required to obtain the services of an actuary to prepare future annual cost impact results and make these results available at a public meeting at least two weeks before implementation of benefit changes. The fiscal impact for this agenda item was disclosed at the December 21, 2010 Council meeting. Staff is now bringing the Resolutions to Council for adoption.

The City of El Segundo contracts the services of Actuary John Bartel of Bartel Associates, LLP. Mr. Bartel has provided the City with actuarial analyses and valuation reports for a number of years. In accordance with Government Code 7507, Mr. Bartel previously conducted an actuarial analysis for the City which included a health insurance component.

Changes in the contribution amounts are as follows:

<table>
<thead>
<tr>
<th>Employee Group</th>
<th>2010 Contribution</th>
<th>2011 Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Employees Association</td>
<td>$970.77/month</td>
<td>$1096.36/month</td>
</tr>
<tr>
<td>Firefighters Association</td>
<td>$1045.13/month</td>
<td>$1177.38/month</td>
</tr>
<tr>
<td>Police Officers Association</td>
<td>$1045.13/month</td>
<td>$1177.38/month</td>
</tr>
<tr>
<td>Police Support Services Emp. Assoc</td>
<td>$970.77/month</td>
<td>$1096.36/month</td>
</tr>
<tr>
<td>Supervisory &amp; Professional Association</td>
<td>$1070.25/month</td>
<td>$1136.27/month</td>
</tr>
</tbody>
</table>
The City’s maximum contribution for the retirees in all of these groups is the same as for active, represented employees.

The budgeted amounts for Fiscal Year 2010-2011 are $2.0 million for retiree health and $2.571 million for active employees and the incremental cost increase was included in the adopted FY 2010-2011 budget.
RESOLUTION NO._________

A RESOLUTION FIXING THE EMPLOYER’S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES’ MEDICAL AND HOSPITAL CARE ACT FOR THE EL SEGUNDO FIREFIGHTERS’ ASSOCIATION

The City Council of the City of El Segundo does resolve as follows:

Section 1:  The City Council finds as follows:

A. Government Code § 22892(a) provides that a local agency contracting under the Public Employees’ Medical and Hospital Care Act shall fix the amount of the employer’s contribution at an amount not less than the amount required under Section 22892 (b)(1) of the Act, and

B. The City of El Segundo, hereinafter referred to as Public Agency is local agency contracting under the Act for participation by members of the El Segundo Firefighters’ Association.

Section 2:  The employer’s contribution for each employee or annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of his/her family members, in a health benefits plan up to a maximum of $1177.38 per month, plus administrative fees and Contingency Reserve Fund Assessments.

Section 3:  The City of El Segundo has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above.

Section 4:  The City Clerk is directed to certify the Passage and Adoption of this Resolution, enter same in the Book of Original Resolutions, and make a Minute of its adoption in the City’s records and in the Minutes of the meeting when it was adopted.

Section 5:  The Resolution will become effective immediately upon adoption, and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this 18th day of January, 2011.

_______________________________
Eric K. Busch,
Mayor
CERTIFICATION

STATE OF CALIFORNIA  )
COUNTY OF LOS ANGELES  )  SS
CITY OF EL SEGUNDO  )

I, Cindy Mortesen, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Resolution No. _____ was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the 18th day of January, 2011, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

NOT PARTICIPATING:

WITNESS MY HAND THE OFFICIAL SEAL OF SAID CITY this _____ day of __________, 2011.

Cindy Mortesen, City Clerk
of the City of El Segundo,
California
(SEAL)

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:________________________
Karl H. Berger
Assistant City Attorney
RESOLUTION NO.__________

A RESOLUTION FIXING THE EMPLOYER’S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES’ MEDICAL AND HOSPITAL CARE ACT FOR THE EL SEGUNDO POLICE OFFICERS’ ASSOCIATION

The City Council of the City of El Segundo does resolve as follows:

Section 1: The City Council finds as follows:

A. Government Code § 22892(a) provides that a local agency contracting under the Public Employees’ Medical and Hospital Care Act shall fix the amount of the employer’s contribution at an amount not less than the amount required under Section 22892 (b)(1) of the Act, and

B. The City of El Segundo, hereinafter referred to as Public Agency is local agency contracting under the Act for participation by members of the El Segundo Police Officers’ Association.

Section 2: The employer’s contribution for each employee or annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of his/her family members, in a health benefits plan up to a maximum of $1177.38 per month, plus administrative fees and Contingency Reserve Fund Assessments.

Section 3: The City of El Segundo has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above.

Section 4: The City Clerk is directed to certify the Passage and Adoption of this Resolution, enter same in the Book of Original Resolutions, and make a Minute of its adoption in the City’s records and in the Minutes of the meeting when it was adopted.

Section 5: The Resolution will become effective immediately upon adoption, and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this 18th day of January, 2011.

__________________________________________
Eric K. Busch,
Mayor
CERTIFICATION

STATE OF CALIFORNIA )
COUNTY OF LOS ANGELES ) SS
CITY OF EL SEGUNDO )

I, Cindy Mortesen, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Resolution No. _____ was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the 18th day of January, 2011, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

NOT PARTICIPATING:

WITNESS MY HAND THE OFFICIAL SEAL OF SAID CITY this _____ day of ___________, 2011.

Cindy Mortesen, City Clerk
of the City of El Segundo,
California
(SEAL)

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By: ________________________
Karl H. Berger
Assistant City Attorney
RESOLUTION NO.__________

A RESOLUTION FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT FOR THE EL SEGUNDO CITY EMPLOYEES' ASSOCIATION

The City Council of the City of El Segundo does resolve as follows:

Section 1: The City Council finds as follows:

A. Government Code § 22892(a) provides that a local agency contracting under the Public Employees' Medical and Hospital Care Act shall fix the amount of the employer's contribution at an amount not less than the amount required under Section 22892(3)(1) of the Act, and

B. The City of El Segundo, hereinafter referred to as Public Agency is local agency Contracting under the Act for participation by members of the City Employees' Association.

Section 2: The employer's contribution for each employee or annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of his/her family members in a health benefits plan up to a maximum of $1096.36 per month, plus administrative fees and Contingency Reserve Fund Assessments.

Section 3: The City of El Segundo has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above.

Section 4: The City Clerk is directed to certify the Passage and Adoption of this Resolution, enter same in the Book of Original Resolutions, and make a Minute of its adoption in the City's records and in the Minutes of the meeting when it was adopted.

Section 5: The Resolution will become effective immediately upon adoption, and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this 18th day of January, 2011.

__________________________
Eric K. Busch,
Mayor
CERTIFICATION

STATE OF CALIFORNIA )
COUNTY OF LOS ANGELES ) SS
CITY OF EL SEGUNDO )

I, Cindy Mortesen, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Resolution No. ____ was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the 18th day of January, 2011, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

NOT PARTICIPATING:

WITNESS MY HAND THE OFFICIAL SEAL OF SAID CITY this ____ day of ____________, 2011.

Cindy Mortesen, City Clerk
of the City of El Segundo,
California
(SEAL)

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:__________________________
    Karl H. Berger
    Assistant City Attorney
RESOLUTION NO.________

A RESOLUTION FIXING THE EMPLOYER’S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES’ MEDICAL AND HOSPITAL CARE ACT FOR THE EL SEGUNDO POLICE SUPPORT SERVICES EMPLOYEES’ ASSOCIATION

The City Council of the City of El Segundo does resolve as follows:

Section 1: The City Council finds as follows:

A. Government Code § 22892(a) provides that a local agency contracting under the Public Employees’ Medical and Hospital Care Act shall fix the amount of the employer’s contribution at an amount not less than the amount required under Section 22892(b)(1) of the Act, and

B. The City of El Segundo, hereinafter referred to as Public Agency is local agency contracting under the Act for participation by members of the El Segundo Police Support Services Employees’ Association.

Section 2: The employer’s contribution for each employee or annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of his/her family members, in a health benefits plan up to a maximum of $1096.36 per month, plus administrative fees and Contingency Reserve Fund Assessments.

Section 3: The City of El Segundo has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above.

Section 4: The City Clerk is directed to certify the Passage and Adoption of this Resolution, enter same in the Book of Original Resolutions, and make a Minute of its adoption in the City’s records and in the Minutes of the meeting when it was adopted.

Section 5: The Resolution will become effective immediately upon adoption, and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this __18th__ day of __January__, 2011.

__________________________________________
Eric K. Busch,
Mayor
CERTIFICATION

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF EL SEGUNDO

I, Cindy Mortesen, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Resolution No. ______ was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the 18th day of January, 2011, and the same was so passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
NOT PARTICIPATING:

WITNESS MY HAND THE OFFICIAL SEAL OF SAID CITY this _____ day of __________, 2011.

Cindy Mortesen, City Clerk
of the City of El Segundo,
California
(SEAL)

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By: __________________________
    Karl H. Berger
    Assistant City Attorney
RESOLUTION NO.________

A RESOLUTION FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT FOR THE EL SEGUNDO SUPERVISORY AND PROFESSIONAL EMPLOYEES' ASSOCIATION

The City Council of the City of El Segundo does resolve as follows:

Section 1: The City Council finds as follows:

A. Government Code § 22892(a) provides that a local agency contracting under the Public Employees' Medical and Hospital Care Act shall fix the amount of the employer's contribution at an amount not less than the amount required under Section 22892(b)(1) of the Act, and

B. The City of El Segundo, hereinafter referred to as Public Agency is a local agency contracting under the Act for participation by members of the El Segundo Supervisory and Professional Employees' Association.

Section 2: The employer's contribution for each employee or annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of his/her family members, in a health benefits plan up to a maximum of $1136.27 per month, plus administrative fees and Contingency Reserve Fund Assessments.

Section 3: The City of El Segundo has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above.

Section 4: The City Clerk is directed to certify the Passage and Adoption of this Resolution, enter same in the Book of Original Resolutions, and make a Minute of its adoption in the City's records and in the Minutes of the meeting when it was adopted.

Section 5: The Resolution will become effective immediately upon adoption, and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this 18th day of January, 2011.

________________________________________
Eric K. Busch,
Mayor
CERTIFICATION

STATE OF CALIFORNIA )
COUNTY OF LOS ANGELES )  SS
CITY OF EL SEGUNDO )

I, Cindy Mortesen, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Resolution No. ______ was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the 18th day of January, 2011, and the same was so passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
NOT PARTICIPATING:

WITNESS MY HAND THE OFFICIAL SEAL OF SAID CITY this ______ day of __________, 2011.

Cindy Mortesen, City Clerk
of the City of El Segundo,
California
(SEAL)

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By: ______________________
    Karl H. Berger
    Assistant City Attorney
2580178 - 2580385

CITY OF EL SEGUNDO
WARRANTS TOTALS BY FUND

001 GENERAL FUND 743,298.66
104 TRAFFIC SAFETY FUND -
106 STATE GAS TAX FUND -
108 ASSOCIATED RECREATION ACTIVITIES FUND -
109 ASSET FORFEITURE FUND 2,377.24
111 COMM.DEVEL.BLOCK GRANT -
112 PROP "A" TRANSPORTATION 1,773.75
114 PROP "C" TRANSPORTATION -
115 AIR QUALITY INVESTMENT PROGRAM -
116 HOME SOUND INSTALLATION FUND 15,681.77
117 HYPERION MITIGATION FUND 24.10
118 TOA ARTICLE 3 - 89 691 BIRCHWAY FUND -
119 MTA GRANT -
121 FEMA -
120 C.O.P.S. FUND 4,911.02
122 L.A.W.A. FUND -
202 ASSESSMENT DISTRICT #73 -
301 CAPITAL IMPROVEMENT FUND 18,427.15
303 INFRASTRUCTURE REPLACEMENT FUND -
405 FACILITIES MAINTENANCE -
501 WATER UTILITY FUND 11,715.54
502 WASTEWATER FUND 115,737.94
503 GOLF COURSE FUND -
601 EQUIPMENT REPLACEMENT 5,316.73
602 LIABILITY INSURANCE 236.00
603 WORKERS COMP. RESERVE/INSURANCE -
701 RETIRED EMP. INSURANCE -
702 EXPENDABLE TRUST FUND - DEVELOPER FEES 2,612.50
703 EXPENDABLE TRUST FUND - OTHER 52,815.53
706 OUTSIDE SERVICES TRUST -

TOTAL WARRANTS $ 375,522.53

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
Information on actual expenditures is available in the Director of Administrative Services office in the
City of El Segundo.

I certify as to the accuracy of the Demands and the availability of fund for payment thereof.
For Approval: Regular checks held for City council authorization to release.

CODES:
R = Computer generated checks for all non-emergency payments for materials, supplies and
services in support of City Operations

For Ratification:
A = Payroll and Employee Benefit checks
B - F = Computer generated Early Release disbursements and/or adjustments approved by the City
Manager. Such as: payments for utility services, petty cash and employee travel expense
reimbursements, various refunds, contract employee services consistent with current contractual
agreements, instances where prompt payment discounts can be obtained or late payment penalties
can be avoided or when a situation arises that the City Manager approves.
H = Handwritten Early Release disbursements and/or adjustments approved by the City Manager.

FINANCE DIRECTOR
DATE: 12/17/10

CITY MANAGER
DATE: 12/17/10

VOID CHECKS DUE TO ALIGNMENT:
NA

VOID CHECKS DUE TO INCORRECT CHECK DATE:

VOID CHECKS DUE TO COMPUTER SOFTWARE ERROR:

NOTES
## CITY OF EL SEGUNDO
### PAYMENTS BY WIRE TRANSFER
#### 12/09/10 THROUGH 12/22/10

<table>
<thead>
<tr>
<th>Date</th>
<th>Payee</th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/20/2010</td>
<td>La Salle</td>
<td>43,725.00</td>
<td>ABAG (correct prior memo)</td>
</tr>
<tr>
<td>12/9/2010</td>
<td>Employment Development</td>
<td>48,913.16</td>
<td>State Taxes</td>
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<td>IRS</td>
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<td>12/10/2010</td>
<td>State of CA EFT</td>
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<tr>
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<td>457 payment Vantagepoint</td>
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<td>12/15/2010</td>
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<td>12/16/2010</td>
<td>Cal Pers</td>
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<td>Workers Comp Activity</td>
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<td>SCRMA checks issued</td>
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<td>1,624,953.38</td>
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### DATE OF RATIFICATION: 01/04/11
**TOTAL PAYMENTS BY WIRE:**

1,624,953.38

Certified as to the accuracy of the wire transfers by:

**Deputy City Treasurer**

Date: 12/22/10

**Director of Finance**

Date: 1/27/10

**City Manager**

Date: 1/27/10

Information on actual expenditures is available in the City Treasurer's Office of the City of El Segundo.
<table>
<thead>
<tr>
<th>Code</th>
<th>Fund Description</th>
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<td>001</td>
<td>GENERAL FUND</td>
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<td>104</td>
<td>TRAFFIC SAFETY FUND</td>
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<td>106</td>
<td>STATE GAS TAX FUND</td>
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<tr>
<td>108</td>
<td>ASSOCIATED RECREATION ACTIVITIES FUND</td>
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<td>109</td>
<td>ASSET FORFEITURE FUND</td>
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<td>111</td>
<td>COMM.DEVEL.BLOCK GRANT</td>
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<td>PROP &quot;C&quot; TRANSPORTATION</td>
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<td>116</td>
<td>HOME SOUND INSTALLATION FUND</td>
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<td>HYPERION MITIGATION FUND</td>
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<td>TDA ARTICLE 3 - SB 821 BIKEWAY FUND</td>
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<tr>
<td>120</td>
<td>C.O.P.S. FUND</td>
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<td>122</td>
<td>L.A.W. A. FUND</td>
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<td>CAPITAL IMPROVEMENT FUND</td>
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<td>INFRASTRUCTURE REPLACEMENT FUND</td>
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<td>405</td>
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<td>WATER UTILITY FUND</td>
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<td>WASTEWATER FUND</td>
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<td>GOLF COURSE FUND</td>
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<td>603</td>
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<td>706</td>
<td>OUTSIDE SERVICES TRUST</td>
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<tr>
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<td><strong>TOTAL WARRANTS</strong></td>
<td><strong>$413,993.75</strong></td>
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STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

Information on actual expenditures is available in the Director of Administrative Services office in the City of El Segundo.

I certify as to the accuracy of the Demands and the availability of funds for payment thereof.

For Approval: Regular checks held for City council authorization to release.

CODES:

R = Computer generated checks for all non-emergency/urgent payments for materials, supplies and services in support of City Operations

A = Payroll and Employee Benefit checks

B - F = Computer generated Early Release disbursements and/or adjustments approved by the City Manager. Such as: payments for utility services, petty cash and employee travel expense reimbursements, various refunds, contact employee services consistent with current contractual agreements, instances where prompt payment discounts can be obtained or late payment penalties can be avoided or when a situation arises that the City Manager approves.

H = Handwritten Early Release disbursements and/or adjustments approved by the City Manager.

FINANCE DIRECTOR: ________________________  CITY MANAGER: ________________________
DATE: 11/10/11  DATE: ________________________
## CITY OF EL SEGUNDO
### PAYMENTS BY WIRE TRANSFER
#### 12/23/10 THROUGH 01/06/11

<table>
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<tr>
<th>Date</th>
<th>Payee</th>
<th>Amount</th>
<th>Description</th>
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<tbody>
<tr>
<td>12/16/2010</td>
<td>Cal Pers</td>
<td>(547,199.55)</td>
<td>Retirement correct prior memo entered 2X</td>
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<td>12/23/2010</td>
<td>Nationwide EFT</td>
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<td>12/24/2010</td>
<td>Manufacturers &amp; Traders</td>
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<td>12/29/2010</td>
<td>Unum</td>
<td>457.80</td>
<td>LTD</td>
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<tr>
<td>12/29/2010</td>
<td>Health Comp</td>
<td>6,813.00</td>
<td>Weekly claims (SCRMA issuing ck)</td>
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<td>12/23-1/06/11</td>
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<td>10,877.26</td>
<td>SCRMA checks issued</td>
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</table>

**DATE OF RATIFICATION: 01/18/11**

**TOTAL PAYMENTS BY WIRE:**

| Total | 619,616.42 |

Certified as to the accuracy of the wire transfers by:

- **Deputy City Treasurer:**
  - **Date:** 1/16/11

- **Director of Finance:**
  - **Date:** 1/10/11

**City Manager:**

- **Date:**

Information on actual expenditures is available in the City Treasurer's Office of the City of El Segundo.
SPECIAL MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, DECEMBER 21, 2010, 6:00 P.M.

6:00 P.M. SESSION

CALL TO ORDER- Mayor Busch at 6:00 p.m.

ROLL CALL

Mayor Busch - Present
Mayor Pro Tem Fisher - Present
Council Member Brann - Present
Council Member Fuentes - Present
Council Member Jacobson - Present

PUBLIC COMMUNICATION – (Related to City Business Only – 5 minute limit per person, 30 minute limit total) Individuals who have received value of $50 or more to communicate to the City Council on behalf of another, and employees speaking on behalf of their employer, must so identify themselves prior to addressing the City Council. Failure to do so shall be a misdemeanor and punishable by a fine of $250.

SPECIAL ORDER OF BUSINESS:

Mark Hensley, City Attorney, announced that Council would be meeting in closed session pursuant to the items listed on the agenda and that the Government Code §54956.9(b) item had been deleted from the Agenda.

CLOSED SESSION:
The City Council may move into a closed session pursuant to applicable law, including the Brown Act (Government Code Section §54960, et seq.) for the purposes of conferring with the City’s Real Property Negotiator; and/or conferring with the City Attorney on potential and/or existing litigation; and/or discussing matters covered under Government Code Section §54957 (Personnel); and/or conferring with the City’s Labor Negotiators; as follows:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Gov’t Code §54956.9(a) -1- matter

City of El Segundo vs. City of Los Angeles, et. al. LASC Case No. BS094279

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code §54956.9(b): -1- Initiation of litigation pursuant to Government Code §54956.9(c): -0- matter.

APPOINTMENT OF PUBLIC EMPLOYEE (Gov’t. Code § 54957) -0- matter
PUBLIC EMPLOYMENT (Gov't Code Section 54957) – 1- matter (Request for unpaid leave pursuant to El Segundo Municipal Code Chapter 1-6-20)
Position/Title: Construction Coordinator

CONFERENCE WITH CITY’S LABOR NEGOTIATOR (Gov’t Code §54957.6): -0- matters

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov’t Code §54956.8): -0- matters

ADJOURNMENT at 6:51 p.m.

Cathy Domann, Deputy City Clerk
REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, DECEMBER 21, 2010 – 5:00 P.M.

5:00 P.M. SESSION CANCELLED – NO ITEMS OF BUSINESS

(REGULAR MEETING TO BE ADJOURNED TO 7:00 P.M.)

5:00 P.M. SESSION

CALL TO ORDER

ROLL CALL

PUBLIC COMMUNICATION – (Related to City Business Only – 5 minute limit per person, 30 minute limit total) Individuals who have received value of $50 or more to communicate to the City Council on behalf of another, and employees speaking on behalf of their employer, must so identify themselves prior to addressing the City Council. Failure to do so shall be a misdemeanor and punishable by a fine of $250.

SPECIAL ORDER OF BUSINESS:

CLOSED SESSION:
The City Council may move into a closed session pursuant to applicable law, including the Brown Act (Government Code Section §54960, et seq.) for the purposes of conferring with the City’s Real Property Negotiator; and/or conferring with the City Attorney on potential and/or existing litigation; and/or discussing matters covered under Government Code Section §54957 (Personnel); and/or conferring with the City’s Labor Negotiators; as follows:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Gov’t Code §54956.9(a) -0- matter

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code §54956.9(b): -0-
Initiation of litigation pursuant to Government Code §54956.9(c): -0- matter.

APPOINTMENT OF PUBLIC EMPLOYEE (Gov’t. Code § 54957) -0- matter

CONFERENCE WITH CITY’S LABOR NEGOTIATOR (Gov’t Code §54957.6): -0-
matters

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov’t Code §54956.8): -0-
matters
REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, DECEMBER 21, 2010 - 7:00 P.M.

7:00 P.M. SESSION

CALL TO ORDER – Mayor Busch at 7:00 p.m.

INVOCATION – City Clerk, Cindy Mortesen

PLEDGE OF ALLEGIANCE – Council Member Don Brann

PRESENTATIONS

a. Council Member Fisher presented a Commendation thanking sponsors, supporters and volunteers for their community service and participation in the Annual Community Christmas Dinner.

ROLL CALL

Mayor Busch - Present
Mayor Pro Tem Fisher - Present
Council Member Brann - Present
Council Member Fuentes - Present
Council Member Jacobson - Present

PUBLIC COMMUNICATIONS – (Related to City Business Only – 5 minute limit per person, 30 minute limit total) Individuals who have received value of $50 or more to communicate to the City Council on behalf of another, and employees speaking on behalf of their employer, must so identify themselves prior to addressing the City Council. Failure to do so shall be a misdemeanor and punishable by a fine of $250. While all comments are welcome, the Brown Act does not allow Council to take action on any item not on the agenda. The Council will respond to comments after Public Communications is closed.

Herr McNuver; Resident; Spoke regarding the City budget and parking tickets.

A. PROCEDURAL MOTIONS

Consideration of a motion to read all ordinances and resolutions on the Agenda by title only.
MOTION by Mayor Pro Tem Fisher, SECOND by Council Member Jacobson to read all ordinances and resolutions on the agenda by title only. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

B. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)

1. Consideration and possible action regarding (Public Hearing) the proposed exchange of FY 2011/12 Community Development Block Grant (CDBG) funds totaling approximately $97,765 with another CDBG participating city within the Los Angeles Urban County. (Fiscal Impact: $97,765).

Mayor Busch stated that this was the time and place to conduct a public hearing regarding the proposed exchange of FY 2011/12 Community Development Block Grant (CDBG) funds totaling approximately $97,765 with another CDBG participating city within the Los Angeles Urban County.

City Clerk Mortesen stated that proper notice had been given in a timely manner and that no communications had been received in the City Clerk’s Office.

Tina Gall, CDBG Consultant, gave a report.

MOTION by Council Member Jacobson, SECONDED by Mayor Pro Tem Fisher to close the public hearing. MOTION PASSED BY UNANIMOUS VOICE VOTE: 5/0

MOTION by Council Member Fuentes, SECONDED by Council Member Jacobson to authorize staff to proceed with identifying an interested participating city to begin negotiations for the exchange of FY 2011/12 CDBG funds, establish an exchange rate; return to the City Council with a resolution authorizing the exchange of CDBG funds with another City; and authorize the City Manager to execute the contracts, as to form approved by the City Attorney, with the Los Angeles County Community Development Commission, and with all sub-recipients receiving CDBG funds. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

C. UNFINISHED BUSINESS

D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

2. Consideration and possible action to open the recruitment process for the positions on the Committees, Commissions and Boards ("CCBs") that will expire in the year 2011. (Fiscal Impact: None)

Council consensus to direct staff to open the recruitment process for the positions on the CCBs, as listed.

E. CONSENT AGENDA
All items listed are to be adopted by one motion without discussion and passed unanimously. If a call for discussion of an item is made, the item(s) will be considered individually under the next heading of business.

3. Approved Warrant Numbers 2580178 to 2580365 on Register No. 5 in the total amount of $795,032.91 and Wire Transfers from 11/25/10 through 12/09/10 in the total amount of $1,264,028.20. Authorized staff to release. Ratified: Payroll and Employee Benefit checks; checks released early due to contracts or agreement; emergency disbursements and/or adjustments; and wire transfers.


5. PULLED FOR DISCUSSION BY COUNCIL MEMBER JACOBSON

6. Received and filed report without objecting to a new Alcoholic Beverage Control (ABC) license for on-site sale and consumption of alcohol (Type 41 Alcoholic Beverage Control License) at Sammy’s Woodfired Pizza located at 780 South Sepulveda Boulevard # B. (Fiscal Impact: N/A)

7. PULLED FROM THE AGENDA BY THE CITY ATTORNEY

8. PULLED FOR DISCUSSION BY COUNCIL MEMBER FUENTES

9. PULLED FOR DISCUSSION BY COUNCIL MEMBER FUENTES

10. Waived second reading and adopted Ordinance No. 1457 amending Title 6 of the El Segundo Municipal Code in its entirety regarding Animal Control. (Fiscal Impact: None)

MOTION by Mayor Pro Tem Fisher, SECONDED by Council Member Brann to approve Consent Agenda Items 3, 4, 6, and 10. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

CALL ITEMS FROM CONSENT AGENDA

5. Consideration and possible action to receive and file report without objecting to a new Alcoholic Beverage Control (ABC) license for on-site sale and off-site consumption of beer and wine at an existing Walgreens store, (Type 20 – Off-sale Beer and Wine) located at 331 North Sepulveda Boulevard. Applicant: Robert M. Silverman, Walgreens Co. (Fiscal Impact: N/A)

MOTION by Mayor Busch, SECONDED by Council Member Brann to not object to an alcoholic Beverage Control (ABC) license for on-site sale and off-site consumption of beer and wine at an existing Walgreens store, (Type 20 – Off-sale Beer and Wine) located at 331 North Sepulveda Boulevard. MOTION PASSED BY THE FOLLOWING VOICE VOTE: AYES: BUSCH, FISHER, BRANN, FUENTES; NOES: JACOBSON. 4/1
8. Consideration and possible action to approve Professional Services Agreement No. 4110 with PBS&J, to provide environmental review services pursuant to the California Environmental Quality Act (CEQA) for the 540 East Imperial Avenue-Imperial School Site Project. (Fiscal Impact: up to $142,859 Developer Reimbursed Trust Fund); approved a budget appropriation of up to $142,859 to provide environmental review services; authorized the City Manager to execute a Professional Service Agreement for environmental review services approved as to form by the City Attorney in an amount not to exceed $142,859.

MOTION by Council Member Fuentes, SECONDED by Council Member Brann to approve Professional Services Agreement No. 4110 with PBS&J, to provide environmental review services pursuant to the California Environmental Quality Act (CEQA) for the 540 East Imperial Avenue-Imperial School Site Project. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

9. Consideration and possible action to approve an amendment to an existing Professional Services Agreement with Willdan to increase the amount of the agreement by $50,000 for developer reimbursed planning services for the 540 East Imperial Avenue School Site Project for the El Segundo Unified School District. (Fiscal Impact: $50,000) Authorized the City Manager to execute the amendment approved as to form by the City Attorney.

MOTION by Council Member Fuentes, SECONDED by Council Member Brann to Approve an amendment to an existing Professional Services Agreement with Willdan to increase the amount of the agreement by $50,000 for developer reimbursed planning services for the 540 East Imperial Avenue School Site Project for the El Segundo Unified School District. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

F. NEW BUSINESS

11. Consideration and possible action regarding the annual Resolutions updating the employer’s contribution under the Public Employees’ Medical and Hospital Care Act for the El Segundo Fire Fighters’ Association, the El Segundo Police Officers’ Association, the El Segundo City Employees’ Association, the El Segundo Police Support Services Association, and the El Segundo Supervisory and Professional Employees’ Association. (Fiscal Impact: Active Employees: $31,600; Retirees $32,600.)

Bob Hyland, Human Resources Director, gave a report.

Adoption of resolutions scheduled for January 18 2011.

G. REPORTS – CITY MANAGER
12. Consideration and possible action regarding approval of a Senior Management Analyst position in the Human Resources Department. Budgeted savings realized from a realignment of Department Head responsibilities to fund the new position. (Fiscal Impact: Annual salary and benefit cost for Senior Management Analyst $125,000. Estimated cost for FY 2010-2011 (calculated @ 7 months) is $87,500. Savings from Department realignment (calculated @ 9 months) is $385,243. The net savings for FY 2010-2011 is $ 297,743.

MOTION by Mayor Pro Tem Fisher, SECONDED by Council Member Jacobson to approve a Senior Management Analyst position in the Human Resources Department and approve the proposed Examination Plan. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

Also thanked retiring Directors Bill Crowe and Bob Hyland for their service to the City.

H. REPORTS – CITY ATTORNEY - NONE

I. REPORTS – CITY CLERK –

Clerk Mortesen reported that she attended the League of California Cities New Law and Elections Seminar in Monterey California.

Reminder that the January 4, 2011 Council Meeting is cancelled.

J. REPORTS – CITY TREASURER - NONE

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Fuentes – Spoke on the retirements and the successful Holiday Parade.

Council Member Brann – Spoke on the retirements and the cooperation of the employees and staff during these budgetary times.

Council Member Jacobson – Spoke on the retirements throughout the City and thanked employees for their years of service.

Mayor Pro Tem Fisher – Thanked all the retirees and the employees for all their hard work.

Mayor Busch – Spoke on the parade and the opening of Candy Cane Lane. He also reported on the RSI Program, and updates to the program. Thanked the retirees and the employees.

13. Consideration and possible action regarding the annual request of Mr. S. Claus for variances from the Municipal Code.
Approve the request by Mr. S. Claus for a waiver of the permits required for doing business within the City of El Segundo as follows:

1. Approval of a Conditional Use Permit and waiver of regulations in ESMC Section 15-23-4;
2. The use of air rights and waiver of the Santa Monica Radial 160 R procedure (FAA should be contacted);
3. Grant a free business license for a non-profit organization (ESMC 4-1-7);
4. Waiver of ESMC 8-4-11B (Driveway Permits Required) and ESMC 8-5-11 (Parking on Grades);
5. Waiver of the Noise Ordinance to permit the sound of bells (ESMC 7-2-3);
6. Waiver of the Trespass Ordinance (ESMC 7-6-3) including 6-5-11 dealing with trespassing animals; and
7. Waiver of the ordinance on Animal Regulations (ESMC 6-2-1).

MOTION by Council Member Jacobson, SECONDED by Mayor Busch to approve the request. MOTION CARRIED BY UNANIMOUS VOICE VOTE. 5/0

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MEMORIALS – NCNE

CLOSED SESSION – NONE

ADJOURNMENT at 8:00 pm.

Cindy Mortesen, City Clerk
AGENDA DESCRIPTION:
Consideration and possible action regarding approval of revised Class Specifications for the classifications of Police Officer Trainee and Construction Coordinator (At-Will). Fiscal Impact: None.

RECOMMENDED COUNCIL ACTION:
1. Approve the proposed Class Specifications for Police Officer Trainee and Construction Coordinator (At-Will).
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. Class Specifications for Police Officer Trainee and Construction Coordinator (At-Will).

FISCAL IMPACT: None
- Amount Budgeted: $ N/A
- Additional Appropriation: N/A
- Account Number(s): 

ORIGINATED BY: Martha A. Dijkstra, Human Resources Manager
REVIEWED BY: Deborah Cullen, Director of Finance
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:
In anticipation of the recruitment, testing and selection process to fill vacancies in the Police Department and Planning and Building Safety (Residential Sound Insulation Program), staff has determined the need to revise the class specifications for Police Officer Trainee and Construction Coordinator (At-Will). Revisions are necessary to more accurately reflect position requirements and assigned duties and responsibilities.
POLICE OFFICER TRAINEE

Definition: Under close supervision, incumbents in this non-sworn, entry-level position complete a formal, comprehensive California Peace Officer Standards and Training (P.O.S.T.) Certified Basic Academy training program of about 26-weeks duration and perform other related work as required. Upon successful completion of the mandatory policy academy, trainees may be elevated to the rank of sworn Police Officer at the discretion of the Chief of Police.

Essential Functions: Essential functions, as defined under the Americans with Disabilities Act, may include the following duties and responsibilities, knowledge, skills and other characteristics. This list of duties and responsibilities is ILLUSTRATIVE ONLY, and is not a comprehensive listing of all functions and tasks performed by positions in this class.

Characteristic Duties and Responsibilities:

Attend scheduled training sessions; participate in physical fitness regimen as required by Academy; learn principles, practices and theory of criminal and civil law enforcement; learn basic criminal investigation processes and techniques, including the identification, collection, and preservation of evidence, courtroom testimony, and witness interrogation; learn to prepare various reports, including but not limited to vehicle reports, crime reports, suspect information reports, and missing persons reports; learn to respond to radio and computer messages and calls for service; learn techniques to make arrests as necessary; learn to investigate crimes, traffic collisions, and suspicious activities; learn to interview victims, complainants and witnesses; learn to detain and interrogate suspects; learn to analyze situations and make decisions appropriately under stressful situations; learn to collect and preserve evidence; learn to testify and present evidence in court; learn to direct traffic, including regulation of vehicle flow at times of emergency or congestion; learn to stop drivers who are operating vehicles in violation of laws and issue citations as necessary. May be required to work shifts, weekends or holidays.

Knowledge, Skills and Other Characteristics:

Ability to communicate effectively, orally and in writing; ability to read and interpret complex technical documents; ability to understand and carry out oral and written instructions; ability to observe, record, and recall pertinent facts and details; ability to adopt quick, effective and reasonable courses of action, giving due regard to surrounding hazards and circumstances; ability to learn and apply proper and appropriate use of force techniques; ability to perform strenuous physical activities; Skill in establishing and maintaining effective working relationships with the members of the public, the community, co-workers and superiors; Skill in using a personal computer.
Minimum Qualifications:

High School Diploma, pass the General Education Development test indicating high school graduation level, pass the California High School Proficiency Examination, or have attained a two-year, four-year, or advanced degree from an accredited college or university.

Candidates who have successfully completed a full-time California P.O.S.T Certified Basic Police Academy or currently attending an Academy (with a ranking within the top 25 percentile of their class) may be allowed to substitute their academy training in lieu of having to attend the City’s mandatory academy. The decision is at the sole discretion of the Chief of Police.

Licensing/Certification Requirements: Must possess a valid California Class “C” Driver’s License.

Age: Must be a minimum of 20 ½ years of age at the time of the written test.

Special Requirements:

- Be a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship.
- Must be of proportional height to weight, be physically able to handle the rigorous duties of police work; possess normal hearing and color perception, minimum vision of 20/100 in each eye, correctable to 20/20;
- Prior to appointment, candidates must successfully complete a polygraph test, psychological and medical examination, and an extensive background investigation process.
- Smoking and/or the use of tobacco products on or off duty are prohibited as a condition of employment.
- Any visible tattoo(s), body art and/or body piercings are prohibited while performing department duties.
CONSTRUCTION COORDINATOR
(At-Will)

**Definition:** Under general supervision, oversees and coordinates work performed by internal and external staff, consultants, and contractors related to the City’s Residential Sound Insulation Program (RSI) and provides professional management and administrative support.

**Essential Functions:** Essential functions, as defined under the Americans with Disabilities Act, may include the following duties and responsibilities, knowledge, skills and other characteristics. This list of duties and responsibilities is ILLUSTRATIVE ONLY, and is not a comprehensive listing of all functions and tasks performed by positions in this class.

**Characteristic Duties and Responsibilities:**

Positions in this classification typically perform a full range of duties at a level of complexity represented by the following types of responsibilities:

- Monitors, coordinates and facilitates work of external consultants and contractors. Manages and administers construction contracts including reporting on performance of contractors and consultants.

- Inspects and reviews project sites, construction schedules, change orders, and construction quality of occupied homes participating in the Residential Sound Insulation Program.

- Coordinates and facilitates administrative and/or management functions including accounting, purchasing and related activities for the RSI Program. Administers designated contract and grant-funded program activities. Participates in the development of program, grant and/or contract goals and objectives.

- Participates in budget development and preparation for federal grants. Monitors and analyzes budget related activities.

- Leads or participates in committee activities; represents the City and/or a department and coordinates activities among City departments, agencies and organizations, and the community; may serve as coordinator, facilitator and point of contact. Conducts research and statistical analyses; prepares and presents reports of findings and recommendations.

- Responds to inquiries from contractors, other City employees and the public regarding the City’s RSI program. Provides public and media relations for programs and advisory committees, including developing and producing promotional and information materials.

- May provide administrative and management assistance to City executives, management, other City personnel and the public regarding administrative, fiscal or operational issues, and other policies and procedures.
May provide professional-level staff support to City committees, boards and other groups, including coordinating meeting schedules and agendas, facilitating meetings with contractors, sub-contractors, consultants and/or the public; represents the City at meetings and commits the department to a course of action; may coordinate and facilitate Citywide functions and events.

Knowledge, Skills and Other Characteristics:

- Knowledge of principles of municipal organization and administration.
- Knowledge of organization and functions of the assigned department.
- Knowledge of computer applications in administrative functions.
- Knowledge of laws, ordinances and regulations governing residential construction and funding of the Residential Sound Insulation Program.
- Knowledge of principles of research, statistical analysis and report preparation.
- Knowledge of construction management.
- Skill in performing complex professional administrative and analytical work.
- Skill in interpreting and applying laws, ordinances and policies governing residential construction and funding of the Residential Sound Insulation Program.
- Skill in conducting research, analyzing statistical and other data, and preparing and presenting reports.
- Skill in providing information and explaining laws, policies and procedures to others.
- Skill in communicating effectively orally and in writing.
- Skill in establishing and maintaining effective working relationships with other City employees and the public.

Licensing/Certification Requirements:

A valid California Driver's license is required.

Working Conditions:

Typical office environment and exposure to environmental conditions presented at community businesses, homes and other locations. Field work includes inspection of construction sites, warehouses, storage facilities, and occupied homes under construction. Regularly requires climbing ladders (and possibly scaffolding), walking on roofs, crawling under houses and into attic spaces.

Qualifications:

A Bachelors degree in Construction Management or a closely related field, and four (4) years of increasingly responsible program administration and/or management experience; or an equivalent combination of education and experience. Experience managing, supervising and/or inspecting residential construction is highly desirable.

1/18/11
AGENDA DESCRIPTION:

Consideration and possible action to adopt a resolution approving a list of capital projects recommended for Measure R Highway Program funding and authorize the City Manager to execute all documents necessary for the administration of projects funded through Measure R.

(Fiscal Impact: Approximately $4.4 million reimbursement of Measure R grant funds under Phase 1.)

RECOMMENDED COUNCIL ACTION:

1. Adopt the attached resolution.
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

Resolution
City of El Segundo Project list for Phase 1 and 2

FISCAL IMPACT: None

Amount Requested: $  
Additional Appropriation: No  
Account Number(s):

ORIGINATED BY: Maryam M. Jonas, Principal Engineer  
REVIEWED BY: Stephanie Katsolias, Public Works Director  
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

Measure R and the South Bay Highway Program

Measure R is a one-half cent sales tax approved by Los Angeles County voters in November, 2008 to meet the transportation needs of Los Angeles County. One component of Measure R is the South Bay Highway Program (SBHP), which will provide approximately $906 million (in 2008 dollars) over 30 years for much needed investments to improve the operation of I-405, I-110, I-105 and SR-91 corridors in the South Bay. The scope of eligible investments also includes local arterial, signal synchronization and park-and-ride projects that can demonstrate a significant operational improvement (nexus) to the state’s highway systems identified above. The South Bay Measure R Highway Program is a cost-reimbursement program and has no matching fund requirements. Staff time in project development and construction oversight is also reimbursable
**Measure R Funded Capital Projects**

The SBCCOG, in conjunction with its Infrastructure Working Group, developed a list of projects eligible for SBHP funds and categorized them into two phases based on readiness and cost considerations. The Phase 1 “Early Action Program” (EAP) list includes 40 projects and totals approximately $145 million in requests for the first five years of the SBHP. The City of El Segundo submitted three (3) projects for consideration under Phase 1 for a total of $4.4 million and one (1) project for Phase 2 consideration for total $37 million. Additionally, El Segundo along with Los Angeles County, Hawthorne and the City of Los Angeles submitted a multi-jurisdiction capacity improvement project for Aviation Boulevard for an estimated cost of $61.8 million. Projects have up to five years to be completed once funds are awarded in any particular fiscal year.

The SBCCOG has requested that the City Council of each city with projects on the EAP confirm its commitment to the projects by approving the attached resolution. The resolution demonstrates to Metro that each project’s lead agency concurs in the funding application and is committed to implementing the project in a timely manner. Metro will oversee distribution of Measure R funds and as such will enter into a project-specific Memorandum of Understanding (MOU) with each participating lead agency that will establish project schedules and cost estimates. As required by Metro, each project will be entered into the SBCCOG’s Measure R Program/Project Management System (PPMS) for tracking during the course of project development and construction. The Measure R Highway Program is a cost-reimbursement program subject to annual audit requirements by Metro.
RESOLUTION NO.______

A RESOLUTION SUPPORTING SOUTH BAY MEASURE R HIGHWAY PROGRAM EARLY ACTION PROJECT LIST.

The City Council of the city of El Segundo does resolve as follows:

SECTION 1: The City Council finds and declares as follows:

A. The Measure R Expenditure Plan as approved by the voters of Los Angeles County in November 2008 will provide approximately $906 million (in 2008 dollars), or roughly $1.4 billion in inflated dollars, over 30 years for much needed ramp and interchange investments to improve the operation of I-405, I-110, I-105 and SR-91 in the South Bay;

B. As a result of collaborative efforts involving the South Bay Cities Council of Governments (SBCCOG), its member jurisdictions, the Infrastructure Working Group (IWG), Caltrans and Los Angeles County Metropolitan Transportation Authority (L.A. Metro), the scope of eligible investments also includes local arterial, signal synchronization and park-and-ride projects that can be demonstrated to have a significant operational nexus to the state highway system;

C. That same collaborative effort has resulted in the identification of an “Early Action Program” of over 40 projects totaling approximately $145 million to be implemented in the first five years of the South Bay Measure R Highway Program, as listed in Attachment 1 to this resolution;

D. The City is identified as being the Lead Agency for implementation for a number of the Early Action Program projects, as listed in Attachment 2 to this resolution; and

E. Additional projects listed in Attachment 3 to this Resolution, and incorporated by reference, are included so that they are eligible to be considered by the SBCCOG for Measure R funding in the future on a case-by-base basis in the event a funding shortfall develops.

SECTION 2: The City Council supports and endorses the Early Action Program of projects to be implemented in the first five years of the South Bay Measure R Highway Program. The City Manager, or designee, is authorized to take such reasonable actions as may be required to implement the intent of this Resolution.

SECTION 3: The City Council takes this action with the understanding that, for each Measure R funded project for which the City is the lead agency, it will be required by L.A. Metro to enter into a Memorandum of Understanding (MOU) with L.A. Metro which will establish the project schedule, cost estimate and budget and that each project will be entered into the SBCCOG's Measure R Program/Project Management System (PPMS) for tracking.
SECTION 4: The City Council endorses and commits to making every good faith effort to complete each project for which it is the Lead Agency pursuant to the schedule as set forth in the MOU, but in any event within the period ending five years after a MOU for the project is executed. The City Council understands that the Measure R Highway Program is a cost-reimbursement program subject to annual audit requirements by L.A. Metro.

SECTION 5: This Resolution will become effective immediately upon adoption and will remain effective unless superseded or repealed.

PASSED AND ADOPTED this _____ day of __________________, 2011.

______________________________
Eric Busch, Mayor
APPROVED AS TO FORM:

Karl H. Berger,
City Attorney

ATTEST:

STATE OF CALIFORNIA )
COUNTY OF LOS ANGELES ) SS
CITY OF EL SEGUNDO )

I, __________, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Resolution No. was duly passed and adopted by said City Council, approved and signed by the Mayor of said City, and attested to by the City Clerk of said City, all at a regular meeting of said Council held on the ______ day of ______ 2010, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

________________________
City Clerk
<table>
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<tr>
<th>Project Number</th>
<th>Project Name</th>
<th>Location</th>
<th>Type of Project</th>
<th>Estimated Cost</th>
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<td>San Francisco Bay Area</td>
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<td>Construction</td>
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</table>

**Lead Agency:** United States Department of Transportation

**Program:** South Bay Measure A Highway Program

**Project Description:** The South Bay Measure A Highway Program is a significant infrastructure project designed to improve transportation and economic development in the San Francisco Bay Area. The program includes various construction projects aimed at enhancing the region's roadways and public transportation systems. The projects are funded through local government contributions, specifically from the United States Department of Transportation."
AGENDA DESCRIPTION:
Consideration and possible action regarding approval of an agreement between the City of El Segundo, West Basin Municipal Water District (WBMWD), and El Segundo Energy Center (ESEC) for construction of a recycled water pipeline (RW) and a potable water pipeline (PW) for additional water services to ESEC.
(Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:
1. Approve an agreement between the City, WBMWD and ESEC.
2. Authorize the City Manager to execute the agreement, in a form approved by the City Attorney, related to the design, permit, finance, and construction of the water pipelines by WBMWD for water services to ESEC.
3. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
Agreement with WBMWD

FISCAL IMPACT: None
Amount Requested: $  
Additional Appropriation: No  
Account Number(s):

ORIGINATED BY: Maryam M. Jonas, Principal Engineer
REVIEWED BY: Stephanie Katsoleas, Public Works Director
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:
The use of recycle water (RW) is an essential water conservation measure which reduces the amount of potable water usage. The City of El Segundo and WBMWD work together to promote the delivery and use of recycle water (RW) which now accounts for almost half of the City's water usage.

The use of recycle water was implemented into the California Energy Commission (CEC) permit for the new highly efficient replacement power plant at ESEC. The CEC permit requires that both potable and recycle water pipelines be constructed as part of the California Environmental Quality Act (CEQA) review for such lines. WBMWD will design and construct the plant, the PW pipeline and the RW pipeline in accordance with the Agreement to be completed by December of 2012. The new system will make available up to 520 acre-feet of recycle water per
year to ESEC. The El Segundo Energy Center will pay for the cost associated with the design and construction of the proposed work. The City will provide the metering facilities for the potable and recycle water. The project management team will coordinate the construction activities to minimize impact to the City residents and businesses.

The Assistant City Attorney reviewed and approved the proposed Agreement. Staff recommends the approval of the agreement allowing WBMWD to design and construct the facilities to provide both recycle and potable water to ESEC.
CONTRACT RELATING TO
DELIVERY OF RECYCLED WATER
TO CITY OF EL SEGUNDO AND ESEC

This Contract (the "Agreement") is entered into as of January 24, 2011 by and among West Basin Municipal Water District, a California Municipal Water District (hereinafter "West Basin"), El Segundo Energy Center LLC, a Delaware limited liability company ("ESEC") and the City of El Segundo, a general law city and municipal corporation (hereafter "CITY"). Where any of the aforementioned parties is referred to in the context of this Agreement, it will also refer to any and all agents, subsidiaries or subdivisions of that party related to the performance of this Agreement.

REcITALS

A. Whereas, ESEC proposes to construct and operate an electric power generation facility in CITY’s jurisdiction; and

B. Whereas, the use of recycled water in Southern California is desirable to reduce the dependency upon imported supplies, and to increase the overall reliability of water supplies to the region and, more specifically, CITY; and

C. Whereas, the CITY and WEST BASIN desire to reduce the demand for imported water and substantially increase the usage of recycled water; and

D. Whereas, West Basin is the producer / wholesaler of recycled water; and

E. Whereas, the CITY purchases recycled water from West Basin for resale to retail customers such as ESEC; and

F. Whereas, CEC License requires ESEC to use recycled water for process water use for its new repowering project as described in CEC docket AFC-00-14; and

G. Whereas, ESEC (or its affiliates owning the El Segundo Generating Station) must purchase recycled water from CITY for use at the El Segundo Generating Station in compliance with CEC docket 00-AFC-14; and
H. Whereas, the CEC License requires that both recycled and potable water pipelines be constructed as part of this project (the California Environmental Quality Act (CEQA) review for such lines is included in the CEC License); and

I. Whereas, West Basin intends to provide additional recycled water service to ESEC according to the specifications within this Agreement; and

J. Whereas, West Basin will design, permit, finance, construct, own and operate the Plant and the recycled water pipeline ("RW Pipeline") in accordance with the requirements of the CEC License, to enable ESEC to use a significant quantity of recycled water; and

K. Whereas, West Basin will design, permit, finance, and construct a potable water pipeline ("PW Pipeline") to allow for additional potable water service to ESEC from CITY; and

L. Whereas all parties agree to cooperate fully with one another to pursue completion of the project contained within this Agreement.

NOW, THEREFORE, West Basin, CITY, and ESEC agree as follows:

1) AGREEMENT

   A) West Basin shall design and construct the Plant, the PW Pipeline, the RW Pipeline and the Discharge System in accordance with this Agreement. CITY shall provide the RW Metering Facilities and the PW Metering Facilities which will be installed by West Basin as part of the construction of pipelines. ESEC will repay West Basin for the design, permitting, and construction of the Plant, the PW Pipeline, the RW Pipeline and the Discharge System as a monthly Capital Recovery payment.

2) DEFINITIONS

   A) Capital Costs – the actual cost to plan, design, construct and permit the Capital Facilities.

   B) Capital Facilities – the Plant, the RW Pipeline, the PW Pipeline and the Discharge System, each as more fully described on Exhibit 2.

   C) CEC License – collectively, (i) the Commission Decision approving construction and operation of the El Segundo Power Redevelopment Project dated as of February 2, 2005, and (ii) the Commission Decision approving the Petition to Amend the El Segundo Power Redevelopment Project dated as of June 30,
2010. See CEC Docket 00-AFC-14.

D) Commencement Date – the date upon which West Basin is first available for commercial delivery to ESEC of recycled water from the Plant.

E) Discharge System – piping system and appurtenances constructed for the disposal of waste water streams from the Plant.

F) Fixed Monthly Capital Recovery Charge – fixed payments made monthly from ESEC to West Basin to reimburse West Basin for Capital Costs, as set forth on Exhibit 5.

G) Improvements – the Capital Facilities, the RW Metering Facilities, the PW Metering Facilities and the On-Site Piping.

H) On-Site Piping - a piping system and associated control equipment and instrumentation within ESEC's site as necessary and required to receive and permit use of the recycled water from West Basin and potable water from the CITY.

I) Plant – expansion of West Basin's Edward C. Little Water Treatment Facility to include water treatment facilities and appurtenances to supply microfiltration and to produce reverse osmosis recycled water to ESEC.

J) PW Metering Facilities – metering facilities for the PW Pipeline, shut-off valves on both ends of the meter, and the meter vault located at ESEC's east property line at 301 Vista Del Mar, El Segundo, CA 90245, as shown on Exhibit 3, or at such other location mutually agreed by the parties.

K) Project Management Team – a committee comprised of representatives from the CITY, ESEC and West Basin as described in Section 13.

L) PW Pipeline – pipeline and appurtenances constructed to convey potable water from CITY facilities to the customer (ESEC) site.

M) RW Metering Facilities – metering facilities for the RW Pipeline, shut-off valves on both ends of the meter, and the meter vault, located at ESEC's east property line at 301 Vista Del Mar, El Segundo, CA 90245, as shown on Exhibit 3, or at such other location mutually agreed by the parties.

N) RW Pipeline – pipeline and appurtenances constructed to convey recycled water from existing West Basin recycled water distribution facilities to the customer (ESEC) site.

O) Term – shall have the meaning set forth in Section 12(A).

3) PRIMARY RESPONSIBILITIES OF PARTIES

A) West Basin agrees to:
   i) Secure capital funding for the design, permitting and construction of the Capital Facilities;
ii) Design, permit and construct the Capital Facilities as listed in Exhibit 1 (Schedule and Alignment) by November 30, 2012;

iii) Produce and make available recycled water to CITY for resale to ESEC by November 30, 2012 (or alternative water supply); and

iv) Cooperate with CITY and ESEC toward completion of their respective responsibilities within this Agreement including inspection and approval by Los Angeles County Department of Public Health (LA DPH).

B) CITY agrees to:

i) Design, permit and construct RW Metering Facilities and the PW Metering Facilities as listed in Exhibit 1 (Schedule and Alignment) of this Agreement by November 30, 2012;

ii) Approve alignment of RW Pipeline and PW Pipeline to be constructed by West Basin;

iii) Purchase recycled water from West Basin for resale to ESEC, read meters, report recycled water meter readings to West Basin, and invoice ESEC for potable and recycled water;

iv) Cooperate with West Basin and ESEC toward completion of their respective responsibilities within this Agreement.

C) ESEC agrees to:

i) Design, permit and construct On-Site Piping as listed in Exhibit 1 (Schedule and Alignment) of this Agreement by November 30, 2012;

ii) Design, permit and construct potable water pipelines within the ESEC property to distribute potable water delivered by the CITY as listed in Exhibit 1 (Schedule and Alignment) by November 30, 2012;

iii) Configure and construct infrastructure to create and implement a back-up supply of water in case of unscheduled disruption or reduction to recycled water supplies;

iv) Purchase recycled water from CITY for use in production of electrical power;

v) Pay Fixed Monthly Capital Recovery Charge to West Basin;

vi) Secure any required approvals from Los Angeles County Dept of Public Health relating to the use of recycled water; and

vii) Cooperate with West Basin and CITY toward completion of their respective responsibilities within this Agreement.

4) **IMPROVEMENTS**

A) **Pipelines**

i) West Basin will design, permit and construct the RW Pipeline by November 30, 2012. Such construction is a prerequisite to delivery of recycled water.
under this Agreement. West Basin shall design and construct the RW Pipeline in accordance with Exhibit 1 (Schedule and Alignment) and West Basin's Pipeline Construction Standards and other requirements identified in the CEC License.

ii) West Basin will design, permit and construct the PW Pipeline by November 30, 2012. West Basin shall design and construct PW Pipeline in accordance with City of El Segundo Potable Pipeline Standards; and other requirements identified in the CEC license.

B) Reverse Osmosis Recycled Water Facilities - West Basin will design permit, and construct the Plant and the Discharge System in accordance with plans, specifications, applicable regulations (including CEC license), codes and ordinances, and commonly accepted water supply industry standards.

C) On-site Piping - ESEC will design the On-Site Piping as necessary and required to receive and permit use of the recycled water from West Basin. ESEC will construct the On-Site Piping in accordance with plans, specifications, applicable regulations (including the CEC License), codes, and ordinances and ESEC's engineering standards and specifications.

D) CITY will provide the RW Metering Facilities and the PW Metering Facilities in accordance with applicable laws and regulations for installation by West Basin during pipeline construction.

E) Permitting Responsibility. West Basin will obtain permits and environmental approvals (not otherwise covered by the CEC License) for design, construction and operation of the Capital Facilities. CITY will obtain permits and environmental approvals (not otherwise covered by the CEC License) for design, construction and operation of the RW Metering Facilities and the PW Metering Facilities. ESEC will obtain permits and environmental approvals for design, construction and operation of the On-Site Piping.

F) Progress Reports - From time to time during the design; and on a monthly basis once construction starts, West Basin shall deliver project progress reports to the ESEC and CITY Project Managers. The project progress report shall include a cost control report that shall state the actual expenditures to date and projections for future expenditures. Reports shall include updates or proposals for any
scope change of the project. ESEC shall have right to agree or approve milestone dates and costs for Capital Facilities listed in Exhibit 2 and will provide monthly updates on On-Site Piping progress, to be incorporated into West Basin’s monthly report.

G) Additional Facilities. ESEC may wish to construct additional facilities appurtenant to, or in addition to the On-Site Piping or may wish to substitute for equipment and materials of greater value. ESEC shall pay for the costs of such additional facilities or substitutions prior to purchase and installation of the Capital Facilities.

5) EASEMENT FOR METERING FACILITIES
   A) ESEC will provide CITY an easement for the RW Metering Facilities and the PW Metering Facilities as reasonably requested and identified by the Public Works Director or designee.

6) SCHEDULE AND COMMENCEMENT DATE

   A) Obligation to Timely Complete Piping in Public Right-of-Way

      i) West Basin shall exercise commercially reasonable efforts to complete construction of, and place into operation, the Capital Facilities in compliance with the schedule in Exhibit 1 (Schedule and Alignment). The parties mutually agree to cooperate and to provide reasonable support for each other in order to minimize delay in the performance of their respective obligations.

   B) Obligation to Timely Complete On-Site Piping

      i) ESEC shall exercise commercially reasonable efforts to complete construction of the On-Site Piping and receive necessary regulatory approvals in order to take delivery of treated recycled water for use in the energy generation process by November 30, 2012. However, any delay by West Basin in placing the Capital Facilities into operation in compliance with the schedule specified in Exhibit 1 (Schedule and Alignment), shall extend ESEC’s obligation to complete construction of the On-Site Piping beyond November 30, 2012 on a day for day basis, and shall similarly extend West
Basin's ability to declare the Commencement Date pursuant to Section 6(C) below on a day for day basis.

C) Commencement Date - within 30 days after the Commencement Date, West Basin will deliver a written notice to ESEC and CITY specifying the Commencement Date.

D) In the event of ESEC discontinuing recycled water use for any reason, with resulting increase of potable water consumption by ESEC, then;

i) ESEC must notify City of termination as soon as practicable,

ii) City will invoice ESEC for any penalties, fees, or other costs associated with increased potable water use, and

iii) ESEC must pay invoices from City within 30 days.

7) OPERATION

A) Operation of Improvements

i) West Basin shall own, maintain and operate the Plant, Discharge System, and RW Pipeline. West Basin shall obtain permits necessary and bear the cost, expense and responsibility for the disposal of the Plant's waste water streams. West Basin may contract with CITY or third parties to provide such maintenance and operation, but shall be responsible for the work. West Basin shall maintain such Improvements in good working condition.

ii) CITY shall own, maintain and operate the PW, the PW Metering Facilities, and RW Metering Facilities. CITY shall maintain such Improvements in good working condition.

iii) ESEC shall own, maintain and operate the On-Site Piping. ESEC shall maintain such Improvements in good working condition.

iv) Maintenance and Operations Communications - Following the Commencement Date, the Project Management Team shall confer at least quarterly, or more often as needed, for purpose of scheduling maintenance and planned shutdowns of the Plant, the Discharge System, the On-Site Piping, the PW Pipelines, the RW Pipeline, the PW Metering Facilities or the RW Metering Facilities. The Project Management Team shall coordinate
maintenance and operating activities and minimize disruption of the other parties' operations.

B) Damage or Destruction or Loss of Plant and Other Improvements.

i) Plant, Discharge System and Pipelines - West Basin shall repair or replace any damage to, or destruction of the Plant, Discharge System or Pipelines arising from West Basin's negligence or of the negligence of the operator of the Capital Facilities. West Basin shall also carry insurance or provide self insurance covering such losses. In the event of casualty or loss, damage or destruction of any of the Capital Facilities, West Basin shall apply any insurance proceeds received (after first consulting with ESEC) solely for the purposes of either reducing the unamortized amount of the Fixed Capital Charges, or for reconstructing and repairing the damaged or destroyed portion of the Capital Facilities.

ii) On-Site Piping. ESEC shall repair or replace any damage to or destruction of the On-Site Piping arising from ESEC's negligence or of the negligence of the operator acting on behalf of ESEC. ESEC shall also carry insurance or provide self insurance covering such losses. In the event of casualty loss, damage or destruction of the On-Site Piping, ESEC shall apply insurance proceeds received to reconstruct and repair the damaged portion of the On-Site Piping System, or to construct a functional equivalent.

iii) Metering Facilities. CITY shall repair or replace any damage to or destruction of the PW Metering Facilities or the RW Metering Facilities arising from CITY’s negligence or of the negligence of the operator acting on behalf of CITY. CITY shall also carry insurance or provide self insurance covering such losses.

C) Maintenance. At all times, West Basin shall operate the system and perform maintenance in a manner to minimize the negative impact upon deliveries to ESEC. If any such operational change or maintenance practice is to be implemented that will have even temporary impact on delivery of recycled water quantity or quality, West Basin shall provide sufficient advance notify to ESEC such that it can anticipate and prepared for the disruption.

D) Metering and Calibration Rights. The quantities of recycled water sold and delivered hereunder shall be determined by measurements taken by meters installed at the RW Metering Facilities. Such meters shall be maintained and
calibrated by CITY in accordance with AWWA standards, and shall be tested and calibrated at least annually. The results of such calibrations shall be furnished to the parties. If there is a dispute about the accuracy of any meter, a party may request that the meter be calibrated by an independent engineer or consultant experienced in such calibrations. The parties may have representatives present and observing at the time of recalibration. If the meter is in error by more than two per cent (2%), CITY shall pay for its recalibration. If the meter is in error by more than five per cent (5%), then charges paid on the basis of that meter's readings back to the date of the most recent recalibration shall be adjusted to correct the erroneous billings due to meter error.

8) WATER SUPPLY AND QUALITY

A) Quality. West Basin shall construct and operate the Capital Facilities to produce recycled water meeting or exceeding the standards set forth within Exhibit 4, Water Quality.

B) Supply.

i) West Basin shall construct and operate Capital Facilities to produce and deliver up to 525 acre-feet (AF) of recycled water annually and a peak demand of up to 325 gallons per minute (GPM). The supply of recycled water may be interrupted on occasion due to scheduled maintenance by West Basin, failure of facilities, interruption of electrical power, or by force of nature.

ii) ESEC shall arrange with either the City of Manhattan Beach or the City of El Segundo to provide a back up supply of potable water to supplement / replace recycled water in case of disruption to the recycled water supply. Any facilities required to implement this supplemental supply shall be contracted, funded, and constructed by ESEC separate from this Agreement.

iii) Should the flow of recycled water to ESEC be interrupted by planned maintenance by West Basin or failure of West Basin facilities, West Basin will use its best efforts to restore service as quickly as possible and will reimburse ESEC for the difference in water commodity expense incurred to replace the interrupted flow.

iv) Should the flow of recycled water be interrupted through no fault of West Basin, West Basin will use its best efforts to restore service as quickly as possible but suffer no liability for the difference in water commodity expense
incurred to replace the interrupted flow.

v) If West Basin has recycled water available in excess of the amounts described in Section 8(B)(i) above, West Basin shall promptly notify ESEC, and ESEC shall have the right to purchase all or any portion of such excess available recycled water at the applicable commodity rate.

vi) If West Basin wishes to further expand its reverse osmosis water treatment facilities, West Basin shall promptly notify ESEC, and ESEC shall have the right to purchase all or any portion of the incremental recycled water produced on terms substantially similar to those set forth herein.

9) PURCHASE OF OUTPUT

A) General. West Basin shall make available up to 524.2 acre-feet per year of recycled water meeting the standards and specifications set forth in Exhibit 4, (Water Quantity and Quality Specifications). Failure to take or purchase the full quantity of recycled water within this Agreement shall not relieve ESEC of the obligation to pay the Fixed Monthly Capital Recovery Charge in addition to the variable commodity charges associated with any partial amount of recycled water taken. ESEC may, but shall not be obligated to, purchase any output of the Plant not meeting the standards and specifications set forth on Exhibit 4 hereof.

B) Deficient Quality & Quantity. West Basin shall immediately undertake remedial measures if the Plant output contains quantities of minerals in excess of the maximum amounts listed on Exhibit 4 (a "Water Quality Deficiency") or the Plant output falls below 325 GPM (a "Water Quantity Deficiency"). The following remedies are available to ESEC:

i) Compensation for a Water Quality Deficiency or Water Quantity Deficiency. If a Water Quality Deficiency or Water Quantity Deficiency is not corrected within 30 days from the date of ESEC’s notice to West Basin, West Basin shall compensate ESEC to the extent ESEC can demonstrate direct operating cost impacts as a result of such Water Quality Deficiency or Water Quantity Deficiency. The resulting compensation will be retroactive to the date of ESEC’s notice to West Basin and will continue until the Water Quality Deficiency or Water Quantity Deficiency is remedied. ESEC may continue to purchase recycled water from the Plant.

ii) Termination of Agreement - If a Water Quality Deficiency or Water Quantity
Deficiency has not been corrected within a period ending 24 months from the date of ESEC's notice to West Basin, ESEC may either: (a) continue to purchase recycled water from the Plant with compensation from West Basin in accordance with Subsection 9 (B)(i); or (b) give written notice to West Basin declaring ESEC's intent to terminate this Agreement. Effective upon receipt of such notice, this Agreement shall be terminated, and ESEC shall have no further obligation to West Basin, other than that set forth in Subsection 9(C).

C) West Basin Opportunity to Cure and Reinstate Agreement Following Termination. Notwithstanding ESEC's exercise of its option to terminate pursuant to Subsection 9(B)(ii) above, this Agreement may be reinstated at ESEC's option, if West Basin can modify or alter the Plant to such configuration that the Plant can deliver the contracted for quantities of water meeting the quality specifications set forth in Exhibit 4, (Water Quantity and Quality Specifications) to ESEC within a period of not more than 48 months following ESEC's notice of termination. If ESEC so elects, then upon the completion of such modification or alteration, each party shall perform its obligations under this Agreement for the remainder of the Term, so long as the Plant continues to deliver water meeting the quality and quantity specifications of this Agreement.

10) CAPITAL COSTS

A) General. West Basin shall pay for the actual cost of design and construction of the Capital Facilities, the PW Metering Facilities, and the RW Metering Facilities, including permits necessary for construction. ESEC shall pay for the cost of design and construction of the On-Site Piping.

B) Payment of Fixed Monthly Capital Recovery Charge by ESEC to West Basin

i) Fixed Monthly Capital Recovery Charge – the Fixed Monthly Capital Recovery Charge shall amortize the Capital Costs at West Basin's weighted cost of capital by applying West Basin's average cost of capital factor (0.008673525) to such Capital Costs as set forth in Exhibit 5 (Fixed Capital Charges). Example: For a Capital Cost of $10,000,000 the Fixed Monthly Capital Recovery Charge would be ($10,000,000) times [(0.008673525)] which equals [$86,735.25] per month.

ii) Fixed Monthly Capital Recovery Charge Invoice - West Basin shall invoice ESEC on the 10th of each month following the Commencement Date
(regardless of whether ESEC has completed construction of the On-Site Piping) for the Fixed Monthly Capital Recovery Charge. ESEC shall pay such invoices on or before the 10th of the following month.

C) Purchase Option for Plant Capacity Rights. ESEC may prepay the Fixed Capital Charges in accordance with this Section at any time. For purposes of calculating the remaining portion of Fixed Capital Charges under this Agreement, the remaining portion of the Fixed Capital Charges shall be equal to the amount shown in Exhibit 6 (Early Termination and Payment). Upon such prepayment of the remaining portion of the Fixed Capital Charges, ESEC shall own the capacity rights associated with the Plant.

11) COMMODITY CHARGES

A) West Basin Charges to CITY - CITY will pay West Basin a commodity charge for recycled water using current rates as adopted at least annually by West Basin Board of Directors and published by West Basin. West Basin’s policy is to price recycled water so that it is economical to the customer when compared to alternate supplies and the costs of using other water of poorer quality, including increased chemical costs and life of equipment. West Basin shall not increase the effective commodity rate for recycled water sold to CITY for resale to ESEC by an amount greater than the increase in the West Basin effective commodity rate for potable water from the Metropolitan Water District of Southern California during the same preceding period.

B) CITY Resale to ESEC - CITY shall bill ESEC for recycled water based upon the quantity delivered by West Basin to the Metering FacilityFacilities pursuant to rates established by CITY.

12) TERM

A) Term. Subject to the terms of this Agreement, the Term of this Agreement shall begin as of the date hereof and shall expire on that date which is 30 years following the Commencement Date unless the parties agree to extend the Term of this Agreement.

B) Early Termination and Payment if ESEC Ceases Operations. If ESEC permanently ceases operation at any time, upon notice to West Basin, ESEC shall either 1) pay West Basin the difference between the remaining unamortized portion of the Fixed Capital Charges as shown in the buyout schedule set forth
on Exhibit 6 (Early Termination and Payment), and the salvage value of the Plant, within 180 days of cessation of operations, or 2) pay West Basin the remaining unamortized portion of the Fixed Capital Charges as shown in the buyout schedule Exhibit 6 (Early Termination and Payment) plus One Hundred Dollars ($100.00) and invoke the purchase option for Plant capacity rights as provided for in 10(C) within 180 days of cessation of operations. In either case, obligation for further fixed monthly payment by ESEC shall cease.

C) Prepayment of Fixed Capital Charges. Notwithstanding any prepayment of Fixed Capital Charges by ESEC or purchase of capacity rights, the Plant, the RW Pipeline and the Discharge System shall continue to be operated by West Basin, for the Term of this Agreement. Unless ESEC and West Basin expressly agree to the contrary, maintenance, operation, pricing and supply of recycled water shall continue in accordance with the terms of this Agreement.

D) Obligation to Take Recycled Water Ceases on Termination. If this Agreement expires or is terminated pursuant to any provision hereof, ESEC’s obligation to take recycled water and make payments hereunder shall cease effective upon the date of termination or expiration.

13) PROJECT MANAGEMENT TEAM

A) ESEC, CITY and West Basin shall each designate one or more individuals as-ato the Project Management Team to: coordinate design and construction of the Improvements; avoid disruption in ESEC, WEST BASIN, and CITY operations; protect ESEC, WEST BASIN and CITY property; review and approve Capital Costs; and conduct an annual review of operating costs for recycled water production.

i) ESEC and CITY will support West Basin, as required, through the Project Management Team, during design and construction of the Capital Facilities to: (1) maintain schedule; (2) avoid disruption in ESEC, West Basin, and CITY operations; and (3) protect ESEC, West Basin and CITY property. Exhibits 2 (Capital Facilities) and 3 (Metering Facilities) are the final pre-construction reports, which have been approved by West Basin and ESEC. Responsibility for any ancillary items to be constructed as part of the Capital Facilities, shall be as determined by the Project Management Team.
ii) During design and construction of the Capital Facilities, the Project Management Team shall meet at least monthly. It shall review and provide input to consultant and contractor selections, design issues, designs, regulatory permits, construction bids, schedules, change orders and quarterly reports. West Basin shall administer all contracts and prepare quarterly reports. Quarterly reports will be presented to the Boards of Director of West Basin, City Manager of CITY, and ESEC management.

14) AUDIT OF CONSTRUCTION COSTS

A) West Basin shall maintain accurate records of the cost of any design, permitting and construction for which it is to be reimbursed by ESEC under this Agreement. Those records shall be maintained for at least two years after completion of the work, and shall be available for inspection and copying on reasonable notice during normal business hours at the offices of the party maintaining the records.

15) ENVIRONMENTAL AND REGULATORY COMPLIANCE

A) West Basin as the constructor, owner, and operator of the Plant and Discharge System shall comply with applicable environmental and other laws, rules and regulations governing the Plant and Discharge System whether such laws relate to design, construction, operation or maintenance of the Plant and Discharge System. In particular, West Basin shall be responsible for obtaining, and for complying with the terms and conditions of, any necessary permits for discharge of wastewater from the Plant. ESEC as constructor and operator of the On-Site Piping shall comply with applicable environmental and other laws, rules and regulations governing the On-Site Piping whether such laws relate to design, construction, operation or maintenance of the On-Site Piping. Each party shall indemnify and hold the other harmless for any breach of an obligation to comply with the requirements of this Section 15. This obligation to comply with laws, rules, and regulations shall be included in any contract with any contractor or subcontractor of the parties which may be engaged to construct, operate or maintain the Plant, Discharge System and On-Site Piping.

16) TITLE TO WATER

A) Recycled Water

i) Title and Ownership of Water from Plant. West Basin will sell recycled water
based upon flow to the RW Metering Facilities. West Basin will hold title to and risk of loss of the recycled water and effluent until it reaches the RW Metering Facilities.

ii) Title and Ownership of Water at Metering Facilities. Title to and ownership of recycled water will pass to CITY immediately upstream of the RW Metering Facilities. Title to and risk of loss of recycled water will pass to ESEC immediately downstream of the RW Metering Facilities.

B) Potable Water

i) CITY will sell potable water based upon flow to the PW Metering Facilities. Title to and ownership of potable water is held by the CITY up to and through the PW Metering Facilities.

ii) Title to and risk of loss of potable water will pass to ESEC immediately downstream of the PW Metering Facilities.

17) CHANGES IN TECHNOLOGY/BUSINESS ENVIRONMENT

A) Opportunities to Reduce Costs. The parties recognize new opportunities may develop to better manage the Plant and on-site water systems. The parties will work in good faith to cooperate with each other to take advantage of these opportunities.

B) Relief for a Severely Disadvantaged Party. If any party believes changes in the business environment have put it in a severe disadvantage in performing this Agreement, it may approach the other parties and ask for relief. The parties will discuss such request in commercial good faith, recognizing each party is entitled to the benefit of its bargain, but no party should suffer extreme detriment.

18) TAXES

A) Payment by ESEC. ESEC shall pay taxes, assessments, fees or charges applicable to the On-Site Piping.

B) Payment by West Basin. West Basin shall pay taxes, assessments, fees or charges applicable to the Plant, the RW Pipeline and the Discharge System.

C) Investment Tax Credit. At its own option, ESEC may claim the California Manufacturers Investment Credit and the amount of such qualified cost upon which sales or use tax has been paid or deemed paid under the regulation of the Franchise Tax Board. West Basin does not warrant that ESEC will be found
eligible for such credits.

19) MISCELLANEOUS

A) Choice of Law. This Agreement shall be construed, interpreted and enforced in accordance with the laws of the State of California, without regard to conflicts of law provisions.

20) This Agreement includes attached Exhibits 1-6, which are incorporated by reference. In the event of a conflict between the language of this Agreement and the attached Exhibits, this Agreement prevails. [Move to sec 19D]

A) Binding on Successors and Assigns. This Agreement, and its terms, covenants and conditions apply to and are binding upon the successors and assigns of the parties hereto.

B) Notices. Notices given pursuant to the terms of this Agreement or necessary to carry out its provisions, shall be in writing and delivered personally to the person to whom the notice is to be given, or when deposited in the U.S. Mail, postage prepaid, addressed to such person, or when sent by facsimile to the phone number listed below, with a confirming copy sent by U.S. Mail. The addresses and phone numbers of the parties for this purpose shall be:

**ESEC:**
El Segundo Energy Center LLC
5790 Fleet Street, Suite 200
Carlsbad, CA 92008
Attention: Asset Manager
Fax Number 760-918-0310

**West Basin:**
West Basin Municipal Water District
17140 South Avalon Boulevard, Suite 210
Carson, CA 90746-1296
Attention: Rich Nagel
Fax Number 310-217-2414

**CITY:**
City of El Segundo Public Works Department
350 MAIN STREET
EL SEGUNDO, CA 90245-3895
Each party may change its address or fax number for purposes of notices under this Agreement by giving the other parties notice of the change in writing.

C) Integration Clause. With the exception of attached Exhibits 1 to 6, there are no other written or oral agreements between the parties concerning the subject matter hereof.

D) Benefits of this Agreement to Respective Parties. Nothing contained in this Agreement, expressed or implied, is intended to give any person other than West Basin, ESEC and CITY any right, remedy, or claim under or pursuant hereto or thereto, and any agreement or covenant required in this Agreement to be performed by or on behalf of West Basin, ESEC or CITY shall be for the sole and exclusive benefit of the other party or parties to this Agreement.

E) Confidentiality. During the course of performance of this Agreement, the parties may become aware of the business plans and operations of the other parties to this Agreement and operating and performance data of the Plant ("Information"). To the extent permitted by law the parties and their employees agree to keep such information confidential, and to guard it with the same methods and concern as they guard their own confidential information. Except as otherwise required by law, the parties and their employees will not disclose such Information to third parties without first obtaining the consent of the other parties to this Agreement. Further the parties agree to use such Information within their organizations only for the purposes of performing this Agreement.

F) Indemnification.

i) Personal Injury and Property Damage. Each party hereto agrees to indemnify, and save harmless and defend the other parties hereto, their subsidiaries and affiliates, their directors, officers, agents and employees from and against losses, costs, damage, injuries, liabilities, claims, and demands or causes of action of any nature whatsoever, arising or resulting from damage to or destruction of property, or death of or injury to persons, whether they be third persons, or the employees of the party or the party's contractors or subcontractors, to the extent of the indemnifying party's negligence. It is the intention of the parties hereto that liability for any such claims be apportioned among the parties on the basis of the respective party's comparative negligence.

ii) Patent and Intellectual Property Indemnification. No party shall use any
information in the design, fabrication or construction of Improvements, or install or use any equipment in the Improvements, which involves any infringement of a patent or copyright or unauthorized use of a trade secret of another in any manner. Any party using such infringing data or information shall hold the other parties harmless and defend them from and against any such claim of infringement. Further, the party so indemnifying the others shall obtain a non-infringing right to use such information equipment or data at its own sole expense, or shall replace the infringing information, equipment, or data with its functional equivalent at no expense to the other parties.

G) Insurance. During the term of this Agreement each party shall maintain and provide the following types of insurance:

i) Worker's Compensation Insurance, including Occupational Disease, in accordance with the laws of California and Employer's Liability Insurance in the limit of not less than One Million Dollars ($1,000,000) per person per accident. If applicable, each party shall maintain coverage for U.S. Longshoremen & Harborworkers (USL&H), Jones Act, Federal Employer's Liability Act (FELA), and Maritime Employer's Liability (MEL). The coverage shall also extend to any leased and/or temporary employees.

ii) Commercial General Liability Insurance, including contractual liability, insuring the indemnity agreements set forth in this Agreement, and products-completed operations coverage, with limits of not less than One Million Dollars ($1,000,000) per occurrence, and Two Million Dollars ($2,000,000) in the aggregate, applicable to bodily injury, sickness or death in any one occurrence, broad form property damage, personal injury, premises & operations, independent contractors, mobile equipment, and no exclusions for X.C. & U., operations within 50 feet of a railroad, or rigging, lifting or boom overload.

iii) Automobile Liability Insurance covering owned, non-owned and hired vehicles used by the party with limits of not less than One Million Dollars ($1,000,000) applicable to bodily injury, sickness or death of any one person and One Million Dollars ($1,000,000) for more than one person in any one occurrence, and One Million Dollars ($1,000,000) for loss of or damage to property in any one occurrence.
iv) Excess Liability Insurance coverage with limits of $5,000,000 that shall sitbe in excess of the underlying Employer's Liability, General Liability and Automobile Liability coverages, with no exclusions broader than those contained in the underlying insurance policies.

v) If an applicable Marine exposure exists within the services being rendered, the party with the exposure shall maintain a $5,000,000 Marine Liability policy that will insure for Protection & Indemnity; Chartered Vessel liability; Members of the Crew; Wharfinger's / Stevedore's; Marine Contractual Liability; Tower's Liability; "In Rem" Liability; Collision Liability; Waiver of Subrogation; Removal of "other than Owner" limitation clauses as respects the other party and its affiliates; Removal of the “as Owner of the vessel named herein” clauses as respects Owner, and its affiliates, and Marine Pollution Liability Coverage. The party with the Marine liability exposure shall include the other party and its affiliates on its Marine policy as additional insureds.

vi)

vii) West Basin shall self insure or provide Builder's Risk Insurance on an "All Risk" basis insuring the Plant and Discharge System on behalf of ESEC, West Basin, and its subcontractors of all tiers in the course of construction, including all materials intended to become a part of the completed Plant and Discharge System while in transit to the premises, while in fabrication or awaiting transit and during mechanical testing and until West Basin accepts the Plant and Discharge System. West Basin owned or rented construction tools and equipment are excluded. Further ESEC shall self insure or provide Builder's Risk Insurance on an "All Risk" basis insuring the On-Site Piping on behalf of West Basin, ESEC and its subcontractors of all tiers in the course of construction including all materials intended to become part of the On-Site Piping and during mechanical testing and until ESEC accepts the On-Site Piping.

viii) If any party or its contractors or subcontractors will be on the other party's property, then the party who will be on the other party's property shall waive all rights of recovery against the other party and all subsidiaries, affiliates, officers, directors, members, managers, agents, employees, invitees, servants, subcontractors of all tiers, insurers, underwriters and such other parties as each may designate whether arising from insured or self-insured loss. Each party, if applicable, shall arrange for all insurance policies
provided by that respective party to be endorsed to waive all right of subrogation in accordance with this provision.

ix) If any party or its contractors or subcontractors will be on the other party's property, then the party who will be on the other party's property shall include the other party and their respective subsidiaries and affiliates, as well as each of their respective officers, directors, managers, members and employees as additional insured's on their general liability, automobile liability, and umbrella liability insurance policies for injury or damage arising out of, resulting from, or in connection with the performance of this Agreement. The additional insured status noted in this section shall be specifically endorsed to the appropriate party's policy or policies, or can be provided through one or more blanket additional insured endorsements, or provided pursuant to specific policy language. If one party self insures one or more of its insurance exposures, it shall defend and indemnify the other party as if the applicable policy or policies had been procured and maintained. Each Party hereto shall each furnish Certificates of Insurance to the other evidencing the insurance, and including language reflecting the additional insured status, if applicable hereunder. Each Certificate shall provide that a thirty (30) day prior written notice of cancellation shall be provided to the Certificate Holder, to include notification of any material policy change that adversely affects the Certificate Holder. The Certificates shall be provided prior to date when services are first rendered.

x) The insurance provided by each party shall be shall be primary, without right of contribution, with respect to any similar insurance maintained by the other party, with respect to claims made by the other party.

xi) Each Party hereto shall require all of its contractors and subcontractors to obtain, maintain and keep in force during the time in which they are engaged in performing work hereunder, similar insurance coverage required in H) i) through v), above. With respect to the Excess Liability requirement noted in H) iv), above, either party can accept a lower limit of coverage from a contractor or subcontractor, but in no event less than $2,000,000 per occurrence. Each party shall require such contractors and subcontractors of all tiers to furnish acceptable evidence of such insurance, and to add both West Basin, ESEC and their respective affiliates as additional insured in a manner identical to that noted in subsection H(viii) of this insurance provision.
Each party shall also require each of its contractors and subcontractors of all tiers to provide a Waiver of Subrogation on their Workers’ Compensation policies in favor of both West Basin and ESEC. All of the foregoing evidence shall be maintained by each party and shall make such evidence available at a convenient site for inspection and review.

xii) Mechanic's Liens. Each of the parties hereto covenants and agrees to keep the land upon which any Improvements are to be constructed, and the materials and equipment to be included in the Improvements free from any and all claims, liens, charges or encumbrances in the nature of mechanic's, labor or material liens or otherwise arising out of that portion of the construction or work to be performed by the particular party, or the particular party’s contractors, agents or subcontractors.

xiii) Drawings and Documents. At the close of construction, each party will deliver to each of the other parties to this Agreement "as built" drawings of that portion of the Improvements constructed by that party upon ESEC property. ESEC shall deliver "as built" drawings on all items generated during the design and construction of the On-Site Piping to West Basin.

xiv) Future Pricing. By executing this Agreement ESEC shall not prejudice its rights to purchase recycled water at a lower price in the future. If a change in policy by West Basin or the CITY, including execution of future agreements with other industrial customers would otherwise offer recycled water to such industrial customers at a lower price, this Agreement shall be amended to give ESEC such a lower price.

Wherefore, the parties hereto have executed this Agreement as of the date first set forth above.

APPROVED:
WEST BASIN MUNICIPAL WATER DISTRICT

By: _____________________________
    Rich Nagel, General Manager

APPROVED AS TO FORM:
EL SEGUNDO ENERGY CENTER LLC

By: ________________________________
    Name, Title

APPROVED AS TO FORM:
By: ________________________________
    Counsel

CITY OF EL SEGUNDO

By: ________________________________
    Jack Wayt, City Manager

ATTEST:
By: ________________________________
    Cindy Mortesen, City Clerk

APPROVED AS TO FORM:
By: ________________________________
    Karl H. Berger, Assistant City Attorney

Exhibit 1 – Schedule and Alignment
Exhibit 2 – Capital Facilities
Exhibit 3 – Metering Facilities
Exhibit 4 – Water Quantity and Quality Specifications
Exhibit 5 – Fixed Capital Charges
Exhibit 6 – Early Termination and Payment Schedule
**EXHIBIT 4: Water Quantity and Quality Specifications**

First-Pass RO Water Quantity: 325 gal/min
or equivalent to: 0.468 mgd
or equivalent to: 524 AFY

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AGENDA DESCRIPTION:
Consideration and possible action regarding: 1) approval of an updated list of pre-approved consultants that provide environmental review services pursuant to California Environmental Quality Act guidelines (CEQA) and National Environmental Policy Act (NEPA) regulations to assist the City in the processing of entitlement projects; and 2) to authorize the City Manager to execute Professional Services Agreements in an amount not to exceed $200,000 (increased from $125,000 currently), in a form approved by the City Attorney, for developer reimbursed environmental review services pursuant to CEQA and NEPA regulations from the pre-approved list of consultants (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:
1. Approve the attached list of consultants to provide environmental review and traffic consultant services;

2. Authorize the City Manager to sign Professional Service Agreements for developer reimbursed environmental review services approved as to form by the City Attorney in an amount not to exceed $200,000; and/or,

3. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. List of qualified environmental planning consultants and traffic consultants

FISCAL IMPACT: N/A

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ORIGINATED BY: Kimberly Christensen, AICP, Planning Manager
REVIEWED BY: Greg Carpenter, Director of Planning and Building Safety
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:
The Planning Division provides administration and review of all entitlement projects concerning environmental review pursuant to CEQA and NEPA regulations. Due to the size, scope, and complexity of projects and the specialized technical areas of expertise needed to prepare CEQA and NEPA documents, the City utilizes environmental consultants, traffic consultants and various other technical sub-consultants to prepare the necessary documents as prescribed by State and Federal regulations respectively.
The cost of these environmental documents and associated consultant services are paid for by developers using reimbursement agreements. No direct cost is borne by the City. In fact, since the City went to a cost recovery approach to its Planning fees, deposit based fees are charged to cover the costs of planning staff to provide project and contract administration, review of the consultant’s work, the preparation of staff reports, and all other project related tasks separate from the cost the developer incurs for environmental review services by an outside consulting firm.

On September 4, 2007, the City Council approved the use of a pre-approved list of consultants to provide environmental review services and authorization for the City Manager to approve Professional Services for developer reimbursed environmental review services in the amount of $75,000 or less. On July 15, 2008, the City Council approved an increase in the amount that the City Manager is authorized to approve Professional Service Agreements for developer reimbursed environmental review services. The amount increased to $125,000 to cover the cost of a larger range of projects including most Mitigated Negative Declarations and some less complicated focused EIR’s.

The Planning Division has updated the list of firms by adding two firms and deleting two firms from the list Council last approved. Planning staff removed Chris Joseph & Associates and P & D Consultants. Chris Joseph & Associates is no longer in business and staff does not recommend using the services of P & D Consultants. Planning staff has added five firms to the list, namely EcoTierra, CAJA Environmental Services, LLC, Kimley-Horn and Associates, Willdan, and Sapphos Environmental, Inc.

EcoTierra is a new firm comprised of a few of the staff members from Chris Joseph & Associates, including one of the former Principals of the firm, who provided consultant services to the City for numerous projects including Plaza El Segundo and the Air Force Base. CAJA Environmental Services, LLC is a new firm comprised of some of the former staff members and the other former Principal Chris Joseph from Chris Joseph & Associates who have not directly performed work in the City in the past. Kimley-Horn and Associates regularly provides service to the City by preparing traffic studies, traffic impact analysis, parking demand studies and providing peer review of traffic analysis both directly and as a sub-consultant to environmental consultants on the City’s pre-approved list. Kimley-Horn and Associates has provided traffic consultant services for the City for the Circulation Element and Plaza El Segundo and is currently working on the Aquatics Study. Willdan has provided planning consultant services and engineering services to the City. Sapphos Environmental, Inc. is a new firm for the City that requested an opportunity to conduct environmental review services for the City. The Planning Division requests that the City Council approve the attached updated list of consulting firms.

Additionally, in an effort to continue to streamline the development process for major projects where projects are developer funded with no expenditure of City funds involved, City staff is requesting that the amount the City Manager is authorized to approve is increased from $125,000 to $200,000 for professional services agreements for environmental review services and associated traffic services. This will facilitate most projects except for the most complicated projects requiring EIR’s. Typically this will eliminate approximately 4 to 6 weeks in additional start up time for projects. All City funded projects would still require approval from the City Council.
Recommendation

The Planning and Building Safety Department requests that the Council: 1) approve an updated pre-approved list of consultants that provide environmental review services pursuant to California Environmental Quality Act guidelines (CEQA) and National Environmental Policy Act (NEPA) regulations to assist the City in the processing of entitlement projects; and 2) authorize the City Manager to execute Professional Services Agreements in an amount not to exceed $200,000, in a form approved by the City Attorney, for developer reimbursed environmental review services pursuant to CEQA and NEPA regulations with consultants from the list of firms pre-approved by Council.
Environmental/Planning Consultants
Contact Information List
Updated Date: 1/4/11

1. Craig Fajnor, Principal
   EcoTierra Consulting
   3520 Overland Avenue, Suite A10
   Los Angeles, CA 90034
   Direct: (213) 235-4771
   Main: (213) 235-4771
   craig@ecotierraconsulting.com

2. Terri Vitar, Regional Vice-President
   Ruta Thomas, Senior Group Manager, CEQA/NEPA
   EIP Associates (A Division of PBS&J)
   12301 Wilshire Boulevard, Suite 430
   Los Angeles, CA 90025
   Phone: (310) 268-8132
   Fax: (310) 268-8175
   RKThomas@pbsi.com

3. Glenn LaJoie, AICP, Vice President, Planning/Environmental
   Collette Morse, AICP, Senior Associate
   RBF Consulting
   14725 Alton Parkway
   Irvine, CA 92618-2027
   Phone: (949) 472-3505/(949) 855-3653
   Fax: (949) 837-4122
   gal@rbf.com
   cmorse@rbf.com

4. Steve Svete, AICP, President
   Rincon Consultants, Inc.
   172 North Ashwood Avenue
   Ventura, CA 93003
   Phone: (805) 644-4455
   Fax: (805) 644-4240
   svete@rinconconsultants.com

5. Tony Locacciatol, AICP, Managing Principal
   Impact Sciences
   803 Camarillo Springs Road, Suite A
   Camarillo, CA 93012
   Phone: (805) 437-1900
   Fax: (805) 437-1901
   tlocacciatol@impactsciences.com

6. John Bridges, FAICP, Principal
   AECOM
   1420 Kettner Boulevard, Suite 500
   San Diego, CA 92101
   Phone: (619) 233-1454 Ext. 764-6898
   Fax: (619) 233-0952
   john.bridges@aecom.com

7. Jay Ziff, Principal, Director of Environ. Planning
   PCR Services Corporation
   233 Wilshire Boulevard, Suite 130
   Santa Monica, CA 90401
   Phone: (310) 451-4488
   Fax: (310) 451-5279

8. Laura Stetson, AICP, Vice President
   Hogle-Ireland
   201 South Lake Avenue, Suite 308
   Pasadena, CA 91101
   Phone: (626) 356-4460 Ext. 23
   Fax: (626) 356-4464

9. Al Warot, Vice President
   Willdan
   13191 Crossroads Parkway North, Suite 405
   Industry, CA 91746-3497
   Phone: (562) 908-6209
   Fax: (562) 695-2120
   Awarot@willdan.com

10. Marie C. Campbell, Principal
    Sapphos Environmental, Inc.
    430 North Halstead Street
    Pasadena, CA 91107
    Phone: (626) 683-3547
    Fax: (626) 683-3548
    MCampbell@sapphosenvironmental.com

11. Chris Joseph, Principal
    CAJA Environmental Services, LLC
    11990 San Vicente Boulevard, Suite 200
    Los Angeles, CA 90049
    Phone: (310) 469-6700
    Fax: (310) 806-9801
    Alternate Office:
    Anne Doehe
    Impact Sciences
    234 East Colorado Boulevard, Suite 205
    Pasadena, CA 91101
    Phone: (626) 564-1500
    Fax: (626) 564-1501

Traffic Consultant
Serine Ciandella, Senior Vice President
Kimley-Horn and Associates, Inc.
2100 W. Orangewood Avenue, Suite 140
Orange, CA 92868
Phone: (714) 939-1030
Fax: (714) 936-9488
AGENDA DESCRIPTION:
Consideration and possible action regarding adoption of Plans and Specifications for the 2010-2011 annual contract for curb, gutter, sidewalk and other minor improvements at various locations citywide. Approved Capital Improvement Program.
Project No.: PW 11-01 (Fiscal Impact: $50,000 Gas Tax funds)

RECOMMENDED COUNCIL ACTION:
1. Adopt Plans and Specifications.
2. Authorize staff to advertise the project for receipt of construction bids.
3. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
- Location Map
- List of addresses

FISCAL IMPACT: Included in Adopted Budget
- Amount Requested: $50,000
- Additional Appropriation: No
- Account Number(s): 106-400-8203-8603 $50,000 Gas Tax CIP

ORIGINATED BY: Maryam M. Jonas, Principal Engineer
REVIEWED BY: Stephanie Katsoleas, Public Works Director
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:
On an annual basis, the City contracts for the repair of displaced sidewalks, curbs, gutters and driveway approaches that are in need of repair due to age, maturing trees, water intrusion and traffic loads. The City’s annual concrete repair program is funded to repair as many of these damaged areas as possible eliminating the potential liability associated with aging parkways. A list of locations to be improved under this project is attached. This year, funding in the amount of $50,000 is available from Gas Tax.

The scope of work under this contract consists of localized reconstruction of curb, sidewalk, driveway/driveway approaches, and other work needed to complete the project in accordance with the contract documents.

Plans and Specifications are available for review at the Public Works counter and City Clerks Office.
<table>
<thead>
<tr>
<th>NUMBER</th>
<th>ADDRESS</th>
<th>4&quot; SIDEWALK Remove/Replace (SF)</th>
<th>CURB ONLY Remove/Replace (LF)</th>
<th>DRIVEWAY Remove/Replace (SF)</th>
<th>REMARKS</th>
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<td>Lomita St.- 832</td>
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<td>Maple Ave.- 220 E.</td>
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<td>Driveway Approach</td>
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# City Funded Work - Sidewalk Replacement

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<td>13</td>
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<td>Mariposa Ave.- 1236 E. (On Oregon St.)</td>
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AGENDA DESCRIPTION:

Consideration and possible action to allow banners from the El Segundo High School Band to be hung over Main Street at no cost. (Fiscal Impact: $178)

RECOMMENDED COUNCIL ACTION:

1. Approve the request from the El Segundo High School Band regarding its banners;
2. Alternatively, take such additional, related, action that may be desirable.

ATTACHED SUPPORTING DOCUMENTS:

Letter from the El Segundo High School Band.

FISCAL IMPACT:

Amount Budgeted: $178
Additional Appropriation: No
Account Number(s):

ORIGINATED BY: Maryam Jonas, Principal Engineer
REVIEWED BY: Stephanie Katsouleas, Director of Public Works
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

Ms. Edie R. Rice, representing the El Segundo High School Band, asked the City to hang a banner at no cost to The Band. The banner would advertise the 2nd Annual Comedy Night and Silent Auction on February 5, 2011, at 6:00 p.m. at St. Anthony’s O’Grady Hall.

While the City does not have a formal banner policy, banners (and their location) are generally approved by the Public Works Department in accordance with El Segundo Municipal Code § 15-18-12. Persons placing such banners must pay the City $178 for hanging and removing each banner. Here, The Band requests that the City waive the fee as the event benefits so many families in our community. Waiving such fees would be consistent with the City Council’s past actions for nonprofit groups conducting events that benefit the community (e.g., “Keep LA Running,” and the “American Heart Association”).

207 11
Dear Honorable Mayor Bush and Council Members,

The El Segundo High School Band is proud to present the 2\textsuperscript{nd} Annual Comedy Night and Silent Auction to benefit the Band program on February 5\textsuperscript{th}, 2011 at 6:00pm at St. Anthony's o'Grady Hall.

Each year the band of 50-60 includes some of the highest ranking students of the school including valedictorians, salutatorians and "academic top ten," in addition to a number of varsity and JV athletes.

The ESHS Band boasts many 1st place trophies and 3rd in the State Marching Band Championships two years in a row. The Band has received the top rating of "Gold" in the Forum Festival of Gold for the past two years and hopes to "threepeat" this spring.

The program is primarily funded through fundraising and donations of family, friends and community including SCROC and the El Segundo Community Band. The El Segundo Band Parents have taken on the challenge of creating new and innovative fundraising events to raise the $50,000+ each year it takes to run the program.

Due to construction at the El Segundo High School auditorium, we will be paying a rental fee for an alternate venue (St. Anthony's School) to hold our event in this year. Therefore, we respectfully request the city waive the $178.00 banner-hanging fee to offset the additional cost of the alternate venue.

Since this event benefits so many families in our community, we propose that the request be considered for approval on an on-going basis.

Thank you for your consideration.

Edie H. Rice
AGENDA DESCRIPTION:
Consideration and possible action to receive the proceeds from the sale of Fire Station #2. Net proceeds: $1,539,685.65

Fiscal Impact: $1,539,685.65 Proceeds from Sale deposited to the Economic Uncertainty Fund.

RECOMMENDED COUNCIL ACTION:
1. Receive proceeds from the sale of Fire Station #2.
2. Alternatively discuss and take other action related to this item

ATTACHED SUPPORTING DOCUMENTS:
None

FISCAL IMPACT: $1,539,685.65 Proceeds from Sale deposited to the Economic Uncertainty Fund.

ORIGINATED BY: Angelina Garcia, Fiscal Services Manager
REVIEWED BY: Deborah Cullen, Director of Finance
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

On August 17th, 2010, City Council directed the City Manager to enter into a purchase agreement to sell City property located at 2161 E. El Segundo Boulevard (former Fire Station Number 2) for an amount not less than $1,575,000.

The total sale price of the property was $1,627,988. On December 30th, 2010, the City received $1,539,685.65 for the sale of this property. This amount was for the total sale price of the property less $88,302.85 in commissions paid to brokers and other fees.

Staff has recorded these funds in the Economic Uncertainty Fund and will recommend use of these funds as part of the Fiscal Year 2011-2012 Strategic Planning Session.
AGENDA DESCRIPTION:

Consideration and possible action regarding an initiative (the “Initiative”) amending the El Segundo Municipal Code to transfer all functions of the El Segundo Fire Department to the Consolidated Fire Protection District of Los Angeles County (aka the Los Angeles County Fire Department). (Fiscal Impact: Unknown)

RECOMMENDED COUNCIL ACTION:

1. Adopt a resolution certifying the Initiative as qualifying for the ballot.

2. OPTION ONE: Adopt Resolutions calling for a special election regarding the Initiative, and consider adoption of Resolutions regarding ballot arguments, City Attorney impartial analysis and rebuttal arguments;

3. OPTION TWO: Adopt Resolutions calling for a regular election and consider adoption of Resolutions regarding ballot arguments, City Attorney impartial analysis and rebuttal arguments;

4. OPTION THREE: Adopt the Ordinance or schedule a Council Meeting within 10 days and consider Adoption of the Ordinance at that meeting;

5. OPTION FOUR: Continue consideration of the actions set forth in 2, 3 and 4 above, for a period not to exceed 30 calendar days, to a regular Council Meeting and request Staff to prepare a report pursuant to Elections Code § 9212.

6. Take such additional, related, action that may be desirable.

ATTACHED SUPPORTING DOCUMENTS:

1. Certification of the results of signature verification
2. Los Angeles County letter of verification
3. Resolution certifying the Initiative as qualifying for the ballot
4. Resolution giving notice of a Special or Regular Municipal Election
5. Resolution directing the City Attorney to prepare an impartial analysis
6. Resolution setting priorities for filing written arguments
7. Resolution requesting services from the Board of Supervisors
8. Ordinance amending the Municipal Code

FISCAL IMPACT: Undetermined

Amount Budgeted: $
Additional Appropriation: N/A
Account Number(s):

ORIGINATED BY: Cindy Mortesen, City Clerk
REVIEWED BY: Mark Hensley, City Attorney
APPROVED BY: Jack Wayt, City Manager
BACKGROUND AND DISCUSSION:

The Initiative Process

On May 13, 2010, Mr. Bryan Partlow requested a title and summary for a proposed initiative and a Notice of Intent to Circulate a Petition. The Notice was subsequently published in the El Segundo Herald on May 27, 2010. The City Attorney prepared the Title and Summary and it was provided to Mr. Partlow on May 20, 2010. Mr. Partlow began the collection of signatures. Elections Code Sections 9207 and 9208 address the time frame for collecting of signatures. The petitions were filed with the City Clerk’s office on November 10, 2010.

The City Clerk, as the elections official, determined on April 9, 2010 the number of registered voters in the City of El Segundo was 10,749. Upon examination of the petitions when filed it was determined that a total of 2260 signatures were gathered.

The Los Angeles County Registrar Recorder performed a random sampling of the petitions as authorized by Elections Code § 8084 and on December 13, 2010 reported to the City Clerk that of the number of signatures filed, the projected number of valid signatures is 2,039. This number is in excess of the required 15% (1,612). This number is reached by sampling 500 signatures, of that 500, 451 were determined sufficient 451 divided by 500 equals 90.2%. 90.2% of 2260 projects to 2,039 valid signatures.

Elections Code § 9214 allows for a Special Election to be called by the Council if the proponents have collected not less than 15% of the voters of the city and the initiative contains a request that the ordinance be submitted immediately to a vote of the people at a special election. The Initiative does not contain such a request for a special election. Consequently, the City is not required to hold a special election. However, the City Council may (if it chooses) call for a special election and place the matter on the ballot. Alternatively, the City Council may place the Initiative on the ballot for the next regular election.

Election Process/Decisions

Pursuant to Elections Code § 9214 Council may potentially set the Initiative for a special election within 88 to 103 days from the date that the Council decides to set the matter for election. Accordingly, should the Council take action on this item tonight, a Special Election could be held on the following dates: April 19, 2011 or April 26, 2011. In accordance with Elections Code § 1405, a special election could also be consolidated with the countywide primary election scheduled for June 7, 2011. The cost of a Stand Alone Special Election is approximately $60,000, a cost for a consolidated election is not available at this time. The next regular municipal election is scheduled for April 10, 2012.
In the event the Council desires to set the Initiative for an election, Staff has prepared the necessary Resolutions relating to the calling of the election, ordering the City Attorney to prepare the Impartial City Attorney’s Analysis, and allowing for rebuttal arguments. Additionally, a Resolution has been prepared which allows for the Council to designate Council Members to prepare arguments against the Initiative.

Elections Code § 9219 allows the Council to designate Council Members to submit argument against the Initiative. The Council does not have to make such a designation.

The Council may, but is not obligated to, provide for; (1) the filing of rebuttal arguments to the initial arguments in favor of and against the Initiative; and, (2) the preparation of an Impartial City Attorney Analysis of the Initiative.

**Adoption of the Initiative as an Ordinance**

Elections Code § 9214 allows the Council to adopt the Initiative as an Ordinance at this meeting or within 10 calendar days of this meeting. If the Council adopts the Initiative as an Ordinance it will have the same effect as though it were adopted by the voters. The Council will not be able amend or repeal the Ordinance. Rather, such could only be accomplished by another properly certified initiative petition adopted by the Council or the voters.

**Report Ordered by the Council**

Elections Code § 9212, allows for Council to refer the proposed initiative measure to any city agency or agencies for a report on any or all of the following:

1. Its fiscal impact;
2. Its effect on the internal consistency of the city’s general and specific plans;
3. Its effect on the use of land;
4. Its impact on funding for infrastructure of all types;
5. Its impact on the community’s ability to attract and retain business and employment;
6. Its impact on the uses of vacant parcel of land;
7. Its impact on agricultural lands; open space, traffic congestion, existing business district, and developed areas designated for revitalization;
8. Any other matters the legislative body requests to be in the report.

The report shall be presented to the legislative body within the time prescribed by the Council, but no later than 30 days after the elections official certifies to the legislative body the sufficient of the petition.
CERTIFICATE OF SUFFICIENCY OF INITIATIVE PETITION

I, Cindy Mortesen, City Clerk of the City of El Segundo, County of Los Angeles, State of California, hereby certify that:

The petition entitled "AN INITIATIVE AMENDING THE EL SEGUNDO MUNICIPAL CODE TO TRANSFER ALL FUNCTIONS OF THE EL SEGUNDO FIRE DEPARTMENT TO THE CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY (AKA THE LOS ANGELES COUNTY FIRE DEPARTMENT)" was filed with the City Clerk’s Department on November 10, 2010.

That said petition consists of 409 pages with 2246 prima facie signatures;

That attached to this petition at the time it was filed, was affidavits purporting to be the affidavit of the persons who solicited the signatures, and containing the dates between which the purported qualified electors signed this petition;

That the affiant stated his or her own qualifications, that he or she had solicited the signatures upon that page, that all of the signatures were made in his or her presence, and that to the best of his or her own information and belief, each signature to that section was the genuine signature of the person whose name it purports to be;

That after the proponent filed this petition and based on the County of Los Angeles Registrar of Voters’ Signature Verification Certificate have determined the following facts regarding this petition:

- Number of signatures filed: 2,260
- Number of signatures verified: 500
- Number of signatures qualified: 451
- Number of signatures not-qualified: 49
- Number of signatures required to qualify: 1,612

A sufficiency of 90.2% was determined in the random sampling of 500 signatures which resulted in a projection of 2,039 valid signatures.

Based on the above, the petition is deemed to be sufficient.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of El Segundo, this 29th day of December, 2010.

(Handwritten Signature)

Cindy Mortesen CMC
City Clerk
December 13, 2010

Ms. Cindy Mortesen, City Clerk
City of El Segundo
350 Main Street
El Segundo, California 90245-3895

Dear Ms. Mortesen:

We have completed the signature verification submitted on November 15, 2010 for An Initiative Amending The El Segundo Municipal Code To Transfer All Functions Of The El Segundo Fire Department To The Consolidated Fire Protection District Of Los Angeles County (AKA The Los Angeles County Fire Department).

As requested a random sampling petition verification was conducted by this office. The random sampling results are as follows:

- Number of signatures filed: 2,260
- Number of signatures verified: 500
- Number of signatures found sufficient: 451
- Number of signatures found not sufficient: 49
- Not Sufficient because duplicate: 0
- Projected number of valid signatures based upon random sample: 2,039

Please call Raymond Q. Oliande, Head, Data Entry and Signature Verification Section at (562) 462-2376 if you have any questions regarding the signature verification of this petition.

Sincerely,

DEAN C. LOGAN
Registrar-Recorder/County Clerk

12400 Imperial Highway, Norwalk, California 90650 - (562) 462-2720 - www.lavote.net
RESOLUTION NO. _____

A RESOLUTION CERTIFYING THAT AN INITIATIVE ENTITLED AN INITIATIVE AMENDING THE EL SEGUNDO MUNICIPAL CODE TO TRANSFER ALL FUNCTIONS OF THE EL SEGUNDO FIRE DEPARTMENT TO THE CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY (AKA THE LOS ANGELES COUNTY FIRE DEPARTMENT) QUALIFIES FOR THE BALLOT.

The City Council of the city of El Segundo resolves as follows:

SECTION 1: The City Council finds as follows:

A. On November 15, 2010, proponents of an initiative entitled "AN INITIATIVE AMENDING THE EL SEGUNDO MUNICIPAL CODE TO TRANSFER ALL FUNCTIONS OF THE EL SEGUNDO FIRE DEPARTMENT TO THE CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY (AKA THE LOS ANGELES COUNTY FIRE DEPARTMENT)" ("Initiative") submitted petitions to the City Clerk for signature verification;

B. On or about December 29, 2010, the City Clerk certified the Initiative as qualifying for the ballot including, without limitation, having signatures from not less than fifteen percent (15%) of the City's voters;

C. In accordance with Elections Code § 9214, the Initiative has sufficient signatures for a special election. However, the Initiative did not request a special election as required by Elections Code § 9214; and

D. Elections Code § 9214 requires (1) that the City Council, if it chooses, adopt an ordinance proposed by a qualified initiative; (2) place the proposed ordinance on the ballot; or (3) ask for a report on the effects of the proposed ordinance.

SECTION 2: Based upon the foregoing, the Initiative qualifies for an election. If approved by a separately adopted City Council resolution, the City Clerk is directed to place the Initiative on the ballot for the ______ [special or regular] municipal election.
SECTION 3: This Resolution will become effective immediately upon adoption.

PASSED AND ADOPTED this 18th day of January, 2011.

__________________________
Eric Busch, Mayor

ATTEST:

__________________________
Cindy Mortesen, City Clerk

APPROVED AS TO FORM:
MARK D. HENSLEY, City Attorney

By: ________________________
Karl H. Berger, Assistant City Attorney
RESOLUTION NO.

A RESOLUTION CALLING A [SPECIAL OR REGULAR] MUNICIPAL
ELECTION ON _____________ PURSUANT TO ELECTIONS
CODE § 1410.

The City Council of the city of El Segundo resolves as follows:

SECTION 1: Pursuant to Elections Code § 1410, the City Council calls for a [special or
regular] municipal election to be held in the City of El Segundo on _____________, for the
purpose of voting on an initiative.

SECTION 2: Pursuant to Elections Code § 13120 the exact form of the questions to be voted on
at the election as they should appear on the ballot are as follows:

| MEASURE P |
|---------------------------------|--------|
| SHALL THE ORDINANCE AMENDING THE EL SEGUNDO MUNICIPAL CODE TO TRANSFER ALL FUNCTIONS OF THE EL SEGUNDO FIRE DEPARTMENT TO THE CONSOLIDATED FIRE PROTECTION DISWTRICT OF LOS ANGELES COUNTY (AKA THE LOS ANGELES COUNTY FIRE DEPARTMENT) BE ADOPTED? | Yes ☐    |
| | No ☐                        |

SECTION 3: The polls will open at 7 a.m. on election day and remain open until 8 p.m.

SECTION 4: El Segundo City Hall, located at 350 Main Street in El Segundo, is designated the
Central Counting Place where all ballots of the election will be tallied.

SECTION 5: The City Clerk is authorized, instructed and directed to procure and furnish any
and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that
may be necessary in order to properly and lawfully conduct the election.
SECTION 6: This Resolution will become effective immediately upon adoption.

PASSED AND ADOPTED this _______ day of January, 2011

ATTEST:

__________________________
Cindy Mortesen, City Clerk

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By: _______________________
Carl Berger, Assistant City Attorney

Eric Busch, Mayor
RESOLUTION NO.

A RESOLUTION DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE BALLOT MEASURE REGARDING AMENDING THE EL SEGUNDO MUNICIPAL CODE TO TRANSFER ALL FUNCTIONS OF THE EL SEGUNDO FIRE DEPARTMENT TO THE CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY (AKA THE LOS ANGELES COUNTY FIRE DEPARTMENT).

The City Council of the city of El Segundo resolves as follows:

SECTION 1: Pursuant to Elections Code § 9280, the City Clerk is directed to transmit a copy of the ballot measure regarding amending the El Segundo Municipal Code to transfer all functions of the El Segundo fire Department to the Consolidated Fire Protection District of Los Angeles County (AKA the Los Angeles County Fire Department) to the City Attorney for an impartial analysis.

SECTION 2: Upon receiving the ballot measure, the City Attorney is directed to prepare an impartial analysis of the measure showing its effect, if any, on existing law and the operation of the measures. Such analysis must not be more than 500 words.

SECTION 3: The City Clerk is directed to have the City Attorney’s analysis printed before the arguments for and against the measures. Immediately below the impartial analysis, in not less than 10 point bold type, the City Clerk should have the following language printed: “The above statement is an impartial analysis of Measure P. If you desire a copy of the legislation affected by this measure, please call the City Clerk’s office at (310) 524-2307 and a copy will be mailed at no cost to you.”

SECTION 4: This Resolution will remain effective until superseded by a subsequent resolution.
SECTION 5: This Resolution will become effective immediately upon adoption.

PASSED AND ADOPTED this ________ day of January, 2011.

Eric Busch, Mayor

ATTEST:

Cindy Mortesen, City Clerk

Approved as to form:
Mark D. Hensley, City Attorney

By:
Karl Berger, Assistant City Attorney
RESOLUTION NO.

A RESOLUTION ESTABLISHING REQUIREMENTS FOR BALLOT
ARGUMENTS FILED WITH THE CITY CLERK TO BE INCLUDED WITH
VOTER INFORMATION FOR AN ELECTION ON ____________________.

The City Council of the city of El Segundo resolves as follows:

SECTION 1: Pursuant to Elections Code § 9281, qualified voters may submit arguments for
and against the ballot measures, in addition to rebuttal arguments, for the ____________
election on forms provided by the City Clerk.

SECTION 2: Arguments filed in accordance with this Resolution must comply with the
following requirements in accordance with Elections Code §§ 9282, 9283, 9285, and 9286:

A. Arguments must be in writing and not exceed three hundred (300) words except for
rebuttal argument which may not exceed two hundred and fifty (250) words;

B. Arguments may be submitted by the City Council; any councilmember authorized to
submit an argument by the City Council; any individual voter eligible to vote on the
measures; any bona fide association of citizens; or any combination of voters and
associations;

C. Arguments must be typewritten in at least a 12 point font;

D. Arguments may not include underlining, italics, asterisks, or other, similar, type of
formatting;

E. Arguments must be accompanied by the printed name and signature or printed
names and signatures of the person or persons submitting it, or, if submitted on
behalf of an organization, the name of the organization and the printed name and
signature of at least one of its principal officers.

F. If more than five (5) signatures accompany an argument, only the first five (5) will be
printed.

G. Arguments for or against the ballot measures must be received in the City Clerk’s
office not later than _________________. Rebuttal arguments must be received
not later than _________________.

-1-
SECTION 4: Pursuant to 42 U.S.C. § 1973aa-1a., the City Clerk will:

A. Translate all ballot arguments into Spanish;
B. Make translated copies of ballot arguments publicly available;

SECTION 5: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 6: This Resolution will become effective immediately upon adoption.

PASSED AND ADOPTED this ______ day of January, 2011.

__________________________
Eric Busch, Mayor

ATTEST:

Cindy Mortesen, City Clerk

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By: __________________________
Karl H. Berger,
Assistant City Attorney
RESOLUTION NO. ______

A RESOLUTION REQUESTING THAT THE LOS ANGELES COUNTY BOARD OF SUPERVISORS PROVIDE ELECTION SERVICES TO THE CITY FOR THE ________________ SPECIAL ELECTION.

The City Council of the city of El Segundo resolves as follows:

SECTION 1: Pursuant to Elections Code § 10002, the City Council requests that the Los Angeles County Board of Supervisors assist the City with its special election scheduled for ________________.

SECTION 2: The services requested by the City include the following:

A. Computer records of the names and addresses of all eligible registered voters in the City;

B. Provide additional election equipment and assistance to the City in accordance with California law.

SECTION 3: The City will reimburse Los Angeles County for services performed pursuant to this request and upon the City's receipt of a County invoice.

SECTION 4: The City Clerk is directed to forward a certified copy of this Resolution to the Los Angeles Board of Supervisors and the Los Angeles County Clerk's office.

SECTION 5: The City Clerk is directed to certify and adopt this Resolution; record this Resolution in the book of the City's original resolutions, and make a minute of this adoption of the Resolution in the City Council's records and the minutes of this meeting.

SECTION 6: This Resolution will become effective immediately upon adoption and remain effective unless repealed or superseded.

PASSED AND ADOPTED this ______ day of January, 2011

Eric Busch, Mayor

ATTEST:

Cindy Mortesen, City Clerk

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:
Karl H. Berger, Assistant City Attorney
ORDINANCE NO. ____

AN ORDINANCE ADOPTING AN INITIATIVE AMENDING THE EL SEGUNDO MUNICIPAL CODE TO TRANSFER ALL FUNCTIONS OF THE EL SEGUNDO FIRE DEPARTMENT TO THE CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY (AKA THE LOS ANGELES COUNTY FIRE DEPARTMENT) IN ACCORDANCE WITH ELECTIONS CODE § 9214(A).

The city council of the city of El Segundo does ordain as follows:

SECTION 1: In accordance with Elections Code § 9214(A), the City Council adopts the initiative attached as Exhibit "A," and incorporated by reference, submitted by the people.

SECTION 2: If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 3: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 4: This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

PASSED AND ADOPTED this _____ day of __________, 2011.

______________________________
Eric Busch, Mayor
ATTEST:

Cindy Mortesen, City Clerk

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:
Karl H. Berger, Assistant City Attorney
INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The El Segundo City Attorney has prepared the following title and summary of the chief purposes and points of the proposed measure:

AN INITIATIVE AMENDING THE EL SEGUNDO MUNICIPAL CODE TO TRANSFER ALL FUNCTIONS OF THE EL SEGUNDO FIRE DEPARTMENT TO THE CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY (AKA THE LOS ANGELES COUNTY FIRE DEPARTMENT)

The purpose of this initiative is to place on the ballot a proposed ordinance that amends the El Segundo Municipal Code ("ESMC") to transfer all functions of the City's existing fire department to the Consolidated Fire Protection District of Los Angeles County (aka The Los Angeles County Fire Department). The City's fire department is currently responsible for fire prevention; fire suppression; emergency medical services; and hazardous materials regulation.

This initiative measure is submitted on behalf of the people of El Segundo in accordance with the provisions of the California Elections Code Section 9200 et seq.

This initiative measure amends sections of the El Segundo Municipal Code; therefore, new provisions proposed to be added are printed in italic type to indicate that they are new.

PROPOSED LAW

SECTION 1. Title.

This measure shall be known and may be cited as The El Segundo Fire and Emergency Medical Service Preservation Ordinance.

SECTION 2. Findings and Declarations.

(1) Fire prevention, fire protection, paramedic and emergency medical service, and hazardous materials management are currently provided by the City of El Segundo's own municipal fire department.

(2) The City of El Segundo faces a multi-million dollar budget deficit in the near fiscal year. State law effectively requires the City of El Segundo to balance its budget each year. Raising taxes, however, is not the best way to close the budget deficit facing the City of El Segundo. Therefore, the City of El Segundo must consider all viable cost-cutting alternatives. To this end, the City Council directed the City Manager to request a feasibility study from the Los Angeles County Fire Department to assess the cost savings and enhanced emergency services which could be made available to the City of El Segundo by consolidating the fire services provided by the El Segundo Fire Department and the City's firefighters into the Los Angeles County Fire Protection District.

(3) The Los Angeles County Fire Department provides fire protection, emergency medical and related services to 57 cities in Los Angeles County and one (1) city in Orange County. Cities that have already adopted the regional approach to fire protection and hazardous materials management by the Los Angeles County Fire Department have saved millions of dollars each year and benefited from improved service. Moreover, many cities have reduced their public employee pension liabilities through consolidation, which results in even more taxpayer dollars being saved. El Segundo's Fire Chief issued a report to the El Segundo City Council concluding that continuing with the Los Angeles County Fire Department for fire protection, emergency medical and hazardous materials management services would save El Segundo taxpayers millions of dollars each year and maintain quality service.

(4) The voters recognize that contracting with the Los Angeles County Fire Department for fire protection, emergency medical and hazardous materials management service would likely require the effective date of the City of El Segundo's participation in the Consolidated Fire Protection District of Los Angeles County as determined by the Board of Supervisors of Los Angeles County, the City Council of the City of El Segundo to adopt Sections 13-10-1, 13-10-2, 13-10-3, and 13-10-4 of the El Segundo Municipal Code and, after such hearings as are required by law, to add a new section 13-10-1 adopting the then-latest version of the Los Angeles County Fire Code by reference. These changes will not diminish the quality of service to El Segundo residents and will facilitate the use of regional resources in those circumstances in which the use of cost-sharing resources is needed to cope with a fire or other emergency.


13-10-1: FIRE PREVENTION, FIRE PROTECTION, PARAMEDIC AND EMERGENCY MEDICAL SERVICES, AND HAZARDOUS MATERIALS MANAGEMENT

(1) The responsibility for the provision of fire prevention, fire protection, paramedic and emergency medical service and hazardous materials management in the city of El Segundo is hereby transferred from the El Segundo Fire Department to the Los Angeles County Fire Department subject to the provisions of this section.

(2) The El Segundo City Council shall take all necessary steps to effect the provision of fire prevention, fire protection, paramedic and emergency medical service and hazardous materials management in the City of El Segundo by the Consolidated Fire Protection District of Los Angeles County and otherwise to carry out the provisions of subparagraph (1) of this section. All actions taken by the El Segundo City Council shall be in accordance with California Government Code Sections 55952 and 56053.

(3) The measure of the fire protection, fire prevention, paramedic and emergency medical service and hazardous materials management from the El Segundo Fire Department to the Los Angeles County Fire Department shall take place on the effective date of the City of El Segundo's participation in the Consolidated Fire Protection District of Los Angeles County as determined by the Board of Supervisors in coordination with the Los Angeles County Fire Department and the City of El Segundo.

(4) The provisions of this Ordinance are intended to be and are severable. If any provision of this Ordinance, or part thereof, is found to be unconstitutional or invalid, the remaining provisions shall not be affected, but shall remain in full force and effect.